

# UTLAW

THE  
MAGAZINE  
OF THE  
UNIVERSITY  
OF TEXAS  
SCHOOL OF  
LAW



## BUILDING EXCELLENCE

THE STEPHEN D. SUSMAN ACADEMIC CENTER TAKES SHAPE

**The Advocacy Program** celebrates twenty-five years of winning

**Pro Bono in January** student group helps clients in the Rio Grande Valley

**Texas Journal of Oil, Gas, and Energy Law** celebrates its first five years



## Center of Excellence

In the fall of 2010, the Stephen D. Susman Academic Center will open, bringing to Jones Hall fifty-four windowed faculty offices; thirty-eight additional offices illuminated with natural light via skylights; two large, high-tech-equipped meeting rooms; an expansive commons area with a two-story atrium; two faculty research areas; six additional conference rooms; and four seminar classrooms. This rendering shows the view visitors will see looking east from the atrium on the fifth floor toward the double doors that open into the elevator lobby. The white boxes in the wood wall are display cases for the Law School's collection of patent models and art pieces from the Hyder Collection. For the full story of the renovation, and the generous gift from Stephen D. Susman, '65, that helped make it possible, see page 6.

# InCamera





## Champion Advocates

The University of Texas lit the Main Building Tower on April 27, 2010, in honor of the Law School's interscholastic moot court and mock trial team. Students on the team competed in the Judge Conrad B. Duberstein National Bankruptcy Moot Court competition in New York and won the national championship. Other UT Law students pictured here were also regional champions and national finalists in the ABA National Appellate Advocacy Competition; regional champions and national semifinalists in the Thurgood Marshall Mock Trial competition; regional champions and national quarterfinalists in the Frederick Douglass Moot Court competition; regional champions and national quarterfinalists in the American Association for Justice Student Advocacy Competition; and national finalists in the Hispanic National Bar Association Moot Court competition. But competitions are only one part of the Advocacy Program's efforts to prepare the next generation of lawyers. For the full story, turn to page 14.



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All photographs in this issue by Steph Swope unless otherwise noted.

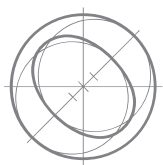






# BUILDING EXCELLENCE

**The Stephen D. Susman Academic Center** will help students and professors focus on its namesake's passion: academic excellence in the law. *by* **Julien N. Devereux**

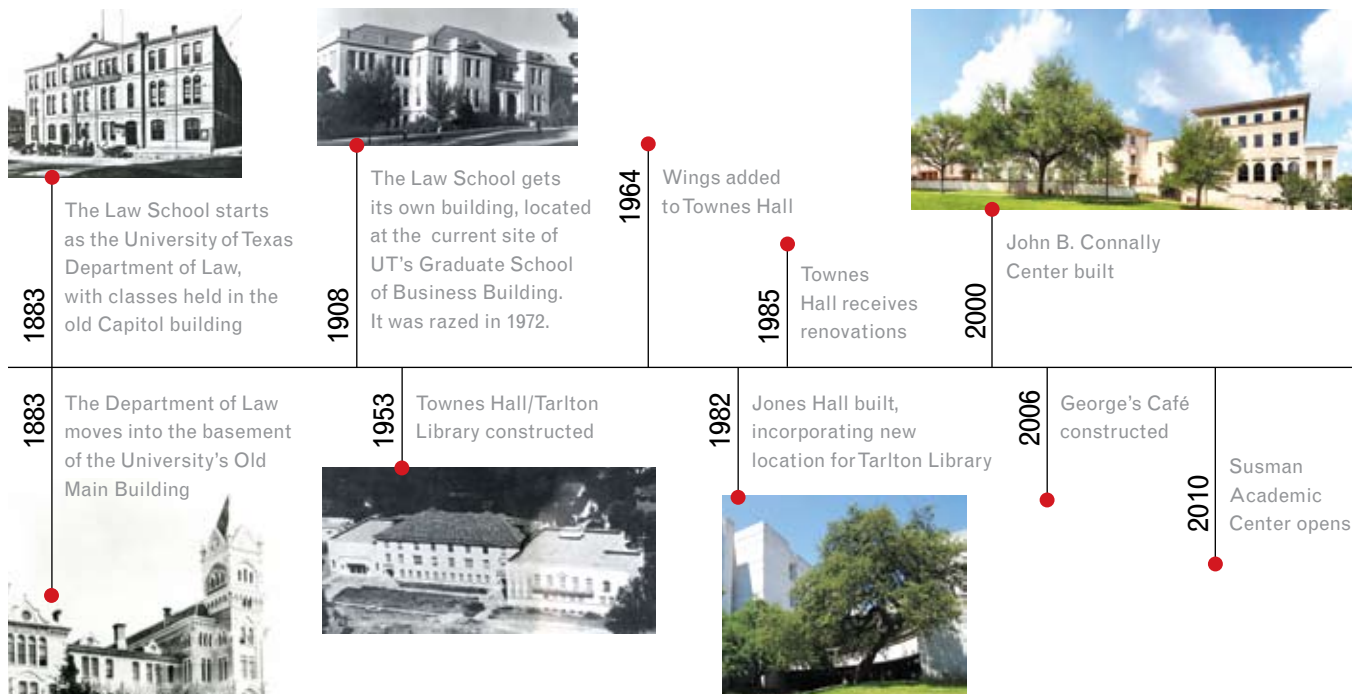


ON A WARM, sunny April day during the Law School's 2010 Reunion weekend, Stephen D. Susman, '65, walked around the fifth floor of the Tarlton Library with Law School Dean Larry Sager and architect Oza Bouchard. Murky light came through plastic tarps where windows once were and through the large rectangular holes that had been recently cut out of the floors above them. The fifth and sixth floors of the library had been gutted; the prints, paintings, sculptures, and antique rugs of the Hyder Collection were in off-site storage, replaced by work carts, metal framing, plastic drums, heavy tools, and construction equipment. But Susman, Sager, and Bouchard, who is overseeing the renovation, were looking past the seeming chaos and animatedly discussing what will take its place in the fall: new faculty offices and seminar rooms, lounge areas, group workspaces for faculty and students—much of which will be

illuminated by natural light flooding through the skylights that will take the place of the raw concrete holes. Jones Hall and the Tarlton Law Library, built in 1980, are receiving an update that will bring them into the twenty-first century, thanks in part to Susman, who had just announced to the class of 1965 that he was giving \$5 million to his law school.

The spark for this renovation of the Tarlton Law Library and Jones Hall, creating what will be called the Stephen D. Susman Academic Center in honor of his gift, dates back to 2006, when the Law School commissioned a professional study of the school's physical resources. The study conservatively estimated that the school had 40,000 fewer square feet than needed to comfortably house faculty, classes, clinics, and student activities. Using the same benchmarks, the study also concluded that if the Law School were to achieve its goal of adding fifteen members to the faculty (and expanding programs and courses accordingly) the school would then face a shortage of more than 85,000 square feet.

Above: Architect Oza Bouchard and Stephen D. Susman, '65, looking at plans at the Susman Academic Center construction site. Left: Open corridors in the faculty office area will have open light wells with skylights that extend from the sixth to fifth floors.



Since 2006, the Law School has appointed sixteen more faculty members, added five new clinics (making seventeen in total), and added three new centers. The lack of space has made inviting visiting professors more difficult, course scheduling a logistical nightmare, and exiled student groups and journals to cramped quarters.

The renovation will remove faculty offices currently on the third floor of Jones Hall and create three vertically integrated floors, connected by elevators and a central stairwell. This will allow access to the library from the third floor of Townes Hall, which is currently impossible. Meanwhile, the fifth and sixth floors of the library will be transformed into the Susman Academic Center. When the renovation is complete, the Susman Academic Center will include a total of fifty-four windowed faculty offices; thirty-eight additional offices illuminated with natural light via skylights; two large, high-tech-equipped meeting rooms, each of which can be flexibly subdivided into two or three separate areas; an expansive commons area with a two-story atrium; two faculty research areas; six additional conference rooms; and four seminar classrooms.

The Susman Academic Center will

not only expand the Law School's available office and public space and create a more attractive, light-filled space for teachers and students to work in—providing an impressive space that will help attract promising students and faculty to the Law School—it will also allow more places for present students and faculty to meet and collaborate in. According to Bouchard, associate principal at Morris Architects, the firm overseeing the renovation, “the perimeter of the fifth and sixth floors will be organized to maximize the number of faculty offices with access to windows. The main public area of levels five and six will be a two-story atrium, bathed in natural light, which will become the social device that connects the collective of the Law School.”

Bouchard said that in addition to increasing available space and facilitating interaction, the new Center's light-filled spaces will offer a brilliant new setting for the Law School's collections while also becoming more contemporary and comfortable. “We'll use a natural palette against clean white walls, with color accenting strategic moments to enhance this inviting environment,” he said. “Warm woods will lend depth and interest to the public areas, and will also be used to exhibit the unique patent model

collection owned by the Law School. Opportunities to display the Law School's extensive collection of art, rare books, and sculpture, combined with domains for informal interaction between students and faculty, will create moments throughout the facility, and those will become favorite spaces for the building's users, personalizing the Law School experience and creating a sense of belonging.”

The new center will, in short, create conditions that greatly ease the Law School's goal of allowing its faculty and students to excel academically. And it is thus fitting that the new center will be named after Susman, whose career has been dedicated to putting that academic excellence into practice and is himself one of the Law School's most academically gifted alumni. He was named Grand Chancellor for his year, Order of the Coif, and was editor of the *Texas Law Review*. He makes a point of hiring lawyers who have demonstrated academic excellence, many of them from UT Law. “We have, by far, the lawyers with the best academic credentials of any firm in the country,” Susman said. “And we remain the most profitable firm in Texas and among the most profitable in the nation. I attribute it all to the Law School.”

This is the view visitors to the Center will see looking west as they enter the fifth-floor space from the elevator into the new atrium. Classrooms to the right on both the fifth and sixth floors open onto the atrium.







1) Students study in the Tarlton Law Library before renovations to create the Center begin. 2) Books, shelving, seating, and the prints, paintings, rugs, and sculptures of the Hyder Collection were removed to off-site storage while the renovation takes place. 3) Materials reclaimed during demolition will be reused once the renovation moves into the final phases. 4) The Susman Academic Center will have a series of atriums on the fifth and sixth floors; skylights will let in more natural light. Used to cut holes for the skylights, the 52-inch "highway saw" is capable of cutting through 24 inches of concrete. 5) An engineer calculates the exact location of the holes that will be cut into the sixth floor to create the multistory atriums. 6) Workers cut holes in the exterior walls to create two of fifty-four new windows. 7) A laser level is used to ensure the layout of the new offices is precise. 8) The west side of the library building; this image illustrates where some of the new windows will be on the fifth and sixth floors.

The goals of the renovation appeal to Susman, who has taught at the Law School and even considered an academic career before founding his firm. "My firm has just gone through a search for additional space in New York and the other lawyers have convinced me of the benefit of having everyone on the same floor and in the same place," Susman said. "I think it's terrific that all those faculty members can be located in the Center. I was very impressed with how much light the architects have introduced."

Susman's family connections to the Law School run deep, as does his family's emphasis on education. "My mother graduated in 1934," Susman said. "Her only female classmates were Madge Keeton and Helen Hargraves (our librarian for many years). Her law degree allowed her to provide my brother and I with every opportunity, including a Yale BA and a Texas law degree. When we finished Yale and said we wanted to go to Harvard, she balked and said we had spent enough time in the East and needed to come home for

our legal education. She was very right."

Susman Godfrey hires academically gifted lawyers because the firm knows that its ability to anticipate trends and identify the salient issues in a case depend on having lawyers with both legal knowledge and intellectual firepower, and who can work together as a team. The Susman Academic Center will create the conditions for such future lawyers to gain that knowledge and train and exercise their intellects. It's not too much to imagine that some gifted young UT Law students













will move on from the Susman Academic Center to Susman Godfrey itself.

"My wife and I were revising our wills and it occurred to me that I had the ability to make this gift before I die," Susman said. "I wanted to give it to a cause that is dear and near to me. The Law School has educated three generations of Susmans and it's payback time. I hope the gift will help the Law School remain one of the top ten in the nation and encourage its graduates to love the law, either teaching or practicing, as much as I have."

Though Susman says that he has given his gift to the Law School as a way of giving back to an institution that has shaped him, he most assuredly does not see it as a way of announcing his retirement. In April, he completed the BP MS 150, a one-hundred-and-fifty-mile bicycle ride from Houston to Austin that raises money for multiple sclerosis research. "I did it to prove to my partners that they don't have to worry about a succession plan," Susman said of the ride. "I think I've still got a few miles left."

Certainly Susman's legacy is assured at the Law School. His generous gift,

through the Susman Academic Center and other uses, will ensure that the Law School is able to excel academically for years to come. Susman's gift is unrestricted, meaning that the money can go to fund whatever is needed most. But the Susman Academic Center, currently scheduled to open in the fall of 2010, will become an engine for the academic achievement so valued by Susman. According to Dean Sager, "Our new academic center will be the heart of the UT Law enterprise," and a more fitting tribute to Susman's legacy and his love for the Law School could not be found.

*The editors wish to thank Morris Architects and Satterfield & Pontikes Construction for guided access to the Susman Academic Center construction site and for their assistance in the development of this article. ☀*

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Top left: A view from the fifth floor looking up into what will be one of the Susman Academic Center's atriums. Bottom left: Steel studs are used to frame the interior spaces. Top right: New offices emerge. Bottom right: A central stairwell is being created to vertically integrate floors one, two, and three of the Tarlton Law Library.





# THE POWER OF ADVOCACY

*The Law School's Advocacy Program celebrates twenty-five years of winning and adapts to a changing legal environment* by JULIEN N. DEVEREUX

**T**WENTY-FIVE YEARS AGO, the University of Texas School of Law's Mock Trial team won the school's first national championship. Since then, UT Law mock trial and moot court teams have continued to win national championships—twelve in the last ten years—along with many other regional and state titles. Just as importantly, the Law School's Advocacy Program, which oversees the development and coaching of the Law School's teams, has in that time developed into a multidisciplinary center for educating students in the theory and techniques of advocacy and dispute resolution; client and case management skills; practical interdisciplinary skills; and the philosophy behind the art of persuasion. The winning tradition in competitions has

continued to the present. This year the UT Law team added another national championship to its list, this time in the Judge Conrad B. Duberstein National Bankruptcy Moot Court (see sidebar, p. 17). Advocacy Program Associate Director Cheryl Brandt likens Director Tracy McCormack to a university athletic director. "She recruits students and develops the program, training, and systems for the teams," Brandt said. "We just want that tower to be lit."

McCormack said that though of course she enjoys winning competitions, winning championships is only one part of the Advocacy Program's broader goal to prepare Law School students to be good lawyers. "This year the students have been really good and worked hard," McCormack said. "We're really getting them

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Above: Will Hailey and Kaitlin Farrell practice for the ABA National Appellate Advocacy Competition in the Jeffers Courtroom.



to understand what an incredible responsibility they have—the power they have—as lawyers. They will make and shape policy choices. They are going to decide things. You have an obligation as a lawyer. You have a moral compass. It's a really powerful grant of authority you're given. It's a calling. A privilege."

Indeed, competitions are only one way in which the Advocacy Program trains future lawyers for these lofty goals. The program offers introductory and intermediate courses that stress basic advocacy theory and trial technique training, but also exposes students to more complex topics like motion practice, alternative dispute resolution, and courtroom technology. Advanced courses offer intensive training in various specialized areas of advocacy, such as development of trial skills through rigorous training in small sections; focusing on case analysis, evidentiary issues, and effective cross-examination; or civil litigation issues such as motion practice and writing, discovery and depositions, and the use and relevance of technology in litigation. Additionally, many students are members of the Board of Advocates, a student organization that promotes development of oral and written advocacy skills and organizes intramural and mock trial competitions. The Law School's Eidman Courtroom provides students with a place to practice, as well as a functioning courtroom to watch occasional Travis County, Circuit Court of Appeals, and Texas Supreme Court proceedings. The Program's Judges in Residence series, during which a court's entire docket is moved to the Law School for several weeks, occurs each semester.

All of this adds up to a uniquely well-rounded program. "We're training lawyers differently here than anywhere else," McCormack said. The emphasis on so many different aspects of advocacy is important because of the changing nature of legal work in the twenty-first century. Contrary to the popular image of legal work, fewer and fewer young lawyers ever find themselves involved in trial work as more cases are settled through arbitration and mediation. "You have to learn advocacy here," McCormack said. "Because if you don't, you might not learn it anywhere else. They need to get as much trial experience as they can while they're at school."

Indeed, in something of a paradox, the fact that fewer cases go to trial has made law school training in trial advocacy much more important than in the past. Once, young lawyers would be expected to learn trial work as associates, but this is now no longer reliably the case. But lawyers must still know how the trial and appeals process works so that they can craft credible and effective work for their clients, even if the cases never come to trial. "You have to know what the trial or appeal would look like at the end in order to make your earlier work better," McCormack said. "You have to know the connections between early work and appeal."

One major way the Program attempts to inculcate these skills is through the Fall Litigation Institute, a yearly crash course in trial skills open to all second- and third-year law students. The institute covers everything from the basics of laying a foundation to advanced witness examination techniques to making and overcoming objections. The Institute began in 2007 as a short course for twenty to thirty students, and has since grown into one of the Advocacy Program's more popular initiatives, drawing over a hundred and fifty students every year. The

## A reading list for the new millennium

TRACY MCCORMACK'S NEW Millennium class examines topics in many disciplines in order to give students grounding in the many different perspectives and fields of knowledge that can make an advocate more effective. Some of the books and articles studied in the 2010 New Millennium class were:

- "Secret Sway," by Terry Carter, *ABA Journal*, September 2001
- "In re Julius Caesar, Deceased: Whoever Wrote 'Shakespeare' Knew A Few Things About Closing Argument," by P.W. Murphy, *American Journal of Trial Advocacy*, Vol. 30, No. 1, 2006
- Judgment under Uncertainty: Heuristics and Biases*, edited by Daniel Kahneman, Paul Slovic, and Amos Tversky (Cambridge University Press, 1982)
- "The Hidden Traps in Decision Making," by Ralph L. Keeney, Howard Raiffa, and John S. Hammond, *Harvard Business Review* January 2006.
- "Rethinking the role of the image in justice: visual evidence and science in the trial process," by David Tait, *Law, Probability & Risk* November 2007
- The Emotional Juror*, by Todd E. Pettys, *Fordham Law Review* 76.3 (2007): 1609–1640
- The Jury Expert* (suggested periodical).
- A Trial by Jury*, by D. Graham Burnett (Knopf, 2001)
- "Empowering the Active Jury: A Genuine Tort Reform," by Valerie P. Hans, 13 *Roger Williams University Law Review* 39 (2008)
- The Seven Sins of Memory: How the Mind Forgets and Remembers*, by Daniel L. Schacter (Mariner Books, 2002)
- "Brain Imaging for Legal Thinkers: A Guide for the Perplexed," by Owen D. Jones, Joshua W. Buckholtz, Jeffrey D. Schall, and Rene Marois, 2009 *Stanford Technology Law Review* 5
- The First Trial: Where Do I Sit? What Do I Say? in a Nutshell*, by Steven H. Goldberg (West, 1982)
- "Cross-Racial Identification Testimony and what not to do about it: A Comment on the Cross-Racial Jury Charge and Cross-Racial Expert Identification Testimony," by Deborah Bartolomey, *Psychology, Public Policy, and Law*, Volume 7, Issue 1, March 2001
- "Thirty Years of Investigating the Own-Race Bias in Memory for Faces: A Meta-Analytic Review," by Christian A. Meissner and John C. Brigham *Psychology, Public Policy, and Law* 2001, Vol. 7, No. 1
- "The Other-Race Effect in Eyewitness Identification: What Do We Do About It?" by Gary Wells and Elizabeth A. Olson, *Psychology, Public Policy, and Law*, Volume 7, Issue 1, March 2001
- The Juror Factor: Race and Gender in America's Civil Courts*, by Sean G. Overland, (LFP Scholarly Publishing 2008)
- "Honesty is the Best Policy: It's Time to Disclose Lack of Jury Trial Experience," by Tracy McCormack and Christopher John Bodnar, *The Georgetown Journal of Legal Ethics*, Winter 2010.

Institute is taught by the Program's inter-scholastic mock trial and moot court instructors, all of whom are practicing lawyers. Thus, the institute also acts as a recruiting event for those interscholastic competitions, and future national champions are often found at the Institute, sometimes to the students' surprise. "A lot more of the students who try out for the Fall Litigation Institute are good at it than they know," McCormack said.

The Advocacy Program is a truly interdisciplinary program, reflecting the many skills and areas of knowledge that can come into play in trial work. But the emphasis on practice is important not just because of the decreasing amount of trial work available to young lawyers. It's a way students can learn the less defined skills that can only come through experience. "We often ask ourselves, 'How do you teach the skills needed for the



Kaitlin Farrell, Will Hailey, and Michael Ritter go over their strategy during a practice session before the ABA National Appellate Advocacy Competition, in which they won their regional competition and were finalists in the national competition.

**"We're really getting students to understand what an incredible responsibility they have—the power they have—as lawyers," Advocacy Program Director Tracy McCormack said. "They will make and shape policy choices. They are going to decide things."**

trial arena?," McCormack said. "How do you teach students to acquire judgment? Strategy?"

McCormack and other instructors in the Advocacy Program are constantly searching for new training and information that will help students improve their advocacy skills, whether from visiting judges and lawyers or in unexpected areas of scientific and other research.

"We do a lot of work with judges," McCormack said. "Inns of Court, bar associations, et cetera. We have an institutional relationship with the bench and the bar, and we couldn't exist without them. In our classes, we do a lot of underlying theory work. There's so much science that can make us better lawyers, such as new research into how our brains work. And of course we do a lot of work on appellate arguments. We have students discuss things like whether *Batson v. Kentucky* should be overruled. We do sociological research, empirical research, find things in medical journals. We read books on memory. We're seeding

students for things they'll be doing five or ten years down the road."

This interdisciplinary approach to advocacy is best embodied in McCormack's Advocacy and Practice for the New Millennium class (see sidebar, p. 15), an advanced seminar course which focuses on cutting-edge advocacy theories and techniques, including learning, practicing, and eventually performing a full voir dire using independent jurors. "The New Millennium Class is a mixture of some skills-learning with a study of policy debates the students will face as young lawyers. We study social science, neuro-linguistic programming; story models, storytelling, and point of view; notions of creativity; and we plug all that into a legal setting. We also hear from experts from fields as wide-ranging as theater and speech pathology."

That passion for advocacy in all its wide-ranging forms has certainly been taken up by the students, who run their own advocacy group, the Board of Advocates. The Board promotes on-

and off-campus moot court, mock trial, mediation, negotiation, and voir dire competitions, and is open to students who participate in or organize advocacy competitions.

Recently, the Advocacy Program began producing "Atticus Profiles," live interviews with lawyers who have made significant contributions to the profession. The interviews are recorded in front of a student audience, and will be made available for students and alumni to watch. An Atticus Profile of trial lawyer Broadus Spivey, '62, and Barbara Aldave, an expert on corporate governance and fiduciary responsibilities, have already been recorded, and more are planned. The profiles are named after *To Kill a Mockingbird's* Atticus Finch, and reflect the Advocacy Program's concern not only to prepare lawyers for the future, but to preserve their past. The Program's past is certainly worth celebrating and preserving, and will inform and inspire teachers and students as they work to further that legacy. ❁



## Bankruptcy Moot Court team wins prestigious national championship

THE UNIVERSITY of Texas lit its Main Building Tower on April 27, 2010, to honor the Law School team that won the 2010 National Championship at the Judge Conrad B. Duberstein National Bankruptcy Moot Court competition. This is the twelfth national championship UT Law has won in the last ten years.

The UT Law team swept the Duberstein competition this year. Third-year students Patrick Schmidt and David Shank narrowly beat their team members Kelli Benham, Rex Mann, and brief writer Mark Little (all in their third year), in the final round of the competition to win the national title.

The Duberstein National Bankruptcy Moot Court teams were coached by Debbie Langehennig, '88, a Chapter 13 Trustee; Jay Ong, a shareholder with Munsch, Kopf & Harr PC; and Vanessa Gonzalez, '08. Professor Jay Westbrook also works with the bankruptcy moot court teams.

The competition was sponsored by the American Bankruptcy Institute and St. John's University School of Law. This year, the competition was held March 13–15, 2010, in New York, and included nearly fifty teams from thirty-five law schools across the country. The problem involved Ponzi scheme bankruptcies. The final round panel consisted of Federal Appeals Court Judges R. Guy Cole, of the 6th Circuit; Steven Colton, of the 8th Circuit; Gerald Tjoflat, of the 11th Circuit; and Wallace Tashima, of the 9th Circuit, along with bankruptcy judges Carla Craig, chief judge for the Eastern District of New York and Stuart Bernstein of the Southern District of New York.

This is ninth time the University has lit the tower in recognition of the Law School teams' outstanding academic achievements. Previous lightings were for the 1999 National Mock Trial championship team; the 2000 Tournament of Champions Mock Trial national championship team; the 2002 Frederick Douglass Moot Court national championship team; the 2003, 2004, and 2005 Judge John R. Brown Admiralty



The winning team at the Judge Conrad B. Duberstein National Bankruptcy Moot Court competition was, from left to right, Coaches Jay Ong and Debbie Langehennig; National Champions Patrick Schmidt and David Shank; coach Vanessa Gonzalez; and team advisor Professor Jay Westbrook.

Moot Court national championship teams; the 2005 ABA Arbitration competition national championship team; the 2004, 2005, 2006, and 2008 Giles Sutherland Rich

Memorial Intellectual Property Moot Court national championship teams; and the 2009 Hispanic National Bar Association Moot Court team.

# WINTER WORK

*UT Law students carry out pro bono projects in the Rio Grande Valley over the winter break.* by JULIEN N. DEVEREUX

**T**HIS JANUARY 11–15, 2010, forty students from the University of Texas School of Law spent part of their Winter Break in Houston and the Rio Grande Valley carrying out pro bono legal work for underserved communities. The William Wayne Justice Center's Pro Bono Program and a student group, Pro Bono in January, organized the trip to provide a way for Law School students to carry out meaningful pro bono work in Texas between semesters.

Ten Law School students aided Hurricane Ike victims in Houston from January 11–15. A large number of low-income families whose homes were damaged by the hurricane have been unable to receive housing assistance because they lack clear title to their property. Students partnered with volunteer attorneys in Houston to review title commitments for prospective clients, help families determine the ownership status of their land, prepare affidavits of heirship, assist with contract for deed conversions, and prepare deeds. At the end of the week, pro bono attorneys assumed full representation of unresolved cases.

Thirty students worked in the Rio Grande Valley. Twenty-four worked with the South Texas Civil Rights Project (STCRP) and Texas RioGrande Legal Aid (TRLA) hosting wills clinics, where they interviewed low-income clients about their estate needs and helped to draft their wills. Corinna Spencer-Schurich, regional director of STCRP, said the work addressed "one of the biggest, largely unmet needs in the community. A lot of the future probate and property issues were solved with these clinics." In addition to staffing the wills clinics, students participated in document review for a complex civil litigation case for



UT Law student Elizabeth Guillen greets a client at the Pro Bono in January wills clinic in Alamo.

TRLA. Meanwhile, six students worked with the South Texas Pro Bono Asylum Representation Project (ProBAR) to help immigration detainees fill out asylum applications and write personal declarations. Students also investigated conditions in detainees' home countries and researched legal issues.

The Pro Bono in January wills clinic took place at a Project ARISE community center settled in among houses and citrus orchards in a colonia in Alamo, east of McAllen. In addition to Project ARISE staff, students worked with STCRP and TRLA attorneys. Emily Rickers, '04, who works for TRLA, said the people who live in the Valley's colonias—rural settlements along the U.S.-Mexico border populated largely by low-income Hispanics—welcomed the wills clinic because it offered them a way to ensure that the property they worked so hard to acquire would be preserved within their families. The UT Law students at the clinic helped clients navigate through the unfamiliar process of drafting a will.

"We do an initial screening with representatives from Texas Rio Grande Legal Aid and the South Texas Civil Rights Project," Rickers said. "Then clients meet with the law students. We had a training session, informing students about what areas to look out for, and how to think about estate planning. We let them know about things they might want to talk about with the clients so that the clients understand the legal impact of their decisions."

Mary Crouter, assistant director of the William Wayne Justice Center for Public Interest Law, said the training the students received focused primarily on what questions to ask the clients. "We go through things like what property the clients have, how many children, how many times they've been married," Crouter said.

As clients entered the Project ARISE house, STCRP and TRLA attorneys greeted them at the door to gauge their needs and brief them on the process; UT Law students sat at tables in teams of two or three to work on the wills with clients,



while translators assisted when necessary; and then clients were led to a room where the will could be reviewed by an attorney, signed, witnessed, and notarized.

Rickers said the clinic was set up to receive up to sixty clients a day. "Our goal is to reach low-income families, whose home is probably the biggest asset they'll ever have," she said. "The home represents the physical embodiment of all the resources that family has been able to accumulate. The community's been asking for help protecting their assets, and we thought the clinic would be a good way to get something done that, in terms of personnel, would have been difficult for TLRA to do."

One client, a forty-six-year-old immigrant from San Luis Potosí, Mexico, said having a will had made her more secure. "If something would ever happen to me," she said, "my children will be secure. I feel a lot more peaceful now."

Two other clients, Isaias and Ignacia Alfaro of Pharr, said the clinic was important to them and to many other people in the Rio Grande Valley. "Not long ago we were in a car accident," Ignacia Alfaro said. "We ran off the road and the car fell into a ditch filled with water. My husband pulled me from the car and saved me. It made us think about our preparations for our children after we're gone. We're very grateful to the people here for helping us with that. There are a lot of people around here who need this service."

The wills clinic work also provided valuable experience for the Law School students who participated. "I had just taken Wills and Estates with Professor Stanley Johansen, so I felt prepared," said Lawson Konvalinka, a second-year student originally from Chattanooga, Tennessee. "At the clinic, we were working with a really good, basic will drafted by TRLA attorneys. So we just had to find out what the clients needed and then tweak it, change it for the family's situation. It's hard to standardize their desires. Some people left their estate to their kids equally. Some just to one child. Family situations are unique."

It also gave students a view of what life is like in a low-income part of Texas. "I did an internship with the Army JAG," said Kyle Elliott, a second-year law student. "We did wills with soldiers before

they deployed. This was somewhat similar. I'm originally from Hondo, west of San Antonio, so it was like meeting people that I grew up around, and helping them meet their needs."

Students who worked in the wills clinic also spent two and a half days reviewing documents for TRLA in Edinburg. They examined some of the more than 400,000 pages of documents given to TRLA by the U.S. Government in discovery in a suit the organization has filed against a company contracted by Texas to care for juvenile immigrant detainees, who were allegedly sexually and physically abused at a facility in Nixon. The document review was an important introduction to the reality of litigation work. "It was not exhilarating, but it was necessary," Konvalinka said. "It was a learning experience. And it was very helpful to TRLA."

Meanwhile, in other parts of the Rio Grande Valley, Law School students represented immigrant detainees, helping them with a variety of legal issues. Second-year student Jordan Pollock represented two undocumented immigrant detainees. One was a woman who, though born in Mexico, had lived in the United States since she was one year old and spoke no Spanish. She was due to be sent back to Mexico, but wished to plead asylum on the basis of her sexual orientation. "It was such an eye-opener," Pollock said. "There is such a need for legal advocates. Nobody is appointed to represent the people who go through this system. They go through the entire process alone and with no counsel. Even

after one year of law school you have skills to help these people. I'm taking Civil Procedure right now and I can't imagine a class coming to life in a more dramatic way. This trip put the new semester in focus. At law school, you're building a toolbox. These are real tools that people need. It's animated my enthusiasm for school. I'm literally on the edge of my seat in Civ Pro!" Pollock and her fellow students also witnessed a criminal sentencing case at a U.S. District Court in Brownsville, and met with Judge Hilda Tagle, '77.

Organizers of the Pro Bono in January trip hope to make it a yearly tradition. In addition to giving current students valuable experience and training, as well as introducing them to the legal profession's longstanding tradition of public service and pro bono work, Pro Bono in January is part of an important Law School initiative to engage with the State of Texas and its communities most in need of legal assistance. "It was incredible to watch the level of professionalism and dedication UT Law students brought to the work," said Tina Fernandez, director of the Law School's Pro Bono Programs, who was instrumental and organizing the trip and accompanied the students. "Students provided a valuable legal service to the community they served—something they should feel really good about."

For more pictures of the Pro Bono in January group at work, log on to UT Law Online, at [www.utexas.edu/law/magazine/2010/03/16/winter-work/](http://www.utexas.edu/law/magazine/2010/03/16/winter-work/). ☀



A wills clinic client signs her will.



# A TRIBUTE TO JUDGE JUSTICE

by **Richard Mithoff, '71**

*William Wayne Justice, '42, passed away on October 14, 2009, but his legacy lives on at the Law School. This April, the William Wayne Justice Center for Public Interest Law, which is named after the famed judge and recently celebrated its fifth year of trying to further his commitment to public service and equal justice, sponsored a variety of events in his honor. On April 15, 2010, a panel discussion, "The Arc of Justice—The Legacy of Judge William Wayne Justice and the Role of Lawyers in Social Reform," was held at the Law School [see page 28]. On April 16, "Celebrating Judge William Wayne Justice's Life and Legacy" took place at the Darrell K. Royal-Texas Memorial Stadium. Speakers included Law School Dean Larry Sager; students Lawson Konvalinka, Jordan Pollock, and Kyle Marie Stock; Judge Royal Ferguson; and lawyers Eric Allbritton and David Weiser. Later that day, a cenotaph was dedicated in Justice's memory at the Texas State Cemetery. His daughter, Ellen; former State Senator Gonzalo Barrientos, '87; Judge John T. Ward; and lawyer Richard W. Mithoff, '71, spoke.*

*Mithoff, a Houston lawyer who clerked for Justice after he graduated from UT Law, has himself done a great deal to further his mentor's legacy, helping to fund the Law School's new school-wide pro bono program. Mithoff was the last speaker at the cenotaph dedication, and his eulogy is reproduced here.*

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William Wayne Justice, '42, 1920–2009



JUDGE WILLIAM WAYNE Justice came to the bench just two months after the assassination of Martin Luther King Jr., and for the next forty years, his name would come to be associated with the most far-reaching civil rights decisions of the last half century. To fully understand his commitment to civil rights—to fully understand the man who became the judge—we have to look back, I believe, to how he began and to the events that shaped his life.

We have to look back in time, as if squinting at the spliced pieces of a very old black-and-white film, to see the images that he brought to life for all of us who came to know him. We see a very young child confined to his home in Athens, Texas, by three bouts of pneumonia and one near-fatal case of whooping cough. He would later say these conditions left him “as weak as water” and subjected him to taunting and teasing by his friends at school, but they also left him with time to read every book he could get his hands on: histories of the South, biographies of Robert E. Lee and Stonewall Jackson and Jefferson Davis, and the entire eight volumes of the family encyclopedia.

We see a child standing in the backyard of his home during the Great Depression, watching a freight train rumbling past with hungry, desperate men clinging to the boxcars, and we watch as many of these same men later, one by one and sometimes in small groups, would come by the house where his mother, Jackie May Justice, would feed them and listen to their stories.

## To fully understand the man who became the judge we have to look back to how he began and to the events that shaped his life.

“I never did see my mother turn down a single one of them,” he would later say. “About the only thing that it cost them was that she liked to hear their stories. She was always very interested in where they were from, if they had a family they’d left behind.”

We see a child at play with two other children—one white and one black—lost in a world of make-believe that is shattered when the mother of the white child calls out to her son, and he repeats the words to the others, and then they watch the little black boy walk slowly away, an image that is fading on our film now because it has been replayed so many times.

“I think it was very early in life that I saw injustice,” he would later say. “I remember when I was about seven or eight years old, I was playing with one of my white friends in a vacant lot. And a little black boy about our same age came along, and we were playing together. About that time there was a knock on the window. The mother of this other child was knocking on the window to attract our attention. My white friend went in to talk to his mother and he came back and told us he couldn’t play with this boy, using a racial slur for Negro. So that little black boy went off. I think that might have been the first time that I decided that things weren’t exactly right. You know, any child growing up in a Deep South atmosphere is going to be aware that there’s something different between the races. But I think that’s the first time I ever viewed it as something bad. I’ve often thought about it.”

We see a young man as he follows his father to the courthouse and watches in awe as the great Will Justice holds a jury spell-

bound by his scathing cross-examination and soaring oratory, and we watch him as he follows his father home again to watch the defender of the downtrodden prepare for the next day, propped up on pillows in his bed with the file and a cigar and a box of matches, cigar ash tumbling down his open vest and onto the bedcovers.

As a prosecutor, Will Justice secured convictions in all but one of 156 cases he took to a jury, and as a defense attorney, he handled more than two hundred capital cases and never had a client receive more than forty years as a sentence. It was said then that “[t]here is no justice in East Texas except Will Justice.”

He once encountered a man on the street beating a helpless dog and confronted the man, separated him from the dog, and immediately marched over to the office of the district attorney and insisted on being commissioned as a special deputy attorney to personally prosecute the offender. He obtained a conviction for cruelty to an animal with the maximum fine and later told his son that he had never had a prouder moment as a lawyer.

We then fast-forward and see Judge Justice as I did one day during my clerkship almost forty years ago when we went to the Gatesville School for Boys to tour the state facility in a case challenging the treatment of juvenile offenders. And we watch him walk from cell to cell in the cold, damp, maximum-security unit, interviewing young boys—trembling, sweating, eyes darting nervously. Each in solitary confinement and each recounting stories in chilling detail of being tear-gassed in their

cells, of being chained together and forced to march across a field picking at the earth in a meaningless exercise, of being beaten and tortured and raped. We said very little to each other on that long drive from Gatesville back to Tyler.

I had watched his eyes before, had seen him on the bench peering over those little half-glasses, staring down at some redneck deputy sheriff on the witness stand, with the only sound in the entire courtroom coming from the squeak in the swivel chair as the witness squirmed under questioning from the bench, and I had watched his eyes again that day as we emerged from maximum security, but this time I saw eyes that appeared to blink away a tear, weary of the parade of brutality and cruelty bigotry and hate.

I thought much later of Atticus Finch, the country lawyer in Harper Lee’s masterful story, who is appointed by the local judge to defend a black man charged with the rape of a white woman in a small town in the South in the forties, and of the torment and threats of violence he and his family endured. And of Scout, his little girl, through whose eyes the story unfolds, as she turns to the woman next door to try to understand why it is that her father had to be the one to defend this man.

“[T]here are some men in this world who were born to do our unpleasant jobs for us,” she says. “Your father’s one of them.”

Perhaps it is true, as some have suggested, that we would not want every judge to be William Wayne Justice. I know it is true that we are indeed blessed to have had one judge who was. ☀

# 2009–2010 CONFERENCES, SYMPOSIA, AND EVENTS OF NOTE



The 2010 International Arbitration Symposium featured leading experts on international arbitration from around the world. From left: James L. Loftis, '90, of Vinson and Elkins in London; the Honorable Dominique T. Hascher of the Cour d'Appel in Paris; Gabrielle Kaufmann-Kohler of Lévy Kaufmann-Kohler in Geneva; Loukas Mistelis of the Centre for Commercial Law Studies, at Queen Mary, University of London School of Law, in London; and Brooks Daly of the Permanent Court of Arbitration in The Hague discuss controversial forms of injunctive relief in the European Union.

## *Arbitration and National Courts:* CONFLICT AND COOPERATION



Lord Leonard H. Hoffmann of Chadwick speaking on "Arbitrators and the Courts" at the Arbitration and National Courts symposium. Hoffman also spoke at the International Insolvency Symposium at the School of Law.

AN INTERNATIONAL GROUP OF scholars, jurists, and practitioners from around the world gathered in Houston to discuss how arbitrators interact with national courts, and how national laws relate to, and effect, arbitral decisions at the "Arbitration and National Courts: Conflict and Cooperation" symposium on May 13–14, 2010. Internationally renowned speakers included Lord Leonard H. Hoffmann of Chadwick, noted jurist and retired law lord, Brick Court Chambers, London; and Mariano Gomezperalta Casali, general counsel for Trade Negotiations, Ministry of the Economy, Mexico City.

A forum for robust discussion of issues in arbitration today, the event was cosponsored by the University of Texas School of Law's Center for Global Energy, International Arbitration, and Environmental Law; UT Law's Continuing Legal Education; the Permanent Court of Arbitration in The Hague; and the Houston International Arbitration Club. The annual symposium is held every year in either Houston or The Hague, Netherlands. Proceedings from The Hague 2007 conference were published by Oxford University Press in the volume *Multiple Party Actions in International Arbitration*, and the proceedings from the 2010 conference will be published in the *American Review of International Arbitration*.





Murhabazi Namegabe (right), with his translator, speaking about working to secure children's rights in the Congo.

### The Development and Influence of Helsinki Watch

The Rapoport Center for Human Rights and Justice hosted Sarah Snyder of Yale University as the first of their "Human Rights Happy Hour" speakers for the 2009–2010 academic year. The discussion was held on September 14, 2009. Snyder's talk was based on her paper, "Symbolic Politics and the Cold War: How Helsinki Watch Personalized Human Rights Abuses."

### Shakespeare & the Law: *King Lear*

Actors from Spirit of Shakespeare, a University of Texas student organization, performed scenes from *King Lear* as part of a panel discussion entitled "By Order of Law: Shakespeare's *King Lear*" on September 23, 2009. The event was part of an annual program, Actors from the London Stage, a celebration of Shakespeare at UT-Austin.

### Does Torture Work?

The Rapoport Center hosted Lisa Hajjar of the Law and Society Program at the University of California, Santa Barbara, on September 28, 2009, as part of the Human Rights Happy Hour series. Hajjar's talk was based on her paper, "Does Torture Work? A Socio-Legal Assessment of the Practice."

### Capital Punishment and the Supreme Court

UT Law professors and leading death penalty experts Rob Owen and Jordan Steiker hosted a "First Monday" discussion on capital punishment issues and the United States Supreme Court on September 30, 2009. ("First Monday" is held annually at law schools across the country around the first Monday in October to commemorate the opening day of the new Supreme Court Term.) The event, sponsored by the Capital Punishment Center, devoted special attention to issues of exoneration and wrongful conviction, whether the Court's decision interpreting a federal statute to require federal funding for clemency proceedings in state death penalty cases (in *Harbison v. Bell*) can also be put to use to improve the quality and performance of defense counsel in state judicial proceedings, and to what extent pending cases that would outlaw life imprisonment without parole as punishment for crimes committed by juveniles have implications for constitutional challenges to the death penalty.

### Children and Armed Conflict

Murhabazi Namegabe, head of the child and youth programs for the Congolese NGO Bureau pour le Volontariat au Service de l'Enfance et de la Santé (Volunteer Office in the Service of Children and Health), discussed his work in the

Democratic Republic of Congo and the ongoing conflicts in Africa, particularly as these conflicts affect young people. Namegabe promotes the rights of children affected by armed conflict and supports grassroots organizations in monitoring, documenting, and reporting on children's rights violations in eastern Congo; his work has resulted in legislation making child recruitment a crime under Congolese law. The talk was sponsored by the Rapoport Center and held on October 26, 2009.

### Just Discrimination: Is it ever Right to Discriminate?

Michael J. Sandel of Harvard University delivered the 2009 Alexander Watkins Terrell Lecture on October 30, 2009. Cosponsored by the Department of Government at the University of Texas, the discussion was based on Sandel's new book, *Justice: What is the Right Thing to Do?*

### Information Technology Law and Energy Law

Since 2001, UT Law has partnered with the University of St. Gallen's Executive Master of Business Law Program to host the Information Technology Law and Energy Law module in Austin. On November 5, 2009, Texas Lieutenant Governor David Dewhurst was the featured speaker. Dewhurst spoke about Texas's energy industry and related issues.



Texas Lieutenant Governor David Dewhurst, speaking about wind energy and wind energy law in Texas.



Nina Perales of the Mexican American Legal Defense & Educational Fund speaking about voting rights advocacy for Latinos in southwest Texas.

### Lives in the Law: Nina Perales

UT Law's William Wayne Justice Center for Public Interest Law and Career Services Office hosted speaker Nina Perales, southwest regional counsel for the Mexican American Legal Defense & Educational Fund, as part of their series, "Lives in the Law," on November 10, 2009. Perales, who specializes in voting rights litigation, including redistricting and vote dilution challenges, and who argued before the U.S. Supreme Court in *LULAC v. Perry*—a Latino vote-dilution challenge to the 2003 Texas congressional redistricting plan—discussed the fight for Latino civil rights and voting rights advocacy.

### Chevron-Ecuador Litigation: Implications for the Rule of Law and Indigenous Rights

The Center for Global Energy, International Arbitration, and Environmental Law sponsored a roundtable discussion on the Chevron litigation in Ecuador on November 20, 2009. Led by Doak Bishop, '76, litigation partner at King and Spalding in Houston, the ongoing litigation against Chevron in Ecuador

has made headlines around the world because of the enormous size of the potential verdict (as high as \$27 billion) and alleged misconduct by the Ecuadorian judge in the case. Bishop, one of the lead counsels for Chevron, discussed the case and the recent arbitration claims filed by Chevron. In addition, Kurt Weyland, professor of government at the University of Texas at Austin, discussed the rise of populism in Latin America and its implications for natural resource management.

### U.S. Sentencing Commission—Regional Public Hearing on Federal Sentencing Policy

The United States Sentencing Commission held the sixth in a series of regional public hearings on federal sentencing policy to mark the twenty-fifth anniversary of the Sentencing Reform Act of 1984 at the Law School on November 19 and 20, 2009. The Commission held these public hearings across the country to engage federal sentencing experts about issues related to federal sentencing policy and the implementation of the 1984 Act over the past twenty-five years. The two-day event included testimony from federal circuit and district court judges, representatives from the U.S. Department of Justice, defense attorneys, probation officers, law enforcement officers, members of the academic community, and community interest groups.

### Fifth Annual Oil, Gas, and Energy Law Symposium

*The Texas Journal of Oil, Gas, and Energy Law* held its fifth annual symposium January 21–22, 2010. Highlights include Chairman Victor Carrillo of the Railroad Commission of Texas, who delivered a Texas energy sector update; "Carbon Sequestration: Legal Challenges and Opportunities," presented by Michael Nasi of Jackson Walker LLP and Mary Mendoza of Haynes and Boone; and a presentation entitled "How Our National Policy is Shaped," by Justice Rick Strange of the Eleventh Court of Appeals of Texas in Eastland. [see related story on page 30]

### Judicial Biography and the Supreme Court

In honor of the late Professor Roy M. Mersky, longtime director of the Tarlton Law Library and Harry M. Reasoner Regents Chair in Law, the Law School hosted a conference on judicial biography. Held January 29, 2010, the conference featured discussions about great lawyers who were appointed to the U.S. Supreme Court; justices who would have merited a biography even if never appointed to the Court; international jurists who served on the Supreme Courts of Australia, Canada, and Israel; and writing Supreme Court history.

### Lives in the Law: Robin Steinberg

UT Law's William Wayne Justice Center for Public Interest Law and Career Services Office hosted Robin Steinberg, founder and executive director of the Bronx Defenders on February 2, 2010. Steinberg spoke on indigent defense and social justice, and about holistic criminal justice and transforming the role of the public defender. A public defender her entire career, Steinberg created the Bronx Defenders in 1997 to work with clients, their families, and their communities to address the critical issues that circumscribe their lives and to improve the lives and futures of the Bronx community as a whole.



Chairman Victor Carrillo of the Railroad Commission of Texas delivered an energy sector update.





Robin Steinberg of the Bronx Defenders speaking about transforming the role of the public defender.

### White Collar Crime and the Changing Corporate Environment

The *Review of Litigation* held its annual symposium on February 5, 2010. The event explored the evolution of white collar crime, as well as processes for handling internal investigations and prosecutions.

### National Security, Privacy, and Technological Change

*Texas Law Review's* 2010 symposium was held February 5–7, 2010, and addressed intelligence law and data collection; the legal environment pertaining to the government's efforts to enhance cybersecurity; the prospects for technological solutions to difficult, national-security-related problems; and the role of the courts, Congress, and the media in these endeavors. Highlights of the symposium included keynote speeches by Assistant Attorney General David Kris and Admiral Michael McConnell, former director of National Intelligence.

### A Human Rights Perspective on Unparented Children and International Adoption

On February 8, 2010, the Rapoport Center hosted Elizabeth Bartholet of Harvard Law School as part of their Human Rights Happy Hour speaker series. Bartholet discussed adoption from a human rights perspective, and

drew attention to the racial and cultural barriers to international adoption that affect the welfare of children. Charles Hale, professor of anthropology and director of the Teresa Lozano Long Institute of Latin American Studies, served as respondent.

### What was it Like to be a Lawyer in Fourteenth-century England?

The Tarlton Law Library's sixth annual rare book lecture was held on February 11, 2010, and featured Charles Donahue Jr. of Harvard Law School. Donahue discussed the lives of some prominent lawyers, both common and canon, in fourteenth-century England and explained the differences between the types of legal professions at the time.

### Armed Conflict and Collective Rights in the Southern Pacific Region of Colombia

The Rapoport Center hosted Eduardo Restrepo, professor of anthropology at Pontificia Universidad Javeriana in Bogotá, Columbia. Restrepo, a leading thinker in cultural studies in Colombia who has researched and written extensively on Afro-descendant social movements and cultural identity in Colombia, spoke on February 22, 2010, as part of the Human Rights Happy

Hour series. His talk was based on his paper, "Armed Conflict and the Organizing Process of Black Communities in the Colombian South Pacific." Gabriela Polit, assistant professor of Spanish and Portuguese at the University of Texas, served as respondent.

### Crisis and Command: The History of Presidential War Power

UT Law's Federalist Society hosted a talk with Berkeley law professor and former Justice Department official John Yoo, author of *Crisis and Command: A History of Executive Power from George Washington to George W. Bush*, on February 25, 2010.

### Walls: What they Make and What they Break

The Rapoport Center for Human Rights and Justice and the Texas International Law Journal hosted a joint symposium on February 25–26, 2010. The conference convened a group of interdisciplinary thinkers who have, in their different ways, researched the recent history of walls, and their consequences on the geographies of nation states and communities. The keynote address was given by Wendy Brown of the University of California, Berkeley.



"What Future for Sovereignty and Walls?" panel at the "Walls: What They Make and What They Break" conference. From left, moderator Barbara Harlow from the University of Texas; Wendy Brown from the University of California, Berkeley; Thomas Hansen from the University of Amsterdam and Columbia University; Philomila Tsoukala from Georgetown University; and Yishai Blank of Tel-Aviv University.

### **Eleventh Annual Intellectual Property Symposium**

The *Texas Intellectual Property Law Journal's* eleventh annual symposium was held on March 2, 2010. The program featured presentations on patent reform, patent damages, and what every lawyer needs to know about computer forensic evidence in IP litigation.

### **Legal Interpretation: What, if Anything, Have other Disciplines to Say?**

The Law and Philosophy Program at UT Law sponsors the annual Leon Green, '15, Lecture in Jurisprudence. This year's lecturer was Kent Greenawalt of Columbia University, who spoke on March 4, 2010. Greenawalt's scholarly interests are in constitutional law and jurisprudence, with special emphasis on church and state, freedom of speech, legal interpretation, and criminal responsibility.

### **Analogies and Discontinuities in Columbia and Sri Lanka's Violence**

Mariá Victoria Uribe, an anthropologist from Colombia who currently works for the Historical Memory group of the Colombian National Commission of Reparations and Reconciliation, spoke on March 8, 2010, as part of the Rapoport Center's Human Rights Happy Hour lecture series. Uribe's work focuses on symbolic and ritual aspects of violence. Her talk was based in part on her paper, "Dismembering and Expelling: Semantics of Political Terror in Colombia." Kaushik Ghosh of the University of Texas served as respondent.

### **G. Rollie White Public Interest Scholar in Residence**

Kathryn S. Fuller, '76, chair of the Ford Foundation and former president of the World Wildlife Fund, was the inaugural G. Rollie White Public Interest Scholar in Residence. During her time as scholar in residence at the Law School, Fuller gave three presentations. On March 8,

2010, she gave a talk entitled, "The Current Role of Foundations in Advancing Social Change" and on March 9, she discussed "Law as a Path to Leadership in Nonprofit Organizations." On March 10, she gave a major address on the topic of "Preserving Biodiversity in the Face of Global Challenges," at which Christine Hawkes, assistant professor, Section of Integrative Biology, University of Texas College of Natural Sciences, and Laura J. Huffman, director of the Nature Conservancy of Texas, also gave comments. Melinda Taylor, director of the Law School's Center for Global Energy, International Arbitration, and Environmental Law, moderated. The William Wayne Justice Center for Public Interest Law organized these events.

### **Exploring Collective Bargaining Agreements**

The *Texas Review of Entertainment and Sports Law* hosted its first annual symposium, entitled "The Implications of the NFL and NBA's Expiring Collective Bargaining Agreements," on March 25, 2010. Speakers included Lester Munson, senior writer and legal analyst for ESPN, who discussed "The Impact of *American Needle v. NFL*"; Matthew Parlow of Marquette University, who spoke on "Commissioner Power, Punishment, and NBA/NFL Collective Bargaining"; and UT Law's Lucas A. "Scot" Powe Jr., who spoke on "NBA and NFL Owners in the Upcoming Negotiations." The symposium also featured a panel discussion, "The Future of Collective Bargaining in

the NBA and NFL," with Parlow, Powe, and George Postolos, former president and CEO of the Houston Rockets. The panel was moderated by UT Law Professor David Sokolow.

### **Measuring the Rule of Law**

Co-sponsored by the USC-Cal Tech Center on the Study of Law & Politics and UT Law, "Measuring the Rule of Law" brought together a group of social scientists and legal scholars to discuss the rule of law on Friday, March 26, and Saturday, March 27, 2010. It built upon a conference held in 2009 at the University of Southern California, which explored how best to define the term, a much discussed but inadequately understood concept. The 2010 conference expanded that conversation in an effort to better understand the rule of law as it is considered and applied in domestic and non-domestic settings.

### **Juvenile Justice: the Rights of Minors in the American Criminal Justice System**

The *Texas Journal on Civil Liberties and Civil Rights*, in conjunction with the *American Journal of Criminal Law*, hosted a symposium on juvenile justice on March 29, 2010. Topics discussed included "Meeting the Needs of Juvenile Offenders: The Legal and Policy Response," "Dealing with Serious Juvenile Offenders in the Juvenile Justice System," and "National Juvenile Justice Reform Initiatives."



Kathryn S. Fuller, '76, the inaugural G. Rollie White Public Interest Scholar in Residence, with Professor Melinda Taylor (left).



## Neither Members nor Strangers: Imagining "The People" in the Age of the Diaspora

Adeno Addis of Tulane University discussed his work at the Rapoport Center's Human Rights Happy Hour on March 29, 2010. Barbara Harlow of the University of Texas served as respondent.

## The Future of Civil Justice

Pepperdine University School of Law Professor Thomas Stipanowich discussed the future of civil justice at the Tenth Annual Spring Symposium on Dispute Resolution on March 31, 2010. The symposium, hosted by the Center for Public Policy Dispute Resolution at UT Law, also featured thirteen University of Texas graduate and law students presenting research on various dispute resolution topics.

## Climate Change Law and Policy after Copenhagen

The Center for Global Energy, International Arbitration, and Environmental Law presented a roundtable colloquium on environmental issues following the 2009 United Nations Climate Change Conference on April 1, 2010. Consisting of three panels, the colloquium addressed the following topics: "The New Direction of the Copenhagen Accord," "Significant National Developments," and "Climate-gate Fallout."

## Third Annual National Security Law Junior Faculty Workshop

The Robert S. Strauss Center for International Security and Law, UT Law, and the International Committee of the Red Cross hosted the third annual National Security Law Junior Faculty Workshop April 1-2, 2010. The Workshop included the presentation and discussion of works-in-progress on a range of national security law topics. Participants discussed cutting-edge issues in International Humanitarian Law with instructors from the International Committee of the Red Cross and the U.S. Army JAG School.



"The Rule of Law Unplugged" panel at the "Measuring the Rule of Law" conference. From left, Mathew McCubbins on videoconference, Lydia Tiede of the University of Houston, and Frank Upham of New York University.

## Executive Power

Jack Goldsmith, author of *The Terror Presidency*, gave the keynote address at the "Executive Power" symposium on April 8, 2010, at which he discussed President Obama's approach to executive power. Co-sponsored by the Lyndon Baines Johnson Library and UT Law, the symposium focused on a number of recently published books on executive power by political theorists and law professors.

## Women's Leadership Boot Camp

The Center for Women in Law hosted a Leadership Boot Camp for third-year law students, law clerks, and deferred associates on April 9, 2010. An all-day training session on the skills essential for navigating a successful legal career, the day focused on skills that women lawyers traditionally learn too late in their careers to have an impact: effective

communication, self-promotion, and building internal and external networks.

## Legislative Developments Concerning the American Death Penalty

The Capital Punishment Center hosted a conference entitled "The American Death Penalty in the Twenty-first Century: the Direction of Legislative Change and the Prospects for Legislative Abolition," April 9-10, 2010. The conference brought together lawyers and lawmakers from around the country to talk about efforts to abolish the death penalty (New Jersey, New Mexico, New York, Colorado, Kansas); to expand it (Georgia, Massachusetts, Virginia, New Hampshire); and to reform it (North Carolina, Maryland, California). The symposium explored this newly active legislative foment around capital punishment, closely examining the experience in particular states to see whether any broader lessons may be drawn.



The Capital Punishment Center hosted an event to consider efforts to abolish the death penalty. Here, panelists (from left) Richard Dieter of the Death Penalty Information Center; Amy Fusting of Maryland Citizens Against State Executions; and Gerald Uelman of the Santa Clara School of Law discuss "Study and Reform of the Death Penalty: Maryland and California." The panel was moderated by UT Law's Jim Marcus.



Nathan Cortez of Southern Methodist University School of Law speaking at the Health Law Professors Conference on cross-border health insurance.

### The Legacy of Judge William Wayne Justice

In honor of the late Judge William Wayne Justice, '42, the William Wayne Justice Center hosted a panel discussion exploring his legal legacy. Entitled "The Arc of Justice: The Legacy of Judge William Wayne Justice and the Role of Lawyers in Social Reform," the event was held on April 15, 2010. UT Law Professor Lucas A. "Scot" Powe Jr. placed Justice's work in historical perspective and four legal experts, each with a professional connection to Justice, examined several of his major cases: Michele Deitch of UT Law and the Lyndon B. Johnson School of Public Affairs spoke on *Ruiz v. Estelle* (prison reform); Lucas Guttentag of Yale Law School and the ACLU's Immigrants' Rights Project spoke on *Plyler v. Doe* (immigrants' rights); Elizabeth K. Julian, '73, president of the Inclusive Communities Project, spoke on *Young v. Pierce* (public housing desegregation); and Marianne Wesson, '73, of the University of Colorado School of Law, spoke on *Morales v. Turman* (juvenile justice). UT Law Professor Lynn Blais, a former law clerk to Justice, moderated.

### Water Scarcity, Conflict, and Security

Gabriel Eckstein, director of the International Water Law Project and George W. McCleskey Professor of Water Law at Texas Tech University Law School, spoke

on "Water Scarcity, Conflict, and Security in a Climate Change World: Challenges and Opportunities for International Law and Policy," on April 16, 2010. The presentation was sponsored by the Center for Global Energy, International Arbitration, and Environmental Law.

### International Human Rights

On April 19, 2010, Cecilia Medina of the University of Chile, immediate past-president of the Inter-American Court of Human Rights, spoke on "The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights: Reflections on a Joint Venture—Twenty Years Later." The discussion was sponsored by the Rapoport Center as part of their ongoing Human Rights Happy Hour Speaker Series. UT Law's Ariel Dulitzky served as respondent.

### Just Ethics

The Harrington Fellows Program and the UT Law Program in Law and Philosophy presented "Just Ethics: Topics in Normative Ethics," on May 1–2, 2010. The workshop was organized by David Enoch of Hebrew University of



Ian Fletcher, professor of international commercial law at University College London, discussed the problem of security interests in the debtor's assets from the perspective of the secured creditor at the International Insolvency Symposium.

Jerusalem, Israel, who was a Donald D. Harrington Fellow at the School of Law during the 2009–2010 academic year. Participants included professors Geoff Sayre-McCord of the University of North Carolina at Chapel Hill; Elizabeth Harman of Princeton University; Re'em Segev of Hebrew University of Jerusalem; Ryan Preston-Roedder of the University of North Carolina at Chapel Hill; and Seana Shiffrin of the University of California, Los Angeles.

### International Insolvency Symposium: The Priority Dilemma

Professor Jay Westbrook and the *Texas International Law Journal* hosted a symposium addressing ongoing issues in international insolvency at the Law School on May 11, 2010. Of particular interest was the difficulty created by the existence of widely different treatment of creditors from one country to the next. A number of leading judges and scholars in the field participated, among them Lord Leonard H. Hoffmann of the Faculty of Law at Oxford University; Edward Janger of Brooklyn Law School; and Jose Garrido of the World Bank, who discussed the implications of the famous English case *McGrath v. Riddell*. Ian Fletcher of the University College London and Leif Clark, a U.S. Bankruptcy Judge for the Western District of Texas, considered the "Great Priority"—security interests in the debtor's assets. Allan Gropper, a U.S. Bankruptcy Judge for the Southern District of New York; John Pottow of the University of Michigan Law School; and Jay Westbrook of UT Law discussed additional alternatives to the priority dilemma.

### Health Law Professors Conference

UT Law hosted the Thirty-third Annual Health Law Professors Conference, May 13–14, 2010. Cosponsored by the George McMillan Fleming Center for Law and Innovation in Biomedicine and Healthcare and the American Society of Law, Medicine & Ethics, the conference provided participants with updates on issues on the cutting edge law and medicine and with opportunities to share strategies, ideas, and materials. ✨





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## Barbara Bintliff

### to serve as director of the Tarlton Law Library and Jamail Center for Legal Research



SOME AREAS OF THE LAW evolve faster than others, while some barely change at all. Then there is the law library, that cornerstone of the legal world, which has perhaps seen the most rapid change of all as it moves into the digital era. Printed legal references still play their essential role, but more and more resources are available electronically, posing new challenges for those responsible for making sense of it all. Barbara Bintliff, the new director of the Tarlton Law Library and Jamail Center for Legal Research and Joseph C. Hutcheson Professor in Law, plans to keep the law library in the vanguard of institutions meeting those challenges.

"The Tarlton Law Library has long been a leader and innovator—the law library that people look to when they want to see what's new," Bintliff said. "One of my goals is to make sure we continue to hold that place of prominence. That means we need to continue to develop innovative student services, offer the strongest faculty services possible, take the lead in establishing the most effective balance between electronic and print resource instruction, and develop the excellent information resource collections in a way that will anticipate and respond to faculty and student needs."

Bintliff will join the University of Texas School of Law in the fall of 2010. She comes to the Law School from the University of Colorado at Boulder, where she has been the law library director since 1989. She received that university's highest recognition, the Robert L. Stearns Award, in 2008 for extraordinary achievements in teaching, research, and service. She is an active member of the American Law Institute; the American Bar Association; and the Association of American Law Schools.

She earned a Master of Law Librarianship from the University of Washington, a JD from the University of Washington School of Law, and a BA from Central Washington State College with highest honors. A former president of the American Association of Law Libraries who also served as president of the Southwestern Association of Law Libraries and Colorado Association of Law Libraries, she brings an impressive history of law librarian leadership to the Tarlton Law Library.

"I am delighted that Barbara Bintliff has accepted our offer,"

said Law School Dean Lawrence Sager. "Roy Mersky left the University of Texas School of Law an extraordinary legacy: one of the finest law libraries in world—a great center of scholarship and training. Our library is now at a pivotal point in its history, and there are few appointments more important to the Law School than that of Roy's successor. Barbara Bintliff is a seasoned library director and a visionary, and the prospects for the Tarlton Law Library could not be brighter."

Bintliff's research interests include examining the differences between using print and electronic media for legal research, and in particular understanding how different research methods can produce divergent results.

"We have always taught legal research as if the law was an identifiable set of rules, doctrines, and applications that you could research and understand," Bintliff said. "If you were involved in a legal dispute, your attorney and the other party's attorney would find and use essentially the same law when using print resources. But there is so much information today—in so many formats and in so many places—that attorneys may not be looking in the same places and finding the same law. One of my concerns is that we are losing a sense of coherency in the law because there are so many places and so many ways to do legal research. We need to develop new tools and processes that are not tied to the print world alone and that will reestablish a common starting place for research."

While the administrative and academic duties of her new position will certainly keep her busy, Bintliff will continue to pursue her professional interest in advancing legal research education more broadly.

"We really need a new national movement to better define legal research education and develop legal information literacy standards," Bintliff said. "Legal research is a fundamental skill, but its whole landscape has shifted. We no longer have those very clear steps on how to research a specific issue. We now have to figure out the correct approaches in this new print and digital world. The Tarlton Law Library, with its outstanding reputation and highly qualified personnel, is the right place to begin that movement." ❀



## Linda Bray Chanow

named executive director of  
the Center for Women in Law



IN JANUARY, THE CENTER FOR Women in Law at the University of Texas School of Law appointed Linda Bray Chanow as its new executive director. Launched in 2008, the Center is poised to be the premier American education institution devoted to the success of the entire spectrum of women in law, from first-year law students to the most experienced and accomplished attorneys.

In April 2009, the Center for Women in Law hosted the Women's Power Summit on Law and Leadership, a three-day summit that united women leaders from across the legal field, including U.S. Supreme Court Justice Sandra Day O'Connor, to eliminate the barriers that female attorneys face. Chanow, along with more than 150 women, attended the Summit, and it was there that she made an impression on both her fellow attendees and the founders.

"Linda has a national reputation for addressing issues that confront women in the legal profession and coming up with solutions," said Center founder Cathy Lamboley, '79, retired general counsel for the Shell Oil Company and currently principal consultant for CA Lamboley Consulting LLC. "She is someone whom I've worked with and have known by reputation for a number of years and she has great enthusiasm for this whole area."

Of the challenges facing women lawyers, advancing women lawyers into leadership positions is of particular concern to Chanow: "Women have been graduating from top law schools in high numbers—40 percent or higher for more than two decades—but they haven't been advancing."

Women hold only about 18 percent of all partnerships nationwide, which represents only about a three percent increase in the number of women partners during the past decade. A similar imbalance exists in the state judiciaries, federal judiciary, and among general counsels of companies. And the higher the position, the stronger the imbalance is. Women attorneys of color occupy even fewer leadership positions, comprising only 1.84 percent of partners in law firms.

"One of the things I'll be doing is working intensely with individual firms and other organizations to identify and remove barriers to women's success in law and to establish and promote best practices," Chanow said. "Summit participants adopted by acclamation the Austin Manifesto, signaling the beginning of a coordinated national movement towards the advancement of women. A top priority is reaching out to each of the signatories

to determine precisely what steps they have taken to honor their pledges in the Manifesto."

"Another wonderful thing the Center started was a meeting convening the 'Thought Leaders,' representatives from the leading organizations across the nation who are working to advance women and diversity in the legal profession," Chanow continued. "By bringing these leaders together, the Center has provided a forum for the groups to work together, to share resources, and to develop synergies that will lead to greater progress than if the groups continued to work individually. That's what we hope to build on."

In addition to working with partnering organizations, Chanow foresees implementing leadership training programs for law students. "Efforts to advance women in the profession have historically focused on women who have been practicing for a number of years," she said. "To increase the number of women leaders, we need to start earlier to prepare law students to enter a profession that currently does not support their advancement."

Prior to leading the Center for Women in Law, Chanow served as assistant director at the Project for Attorney Retention (PAR), an initiative of the Center for WorkLife Law at University of California Hastings College of the Law and a leading research and advocacy group dedicated to advancing women lawyers and improving work-life balance for all lawyers. While at PAR, Chanow worked closely with PAR's codirectors, Distinguished Professor of Law Joan C. Williams and Cynthia Thomas Calvert, to devise business-based solutions that provide best practices to law firms, law departments, lawyers, and students.

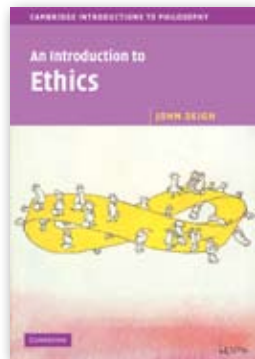
She recently cowrote "Reduced Hours, Full Success: Part-Time Partners in U.S. Law Firms," which details the structure and effectiveness of current part-time partner arrangements in U.S. law firms and provides recommendations for law firms and part-time lawyers. Chanow's other recent accomplishments include writing "Actions for Advancing Women into Law Firm Leadership: Report of the National Association of Women Lawyers National Leadership Summit" and serving as co-chair of the Women's Bar Association of the District of Columbia Initiative on Advancement and Retention of Women.

Chanow graduated from Bethany College and received her JD from Washington College of Law. She began her legal career as a commercial litigator and bankruptcy lawyer at WilmerHale. ❀

# New Faculty Books

**ALEXANDRA W. ALBRIGHT**

*Texas Courts: Pretrial: Cases and Materials*, 13th Edition and *Texas Courts: Trial & Appeal, Cases And Materials*, 14th Edition (Imprimatur Press 2008)



**JOHN DEIGH**

*An Introduction to Ethics* (Cambridge University Press 2010)

**GEORGE E. DIX**

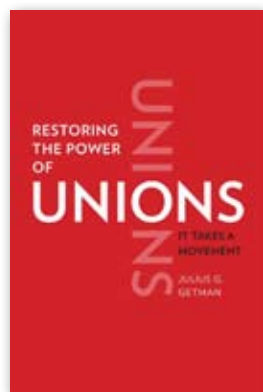
(with Frank W. Miller, Robert O. Dawson, and Raymond I. Parnas) *Supplement: Criminal Justice Administration: Cases And Materials* (Foundation Press 2009)

**GEORGE E. DIX**

and **M. MICHAEL SHARLOT** *Criminal Law: Cases And Materials*, 6th Edition (West 2008)

**DAVID C. FREDERICK**

*Supreme Court and Appellate Advocacy*, 2nd edition (West 2010)



**JULIUS G. GETMAN**

*Restoring the Power of Unions: It Takes a Movement* (Yale 2010)

**STEVEN J. GOODE**

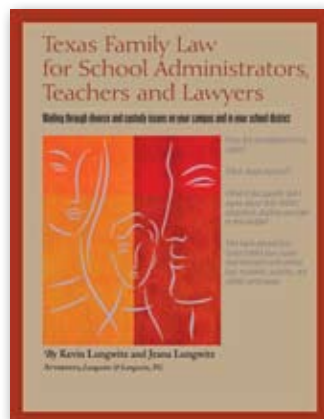
and **OLIN G. WELLBORN III** *Courtroom Evidence Handbook: Student Edition* (West 2009)

**STEVEN J. GOODE, OLIN G.**

**WELLBORN III**, and **M. MICHAEL SHARLOT** *Courtroom Handbook on Texas Evidence* (West 2009)

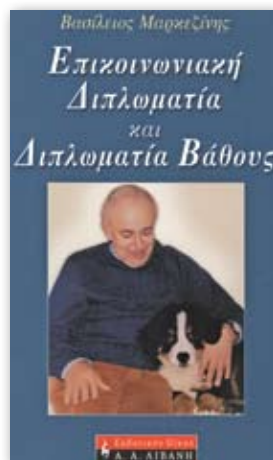
**STEVEN J. GOODE** and **OLIN GUY**

**WELLBORN III** *Courtroom Handbook on Federal Evidence* (West 2009)



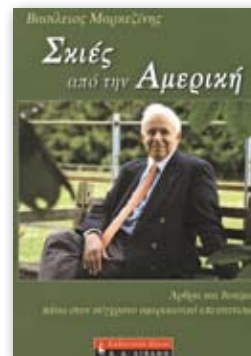
**JEANA A. LUNGWITZ**

(with Kevin Lungwitz) *Texas Family Law for School Administrators, Teachers and Lawyers* (Park Place Publications 2010)



**BASIL S. MARKESINIS**

*Communication Diplomacy and In-Depth Diplomacy* (Livanis 2009) [Published in Greek]



**BASIL S. MARKESINIS**

*Shadows from America* (Livanis 2009) [Published in Greek]

**LINDA S. MULLENIX**

*Leading Cases in Civil Procedure* (West Academic Publishing 2010)

**ROBERT J. PERONI**

(coordinating editor, with contributing editors Charles H. Gustafson and Richard Crawford Pugh), *International Income Taxation: Code And Regulations, Selected Sections* (CCH 2009)

**WILLIAM C. POWERS JR.** (reporter,

with Michael D. Green, Gary T. Schwartz, et al.) *Restatement of the Law Third, Torts: Liability For Physical And Emotional Harm, Volume 1* (American Law Institute 2010)

**RUSSELL J. WEINTRAUB**

(with Peter Hay and Patrick Borchers) *Comparative Conflict of Laws: Conventions, Regulations and Codes* (New York: Foundation Press 2009).

**RUSSELL J. WEINTRAUB**

*Commentary on the Conflict Of Laws*, 6th Edition, and *Supplement: Commentary on the Conflict of Laws* (Foundation Press 2010)

**JAY L. WESTBROOK** (editor and senior author, with Charles D. Booth, Christoph G. Paulus, and Harry Rajak), *A Global View of Business Insolvency Systems* (World Bank 2010).



# Steikers' study supports American Law Institute decision to repudiate model death penalty provision



Jordan Steiker

A STUDY BY LAW SCHOOL Professor Jordan M. Steiker and his sister, Professor Carol Steiker of Harvard Law School, provided the foundation for the American Law Institute's vote last fall to withdraw the capital punishment section of its Model Penal Code—a move that the *New York Times* recently described as so significant it represents “a tectonic shift in legal theory.”

The ALI has a membership of about four thousand judges, lawyers, and law professors. The death penalty provision it withdrew had provided the blueprint for death penalty laws in this country over the past thirty-five years.

The Steikers' study, which was requested by the ALI, examined the effectiveness of the Model Penal Code's death penalty provisions, which were enacted in 1962 and were designed to improve American capital practice. The Model Penal Code provisions were cited by the U.S. Supreme Court in 1976 when it determined that the death penalty could be administered in a constitutional manner.

The study examined the extent to which contemporary death penalty practices have resolved the difficulties that had prompted the Supreme Court to invalidate essentially all prevailing capital statutes in 1972. The study found that there are too many obstacles, both structural and institutional, to administering the death penalty in a non-arbitrary and reliable manner, and recommended that the ALI avoid any attempt to come up with new rules regarding its proper administration.

The report stated: “The foregoing review of the unsuccessful efforts to constitutionally regulate the death penalty, the difficulties that continue to undermine its administration, and the structural and institutional obstacles to curing those ills form the basis of our recommendation to the Institute. The longstanding recognition of these underlying defects in the capital justice process, the inability of extensive constitutional regulation to redress those defects, and the immense structural barriers to meaningful improvement all counsel strongly against the Institute's undertaking a law reform project on capital punishment, either in the form of a new draft of §210.6 or a more extensive set of proposals. Rather, these conditions strongly suggest that the Institute recognize that the preconditions for an adequately administered regime of capital punishment do not currently exist and cannot reasonably be expected to be achieved.”

After a two-year process—in which the Steikers consulted with national experts, revised their report, and had their recommendations considered by the ALI membership—the ALI Council and membership ultimately voted overwhelmingly to withdraw its current provisions regarding the administration of capital punishment and to decline to create or issue new rules in their place, essentially determining that, under current conditions, there are no rules by which the death penalty could be properly administered.

The significance of that action was the subject of a lengthy *New York Times* story in mid-January by Adam Liptak, who wrote, “There were other important death penalty developments last year: the number of death sentences continued to fall, Ohio switched to a single chemical for lethal injections and New Mexico repealed its death penalty entirely. But not one of them was as significant as the institute's move, which represents a tectonic shift in legal theory.”

Jordan M. Steiker holds the Robert M. Parker Endowed Chair in Law at UT Law. He joined the faculty in 1990 after serving as a law clerk to Justice Thurgood Marshall of the United States Supreme Court. He teaches constitutional law, criminal law, and death penalty law, and is co-director of the Law School's Capital Punishment Center. He has written extensively on constitutional law, federal habeas corpus, and the death penalty. — *Laura Castro*, '97 ❁

## University of Texas at Austin President Bill Powers coauthors tort law restatement



William Powers Jr.

THE AMERICAN Law Institute (ALI) has issued the first volume of its *Restatement Third, Torts: Liability for Physical and Emotional Harm*, an updated and sweeping treatise

on the law of torts by Michael D. Green Jr., professor at the Wake Forest University School of Law, and William C. Powers Jr., president of the University of Texas at Austin and former dean of the Law School.

The *Restatement Third* ranges across the output of the nation's courts and has been compiled in consultation with leading tort experts from across the country. It constitutes a synthesis of current tort law and a guide to what it should become. It will be relied upon heavily by lawyers and judges, according to Law School Dean Larry Sager.

“Producing a superb study of a tangled area of law like torts in the United States is a remarkable achievement,” Sager said. “Producing it while serving first as Law School dean and then as university president is an astonishing accomplishment.”

Powers was dean of the Law School from 2000 to 2006, when he was named president of the University.

“Nowhere is the complexity of U.S. law more problematic than in the area of tort law,” said Jane Stapleton, the Ernest E. Smith Professor at the School of Law. “In navigating this crucial field, which involves hundreds of billions of dollars every year, American lawyers and courts have historically relied heavily on the guidance of the American Law Institute, which has now published its *Third Restatement* of the core principles in the field. Authored by two of the world's most admired torts scholars, this new magisterial work is destined to become the most influential single text in tort law in the English language.”

Powers holds the Hines H. Baker and Thelma Kelley Baker Chair in Law at the School of Law and Green holds the Bess and Walter Williams Distinguished Chair at Wake Forest.



Clockwise from top left: Brandon Seale, '08; Nicholas Franklin, '07; Becky Diffen, '09; and Danielle Mangrum, '10; photographed on the Chapman Bryan Well Number One at the University of Texas.

## Texas Journal of Oil, Gas, and Energy Law

UT Law's newest student-edited journal celebrates five remarkable years

*The Texas Journal of Oil, Gas, and Energy Law*, a student-edited journal devoted to promoting scholarship in the field of energy law, launched five years ago. The youngest of the Law School's twelve journals, it was an immediate success. The *Journal's* ambitious mandate has always been to serve practitioners as well as academics, and it has attracted support from scholars, law firms with energy clients, and energy companies themselves.

UT Law is the perfect home for such an enterprise. It is well known that the University of Texas is supported in part by a public endowment that derives income from the sale of oil, gas, and other assets held on land in West Texas. It is perhaps less well known that the Law School has been teaching energy law in some form or another for most of its 127-year history. An early example is the dissemination of *A Model Oil and Gas Contract*, written in 1919 by Professor George C. Butte, the stated goals of which were to achieve "perfect legality," "clearness of meaning," and "fairness to both landowner and oil operator."

In this century, UT Law is a national leader in energy law, noted for continuing innovations such as the first-ever course in wind law, taught by Professor Ernest Smith, the Rex G. Baker Centennial Chair in Natural Resources Law, in 2008; the recently

established Center for Global Energy, International Arbitration, and Environmental Law, which will train lawyers to navigate the legal terrain between these fields; and, of course, the *Texas Journal of Oil, Gas, and Energy Law*, the only student-run and -edited legal journal focused on energy law in the country.

And yet, despite the Law School's storied history in energy law, when the *Journal's* founding editor in chief, Nicholas Franklin, '07, was a first-year student, there were no specific programs for students interested in the field. So he got to work. "In 2004 we established the Texas Oil and Gas Law Society to invite practitioners to come speak to students," Franklin said. "Our first speaker was Kent Hance, '68, who, among many other accomplishments, served as Texas Railroad Commissioner and is now chancellor of the Texas Tech University System. It was clear from the beginning that there was a great deal of interest in this area of the law. I decided a student-edited journal would be an ideal next step if we could pull it off. Brandon [Brandon Seale, '08, editor in chief of Volume 2] and Cynthia [Cynthia Redwine, '07, managing editor of Volume 1] agreed—and with a great deal of help, we did it." Starting a new journal at UT Law is daunting. Students must present a fully developed business plan, project revenue streams, identify a subscriber base, and have a clear sense of how to solicit both good writing and strong faculty support. But Franklin and his cohorts knew they had interested students, and from there things fell into place.

"The reality is that the *Journal* would not have happened without Professors Ernest Smith and John Dzienkowski, then-Dean Bill Powers, then-Assistant Dean of Communications Allegra Young, and student publications business manager Paul Goldman," Franklin said. "Each of them put their own credibility on the line for us when we had none of our own. I will always be grateful."

Smith remembers the project's inception: "I have to admit, when the students first approached me about starting a new journal, I was a little dubious," he said. "But I have been astounded at how well this has been done. Part of the reason is the focus on articles and notes that are useful for practitioners—they relate to practical issues that lawyers in the field encounter."



"We've always measured ourselves with the yardstick of relevance," said Seale. "Though each issue contains an academic and a policy article, we have always placed particular emphasis on our practitioner article and our Current Events section, the latter of which is the best source for worldwide and statewide developments in energy law."

Sixty students worked together to create Volume 1, which was published in 2006. That year also saw the first annual Oil, Gas, and Energy Law Symposium and the creation of the Ernest E. Smith Lifetime Achievement Award.

In addition to publishing two issues every year, the *Journal* hosts an annual Symposium to bring leaders in the energy field together to discuss the issues of the day. The first Symposium featured then-Federal Energy Regulatory Commissioner Suede G. Kelly. Speakers from past years include Dick Watt, past president of the Oil & Gas Section of the State Bar of Texas; Mike Godfrey, former general counsel of the University of Texas System; and Commissioner Jerry Patterson of the Texas General Land Office. This year, Chairman Victor Carrillo of the Railroad Commission of Texas delivered an energy sector update.

Bestowing the Ernest E. Smith Lifetime Achievement Award is an important part of the annual Symposium. This prestigious award honors practitioners who have participated in the advancement of natural resources law, policy, or scholarship. Recipients have included Timothy J. Unger, '74, partner at Andrews Kurth in Houston; Robert C. Bledsoe, '55, founding partner of Cotton Bledsoe Tighe & Dawson in Midland; Duke R. Ligon, '69, former senior vice president and general counsel for Devon Energy Corporation in Oklahoma City; former Exxon General Counsel C. Kenneth Roberts, '51; and the late Frank Douglass, '58, founding partner of Scott, Douglass & McConnico in Austin.

In alignment with their focus on practitioners, *Journal* students and alumni are committed to creating continuing education and networking opportunities in the energy sector. Students benefit from monthly roundtable luncheons and an annual career panel with energy attorneys. CLE credits are available as part of the annual Symposium, and social events are planned throughout the year. Each June, for example, the *Journal* hosts a summer gathering of energy law practitioners in Houston; these events are not exclusive to *Journal* alumni—or even UT Law alumni—and draw attendees from across the field.

"We have always had events in Austin," said Danielle Mangrum, '10, editor in chief of Volume 5. "But Houston is the energy hub. The great thing about the summer gathering is that it brings practitioners from a variety of different organizations together with students. I think practitioners are sometimes surprised at how much student interest there is in energy law as a practice area. Ultimately, we would like to expand and have events like this in other cities as well, such as Dallas and Fort Worth."

Additional initiatives are on the horizon. Incoming editor in chief Chad Smith, '11, is creating an energy blog that will be a part of the *Journal's* website—[www.tjogel.org](http://www.tjogel.org).

"The blog will give law students, professors, and attorneys an opportunity to discuss issues in oil, gas, and energy law," Smith said. "A lot of *Journal* students are interested in writing about energy law but don't want to commit to a full fifty-page article. This is an avenue for them to do that."

Pursuing their mission to promote scholarship in the energy legal field, and in honor of their fifth anniversary, the first five editors in chief joined together to create the Texas Energy Law Association—[www.texasenergylaw.org](http://www.texasenergylaw.org)—or TELA, for short. Becky Diffen, '09, editor in chief of Volume 4, is a TELA founder.

"TELA's primary focus is to act as an alumni organization and an advisory and support resource for the *Journal*," Diffen explained. "We intend to work to establish scholarships and funding for internships, increase alumni participation in the *Journal*, and create professional opportunities for *Journal* members and alumni—and through these initiatives promote scholarship in the area of energy law."

Diffen wrote an article with Smith on wind energy law in the spring issue of the *Journal*. "There is very little wind law now on the books," Smith said. "Wind energy law is today where oil and gas law was at the beginning of the twentieth century. But this is a practice area poised for explosive growth, particularly here in Texas, which is the largest producer of wind energy in the Western Hemisphere."

"It's great to see young people interested in a practice area that is—I hate to say it, but it's true—graying a bit. But with the upsurge of new technologies, the emerging interest in renewables, and the need to develop resources in a sustainable way, these students and recent graduates are going to shape the future in ways we can't yet imagine." —Kirston Fortune ☀

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*TJOGEL* alumni: interested in reconnecting with your *Journal*? Visit the website, [www.tjogel.org](http://www.tjogel.org), or contact Nic!

The advertisement features a background image of a molecular structure with blue and white spheres connected by lines. The text is in blue and red. The ExxonMobil logo is at the bottom right.

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The Supreme Court of Texas in the Eidman Courtroom before hearing oral arguments. From left, Don R. Willett, Paul W. Green, Dale Wainright, Nathan L. Hecht, Chief Justice Wallace B. Jefferson, '88, Harriet O'Neill, David Medina, Phil Johnson, and Eva Guzman.

## The Supreme Court of Texas hears oral arguments to open “Pursuing Justice through Legal Innovation” symposium at UT Law

THE SUPREME Court of Texas heard oral arguments to open the “Pursuing Justice through Legal Innovation” symposium on February 18, 2010, at the Law School. The symposium was sponsored by the Thurgood Marshall Legal Society, Chicano/Hispanic Law Students’ Association, *Texas Hispanic Journal of Law & Policy*, and the University of Texas chapter of the *National Black Law Journal*.

The Supreme Court sat in the Eidman Courtroom and heard oral arguments in three cases. The event was attended by students, faculty, and the public.

A formal luncheon followed oral arguments, with a keynote speech by Fifth Circuit Court of Appeals Judge Edward C.

Prado, '72. Afternoon sessions included panels covering civil, criminal, and ethical topics, for which attendees could receive CLE credit.

According to Catherine Moran, president of the Thurgood Marshall Legal Society, the combination of oral argument and symposium made it the first event of its kind to be held at UT Law. “We wanted to attract attorneys, professors, entrepreneurs, judges, and law students from around the nation in a stimulating exchange of ideas and legal experience,” she said.

For more pictures of the Supreme Court of Texas and TMLS and CHLSA students, log on to UT Law online, at [www.utexas.edu/law/magazine/](http://www.utexas.edu/law/magazine/). ☀

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*Julia Massimino, '99*

## A Passion for Policy

Julia Massimino, '99, followed her interest in legislative lawyering to a position as chief of staff for California congressman Howard Berman.

AS A STUDENT AT THE Law School, Julia Massimino, '99, never planned on working in a law firm. While many of her classmates were competing for jobs at big firms, Massimino was looking for a different direction. She found it by following her passion for public policy and for making a difference on social issues, leading her to where she is today, serving as chief of staff for United States Representative Howard Berman of California, chairman of the House Committee on Foreign Affairs.

At the end of her first year at the Law School, while many of her classmates were hustling for summer placements at firms, Massimino joined the Capital Punishment Clinic. The following summer, she decided to try working at a law firm, but rather than a large corporate firm she went to the tiny Wiseman, Durst, and Owen (now Deats, Durst, Owen, and Levy PLLC). Based in a converted house near downtown Austin, the firm specialized in employment and civil rights cases. Those two experiences led Massimino to think about how

she could make a difference on issues important to her on a broader stage. She got her chance the following summer as a legal fellow for the legendary Senator Ted Kennedy, working with his staff on the Senate Judiciary Committee. Massimino had the opportunity to work with the Kennedy's chief counsel helping to prepare the Senator for markups and hearings.

"I came up [to Washington, D.C.], and basically wandered around, trying to find someone I could work for for free but also looking for a place where I would get good experience. I landed an incredible opportunity for the summer," she said. "By the time I left, I was completely hooked. I hadn't been looking to move to D.C., but as soon as I finished school, I came back and got to it."

Massimino's trajectory from the Capital Punishment Clinic to a position with a social-justice minded firm to a career in politics reflects what drives her: a passion for justice and a desire to have an impact on the lives of people who can't afford or access representation for themselves.



"I was profoundly impressed by the commitment and dedication of the people in the Capital Punishment Clinic," she said. "Most of the lawyers involved with the clinic had come out of the legal resource centers, which had just been defunded by Congress. I was very struck by their commitment in the face of tremendous adversity, but also by how dangerous it was for our government to shut down the one source of committed advocacy for death row inmates. I thought, 'These are cases with the highest stakes in our legal system, the most vulnerable defendants—people who could lose their lives to mistakes by the system and who would otherwise have no representation,' and as a student I was stunned that this was the place the government chose to designate as waste that should be cut." This connection clicked again for Massimino when she got to D.C.

"When I had the experience in Senator Kennedy's office, I was very impressed by the dedication of his staff, and I wanted to get back there." She recalled a familiar experience she had during her time at UT Law: "I can't tell you how many times during law school I heard professors talk about how laws are made, and how the people in the political system that churned out laws often had little sense of how they'd be implemented, or how they'd play out in reality. And I thought, 'It may not be impacting clients on an individual basis, but legislative lawyering certainly offered the potential to have the kind of impact I wanted to have.'"

Shortly after Massimino graduated, a position opened up in Berman's Washington, D.C., office—his Judiciary counsel was going on maternity leave. Massimino happened to be in town visiting her sister, who told her about the opportunity. "She heard about it, and when I got in she said to me, 'Did you bring a suit?' I went in and interviewed, and I really lucked out. The one thing they wanted to know was whether I'd taken an immigration class, which I had. They called me the next day and asked, 'When can you start?' I said to them, 'Well, I don't really live here yet . . .'" Massimino wasn't sure she wanted to live in Washington, but the opportunity was too perfect to pass up. She had heard plenty about Berman and knew that he and Kennedy had worked together on many issues over the years, particularly immigration reform. "I thought, 'It's a short term thing, I could just do it for a while and see how it goes,' she recalled. "I started the following week and a few weeks later, I made a quick trip back down to Austin, picked up my things, and moved to D.C."

While she initially expected the position to last four months, it's now been ten years, and she's still working for Berman. The woman whose job she was covering decided to stay at home with her new child, and opted not to return. After starting in his personal office as Judiciary counsel, and then spending several years working in the Courts and Intellectual Property Subcommittee in the House, Berman asked her to be his chief of staff. Massimino also spent two years acting as counsel to two members of the House Judiciary Committee simultaneously—Berman and Representative William Delahunt of Massachusetts. "That was an interesting exercise in conflicts and legal ethics—always representing two parties at the table. I don't have a lot of colleagues with a similar path. Most people stay with an office for a couple of years and move on around here, but when you start with a senior member who

is active, incredibly smart, and dedicated to his work, there's every reason to stay," she said.

Berman's committee assignments dovetail with a number of the issues about which Massimino is passionate, which gives her ample opportunity to focus on the things that made her pursue the law to begin with—albeit from a different angle. The Judiciary Committee has a diverse jurisdiction over everything from constitutional issues to criminal laws, antitrust, judicial branch oversight, intellectual property rights, administrative law, and immigration. She was there when the PATRIOT Act was debated. She was part of the investigation into the Bush Administration dismissal of nine U.S. Attorneys, and she started the investigation into two judges referred to the committee for impeachment. Berman has been on the Immigration Subcommittee for twenty-seven years, which allows Massimino the chance to make a difference in ways that she might not have been able to if she worked as an immigration attorney and provided direct services to clients.

Now, in addition to her policy work, Massimino has a slew of management responsibilities. "A big part of my job is managing and motivating staff," she explained, "and I do what I can to direct incoming priorities—of course, Mr. Berman manages his own priorities, but I work with what he's seeing when, and how much time he's spending on certain things, and I try to help the staff manage their time with him efficiently. He has a lot of things on his plate."

Still, Massimino is most excited about substantive policy issues. Immigration, for example, has been a part of her role with Berman since she initially joined his office, and it's something she plans to stay involved in even as chief of staff. She credits her time at the Law School with giving her one of the essential tools she uses in her job, both in a managerial and policy capacity.

"The class that helped me the most in that part of my job was Mediation," she said. "In my job there's a lot of dealing with parties—whether in the Judiciary Committee, or even in everyday management situations—who are on two very different sides of an issue. And mediation is great when you're trying to figure out how to get them at least near enough to each other that it's worth trying to sit down and talk through things."

She explained how this often applies in immigration discussions, though it's easy to see how it comes up in all aspects of her work. "It's an issue where people on each side have their talking points. But in the end, what all of those people profess to want is a policy that works—where the law's enforceable. I think everyone is looking for the same outcome, but they can't look past a lot of details and politics to get there."

Listening to Massimino, it is clear that the sort of thinking she learned at the Law School helps bring some much-needed rationality to our political system. "There are so many political talk shows that are entertainment masquerading as news with a lot of people whose job it is to yell and scream and find the conflict in everything, but behind all of that, there are 535 human beings in elected office in Congress who interact with each other every day. And for the most part, they're not screaming at each other. Working there, we can have very cordial relationships with colleagues on the other side of the aisle, and have good, fruitful conversations about the legislation that we're working on. That's the way the place is supposed to work." — *Dan Solomon* ✨

# A Supreme Opportunity

Scott Keller, '07, is the latest Law School alumnus to clerk on the Supreme Court, under Justice Kennedy

THE U.S. SUPREME COURT'S 2009–2010 term has been as action-packed as any in recent history. And as in the past several years, Justice Anthony Kennedy has been a fulcrum point between the liberal and conservative wings of the court, breaking deadlocks and writing important decisions on issues from campaign finance law to the use of Christian symbols in public displays. For most of us, Kennedy's decision-making process, as well as that of the Supreme Court in general, remains considerably opaque. Only a very select group of young lawyers are ever offered a chance to experience life behind the scenes of the highest court in the land. This year, Scott Keller, '07, counts himself among that elite group, taking a front seat to history as a clerk for Justice Kennedy.

"Nobody can plan or expect to clerk on the Supreme Court. It takes a lot of hard work and probably even a little more luck," Keller admitted. Of course, a JD from UT Law doesn't hurt. In 2010, sixty-four recent alumni obtained clerkships, including twenty-one at federal courts of appeals and twenty-two at federal district courts. Keller's clerkship, however, is a cut above. Supreme Court clerks are often informally referred to as "the elect" because of the prestige of the job and the difficulty of securing the position. "Every year there are tens, if not hundreds, of really smart and talented people from great law schools and clerking for judges across the country who apply," Keller said. "To get your foot in the door and even get an interview—you can't expect for that to happen."

Keller grew up in rural Wisconsin and came to the Law School from Indiana University. He points to UT Law's constitutional law faculty as a major influence on his decision to come to Texas. As a third-year student in 2007, he participated in the inaugural year of UT Law's Supreme Court Clinic, a program that gives students the opportunity to work with clients seeking Supreme Court review of lower court decisions. A case that he worked on that year, *Altadis USA Inc. v. Sea Star Line LLC*, was granted certiorari to be heard by the Supreme Court. This was a major coup for the clinic—given the

large number of petitions for certiorari each year, the team of students and faculty beat odds of greater than a hundred to one to earn their day in court.

On the Supreme Court Clinic, Keller worked closely with Law School Professors Michael Sturley and Lynn Blais, both former Supreme Court clerks themselves. "The Clinic was an invaluable experience for understanding the ins and outs of how the Supreme Court works," Keller said. "In law school, you read the decisions of the Supreme Court, but you don't know how they got there. Until someone like Sturley or Blais explains to you how the court operates, it's sort of shrouded in mystery."

So how does the court operate? Keller is careful to speak judiciously about the traditionally discreet institution, but he does admit that he's been surprised by the collegiality between justices. "Sometimes in the written opinions, there's this perception that justices are really at each other's throats, because they're heavily critiquing each other," he said. "But personally, I've never seen anything like that, or even heard of it, really. Some people would expect that there would be a carry-over to the personal side, but there isn't."

Among clerks—a "fantastic group," according to Keller—the collegiality extends even further. The athletically inclined play basketball in a gym inside the Supreme Court twice a week, and everyone gets together for a Thursday-evening happy hour. "You want to get to know the other clerks, because you know they're going to get the chance to do some pretty interesting work for themselves down the road," Keller said. Each justice employs four clerks, and each retired justice keeps one, making for a community of just under forty elite young lawyers.

Basketball games, however, can get a bit deliberative. "It's call-your-own-foul, and you can imagine, you get a bunch of lawyers together . . ." he trailed off, laughing. "They're pick-up games; it's all in fun, but there is a lot of competitiveness around." No justices join in the games this session, though Keller mentioned that Justice Clarence Thomas played in seasons past.



Keller's favorite part of the job is the dialogue with his boss, preparing for cases and discussing the merits of various arguments. Justice Kennedy has been described in the media as "the single most influential arbiter of domestic policy in the land," (*Washington Post*), "the most important jurist in America" (*New York Times*), and even, by conservative leader James Dobson, as "the most dangerous man in America." Keller's experience of Kennedy is more down-to-earth. "He does the little things, like taking time to talk to your folks when they're in town," Keller said. "He's a gracious person who's really a class act. I could not ask for a better boss."

Keller has been particularly impressed by Kennedy's humility with regard to his generally perceived role as a key swing vote. "There's definitely not a perception, even in dialogue with the justice himself, that somehow being the swing is different, and you need to be catered to in some way," Keller said. "It's really just considering the issues, vetting the arguments, and coming to a reasonable conclusion."

The job is demanding, but for Keller it is a dream come true. He has long harbored a passion for constitutional law, and now he goes to work every day in the crucible of constitutional interpretation. "The opportunity to be here and actually see how it's all made is fascinating," he said. "It's not just an opinion on a page that you're reading. It's knowing how the justices are arriving at their decisions, how the litigants and advocates are making their arguments. It's a culmination of many things."

The clerkship is likewise the culmination of a long process for Keller. Since graduating from UT Law in 2007, Keller has immersed himself in the inner workings of the federal court system, first as a clerk to Chief Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit, and then as a Bristol Fellow in the U.S. Office of the Solicitor General. Both positions are highly competitive and prestigious. As a Bristol Fellow, Keller worked on briefs in opposition to petitions for certiorari in cases involving the government. His experience working both sides of the appellate process helped prepare him for his daily tasks under Justice Kennedy, which include reading and evaluating such petitions.



Scott Keller, '07

When his clerkship ends this summer, Keller expects to take a job with a law firm. "I have a few years of government work under my belt now," he said. "While there are amazing opportunities there, I'd really like to try private practice." He expects that he'll continue to pursue appellate

law. "Neither law school nor clerking has dissuaded me from that," he said.

As for further down the road, Keller is leaving his options open. Indeed, with a Supreme Court clerkship under his belt, he'll have plenty of options to choose from. —Mike Agresta ❁



*T. J. Martinez, '96*

## A Different Path

As president of Cristo Rey Jesuit, the Rev. T.J. Martinez prepares underprivileged children for a better future

WITH HIS TRADEMARK BLACK cowboy boots and silver belt buckle complementing his more traditional black suit and clerical collar, the Reverend T. J. Martinez, SJ, is easy to pick out among the students and staff at the Cristo Rey Jesuit College Preparatory School of Houston. Equal parts cheerleader and task master, Martinez roams the campus offering students encouragement while demanding that they strive to reach their full potential.

Martinez, '96, is president of the school, leading its mission to help educate economically disadvantaged children from Houston's Southside. Cristo Rey Jesuit, which opened its doors to students in the fall of 2009, combines a rigorous academic curriculum with an innovative corporate work-study program.

"Our school serves some of the lowest income kids in Houston, and our promise is that if you go to our school you are going to college," Martinez said. "The kids go to school

longer, which frees up time each week where they can work at participating corporations. The key to this whole project is corporate sponsorship where they hire the kids to work, which helps fund their tuition."

Since Cristo Rey Jesuit reaches out to students with limited financial resources, this corporate participation makes the school's educational model economically sustainable. Sponsors provide an entry-level job, which a team of four students fills full-time with each working one or two days a week, depending on their academic schedule. In addition to funding their tuition, the students also gain valuable work experience.

It's an approach pioneered in Chicago in 1996 by Jesuit priests, who five years later formed the Cristo Rey Network to replicate the success of the original school nationwide. Today, there are twenty-four Cristo Rey affiliates throughout the United States, of which Houston is the latest addition, having been founded in 2009.



"Many of the kids that came here, other schools had given up on," Martinez said. "Their academic progress has been amazing. Many thought they couldn't do it, but yes, they can. Some have done so well that they are already taking sophomore classes in their freshman year. Nobody thought that could happen, but it is. It's a program that shows what they can do when somebody believes in them."

Cristo Rey Jesuit's list of corporate sponsors shows that Houston's business community seems to believe. So far, twenty-three have signed up, including such well-known names as Fulbright & Jaworski LLP; Wells Fargo; Grant Thornton LLP; Vinson & Elkins LLP; Aquinas Companies; and the Methodist Hospital System, among others. In the school's first year, there were more positions offered than there were students available to fill them. But Martinez ambitiously plans to expand the student body, so more will be needed.

Opening a new school and gaining crucial corporate support in the midst of an economic downturn might have been a daunting challenge for some. But Martinez is not easily discouraged.

"There is never a good time to start a school for economically disadvantaged children, so why not now?" he said. "And what about the seventy-seven children we are now teaching if we hadn't started right away? I have to answer to God, and I'd rather start now rather than wait."

Cristo Rey Jesuit launched a capital campaign in 2009 to help cover the costs of starting and maintaining the school. They hope to raise \$10 million by 2013 and, thanks to strong community support, they have already raised \$7.5 million.

"Father Martinez has been instrumental in getting the word out to the greater Houston community," said Dan Walsh, director of the school's Corporate Work Study Program. "I call it 'the Martinez magic.' He keeps spreading the magic across town and beyond. Through the strong marketing and outreach of the mission, he has been able to draw the interest of local and national leadership to this new educational model."

For Martinez, who has multiple graduate degrees in addition to his law degree, his love of learning has turned into a love for teaching. But leading Cristo Rey Jesuit was not exactly the career path he had anticipated. Instead, he had expected to replace a retiring Jesuit priest who had been teaching at Loyola University and ministering to the faculty there. But the Society of Jesus had other plans for him.

The formation, or training, of a Jesuit priest is a long process, normally taking many years of spiritual and academic education. Martinez was just finishing up a graduate degree in school leadership and administration at Harvard, and preparing to take his final vows, when the Rev. Fred Kammer SJ, provincial of the Jesuit Fathers in the South, called about a new position in Houston. The Jesuits were looking for someone with youth and energy to start a school for poor children. Martinez objected that he lacked the experience, and that he knew others who were more qualified.

"Father Kammer called me three times after that to talk about the job," Martinez said. "The first two calls always ended with another try to get me on board to found this school. The third call was different. Rather than offering me the job he

simply said, 'Congratulations, you are the founding president of Cristo Rey Jesuit.' I thought to myself, 'So this is how the vow of obedience works.'"

That was but one of many unexpected turns during Martinez' journey to Cristo Rey Jesuit. After growing up in Brownsville, he attended Boston College, where he earned his bachelor's degree in political science. Martinez then did volunteer work at an inner-city high school in the Bronx, New York, for a year before enrolling at the Law School. He planned to earn his law degree and then join his father, attorney Tony Martinez, in the family practice.

"One of my heroes was Judge Reynaldo Garza, the first Mexican-American federal judge," Martinez said. "At the time, he was on the Fifth Circuit Court of Appeals in New Orleans. I had this dream that I would clerk for him then maybe work at the Justice Department, cut my teeth in the legal profession, and then join my dad back in Brownsville."

Because of his year spent doing volunteer work, Martinez enrolled in the School of Law at the same time as his younger brother, Trey, whose interest in the law turned out to be fortuitous for the family business. For during his second year of law school, Martinez began feeling a strong calling to the priesthood. It was a call he felt compelled to answer, so just ten days after taking the bar exam, Martinez enrolled in seminary school at St. Charles College in Grand Coteau, Louisiana.

"What happened is that the plan I had for myself, my brother took it over," Martinez said. "He gave me the freedom to explore this very different pathway."

"I had thought about the priesthood when I was young," Martinez recalled. "At Boston College, the Jesuits reignited the idea of heading out and doing good. That caught my imagination. The Jesuits are known as the soldiers for Christ and the vanguard of the Church. That spoke to my faith and my sense of adventure."

Though he has taken a different path than most School of Law grads, Martinez has fond memories of his time at the Law School.

"I remember when I walked into Constitutional Law and saw that I had Charles Alan Wright," Martinez said, referring to the legendary constitutional law scholar who taught at the Law School for decades. "While it was an absolute privilege, at the time I remember thinking, 'Oh no, this is not the guy I want—this is not going to help my GPA!' But from the moment he started teaching, he had me. He was brilliant and engaging, and he embodied everything I thought was good about lawyers, law professors, and law school."

Martinez would eventually get to know Wright, occasionally exchanging letters until Wright passed away. Martinez still treasures a law book he received from Wright, and still treasures the skills he learned in law school as he puts them to use in a very different setting.

"I had an incredible legal education, and I also learned how to think analytically and systematically," he said. "You can apply those in the legal profession, but you can also apply them in any context. You take a problem apart, look at the pieces and understand them, then put it back together. That's what law school is all about." — *Tom Gerrow* ✨

# FAMILY OF JUDGE JOHN LUKE HILL, '47, MAKE DONATION TO ADVOCACY CENTER

by J. DALE CANNEDY

IN 1939, IN THE EAST Texas town of Kilgore, a contingent of high school students participated in a locally organized youth-in-government day. A certain young man, who had spent years moving around the state as his father followed work in the oil fields, volunteered to be the city attorney in the mock session. It was his brief, first taste of public service, albeit simulated. But by the time his career was complete, he had become the first—and still only—person to serve as the secretary of state, attorney general, and chief justice of the supreme court for the State of Texas.

His name was John Luke Hill Jr., and he never forgot his formative years in school, preparing to practice law. Hill passed away in 2007, but his legacy continues to bolster students on the path to trial litigation and public service. His family recently announced a generous gift to the University of Texas School of Law, from which he graduated with honors in 1947. A portion of the gift will be used to renovate and modernize a courtroom at the John L. Hill Trial Advocacy Center, previously dedicated in 2004; the remainder will create an endowed professorship in trial advocacy.

Trial advocacy was always a topic dear to Hill's heart. From a 1958 article he wrote on courtroom manner for the *Texas Bar Journal*, to his recruitment and training of young legal talent at the attorney general's office, to his later work mentoring young lawyers at Locke Lord Bissell & Liddell LLP and Winstead PC in Houston, where he also led the Appellate Practice Group and coached new associates in the firm's first mock trial program, Hill was a tireless mentor to trial lawyers.

Hill earned his teaching credentials through a long career in the courtroom, arguing high profile cases. He took on aviation giants when safety oversights led to plane crashes, tackled polluters who degraded a waterfront near Houston, and personally argued seven cases before the United States Supreme Court.

Crucial to Hill's own strategy was his disarming candor and personal affability. "Above all," he once wrote, "the prime essential is earnestness and sincerity. This goes for our voice, our expressions, our gestures, and everything that we say or do."

Such earnestness served Hill in the political arena as well. In 1964 he managed the successful reelection campaign for Governor John Connally, '41. The governor showed his appreciation and respect two years later by making Hill the secretary of state.

In 1972, after a break from politics and return to private practice, Hill drove from Houston to Austin on the last day possible to file to run for elective office, torn between his love of the courtroom and public service. The compromise he forged between his two loves was a campaign for attorney general. He won handily, and went on to serve two terms.

Rather than a typical state prosecutor's institution, Hill considered the Attorney General's Office to be the people's law firm. During his two terms in that office, he took on political corruption in the Rio Grande Valley, squashed Southwestern Bell's efforts to raise intrastate rates, and forced Gulf Coast polluters to clean up their act. Never negligent in his role as counsel to state government, he also settled the seaward boundary between Texas and Louisiana, tussled with California over the rights to Howard Hughes's estate, and defended the Texas death penalty—all before the U.S. Supreme Court. He was also instrumental in shutting down the infamous Chicken Ranch, outside La Grange, to popular acclaim, outcry, and amusement.

In 1978, Hill ran for governor and defeated incumbent Dolph Briscoe in the Democratic primary. He narrowly lost the general election to Republican Bill Clements by two-tenths of one percent of the vote.

Back in private practice, Hill represented clients such as Ross Perot, for whom he won a large settlement from the Iranian government. But unable to stay out of Austin for long, he sought and won election for chief justice of the Texas Supreme Court in 1984. His proposal that judges be appointed rather than elected was opposed in both the judiciary and legislature, however, and he resigned in 1988 to focus on judicial reform. He was applauded in the press and provided an inside whistleblower's perspective to an episode of CBS's *60 Minutes* exposing Texas judges who accepted large contributions from legal firms and plaintiffs who appeared before their own courts.

Always considered a "lawyer's lawyer," Hill took time to teach his craft. This propensity transcended his role as official mentor to new associates at his firm to include people of all stripes and ages.

"Once he was arguing a case," recalled his son-in-law, Mike Perrin, '71, "and he took time out of a very busy day to meet with high school students from Dripping Springs to talk about being a lawyer. Education was very important to him."





Standing, left to right: Mike Perrin, '71, Melinda Hill Perrin, Lindy Hill, Martha Hill Jamison, '77, and Bruce Jamison. Seated: Graham Hill and Elizabeth "Bitsy" Hill.

To further his legacy, Hill's widow, Elizabeth "Bitsy" Hill, and their family—daughter Melinda Hill Perrin and her husband, Mike Perrin, '71; son Graham Hill (who graduated with a BA in 1971 and an MPA in 1973 from the University of Texas) and his wife, Lindy Hill; and daughter Martha Hill Jamison, '77, and her husband, Bruce Jamison, have chosen to make the current contribution to the Law School's Advocacy Center. (Two of Judge Hill's grandchildren are also UT Law graduates: Lindy and Graham Hill's daughter, Taylor Hill Bawcom, '05, and Martha Hill Jamison's daughter, Meredith Clark, '10.)

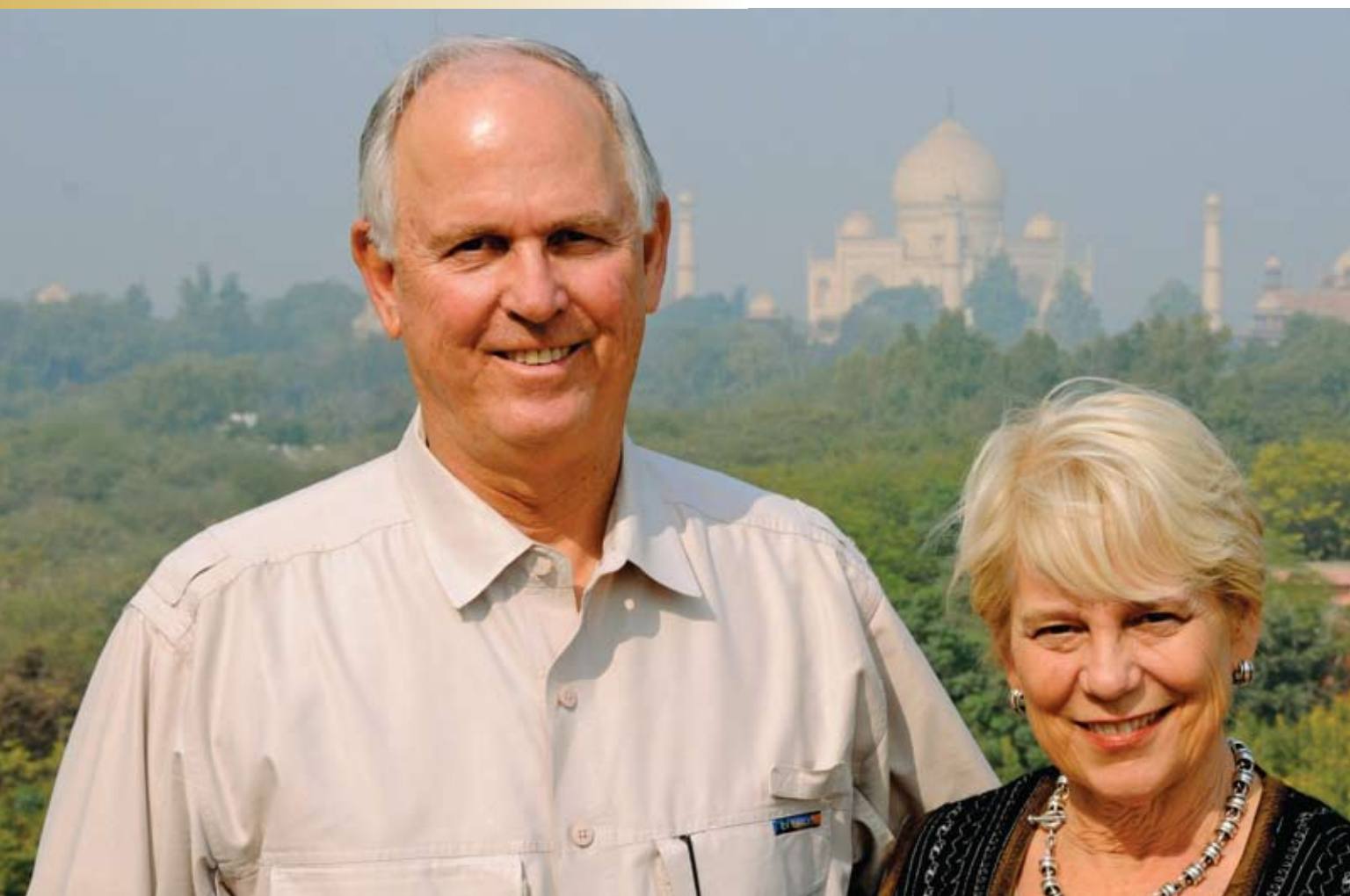
"The Hill family has given our students

the opportunity to master skills that very few law schools can offer," said Tracy McCormack, the Advocacy Center's director. "It is a tribute to Judge Hill—who was a legendary trial lawyer—to challenge students to expand their creativity in persuading the trier of fact. The courtroom will feature touch screens, separate flat-screen monitors for lawyers, judge, witnesses, and jury; and a judge's 'kill switch.' The courtroom reflects the sophisticated modern practice that the Hill children practice themselves."

In addition to the technological updates, the endowed professorship in trial advocacy will greatly enhance the Law School. "UT law has always been a leader

in advocacy and the establishment of a professorship cements a permanent commitment to teaching the essential skills necessary to be an effective trial lawyer."

John Hill was a common figure at the Law School for many years. He loved to visit classes, and professors and students remember him as challenging and insightful yet gentle with his critique, and full of East Texas charm. During his long, accomplished lifetime, hundreds of lawyers across Texas and the nation considered him a mentor. Now, through the generosity of his family, the Law School will continue his work and better prepare future litigators to practice in the increasingly digital world. ❁



Bill Whitehurst, '70, and his wife, Stephanie.

# BILL AND STEPHANIE WHITEHURST FUND SUMMER FELLOWSHIPS

*Six students received fellowships named  
after admired lawyers.*

PHOTO COURTESY BILL AND STEPHANIE WHITEHURST





**B**ILL WHITEHURST, '70, and his wife, Stephanie, recently announced that they will give the University of Texas School of Law \$125,000 over the next five years to fund the Whitehurst Public Interest Summer Fellowships program. The Law School's William Wayne Justice Center for Public Interest Law will administer the program.

Each summer, the Whitehursts will name the fellowships for lawyers they admire in hopes that the recipients will be inspired by the honorees' work in the public interest. In the program's inaugural summer, the Whitehursts have named the fellowships in honor of lawyers Chip Brees, Michelle Cheng, Tom Harkness, Eden Harrington, Mack Kidd, and Scott Ozmun.

"Bill and Stephanie Whitehurst are to public interest at UT Law what the

North Star once was to mariners at sea: one part inspiration and one part compass," said Law School Dean Larry Sager. "We have long tried to live up to their high expectations of us. This wonderful gift will bring us closer to meeting those expectations. We are very grateful."

The following six students have received funding from the Whitehurst Public Interest Summer Fellowships program this summer:

**Kristian Aguilar, '12**, received the Chip Brees Public Interest Law Fellowship to work with the Mexican American Legal Defense and Education Fund in San Antonio.

**Robert Brothers, '11**, received the Michelle Cheng Public Interest Law Fellowship to work with American Gateways in Austin.

**Jessica Cohen, '11**, received the Eden Harrington Public Interest Law Fellowship to work with the ACLU of Texas in Austin.

**Silvia Garcia, '11**, received the Tom Harkness Public Interest Law Fellowship to work with Texas RioGrande Legal Aid in San Antonio.

**Olga Goldberg, '12**, received the Mack Kidd Public Interest Law Fellowship to work with Opportunity Maine in Portland, Maine.

**George Vallas, '11**, received the Scott Ozmun Public Interest Law Fellowship to work with the Legal Aid Society's Bronx County Criminal Practice Office in the Bronx, New York.

The Whitehursts have a long history of service to the Law School and University of Texas at Austin. Bill Whitehurst, of Whitehurst, Harkness, Brees & Cheng PC, is past president of the State Bar of Texas and the Texas Trial Lawyers Association. He is the attorney advisor to UT Law's Texas Law Fellowships program, co-chair of the advisory council of the William Wayne Justice Center for Public Interest Law, and a member of the Campaign Leadership Council. Stephanie Whitehurst, a committed community volunteer and leader, has served as capital campaign chair for the University of Texas College of Pharmacy Financial Aid Committee and as an advisory board member for the Texas Center for Education Policy. ❀

## Beaumont Foundation of America honors UT Law alumnus Hubert Oxford III

THE TRUSTEES of the Beaumont Foundation of America—a foundation established by Wayne Reaud, a long-time and generous benefactor of the Law School—have donated \$1 million, to be matched by the Law School, in order to establish the Hubert Oxford III Endowed Scholarship. This endowed fund will provide in perpetuity two or three full tuition scholarships annually to deserving students.

Hubert Oxford III of Beaumont, Texas, is a 1963 graduate of the Law School, where he served as associate editor of the Texas Law Review. Since 1975, Oxford has served as managing partner of Benckenstein & Oxford, a Beaumont law firm founded in 1917. Oxford joined the firm in 1967, following service as a captain and judge advocate in the United States Air Force; as a clerk to the late Judge Joe J. Fisher, U.S. District Court for the Eastern District of Texas; and as an assistant district attorney for Jefferson County, Texas. Oxford's practice covers a broad range of fields, including admiralty and maritime law; litigation and appeals; environmental law; municipal corporations; personal injury; and toxic torts.

Oxford has been named in *Best Lawyers* and is a sustaining fellow of both the Texas Bar Foundation and the American Bar Association. He is listed in *Who's Who in the South and Southwest*, *Who's Who in American Law*, *Who's Who in Practicing Attorneys*, and *Who's Who in Finance & Industry*. ❀



# Class Notes



Left: Asleep at the Wheel. Right: Allison and Benny Hughes, '60.

The 2010 Reunion was a smashing success—UT Law grads kicked off the party Friday night with barbecue and dancing to hometown favorites Asleep at the Wheel.

The following day featured a series of presentations, including a keynote discussion on the current state of financial regulation reform by Henry Hu, the Alan Shivers Chair in the Law of Banking and Finance at UT Law. Hu is currently working with the Securities and Exchange Commission as the first director of the newly created Division of Risk, Strategy, and Financial Innovation. On Saturday evening, class years held individual class parties at different places around town.

Please join us for next year's Reunion weekend, April 16–17, 2011, which will feature another favorite Austin band, the Derailers. See you then!

## UT Law wishes to thank our Reunion sponsors:

### Platinum

Atlas & Hall LLP  
Bruce Broillet, Class of 1974

### Gold

Carlson Capital, LP  
ExxonMobil  
Haynes & Boone, LLP  
Locke Lord Bissell & Liddell LLP  
Susman Godfrey LLP

### Bronze

Justice Marilyn Aboussie, Class of 1974  
Justice Jane Bland, Class of 1990  
Citizens 1st Bank  
Fulbright & Jaworski LLP  
Sheryl Bolton Johnson-Todd,  
Class of 1970  
Travis Sales, Class of 1987

1962



**Thomas R. McDade**, of counsel at Beck, Redden & Secrest LLP was elected to membership in the American Board of Trial Advocates. Membership is extended by invitation only and recognizes an individual's high personal character, honorable reputation and proficiency as a trial lawyer. McDade was nominated by a current member and received an affirmative vote of 75 percent of his local chapter's membership.

**Harry Reasoner**, a partner at Vinson & Elkins, was honored by *American Lawyer* magazine with its prestigious Lifetime Achievement Award. Reasoner has practiced complex commercial and antitrust litigation at Vinson & Elkins for forty-five years.

1965



**David J. Beck**, partner at Beck, Redden & Secrest, LLP, has been elected vice chair of the Board of Trustees of the Center For American and International Law, headquartered in Dallas. Beck will eventually succeed the Honorable Patrick E. Higginbotham, judge on the Fifth Circuit Court of Appeals, as chair. The Center is a nonprofit institution dedicated to the continuing education of lawyers and law enforcement officials in the United States and throughout the world.

1968



**David Chappell**, attorney with Cantey Hanger LLP in Fort Worth, was elected chairman of the Board of Visitors of the McDonald Observatory. The term is two years. The McDonald Observatory campus is a component of the University of Texas at Austin's College of Natural Sciences but is located in the Davis Mountains, 450 miles west of Austin.



**Byron Egan**, a Jackson Walker LLP partner in the Dallas office, was selected to the *International Who's Who of Mergers and Acquisitions Lawyers*. He was also included in the corporate governance section of the 2009 edition and is the only Texan named to the mergers and acquisitions section in 2008.

1972

**Dallas Parker** joined the Houston office of Mayer Brown as a partner in the corporate and securities practice. Parker previously served at Thompson & Knight LLP, where he was managing partner of the firm's Houston office.

1973



**Bob Perkins** was elected presiding criminal judge of Travis County by his colleagues in September. He was also chosen to be the president-elect of the Texas District Judges Association. He has previously served in both positions. Perkins was first elected to be a justice of the peace in Travis County in 1974, then county court at law judge in 1980, and district judge in 1982.

1974



**Coyt Randal Johnston** of Johnston Tobey PC in Dallas was inducted into the International Academy of Trial Lawyers at their April 10, 2010, meeting in Phoenix, Arizona. The International Academy of Trial Lawyers limits membership to five hundred Fellows from the United States.

**Richard W. Meyer** of Austin has been elected chair of the board of the Texas Association of Nonprofit Organizations (TANO). TANO represents the interests of the state's nonprofit organization sector and is the state affiliate of the National Council of Nonprofits in Washington, D.C. Meyer also represents TANO and other state associations in public policy and legislative matters in Austin and Washington.



**Frank H. Sheffield Jr.** of Ward and Smith PA in New Bern, North Carolina has been named in *Best Lawyers in America* for the past ten years in the field of environmental law. He also was named one of North Carolina's Legal Elite by *Business North Carolina* and is listed in *North Carolina Super Lawyers*. He is a former chair of the environmental law section of the North Carolina Bar Association and served two terms as mayor of Hillsborough, North Carolina.

1978



**Talmage Boston**, a shareholder in the Dallas office of Winstead PC, received a presidential citation from the Dallas Bar Association. Boston was recognized for his work as chair of the State Bar of Texas's annual meeting held in Dallas that attracted over 2,300 lawyers and judges from all over the state. Boston represents business clients in commercial litigation, arbitration, and appeals. He has tried jury cases and argued appeals all over Texas in both state and federal courts and is the only lawyer in Texas who has earned the State Bar of Texas Presidential Citation Award every year since 2005. He currently serves as a member of the State Bar's board of directors. He is also a featured columnist for both the *Dallas Business Journal* and *Park Cities People* newspapers.

1980

**Jeff Leuschel**, a partner with McCall, Parkhurst & Horton LLP in Dallas, authored the chapter "Financing Water Projects" in the book *Essentials of Texas Water Resources*, a project of the environmental and natural resources law section of the State Bar of Texas. The book was published in November 2009 by Texas Bar Books.

**Terrie Livingston** of Fort Worth was appointed by Governor Rick Perry as chief justice of the Second Court of Appeals for a term to expire at the next general election. Livingston is a justice of the Second Court of Appeals, a position she has held for fifteen years. She is a member of the American Bar Association, the American Bar Association Appellate Conference of the judicial administration division, the American Judicature Society, and the State Bar of Texas.

1981



**Wade Cooper** was named managing partner of Jackson Walker. Cooper is a member of Jackson Walker's Management Committee and has served as the managing partner of its Austin office since 2006. Cooper currently chairs the Bee Cave District of the Capitol Area Council of Boy Scouts, and serves on the Capitol Area Council Board.

## Distinguished Alumnus Award for Community Service

MIKE A. MYERS



MIKE A. MYERS, '63, has been chairman of the board and owner of Myers Financial since 1969. He is also president of Myers Development Corporation, which develops residential communities in Texas and Missouri. He has also served as chairman of the board and CEO of Myers Bancshares, a Texas bank-holding company that operates six banks. Myers has served on the Board of Directors of NYSE, AMEX, and NASDAQ companies. He also has an extensive background in developing, operating, and owning country clubs, and held numerous positions in various organizations including the Dallas Assembly (past president); the Dallas Citizens Council; the Young Presidents Organization (past treasurer); the University of Texas at Austin Development Board, Chancellor's Council (chairman); the Foundation for Texas Excellence (cofounder); the Longhorn Education Foundation (past President); Commission 125 (in 1983 and 2005); the College of Business Administration Advisory Council; the Dallas Community College Foundation (chairman); the Parkland Hospital Foundation; and the Cotton Bowl Athletics Association. In 2008, Myers was inducted into the Texas Business Hall of Fame.

Established by the Alumni Association in 1988, this award honors a graduate who brings conspicuous credit to the legal profession by exemplary service. The award recognizes superior educators, outstanding lawyers in government service, or those who have had a significant role as community volunteers.

He also serves on the CAMPO Transit Working Group as well as the Board of Envision Central Texas.

**David K. Bernard** was inaugurated as the general superintendent of the United Pentecostal Church International, which has about thirty-thousand churches in 190 nations.

1984



**Steven R. Martens** was named the Austin *Best Lawyers* Real Estate Lawyer of the Year. *Best Lawyers*, the oldest peer-review publication in the legal profession, designates only one lawyer in each specialty in each community as a Lawyer of the Year. Martens is board certified by the Texas Board of Legal Specialization in Commercial Real Estate Law.

**Alfred Meyerson** was appointed office leader for Thompson & Knight in Houston. He serves as firm-wide practice leader of the real estate and banking practice group and has been with Thompson & Knight since 1984.



**David T. Moran** was named managing partner of Jackson Walker's Dallas office. As managing partner, Moran serves as a member of the firm's management committee and oversees the operations of the Dallas office. Moran maintains his litigation practice, where he has more than twenty-five years of experience in a wide variety of cases and disputes, much of it national in scope.



**Hal Ray** of Pope, Hardwicke, Christie, Schell, Kelly & Ray LLP in Fort Worth was elected to membership in the American Law Institute.

Dallas Area Rapid Transit general counsel **Hyattye Simmons** received the 2009 Texas General Counsel Forum's Magna Stella Award for excellence in leadership and management for a nonprofit or government agency. Magna Stella Award winners are selected by an independent panel of judges representing current and retired general counsels from both the private and public



sectors. Simmons accepted the award during the Forum's Eleventh Annual Conference of General Counsel and was one of ten award recipients chosen from twenty-five finalists in ten categories.

**Renee Harris Toliver** was selected as a U.S. magistrate judge for the Northern District of Texas. Toliver is the first African-American magistrate judge for the Northern District and the second African-American on the Northern District federal bench. Toliver was an assistant U.S. attorney in the Fort Worth Division of the U.S. Attorney's Office. She interviewed with a merit-selection panel composed of lawyers and other citizens to become one of five finalists interviewed by the district judges. She was appointed to the bench for an eight-year term and will be eligible for reappointment.

1985



**Jennifer Youpa** has been named office managing shareholder of the Dallas office of Littler Mendelson. Youpa joined the firm in 1994. Her practice includes litigation on behalf of management in connection with all types of employment disputes, including claims based upon Title VII, ADEA, ADA, FMLA, and numerous state statutes. She advises and counsels employers on reductions in force, employment policies and procedures, and employee training, including unlawful harassment. She has given numerous presentations and speeches on a variety of employment-related topics, including discrimination and litigation avoidance.

1986



**Richard Alpert**, an assistant criminal district attorney with the Tarrant County District Attorney's Office, was named the 2009 Prosecutor of the Year by the Criminal Justice Section of the State Bar of Texas.



**Donald P. Lawless**, an attorney with Barnes & Thornburg LLP in the firm's Michigan office, began his third term as board chair of The Rapid, the six-city Grand Rapids-area transportation partnership. In

## Honorary Order of the Coif

**GARY R. GURWITZ**



**GARY R. GURWITZ**, '59, is the managing partner of Atlas & Hall LLP in McAllen. He has over forty years of litigation experience representing corporations, banks, insurance companies, medical professionals, and individuals in cases involving a wide variety of legal issues, including commercial and business law, trusts, class actions, toxic tort, medical and legal malpractice, product liability, and personal injury.

Gurwitz received his BBA from the University of Texas at Austin in 1958 and his JD with honors from the University of Texas School of Law in 1959, where he was associate editor of the *Texas Law Review*. He was admitted to the Texas bar in 1959 and is also admitted to practice in the U.S. District Courts for the Southern, Northern, Eastern, and Western Districts of Texas; the U.S. Court of Appeals, Fifth Circuit; the United States Supreme Court; and the Supreme Court of Texas.

In addition to his professional activities, Gary is active in numerous community affairs. He has served on the Board of Trustees for the South Texas Community College from 1993 to the present and is a former chairman of the Board of Trustees. He also is vice chairman of the University of Texas-Pan American School of Business Administration Business Advisory Council and a member of the Board of Directors of the Vannie E. Cook Jr. Cancer Foundation. He was the recipient of the American Heart Association, Upper Valley Division, Heart of Gold Award in 1993 and the Muscular Dystrophy Association Humanitarian of the Year Award in 2004.

The Honorary Order of the Coif is chosen and presented by the Dean, acknowledging an alumnus of exceptional merit and extraordinary achievement in his or her career.

## Outstanding Alumnus Award

THE HONORABLE DIANE P. WOOD



THE HONORABLE DIANE P. WOOD, '75, was appointed to the Court of Appeals for the Seventh Circuit by President William J. Clinton on June 30, 1995. Judge Wood was born in Plainfield, New Jersey, on July 4, 1950. She lived in Westfield, New Jersey, until the age of sixteen, when she moved to Houston, Texas. She attended the University of Texas at Austin, receiving her BA with highest honors and special honors in English in 1971, and the Law School, receiving her JD with high honors in 1975. Following her graduation from the Law School, Wood clerked for Judge Irving Goldberg of the U.S. Court of Appeals for the Fifth Circuit and for Justice Harry A. Blackmun of the United States Supreme Court. After a brief period at the Office of the Legal Adviser of the U.S. State Department, she was an associate at Covington & Burling LLP from 1978 to 1980, where she had a wide ranging litigation practice with particular emphasis on antitrust. From 1980 to 1981, she taught as an assistant professor at the Georgetown University Law Center. In 1981, she was appointed to the University of Chicago Law School faculty, where she served as associate dean from 1989 through 1992. In 1990, she was named to the Harold J. and Marion F. Green Chair in International Legal Studies, becoming the first woman at the University of Chicago Law School to be honored with a named chair. Immediately prior to joining the Court, Wood was deputy assistant attorney general in the Antitrust Division of the U.S. Department of Justice from September 1993 through July 1995, where she was responsible for appellate matters, legal policy, and international enforcement.

The Outstanding Alumnus Award honors a graduate who has made outstanding contributions not only to the legal profession, but to society as a whole.

addition, Lawless began a three-year term as chair of the East Grand Rapids Planning Commission, the advisory board to the City Commission. Prior to this appointment, Lawless served as second ward commissioner for the City from 1997-2005. Lawless focuses his practice in labor and employment law, including labor contract negotiation and administration and civil rights matters. He counsels higher education institutions on various labor, employment and student related issues. He was listed in *Best Lawyers in America* in 2010.



### J. Christopher "Chris" Luna

was named to Parkland Health & Hospital System's Board of Managers after being unanimously confirmed by the Dallas County Commissioners Court. Luna is the staff vice president and assistant general counsel at MetroPCS Communications Inc., where he is responsible for commercial litigation, business transactions and labor and employment issues. He currently serves on the board of directors of the Dallas Zoological Society, the Shared Housing Center, the Richardson Chamber of Commerce and Friends of Fair Park. He maintains memberships in the State Bar of Texas, the Dallas Bar Association and the Dallas Hispanic Bar Association. He is a past president of The Dallas Assembly and a graduate of Leadership Richardson.



### Roger L. Mandel, formerly of Stanley, Mandel & Iola, formed a new firm, Beckham & Mandel.

Mandel has been lead counsel and liaison counsel in class action cases across the country. Mandel's efforts have recovered hundreds of millions of dollars for injured consumers. He successfully tried one of the only two class actions known to have been tried to a jury verdict in the Texas state courts. He is a frequent author and lecturer on class action topics. He has been named a *Texas Super Lawyer* in the class action/mass torts category since the inception of the ratings in 2003.

**Cynthia A. Moore** was appointed practice department manager of Dickinson Wright. Based in the firm's Bloomfield Hills, Michigan, office, Moore is responsible for the firm's tax, estate planning, employee benefits,

health care, immigration, gaming, and Indian law practice areas. Moore is counsel to a diverse group of employers in the tax and ERISA aspects of welfare benefit plans, and is counsel to numerous plan sponsors in the design, administration and qualification of qualified retirement plans, with an emphasis on 401(k) plans. She is a national expert on fringe benefit plans, including dependent care assistance programs and educational assistance programs, and she has substantial experience in counseling clients on compliance with HIPAA privacy rules.

1987

**Andrew J. "Drew" Cloutier** was sworn in as 2010 secretary-treasurer of the Board of Bar Commissioners, the governing board of the New Mexico State Bar. He is a review officer for the disciplinary board and was a member of the rules of civil procedure committee and director of the bankruptcy law section. Cloutier is a partner in the Roswell office of Hinkle, Hensley, Shanor & Martin LLP. He has practiced primarily in the areas of oil and gas, commercial, and complex litigation. He serves as president of the Sidney Gutierrez Middle School Foundation and sits on the executive board of the Conquistador Boy Scouts Council. He is scoutmaster of Boy Scout Troop 149 and teaches ninth-grade religious education at his church.



**Thomas J. Forestier** is the new managing shareholder of Winstead PC's Houston Office. He is a member of Winstead's commercial litigation and energy and environmental law practice groups; he also chairs the firm's diversity committee. A long time board member of the Hispanic Bar Association of Houston, Forestier invests a great deal of energy and passion into Winstead's diversity program. In the past year, he has also led the lateral recruiting efforts in Winstead's Houston Office, which resulted in the firm hiring several established and reputable lawyers in finance and commercial litigation. A frequent speaker who serves on the boards of various charities in the Houston region, Forestier just completed his third year on the steering committee for the Texas Minority Counsel Program, an organization focused

on increasing opportunities for minority and women attorneys in Texas. He is the immediate past chairperson of the Executive Board of Northwest Assistance Ministries and the current general counsel to the Houston Golf Association. He plans to maintain his active litigation docket.



**George Lee and Evan Stone, '97**, formed Lee & Stone LLP in Dallas. The firm will specialize in the representation of investment advisers to hedge funds, venture capital funds, private equity funds and family offices. Since graduating from the UT Law, Lee has worked at Baker Botts in Houston, Akin Gump Strauss Hauer & Feld in Dallas, and Dewey & LeBoeuf in New York. Most

## Lifetime Achievement Award

**MARK L. HART JR.**

**MARK L. HART JR., '68**, is a founder of Kelly Hart & Hallman, its former managing director, and past head of the Corporate and Securities practice group. He earned a bachelor's degree in business administration at the University of Texas at Austin and subsequently graduated with honors from the Law School, where he served as associate editor of the *Texas Law Review*. Hart has over thirty-eight years of experience in corporate and securities law, handling mergers, acquisitions, dispositions, leveraged acquisitions and recapitalization, securities offerings, financings and joint ventures, partnerships, and similar matters. He has worked on behalf of clients from a broad range of industries, as well as from nonprofit organizations.



In addition to his professional career, Hart's civic involvement has included board and chairman positions for Fort Worth Country Day School, the American Cancer Society, and the Fort Worth Museum of Science and History. He also has served on the Board of the University of Texas Law School Foundation. Since 1989, Hart has been listed continuously in the publication *The Best Lawyers in America* under the corporate practice category. In 2001, the Law School announced the Mark L. Hart Jr. Endowed Chair in Corporate and Securities Law.

This award honors an alumnus who has had a distinguished legal career and who has brought honor to the University of Texas School of Law through his or her service to the legal profession and to society. With this award, the Law Alumni Association recognizes that alumnus who epitomizes the highest goals and traditions of the profession: diligence, discernment, integrity, and a commitment to the betterment of our civic life.



## William Peterson, '08, to be Supreme Court Clerk for Justice Clarence Thomas



WILLIAM PETERSON, '08, has accepted an appointment to serve as a clerk for U.S. Supreme Court Justice Clarence Thomas during the Court's 2010–2011 term.

After he graduated in 2008, Peterson worked as a clerk for Chief Judge Edith Jones, '74, of the Fifth Circuit Court of Appeals. In 2009, he joined Beck, Redden & Secrest LLP in Houston, a litigation boutique that specializes in civil trials and appeals. He said the work in both a court and in private practice had helped prepare him for a job at the nation's highest court. "Clerking for Chief Judge Jones was an educational and rewarding experience. I particularly valued the opportunities to discuss cases with the Judge and to learn how she approaches the law," he said. "Working at Beck, Redden & Secrest provided an additional perspective, revealing how these sometime-abstract rules of law affect the attorneys who

advise clients, try cases, and handle the appeals. As a young associate, I saw all sides of litigation and received significant responsibilities, including arguing before the Fourteenth Court of Appeals." As interesting as such work is, clerking at the Supreme Court is not an opportunity to let pass by. "Just being invited to interview with Justice Thomas was an honor, and I was overwhelmed when I received the phone call offering me the clerkship. Of course I accepted as quickly as I could."

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Peterson will begin clerking for Justice Thomas as another UT Law alumnus, Scott Keller, '07, finishes a clerkship for Justice Anthony Kennedy, illustrating the high quality of Law School graduates, and the strength of its educational program. "Certainly nothing in my career would have been possible without the education I received from UT Law," Peterson said. "The most important part was developing a love of the law. My professors truly cared about the subjects they taught and worked to share this passion with their students."

Peterson said he expects to return to private practice after the clerkship.

While at the Law School, Peterson participated in the Supreme Court Clinic, served as an articles editor for the *Texas Law Review*, and was inducted into the Chancellors as Keeper of the Peregrinus. In addition to his JD from the Law School, Peterson holds a BS in engineering and applied sciences from the California Institute of Technology.

recently, Lee was general counsel to Greenway Capital, a Dallas-based hedge fund.



**Russ R. Stolle** was named senior vice president and deputy general counsel of Huntsman Corporation in The Woodlands. He most recently served as the company's senior vice president for public affairs.

## 1988



**Mark Freeze** was named of counsel at Steptoe & Johnson LLP. Freeze, formerly special counsel, is based in the firm's Phoenix, Arizona, office. Freeze's practice encompasses environmental, toxic tort, and complex civil litigation; environmental enforcement defense; and environmental counseling. Freeze contributes to Steptoe's *Environmental Newsflash* and co-authored a chapter entitled "Electronic Data Security and Data Security Breaches" for *The Intellectual Property Deskbook for the Business Lawyer*, a bestseller among American Bar Association publications. He has served as a visiting instructor at Arizona State University's College of Engineering and Applied Sciences and as an instructor at numerous seminars on environmental laws and government institutes.



**Jay Rutherford**, a Jackson Walker LLP partner in the firm's Fort Worth office, was named a "Top Attorney" by *Fort Worth, Texas* magazine. He was also chosen as a 2010 BTI Client Service All Star, an elite group of 165 attorneys recognized as delivering the absolute best in client service. Attorneys named to the list are nominated solely and exclusively by clients in BTI Consulting Group's independent study.

## 1989



**Alistair B. Dawson**, a partner at Beck, Redden & Secrest LLP in Houston, was elected to membership in the American Board of Trial Advocates. Dawson was nominated by a current member and received an affirmative vote of 75 percent of his local chapter's membership. Dawson has practiced almost every

aspect of business and commercial litigation, ranging from antitrust claims and class action suits to oil and gas disputes. A partner with his firm since 1998, he has represented a variety of clients in many circumstances ranging from medium-sized cases to large complex cases involving multiple parties and hundreds of millions of dollars.

Dawson is a member of the Texas Supreme Court Advisory Committee; the Texas Association of Defense Counsel; the International Association of Defense Counsel; the American Bar Association's Business Litigation and Corporate Counsel Committee; and the State Bar Litigation Council, having served as chair from 2007-2008. He is on the board

## And the winner is... the Class of 1960!



Left to right, Class of 1960 committee members Buck Chapoton, Jim Sales, and Benny Hughes

THIS YEAR'S REUNION classes engaged in a competition to determine which class could achieve the highest level of participation in giving to the Law School's Annual Fund. While all ten participating classes did well, the Class of 1960—Reunion 2010's Fiftieth Anniversary Class—surpassed all others with a participation rate of 28 percent. Dean Larry Sager feted the Class of 1960 reunion co-chairs and planning committee at a VIP reception that preceded the Reunion Kickoff party.

The class competition was decided at Reunion in April, but it's never too late to give to the Annual Fund (this fiscal year comes to an end on August 31). Alumni support of the Annual Fund has long been an important source of funding for the Law School, and no more so than now, with diminished public funding and looming budget cuts. If you haven't yet contributed to the Annual Fund—or if you're able to make an additional donation this year—please consider supporting this vitally-important program that benefits nearly every aspect of life and learning at your law school. You can learn more about the Annual Fund and make an online donation by visiting the UT Law Alumni Association's website at [www.utexas.edu/law/depts/alumni](http://www.utexas.edu/law/depts/alumni).

of directors of the Houston Bar Association and chaired their antitrust section. From 1998 to 2002 he was on the State Bar Litigation Section Committee on Jury Selection. He is on the State Bar of Texas's CLE Committee and is a fellow with both the Texas Bar Foundation and the Houston Bar Foundation.



**Michael Jewell**, who has been involved in Texas government and public policy for more than twenty-five years, was named to a new government affairs counsel position with the Haynes and Boone, LLP Austin office. Prior to joining Haynes and Boone, Jewell served Reliant Energy and RRI Energy as a director of Texas government and regulatory affairs. Before that, he served as Direct Energy's vice president of Texas government affairs, held posts with AT&T, and served in the administration of Governor George W. Bush as a liaison to the Texas legislature on issues relating to public utilities, administrative law, tort reform, natural resources, and criminal justice.

**David A. Wood** was named of counsel with Shackelford, Melton & McKinley LLP in Dallas. He has an extensive background representing corporate clients, investment firms, and entrepreneurs in transactions including private placements; public offer-

ings; mergers and acquisitions; corporate governance; and federal and state securities law compliance. Wood has served clients in the technology; energy; finance; private equity; food marketing and distribution; entertainment; health care; and medical device industries.

## 1990

**Stephen Crain** was elected to a three-year term on the seven-person management committee of Bracewell & Giuliani. Crain is a partner in the trial section of the firm's Houston office.

## 1991

**Vianei Lopez Robinson** relocated to Houston and joined the partnership of Buck, Keenan, Gage, Little & Lindley LLP. She continues to represent private and public entities in labor and employment and commercial law matters.

## 1992



**Donna Garcia Davidson**, recently of counsel at Potts & Reilly LLP, has established her own practice with an emphasis on state government ethics and election

law matters. Davidson has been a speaker at various Republican gatherings of prospective candidates and currently has several members of the Texas Legislature as clients. As the former general counsel to the Republican Party of Texas, former general counsel to Lieutenant Governor Rick Perry, and former assistant general counsel and ethics advisor to then-Governor George W. Bush, Davidson has practiced in this area since graduating from the Law School.

## 1994

**James E. McCutcheon** was elected partner at Jackson Walker LLP Based in San Antonio, he is a partner in the tax practice group. He represents clients in virtually all aspects of federal taxation, with emphasis on partnership, corporate, and generational wealth planning. McCutcheon returned home to San Antonio after practicing with Jackson Walker's corporate tax group in Dallas. Prior to that, McCutcheon was a tax and estate planning partner with a Seattle-area firm.

## 1995

**Todd Sellars** was named Dallas County Civil Prosecutor of the Year for 2009 by District Attorney Craig Watkins. Sellars has been a Dallas assistant district attorney for the past six years.

## 1996



**Dr. Nathan "Nate" A. Adams IV** was named partner in Holland & Knight LLP's litigation practice group. Adams practices in the firm's Tallahassee, Florida, office and focuses on appellate and general litigation with special emphasis on religious and educational institutions.



Fulbright & Jaworski LLP senior counsel **George W. Jordan III** was elected to the Board of Directors of the American Intellectual Property Law Education Foundation, a nonprofit organization that promotes diversity in the intellectual property bar by providing mentoring and scholarships to minority law students and recent law graduates. Jordan's practice focuses on patent



Reunion 2010: Anuj Dharia, '09, and his wife, Sapna.





Reunion 2010: Bonnie James and Mark Pulliam, '80.

enforcement and defense primarily in the fields of telecommunications, information technology and semiconductors. His patent litigation and licensing experience has encompassed a wide range of electrical art technologies including software, computers, cellular phones, modems, televisions, game consoles, and memory devices.

**Michael Keane** is a professor at the University of Southern California and recently returned from ten days at the International Security Assistance Force headquarters in Kabul, Afghanistan, where he interviewed General David Petraeus, General Stanley McChrystal, Ambassador Francis Ricciar-done, and others for an upcoming book on the war.



**Buena Vista Lyons**, an attorney in Ford & Harrison's Dallas office, was named partner. Vista Lyons represents employers in multi-state employment litigation matters. Her litigation experience includes defending employers against state and federal employment-related claims under Title VII, TCHRA, ADEA, FMLA and ADA; FLSA collective actions; retaliatory discharges; and breach of employment contracts and non-compete agreements. She also counsels management on multi-state, federal and international employment practice issues; prepares and

reviews anti-harassment and FMLA/ADA training programs for managers and employees; reviews personnel handbooks, policies and procedures; and prepares reduction-in-force plans and severance/retention plans. She also analyzes federal and multi-state wage and hour matters.

**William Prescott Mills Schwind** of Thompson & Knight was included in the 2010 Chambers Global "Leaders in Their Field" legal directory. Schwind was recognized in the Projects category for the Latin America-wide and United States regions. He is a partner in the international energy practice group in Thompson & Knight's Houston office and focuses his practice on international energy and natural resources, with a particular emphasis on upstream, midstream, and downstream oil and gas transactions. Schwind advises clients around the globe—particularly in Latin America and Africa—on oil and gas exploration and production projects. He works on foreign and domestic acquisitions and divestitures of oil and gas producing properties and infrastructure; negotiates oil and gas transportation and processing arrangements; and structures crude oil processing agreements for petrochemical facilities. Fluent in Spanish, Portuguese, and French, he previously practiced law in Brazil and studied at the Faculdade de Direito da Universidade de São Paulo.

**Frank Wu** was recognized as a Texas Rising Star by *Super Lawyers*.



Reunion 2010: Adele, Nancy, Mark, '68, and Mary Hart.

## Class Notes

### 1997

**Scarlett Collings**, an associate at Weil, Gotshal & Manges LLP, was named a 2010 Texas Rising Star. She lives in Houston.

### 1998



After over a decade of dreaming about melding their practices, **Amy Carter** and Heather Kubiak launched Kubiak & Carter PLLC in Houston. Carter and Kubiak met each other on their first day at UT Law in 1995. Upon graduation, Carter immediately began representing plaintiffs in mass torts and complex litigation. Kubiak went to work for a "lawyer mega-firm," where she represented large companies in their commercial litigation.



**Kelly Dybala**, a partner at the Dallas office of Weil, Gotshal & Manges LLP, was named a 2010 Texas Rising Star.

### 1999



**Yolanda Garcia**, a partner at the Dallas office of Weil, Gotshal & Manges LLP, was named a 2010 Texas Rising Star.



Reunion 2010: Jim Derrick, '70, University of Texas at Austin President William Powers, Kim Heilbrun, '81, and Del Williams, '85.

**Aisha Nawaz Hagen** was named a Texas Rising Star by *Super Lawyers*. Hagen was formerly with Winstead PC in Austin and now is in-house counsel with Pedernales Electric Cooperative Inc. of Johnson City, Texas.



**Shawn Raymond**, a partner at Susman Godfrey LLP, has received the 2009 Woodrow B. Seals Outstanding Young Lawyer Award. Named in honor of a well-known

federal judge, this award is given annually to one Houston attorney under the age of 38 who best represents professional excellence and service to clients, the community, and the Bar.



**Geoff Schultz** was elected partner at Porter & Hedges in Houston. Schultz's tax practice includes all aspects of corporate and partnership taxation, reorganizations, joint ventures, business acquisitions and dispositions, entity formations and restructurings, financings, and management incentive planning.

### 2000

**Scott Paul Drake** was elevated to partner at Fulbright & Jaworski LLP. He is based in Dallas and is a commercial litigator who represents national and international companies in a broad range of business litigation matters. He primarily focuses on prosecuting and defending claims in complex business disputes in a variety of industries, including healthcare and securities. Having appeared in state, federal, and bankruptcy courts across the country, Drake represents a geographically diverse set of clients.



Reunion 2010: Larry D. Salmon, '80, and his wife, Tracie.





**Doug McClellan**, a partner at Weil, Gotshal & Manges LLP, was named a 2010 Texas Rising Star. He is based in Houston.

**Carlos Rainer**, based in Fulbright & Jaworski LLP's Houston office, was named partner. He concentrates on complex commercial, business and corporate litigation matters. Rainer often advises senior management and officers and directors of Fortune 500 companies on matters pertaining to antitrust and competition law, securities litigation, corporate governance and compliance, and internal investigations in response to government enforcement actions, subpoenas, and requests for information. He has extensive litigation experience in state and federal court, and represents clients in matters before the Securities and Exchange Commission, the Department of Justice, the Department of Commerce, and various Texas state enforcement agencies.



**Basil Umari** joined McKool Smith's bankruptcy practice in Houston as a principal after previously practicing with Andrews Kurth. Umari represents debtors, creditor committees, secured and unsecured creditors, and other parties in virtually every type of bankruptcy proceeding. He has represented clients from a variety of industries, including banks, oil and gas producers, healthcare entities, and ship manufacturers.

## 2001



**Matthew W. Allan** earned a PhD in political science from Texas A&M University in December of 2009. His dissertation, "The Legal-Military Dilemma in the Response to International Terrorism," is available online via Google.



**Lorin Combs** from the Dallas office of Winstead PC was recognized as a Texas Rising Star by *Super Lawyer* and was featured in the April issue of *Texas Monthly*. Combs is a member of Winstead's real estate practice group.



**Adam S. Connatser** was elected to partner at Patton Boggs LLP. Based in the firm's Dallas office, Connatser advises clients on how to negotiate, document, and close business transactions, ranging from formations and financing to combinations and restructuring. He also has experience in representing investors, including equity investors, mezzanine funds, small business investment companies and senior lenders.



**Laird M. Doran** was elected to the partnership of Baker & Hostetler LLP. Based in Houston, Doran is a member of the litigation group and concentrates his practice in technology, franchise and trade-related litigation.



**Laurie Gallun Fitzgerald** was named principal at McKool Smith. She practices in the firm's Austin office. A former federal district court clerk, Fitzgerald represents clients in intellectual property and complex commercial litigation matters.

**Laura Grabouski** became a partner in Van Osselaer & Buchanan LLP. Grabouski is a trial lawyer, with her primary focus on complex

insurance and commercial litigation. She was also named a Texas Rising Star by *Texas Monthly*.

**Melissa Prentice Lorber** was named a Texas Rising Star by *Super Lawyers*.

## 2002



**Jordan B. Edwards** was promoted to shareholder at Gable-Gotwals in Tulsa. He practiced at Milbank, Tweed, Hadley & McCloy LLP in New York before joining Gable-Gotwals in 2006. Edwards's practice areas include banking and financial regulation, bankruptcy, workouts and creditor's rights, commercial law, corporate and business organizations, mergers and acquisitions, securities/corporate finance and wind energy.



**Brian Harris** of Jackson Walker LLP was selected as Texas Rising Star by *Super Lawyers*.



**Bernard J. Kearney III** of Quarles & Brady LLP's Milwaukee, Wisconsin, office was named a Rising Star by *Wisconsin Super Lawyers* magazine.



Reunion 2010: Gary Gurwitz, '59, and his wife, Bailey.





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**John R. Lane** was elevated to principal at Fish & Richardson. Lane will continue to focus his practice in the firm's litigation group on a wide variety of technology areas including pharmaceuticals, medical devices, software, hardware, consumer electronics, and computer telephony.



**Peter Loh** was elected partner in Gardere Wynne Sewell LLP. His practice is focused on complex commercial litigation representing corporations and other businesses principally in the areas of intellectual property (cybersquatting, copyright, and trademark), computer technology disputes, trade secret misappropriation, products liability, and class actions.

## 2003



**Noelle C. Berryman** was named counsel at Wilmer Cutler Pickering Hale and Dorr LLP. She is based in London.

**J. Mitchell Little**, a commercial and securities litigator for the firm Scheef & Stone LLP, was named a 2010 Texas Rising Star by *Super Lawyers*.



**Chris Lopez**, a Houston-based associate at Weil, Gotshal & Manges LLP, was named a 2010 Texas Rising Star by *Super Lawyers*.



**Michael Johnson** joined Armbrust & Brown LLP. Johnson's practice focuses on domestic and international estate planning and trust and estate administration.



**Korb W. Maxwell** was promoted from associate to shareholder at Polsinelli Shughart PC in Overland Park, Kansas. His real estate practice focuses on developers and their projects, including zoning and land use.

## 2004

**Robert Henneke** was appointed Kerr County Attorney, pending his election to fill the unexpired term in November. Henneke won the March 2010 Republican primary and will be unopposed in the general election. Henneke has closed his private law practice in Kerrville.

**Amanda Tyler** joined the principal office of Baron & Budd PC in Dallas. She is an associate in the firm's appellate section.

## 2005



**Will Giraud** accepted the positions of vice president, general counsel, and corporate secretary for Concho Resources, a public oil and gas company. Giraud, his wife Abbie (also class of 2005) and their son Charlie, fifteen months, moved from Houston to Midland, where Concho is based.

**Dana Lipp** was recognized as a Texas Rising Star by *Super Lawyers*.



**Kelly McDonald** joined the Dallas office of Weil, Gotshal and Manges LLP in the business finance and restructuring practice.

## 2007



**Charlie Chen**, an associate in the Dallas office of Weil, Gotshal & Manges LLP, has been appointed to the board of directors for Friends of the Katy Trail, a nonprofit created to raise money for the design, construction, maintenance, and security of the Katy Trail, a linear park set among thirty acres of urban forest in the densest part of Dallas. Chen is a member of the business finance and restructuring practice at Weil Gotshal. He also serves on the board of trustees for ChildCareGroup and is a board member of the City of Dallas Automated Red Light Traffic Enforcement Commission.

## 2008

**Cleve Burke** joined Thompson & Knight LLP's trial practice group as an associate. Prior to joining Thompson & Knight, he completed a judicial clerkship with the Fifth Circuit Court of Appeals in 2009.

**Carla C. Crapster** joined Thompson & Knight LLP as an associate in the tax practice group. Prior to joining the firm, she

served as a law clerk for the Honorable A. Joe Fish in the U.S. District Court for the Northern District of Texas in 2008–2009.

**John A. Hay III**, along with lifelong friends, formed Hay Compere PLLC, a new firm specializing in real estate, construction, business legal services, and litigation. The firm is also a fee office for a national title company. Hay

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also raises funds to aid individuals battling blood cancers; he was a finalist for the Central Texas Chapter of the Leukemia and Lymphoma Society's Man of the Year Award.

**Scott A. Kitner** joined Thompson & Knight LLP as an associate in their trial practice group. Prior to joining Thompson & Knight, he served as a law clerk for the Honorable David M. Medina in the Texas Supreme Court in 2008-2009 and completed a judicial internship for the Honorable Barbara M.G. Lynn in the U.S. District Court for the Northern District of Texas in 2006.



**Lisa Miller** of Jackson Walker in San Antonio was named a Rising Star by *Scene in S.A.* magazine.



**Clark Smith** became an associate at Beck, Redden & Secrest, LLP in Houston after serving as a judicial clerk for Justice Allison H. Eid of the Colorado Supreme Court.

## 2009

**Deanna Caldwell** joined the Dallas Office of Winstead PC as an associate in the commercial litigation practice group.

**Courtney A. Davis** has joined Brownstein Hyatt Farber Schreck as an associate in its natural resources department. She works in the firm's Santa Barbara office. Davis has experience working with developers and homebuilders on development agreements and land value appraisals. She has worked with public agencies to establish and administer reimbursement agreements for municipal services infrastructure.

**Anna Kana** joined the Dallas office of Winstead PC as an associate in the firm's public and regulatory law practice group.

**Jessica S. Morrison** joined Thompson & Knight LLP as an associate in the tax practice group.

**Randy Sawyer** joined Thompson & Knight LLP as an associate in the firm's real estate and banking practice group. Prior to joining Thompson & Knight, he completed a judicial internship for the Honorable Francis Stacy in the U.S. District Court for the Southern District of Texas in 2007.

**Tobin Swope** joined the Dallas office of Winstead PC in the real estate development practice group.

**David Van Buskirk** joined Leydig, Voit & Mayer Ltd., a Chicago-based intellectual property law firm, as an associate. Van Buskirk worked for several years in the biotechnology industry. His experience includes the performance of quality control assays on biological drug products, the synthesis of custom oligonucleotides, and the administration of an extensive library of chemical compounds. He was a summer associate with the firm in 2008.

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# In Memoriam

**Jenkins Garrett, '37**, died on January 28, 2010.

**The Honorable R.C. Vaughan, '38**, died on March 16, 2010.

**Ward R. Burke, '39**, died on May 6, 2010.

**Bardwell D. Odum, '40**, died on May 20, 2010.

**John A. Coselli, '41**, died on January 9, 2010.

**James W. Lee, '41**, died on February 25, 2010.

**Carl W. Jones, '45**, died on March 27, 2010.

**Billy B. Barber, '47**, died on March 25, 2010.

**Austen H. Furse, '48**, died on February 16, 2010.

**Edward D. Vickery, '48**, died on April 29, 2010.

**Joel B. Coolidge, '49**, died on March 12, 2010.

**Norman W. Eckhardt, '50**, died on May 23, 2010.

**George Alexander McAlmon Jr., '50**, died March 23, 2010. The El Paso native studied at Princeton before coming to the Law School, then went back home to use his law degree to fight against discrimination, for the rights of wage earners, and to stop violations of human rights.

**J. Harris Morgan, '50**, died on February 22, 2010.

**Allan M. Trankley, '50**, died in February 2010.

**The Honorable John Wildenthal, '50**, died on February 12, 2010.

**J.J. Bowden, '51**, died on February 18, 2010.

**William N. Lampe, '51**, died on January 30, 2010.

**Howard A. Trammell, '51**, died on February 9, 2010.

**Charles B. Parker, '52**, died on April 25, 2010.

**Joe H. Harris, '53**, died on April 27, 2010.

**Hank Gilliam, '55**, died on January 25, 2010.

**James M. O'Leary, '55**, died on January 8, 2010.

**James Cecil Tinkler, '55**, died on March 19, 2010.

**Jack T. Akin, '56**, died on May 10, 2010.

**Ira M. Goodrich, '56**, died on May 3, 2010.

**Harry A. Nass Jr., '56**, died January 11, 2010. He practiced law for more than fifty years in San Antonio. Initially a prosecutor, Nass was one of the city's major defense attorneys, representing murderers and drug

dealers as well as judges and firefighters.

Nass, who carried a copy of the U.S. Constitution inside his jacket, would say he mostly defended the Constitution and his clients' right to equal protection under the law—nothing more than that but nothing less, either.

Nass had many accomplishments, chief among them arguing a discrimination case before the Supreme Court in the 1970s in defense of Hispanic truckers. He treasured a certificate from the court.

Nass also argued many cases before the 5th Circuit U.S. Court of Appeals in New Orleans and the Texas Court of Criminal Appeals. In the 1980s, Nass defended firefighters and police officers who sued the city of San Antonio for back pay. His most famous case was defending Federico Gomez Carrasco, the former boss of a drug-running operation in South Texas, who took eleven prison workers and four inmates hostage in the prison library at Huntsville.

**Billy Joe Rountree, '56**, died on January 2, 2010.

**George G. Clifton, '57**, died on January 22, 2010.

**Landon J. Lockett III, '57**, died on April 3, 2010.

**Taylor Nichols Jr., '58**, died on May 2, 2010.

**Charles B. Swanner, '58**, died on May 3, 2010.

**Elwin Lomax "Max" Hamilton, '59**, died February 19, 2010, in Cedar Park. Hamilton was born on March 18, 1934, in Lubbock. His father Elwin Louis Hamilton and Mildred

## In Memoriam

Hunt preceded Max in death. He is survived by his wife, Agnes Gonzalez-Hamilton; his brother, Bill Hamilton of California; daughters Lauren Levy and her husband Dr. Mark Levy of Austin and Karen Hamilton and her husband Sam Rhodes; and two grandchildren, Sophie and Aaron Levy of Austin. Hamilton was a member of the American Bar Association and admitted to practice before the United States District Court for the Northern District of Texas and the United States Court of Appeals for the Fifth Circuit, New Orleans. He worked for Humble Oil and Refining Company, served as city attorney for Morton, Texas, and was an instructor at Austin Community College, among many other positions.

**Roger L. Gorrell, '61**, died on May 2, 2010.

**James R. Foutch, '62**, died on March 8, 2010.

**William Michael McGann, '62**, died on March 19, 2010.

**W. Dalton Tomlin, '63**, died on February 23, 2010.

**William M. Coats, '64**, died on May 23, 2010.

**The Honorable Wendell C. Radford Sr., '65**, died on April 8, 2010. Radford was a former U.S. Magistrate Judge in the Eastern District of Texas. Born in Nederland, he was first employed as an assistant district attorney for Jefferson County. He later practiced with the firm Benckenstein, Oxford, Radford, and Johnson for over twenty years and acted as City Judge for Beaumont for a number of those years. He was appointed to the Federal bench in 1985 serving the Eastern District of Texas until his retirement in 2003. He established the Radford Firm, specializing in mediations, shortly thereafter.

Radford is survived by his wife, Jill Radford of Beaumont; daughter Pamela Radford of Houston; son, Wendell "Chip" Radford, Jr. and his wife Cathy of Beaumont; sister, Carolyn Jernigan and her husband Dr. Sam Jernigan of Tyler; granddaughters, Catherine Radford and Ellen Radford; and niece, Virginia Swartz.

**Edward E. Snively, '65**, died on January 23, 2010.

**John W. Harris, '66**, died on May 14, 2010.

**Philip R. Pool, '66**, died on March 11, 2010.

**James Michael Whitten, '66**, died on June 26, 2009. Whitten was born on November 11, 1942, in Sinton. He is survived by his wife, Helen; his children, Allison, '01, of Houston and William, of Kerrville; and his sister, Susan Edwards, of Corpus Christi.

After graduating from law school he joined the United States Air Force, where he attained the rank of Captain. He served as a JAG attorney and reparations officer during the Vietnam War. After returning from Vietnam in 1970, he opened the Law Offices of James M. Whitten in Sinton. In 1986 he opened an office in Corpus Christi.

Whitten was a fellow of the State Bar of Texas and a member of the Corpus Christi and San Patricio Bar Associations. He also served as Chairman of the District 11-B Grievance Committee from 1983-1988 and as city attorney for the city of Odem.

**Joe T. Garrison, '68**, died on January 1, 2010.

**Robert E. Diaz, '70**, died on January 31, 2010.

**James Edgar Sutton, '70**, died on February 20, 2010.

**R.J. Hagood Jr., '72**, died March on 28, 2010.

**Joe F. Coerver, '75**, died on January 28, 2010.

**Myra McDaniel, '75**, died on February 25, 2010. McDaniel was the first African American to be appointed secretary of state of Texas. Governor Mark White appointed the former assistant state attorney general to the position in 1984. She resigned in 1987. She served as counsel to Austin Community College and Capital Metro and became managing partner of the Bickerstaff Heath firm in 1995.

McDaniel grew up in Philadelphia and earned an English degree from the University of Pennsylvania. After working for five years as a management analyst, she married and had two children before attending the Law School.

**Colonel Thomas J. Agnor, '78**, died on April 5, 2010.

**Scott Lassetter, '83**, died on March 19, 2010. He was found shot in the backyard of a Memorial City Mall-area home, but police remain uncertain how he died. Lassetter was an attorney at Weil Gotshal & Manges and had previously worked for Fulbright & Jaworski before starting the Lassetter Law Firm in 2006. Police said it appeared Lassetter may have interrupted a burglary at a home where he sometimes stayed with his ex-wife and their two children. The rest of the family was away on spring break.

Lassetter was found on the morning of March 17 and taken to Ben Taub General Hospital, where he died two days later, according to Houston police Sgt. W. L. Meeler.

Lassetter was born in Dallas and attended Texas Tech University before coming to the Law School.

**James M. Laughead, '84**, died on April 8, 2010.

**Daniel W. Jordan, '87**, died on February 17, 2010.

**Spencer Yu, '94**, died October 21, 2009, while on the Royal Caribbean Mariner of the Seas, which was chartered by Atlantis for a seven-day trip along the Mexican Riviera. A medical team attempted to resuscitate Yu for 45 minutes before he was taken to a Puerto Vallarta hospital, where he showed no brain activity. Yu was later taken off of life support.

A member of the GLAAD (Gay & Lesbian Alliance Against Defamation) national board of directors since 2006, Yu was a vice president of business and legal affairs for Warner Bros.. He served as co-chair of the GLAAD Media Awards in Los Angeles for the past two years and was scheduled to co-host again in 2010.

A photograph of Ben Chater, a young man with short brown hair, sitting in a wheelchair in a courtroom. He is wearing a dark suit, a white shirt, and a blue tie. He is smiling slightly and looking towards the camera. The background shows the wooden paneling of a courtroom, with an American flag on the left and a Texas state flag on the right. The title "FACING— AND EMBRACING —CHALLENGES" is overlaid in large, white, serif capital letters.

# FACING— AND EMBRACING —CHALLENGES

*Ben Chater, '10, has not let cerebral palsy prevent him from excelling in Law School*

**B**EN CHATER RECENTLY delivered his final oral argument in Law School Professor David Robertson's seven-person Maritime Injuries Litigation seminar. Dressed in a dark suit, the twenty-six-year-old moved to the front of the class prepared to embrace another challenge—just one of many he has sought while overcoming obstacles most people would find unimaginable.

Chater, who was born with cerebral palsy, has a lifelong physical disability. He is unable to speak clearly and has difficulty controlling his arms and legs. He uses a power wheelchair, and requires help with almost all of his daily personal needs. Chater hires and manages seven people to assist him with grooming, eating, and other daily tasks.

He has also had to juggle the rigorous demands of law school: reading, researching, and writing. Chater opens books, turns pages, and types papers (at a rate of fifteen to twenty words a minute) on a laptop using a "headstick," an aluminum rod with a custom tip attached to a headband.

"We all have to play the hand we were dealt," said Chater, a native of Montpelier, Vermont. "My goal for life is to figure out how to play my hand as best I possibly can."

Chater has done extraordinarily well academically, participated in intramural mock trial competitions, served as the submissions editor for the *Texas Review of Litigation*, and worked twenty hours a week as a criminal law clerk at the Travis County Attorney's Office. Chater, who planned to take the Texas Bar Exam in July, would like to eventually practice as an appellate attorney.

Chater's attitude is always cited by classmates, law faculty, and staff as consistently positive.

"He is an extraordinarily humble person and never, ever complains about his condition or even alludes to the fact that law school might be more difficult for him than other law students," said Bob Dolehide, a close friend and classmate.

Although Chater speaks more slowly than his classmates and faces rigid time limits, he's learned to be more deliberate and on-point with his arguments and answers questions more directly and succinctly—an asset that helped him win his final maritime case in class.

"I thrive on challenge," Chater said. "I've learned in law school, and in life, how much you can accomplish if you actively seek out and embrace challenges." — *Laura Castro, '97*



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