

UTLAW

THE
MAGAZINE
OF THE
UNIVERSITY
OF TEXAS
SCHOOL OF
LAW

Rights and Reason

Why UT's Constitutional
Law Faculty is One of
the Best in the Nation

PLUS

CELEBRATIONS: REUNION &
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AND

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SUMMER 2002



Three members of the faculty are Fellows of the American Academy of Arts & Sciences. From left, Sandy Levinson, inducted in 2001, and Doug Laycock, a fellow since 1997. UT Chancellor Mark Yudof is the third.

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Cover photograph courtesy of Getty Images
Photograph this page by Wyatt McSpadden

UTLAW
VOLUME 1 • ISSUE 2

LETTERS

BRAVO

I AM A BUSY SOLO PRACTITIONER, but I just had to take the time to send my compliments on the new



format and direction of *UT Law*. Kudos go to the editorial staff and others who made the decision to update this publication.

Mary Sahs, '85
Austin, Texas

THE PUBLIC'S INTEREST

OUT OF THE MUNDANE STUFF OF the alumni news I stumbled across Sarah Cleveland's profile [see Spring 2002 "Fighting the Good Fight"]. Good work.

I have always felt close to the school that taught me law. UT Law School prepared me for public interest law, trying to verdict several class actions, and teaching there before going into public service and the business of law. Nothing, absolutely nothing, better demonstrates the quality of law as a profession than does advocacy not pursued principally for the economic gain of a counsel. Teachers of law, like parents and other role models, influence most by example. Thanks.

Bill White, '79
Houston, Texas

IT'S TIME

I WAS THRILLED TO SEE THE LAW School's commitment to public interest law. It is time to stand behind that commitment with a loan forgiveness program for graduates who work in the public interest field and to require public interest work, just like torts or criminal law, prior to graduation from UT Law School.

D'Ann Johnson, '87
Austin, Texas

SOCIAL JUSTICE?

JUST A NOTE TO LET YOU KNOW HOW very much I enjoyed your initial publication cover story, "Fighting the Good Fight: How Members of the UT Law Faculty Work to Promote the Common Good."

Actually, I heretofore presumed that UT Law faculty professors, simply by toiling in their academic vineyard, teaching law students, publishing learned law treatises, and otherwise being cheerful and productive members of the Austin community, were by definition promoting the "Common Good."

How naïve of me not to have understood it is incumbent upon UT Law faculty members to also possess a passionate and adversarial interest in "social justice" as those words may from time to time be defined by various persons with diverse agenda.

That a Court of Appeals saw fit to reverse the trial court's opinion in Professor Sarah Cleveland's first class action case on behalf of her clients surely does not indicate the Appellate Court lacks an appropriate interest in "social-justice," but rather evinces an admirable belief in the rule of law and justice under the American judicial system for the "Cuban-American sugar moguls" as well as those less fortunate. Would you not agree?

Isaac David White, '61
Austin, Texas

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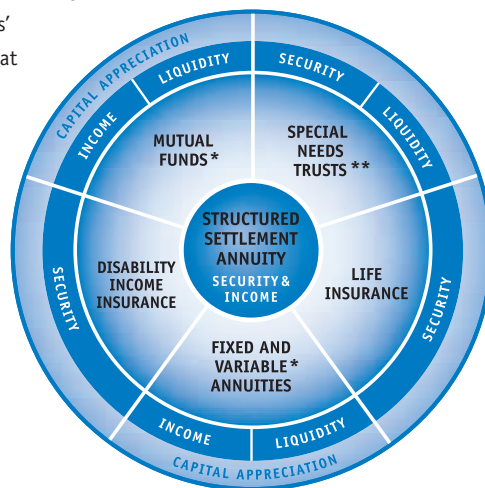
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TOUR OF DUTY

Bill Stapleton, '94, is a founder of and general partner in Capital Sports & Entertainment. He represents entertainers and athletes, including three-time Tour de France winner Lance Armstrong. Alumni leaders established the Non-Practicing Alumni Advisory Council (NPAAC) to support non-practitioners. The first NPAAC conference will be held on October 25. See the calendar for details.

PHOTOGRAPH BY
WYATT McSPADDEN





IN CAMERA



THE MUSE

The Law School's critically acclaimed "Law and Other Performing Arts" colloquium provided sell-out concerts and standing-room-only panel discussions of important topics in interpreting written texts. Critic Michael Barnes called the symposium "among the most thorough, informative, and thought-provoking in memory."

UT AUSTIN'S *THREE MUSES*

BY CHARLES UMLAUF

PHOTOGRAPH BY

WYATT MCSADDEN

IN CAMERA



Building to Strength

How new faculty and new plans strengthen our Law School

IN THIS EDITION OF *UT LAW*, WE FOCUS ON STRENGTH. I firmly believe that our constitutional law faculty is the strongest and deepest in the country. We lead the United States in free speech, religious liberty, federalism, and modes of constitutional interpretation. Doug Laycock's work in the Supreme Court and Congress has advanced freedom of religious expression. Lynn Baker and Ernie Young have facilitated a resurgence of the role of states in constitutional law. Philip Bobbitt has helped redefine the way scholars think about modes of constitutional interpretation. And I could go on.

Notably, our faculty address these issues with diverse opinions, approaches, and political views. This distinguishes our constitutional law faculty from those of other leading schools, which are often characterized by monolithic and one-sided approaches. Indeed, diversity of opinion is a hallmark of our faculty in general.

With an already strong faculty, we could have rested on our laurels. But we didn't. Instead, we lured Larry Sager away from New York University. Larry is one of the country's leading constitutional scholars and one of the architects of NYU's rise to prominence in the 1990s. His wife, Jane Cohen, who is a nationally prominent specialist in family law, feminist theory, and bioethics, will join us from Boston University. Karen Engle, an expert in international human rights, comes to us from the University of Utah. And Jane Stapleton, an internationally recognized scholar in products liability who was formerly at Oxford, has accepted a half-time appointment with us to complement her half-time commitment to Australian National University. In short, we had a great recruiting year, positioning us to move ahead vigorously in the fall.

During the past year, we have been reviewing our foundations and planning for our future. Faculty, alumni, and students have engaged in a detailed long-range planning process. We have identified areas we already do well: teaching, high-level scholarly work, and attention to the needs of professional lawyers. And we've targeted some ways in which we can improve—by providing more individual attention to students, by

providing more experiential learning, by expanding our transactional offerings, and by providing more interdisciplinary teaching and scholarship. And we are looking for ways to better serve our wonderful alumni, including the increasingly large group that does not practice law. I will report more about the findings of our Long Range Planning Committee this fall.

We couldn't do any of this without you. We couldn't even do what we are doing now, much less aspire to move ahead. For example, a very generous gift from Loeffler, Jonas & Tuggey was critical in luring Larry Sager away from NYU. You pay for about a third of the cost of every student's legal education. With support at every level, you are critical to our success. Thank you!

We look forward to the new semester with enthusiasm. We had a record number of applications for this fall's entering class, up 22 percent from last year. I am confident that, with your help, we can provide our students with the best legal education in the country.

And I look forward to seeing you at upcoming alumni events at the Law School, around the state, and around the country.

In the meantime, have a wonderful summer.

Sincerely,



Bill Powers
Dean

TOURNAMENT OF CHAMPIONS

OCT. 30 - NOV. 2

The **Board of Advocates** will host the **Tournament of Champions**, the nation's premier trial advocacy competition for law students, sponsored by the National Institute for Trial Advocacy. Alumni who are interested in judging the tournament or who would like additional information should contact BOA at (512) 232-3680.

SEPTEMBER 5 - 6

The Texas International Law Journal hosts the symposium **Judicialization and Judicial Globalization**. Justices from around the world will attend. The symposium is open to the public, and attorneys who attend can receive CLE credit. For more information, call (512) 232-1277 or e-mail tilj@mail.law.utexas.edu.

SEPTEMBER 20 - 21

The Texas Law Review invites all alumni to attend its fall symposium, **Precommitment Strategies in Law and Bioethics**, which will explore how precommitment theory functions within legal, bioethical, and constitutional settings. For further information, contact Hilary Preston or Wes Hendrix, (512) 232-1280, or e-mail hilary_preston@hotmail.com.

OCTOBER 10

The **Mentor Reception** will be held on Thursday, October 10, from 5:30 p.m. to 7:30 p.m. at the Shoreline Grill in Austin. Law students and alumni are invited to attend this social event designed to provide a relaxed and informal setting in which students can meet UT Law alumni. Contact the Career

Services Office at (512) 232-1150 for further information.

OCTOBER 17

Texas Law Fellowships invites alumni, faculty, staff, students, and the general public to the annual **Fall Auction** to raise money to fund fellowships for Law School students who work in public interest internships during the summer. Bid on items in the live and silent auctions and support TLF's first major fundraiser of the year.

For date, time, location, and ticket information, or to donate an item, contact TLF at tlf@mail.law.utexas.edu.

OCTOBER 25

The **Non-Practicing Alumni Advisory Council (NPAAC)** will meet on Friday, October 25, at the Law School. The day will consist of presentations by the council and the UT Law administration and faculty. Various social activities are also planned, and events will conclude with a dinner hosted by Dean Bill Powers. For more information or to find out how you can become involved with NPAAC, contact the Law Alumni Association at (512) 232-1118.

OCTOBER 26

UT Law Parents' Day events will be held from 8 a.m. to 2 p.m. Contact the Office of Student Affairs at (512) 232-1313 for more information.

FALL CLE

The Law School's Office of Continuing Legal Education plans to host **numerous conferences** this fall. For a complete schedule of events, visit the CLE Web site at www.utexas.edu/law/cle or call the CLE office at (512) 475-6700.

*Compiled by
Sarah Gainer, B.A. '01*

UT Law hosts the nation's premier trial advocacy competition October 30 - November 2.

AROUND THE

A Matter of Interpretation

By Sanford Levinson

"FROM TEXT TO PERFORMANCE: LAW AND OTHER PERFORMING ARTS" took place February 28 through March 9. This symposium explored the idea that law, music, and drama are all

text-based practices, but they cannot be understood solely by reference to their texts. They must be performed in complex institutional structures. Thus the symposium included panels, performances, and formal talks by law professors, judges, and executive branch officials; playwrights, actors, and theater directors; musicologists, composers, and musicians; choreographers; and journalists who review music,

drama, and the work of the United States Supreme Court.

Symposium participants viewed four different versions (and interpretations) of the courtroom scene from Shakespeare's *Merchant of Venice*. Actors performed a similar scene from *Shylock*, a play by the British playwright Arnold

Wesker, who was in attendance (and who delivered a stirring luncheon address defending the prerogatives of playwrights). Jonathan Miller, who had earlier in his career directed Laurence



Four presentations of Shakespeare's *The Merchant of Venice* allowed the audience to better understand how one text could be interpreted differently. Above right, Charles Sigel, presented a sympathetic portrayal of Shylock.

Olivier in a groundbreaking production of *The Merchant of Venice*, directed the Shylock scene. Russell Sherman and Malcolm Bilson (who debated their various approaches to per-

forming Beethoven) gave two remarkable concerts. Berkeley musicologist Richard Taruskin played an extended tape of "offensive" musical texts. A panel discussion fol-



Offensive Texts: Lief Carter led a discussion about problem texts in popular works by Cole Porter, Stravinsky, and Gilbert & Sullivan; At right: Jack Balkin, Robert Nagel, Scot Powe, and Fred Schauer discuss legal responses to problem texts.

LAW SCHOOL



"A stimulating blend of scholarly thought, intellectual inquiry, thoughtful performance," wrote the *Austin Chronicle*. From left: Stanford's Lawrence Lessig, UT Law's Tony Reese, director Sir Jonathan Miller, and playwright Arnold Wesker at the Law School.

lowed to explore why they were considered offensive and what the range of possible responses was. One of the most memorable images from the conference was that of Ted Chapin, the head of the Rodgers and

Hammerstein Trust, listening first to Stanford Law professor Lawrence Lessig and then to Jonathan Miller denounce the use of copyright law to stifle new creations based on past work that should be in the public domain.

The symposium was thoroughly interdisciplinary, not only with regard to the roster of participants but also in its basic organization. It was co-sponsored by the School of Law and College of Fine Arts, and had the

active support throughout of Deans William Powers and Robert Freeman.

UT Law professor Sanford Levinson was a lead organizer of the conference. Suzanne Hassler was its lead administrator.



From left: Judges Abner Mikva and Lee Rosenthal; Right: Sir Jonathan Miller and student performers in the Eidman Courtroom.

AROUND THE LAW SCHOOL

ACADEMIC HONORS

Established in 1912, Chancellors is the most prestigious honorary society of the School of Law. The society honors students who, through outstanding and consistent scholarship and achievement, have shown themselves most likely to succeed and to become a credit to their profession and their alma mater.

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WYATT MCSPADDEN

Professors Charles Silver (left) and Lynn Baker launched UT Law's new Center on Lawyers, Civil Justice, and the Media with a major conference on legal services. The Texas Law Review co-hosted the event.

Impact of Lawyers Conference

PROMINENT LEGAL SCHOLARS TOOK part in a February conference entitled "What We Know and Don't Know About the Impact of Legal Services on the American Economy and Polity." The two-day conference revealed a developing consensus, based on empirical research and economic theory, that sound legal institutions contribute to economic development and help preserve individual freedom.

Law professors Stephen Choi from UC-Berkeley and John C. Coffee, Jr., from Columbia University opened the conference by discussing empirical studies of the impact of investor protections on the health of securities markets. Other highlights included Professors Frank Cross of UT Law and Robert Cooter of Berkeley showing that countries with better legal systems have stronger economies; a proposal by Harvard School of Public Health professors Michelle Mello and Troyen

Brennan to use enterprise liability and insurance to improve health care quality; and a discussion by Professors Deborah Hensler of Stanford University and Sam Issacharoff of Columbia University of empirical data on the likely future course of asbestos litigation in the United States. An additional high point was a report by American Bar Foundation researcher Stephen Daniels on the financial condition of trial lawyers in Texas.

Major sponsors of the conference included the Texas Center for Legal Ethics and Professionalism in Austin; the Texas Bar Foundation in Austin; the Roscoe Pound Institute in Washington, D.C.; Fred Misko, Jr., P.C., of Dallas; Bendinger, Crockett, Peterson & Casey in Salt Lake City, Utah; and the Texas Medical Liability Trust in Austin.

Information about the conference can be found at the center's web site on utexas.edu/law and in the June Texas Law Review.

FOR AN ALL-TIME HIGH

The Admissions Office received a record 5,444 applications for admission this year. Since 1999, applications to UT Law have increased 65.77%.



Speakers Review

ON APRIL 11, FORMER Peruvian president Valentín Paniagua addressed a capacity crowd about U.S. trade policy and Latin America. Last spring's speakers included:

• **Judge Abner Mikva**, the former chief judge of the D.C. Circuit, former White House counsel, and a former United States congressman

• **Judge Royce Lamberth**, '67, U.S. district judge for the District of Columbia and presiding judge of the Foreign Intelligence Surveillance Court in Washington, D.C.

• Mediation and dispute resolution guru **Roger Fisher** of Harvard Law School.

• **Dr. Alfonso De Maria y Campos**, director of the Office of North American Affairs, Secretary of Foreign Relations of Mexico

• **Charles Cervantes**, director for Legal Affairs and Privacy for the U.S.- Mexico Chamber of Commerce

• **Roberto de Michele**, Anticorruption Office of the government of Argentina

• **Margaret Sarles**, head of Democracy and Human Rights for the U.S. Agency for International Development

• **Carl Vogt**, former chair of the National Transportation Committee

• Author **David Horowitz** and lawyer **Johnny Cochran** debated slavery reparations in separate addresses

• **S. James Anaya**, lead lawyer for the Awas Tingni land rights case in Nicaragua

Conference videos can be found at utexas.edu/law.

Reporting by Sarah Gainer, B.A. '01, Laura Castro Trognitz, '97, and Allegra Young.



Former Peruvian president Valentín Paniagua was one of many speakers to address Law School audiences this past semester.

Three National Titles

UT law students continued a winning tradition this spring, claiming three national titles and many additional honors.

Such participation would not have been possible without support from alumni and from law firms. More than 200 attorneys and judges spent time this year judging competition rounds involving more than 250 law students, and law firms funded several teams' travel.

FREDERICK DOUGLASS MOOT COURT COMPETITION

NAT'L CHAMPIONS, BEST BRIEF
Nakia Hillary and Brian Carter
COACH

Kameron Johnson, '92
ASSISTANT COACH
Felecia Shankle, '01

GILES SUTHERLAND RICH MEMORIAL MOOT COURT COMPETITION

NATIONAL CHAMPIONS
Cyrus Bharucha and Owais Siddiqui
REGIONAL CHAMPIONS
Sharmila Chatterjee and Christopher Ryan
COACHES

AMBER HATFIELD AND JIM CALKINS JUDGE JOHN R. BROWN ADMIRALTY MOOT COURT COMPETITION

NATIONAL CHAMPIONS
John Barcus and Rebecca Jackson
COACHES

Bruce Bennett and Chris Sapstead, '01

JUDGE CONRAD B. DUBERSTEIN

NATIONAL BANKRUPTCY MOOT COURT COMPETITION

NATIONAL SEMI-FINALISTS
Chris Lopez and Alex Gonzalez
COACH

Jeff Bohm, '84
ASSISTANT COACH

Sabrina Streusand, '83

WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT (IN VIENNA, AUSTRIA)

PLACED IN TOP 25 PERCENT OF 108

TEAMS FROM 60 COUNTRIES

Erin Ruble and Lance Clack
Lance Clack - Martin Domke
Award (Best Oral Advocate in the General Rounds)



Lynn Baker & Charles Silver

LAWYERS ARE BETTER THAN YOU THINK

A new center battles the myths about lawyers and civil justice.

THE AMERICAN PUBLIC HOLDS a jaundiced view of the legal profession. In a 2001 American

Bar Association (ABA) survey, respondents ranked lawyers just ahead of the bottom-dwelling news media when asked about their confidence in various professions. In 2002, Columbia Law School released a nationwide poll showing that only 31 percent of the public views lawyers as “especially honest” or “somewhat honest.” More respondents—39 percent—rated lawyers “especially dishonest” or “somewhat dishonest.”

In fact, lawyers prize their integrity and take greater pains than other professionals to preserve it. A recent study of six professions—law, medicine, psychotherapy, accounting, journalism, and the academy—found that law far outpaces the other five in “devoting resources to ferreting out and evaluating conflicts of interest” and in “being aware of potential conflicts on a day-to-day basis.” While other fiduciaries “are strangling on their tangled loyalties, law firms may turn out to be the last fiduciary bastion where confidences are honored and uncompromising loyalty to the client fiercely defend-



ed,” according to the study’s author, sociologist Susan P. Shapiro of the American Bar Association.

Shapiro also found that the largest firms turned away “anywhere from a third to more than half of all cases” for conflict-related reasons, while the same concerns led “somewhat smaller firms to decline hundreds of thousands to a few million dollars in fees each year.” In addition to foregoing revenue, law firms of all sizes devoted

substantial resources to identifying and controlling conflicts of interest. Their reasons for doing so included “ethical scruples, reputational concerns, and the risk that conflicts could lead to malpractice charges or disciplinary proceedings.”

Now consider the complaint that the overabundance of lawyers in the U.S. impedes economic growth. For most of the 20th century, the United States likely had too few lawyers, not too many. Barriers to entry kept many people, especially women and minorities, out of the legal profession, and advertising prohibitions and other anti-competitive constraints made legal services artificially scarce and expensive. Since the relaxation of these constraints, the population of lawyers has grown in response to real consumer demand. Lawyers can serve the public better now than ever before.

The number of lawyers in the United States simply reflects the size of the U.S. economy. This country has approximately 30 percent of the world’s lawyers and accounts for approximately 30 percent of the world’s gross domestic product. The relationship is more than statistical. Comparative studies consistently

report positive correlations between lawyer populations and economic development. Either growing economies generate needs for legal services, or legal services spur economic growth, or causation runs in both directions simultaneously. What is clear is that capitalist economies and lawyer populations grow together.

Over and over again, empirical studies find that to maintain a favorable business climate, a government must protect private property and individual freedoms, enforce contracts, combat crime and corruption, and give citizens easy access to the courts. In the securities area, countries with better law enforcement regimes and stronger legal rights for minority investors have deeper capital markets, more IPOs per capita, better banks, enhanced ability to withstand economic downturns, more accurate securities prices, more liquidity, and reduced equity costs. Notwithstanding public perception to the contrary, a robust legal profession appears to be critical to both national economic growth and political stability.

Many forces contribute to the persistence of false and unfavorable claims about lawyers and the civil justice system and, ultimately, to the enactment of undesirable or dubious changes in the law or in ethics rules. Some are political or economic in nature. Certain interest groups gain by bashing lawyers, by exaggerating litigation risks or costs, and by making it easier or harder for persons with injuries to receive compensation.

Other forces, such as the media, may have no inherent ideological or economic valence, but operate under constraints that prevent them from learning the truth. Deadlines, unfamiliarity with legal and factual issues, and the cost of acquiring information make it difficult for reporters consistently to distinguish true claims about lawyers and the civil justice system from false or unsubstantiated ones.

In addition, exceptional—"newsworthy"—events typically get more media coverage than the ordinary and commonplace, thereby further skewing public perceptions. Large

PROFESSORS' CHOICE

FRANK B. CROSS, *The First Thing We Do, Let's Kill All the Economists: An Empirical Evaluation of the Effect of Lawyers on the United States Economy and Political System*, 70 *Texas Law Review* 645 (1992)

MARC GALANTER, *The Faces of Mistrust: The Image of Lawyers in Public Opinion, Jokes, and Political Discourse*, 66 *Univ. of Cincinnati Law Review* 805 (1998)

MICHAEL J. SAKS, *Do We Really Know Anything About the Behavior of the Tort Litigation System—And Why Not?*, 140 *Univ. of Pennsylvania Law Review* 1147 (1992)


SUSAN S. SHAPIRO, *Tangled Loyalties: Conflict of Interest in Legal Practice* (forthcoming 2002; *Univ. of Michigan Press*)

jury awards receive far more media coverage than small awards and take-nothing verdicts, even though the latter are far more common. Similarly, trial lawyers, who collectively constitute only a small fraction of the legal profession, garner much more media attention—both good and bad—than do the far larger number of lawyers engaged in less visible, transactional work.

If more people knew the facts, the public might have greater respect for lawyers of all sorts and the important work that they do every day. This hope led us to create the Center on Lawyers, Civil Justice, and the Media at the University of Texas School of Law in August 2001. A major goal of the center is to get the facts about lawyers and the civil justice system before the public and keep them there. Until now, no institute has assumed the task of organizing, digesting, and disseminating reliable empirical information about lawyers and civil justice for reporters to use when covering legal issues. When

few news stories about legal issues contain data, anecdotes dominate public discussions by default. Myths thrive in this environment.

The center's first major event was a conference in February 2002 on the topic of "What We Know and Don't Know About the Impact of Legal Services on the American Economy and Polity." More than 20 nationally known scholars from across the country gathered to present and discuss their work, much of it empirically based, on topics ranging from attorneys' fees to the impact of civil liability on the quality of health care. Many members of the media and more than 70 attorneys from across the state attended the various conference sessions. The conference proceedings, published in the June 2002 issue of the *Texas Law Review*, represent an important first step in the center's efforts to educate not only the media and the public but also the bench, the bar, legislatures, and academics.

Empirical studies have great potential to make debates about lawyers and civil justice better informed and therefore less heated. All lawyers should welcome the center's efforts to gather and disseminate the facts. Of course, when one tackles subjects as controversial as discovery abuse, frivolous litigation, or class-action settlements, one is likely to find lawyers on both sides of the debate. On any given issue at any given time, the center's emphasis on facts may help one side while rankling the other. Although the center cannot venture into the public debate about lawyers and civil justice without seeming at times to take sides, the hope is that its commitment to academic standards of rigor, honesty, and objectivity will instill long-term confidence and enduring respect on both sides of the aisle. 

UT Law Professors Lynn Baker and Charles Silver are co-directors of the Center on Lawyers, Civil Justice, and the Media. Sylvia Sexton is the center's Administrator.

Kristen Silverberg

A PATH TO THE WHITE HOUSE

*Why working for the government provides
a rare opportunity to help influence
the world in which we live.*

IN LAW SCHOOL, I IMAGINED THAT I would spend the bulk of my career in private practice. I envisioned participating in heady oral arguments or, on occasion, vindicating my client's position at trial. Although my time in private practice was invaluable, and although I have many friends from law school who are still flourishing at firms, I think that more young lawyers would do well to consider government employment. I cannot speak to the countless opportunities available to lawyers in state and local government, but my experience as a member of the Bush administration policy staff has been priceless. Without attempting to provide an exhaustive guide to seeking government employment, I will briefly describe a few "hows" and "whys" of jobs with the federal government, based on my limited personal experience.

Why Government?

Even on the worst days, working in government can provide an invaluable perspective on this unique time in our nation's history. I will never forget returning to the West Wing on the night of September 11, after the terrible confusion of that day, to see the members of senior staff quietly preparing for the extraordinary task ahead. And there was no more compelling moment to me than watching the president leave for New York after the National Prayer Service. Some members of the White House staff describe poignant memories of the meeting with the families of Flight 93



Kristen Silverberg, right, accompanies President Bush and health care expert Anne Phelp to the White House. Silverberg, '96, serves as a special assistant to the president.

or of the president's September 20 speech to the nation. No one hopes to work for an administration during a time of national crisis, but having lived

through it, I'm not sure that anything but government service could have affected and inspired me in quite the same way.

Most of my colleagues, not surprisingly, sought jobs with the administration because they hoped to play a role in positively shaping public policy. My job in the chief of staff's office, for example, allows me to participate in discussions of administration policy on a host of issues, including financial regulation, health care, budget, and welfare. Our office helps to ensure that decisions are well developed before they reach the president for final decision, so a colleague and I act as roving "trouble shooters" on behalf of the deputy chief of staff, participating in discussions of pressing issues and helping to crystallize them for decision by the president. For everyone involved in policy development, the job is endlessly challenging and rewarding because the decisions facing the policymakers inevitably involve difficult value judgments, the resolution of which will have far-reaching effects on the lives of real people.

Many White House staffers helping to shape administration policy on these issues are playing critical roles early in their careers. For example, Mark McClellan, 38, (grandson of former UT Law dean **W. Page Keeton**), serves on the Council of Economic Advisors and manages Medicare policy for the administration. Among other things, he leads an interagency group responsible for developing proposals to provide prescription drugs to senior citizens and negotiates health legislation on the Hill. UT Law grad **Rebecca Beynon**, 33, handled a broad range of regulatory issues as a lawyer in the Office of Management and Budget and now develops administrative policies to implement the president's Faith-based and Community Initiative. For someone committed to public policy, there are few opportunities to participate so actively in helping to guide our national choices.

There are, of course, less lofty reasons to pursue a government job. For one, in many cases, government jobs allow far more civilized and predictable work schedules than equivalent positions in the private sector. Many of my friends with senior-level

NEXT STEPS

Best book about White House operations: *The White House Staff: Inside the West Wing and Beyond*, by Bradley H. Patterson, Jr. (Brookings Institution Press, 2000)

Best book about a presidential campaign: *What It Takes*, by Richard Ben Kramer (Random House, 1992; Crown Publishing Group, 1998)

Best Web site on the White House: www.whitehouse.gov

Best book about the White House by a former White House staffer: *The Haldeman Diaries: Inside the Nixon White House* by H.R. Haldeman (Putnam, 1994)

Best book by a current White House staffer: *The Apprentice*, by Lewis Libby (Graywolf Press, 1996)

jobs at federal agencies can routinely leave work by 7:00 p.m., long before any of the law firm associates in town get paroled. Jobs on Capitol Hill, which can be hectic when Congress is in session, come with lengthy vacations over the August recess.

One word of caution—those who value comfortable work schedules should not consider White House employment. This White House, despite its family-friendly reputation, starts early in the morning and stays active quite late at night. It is still dark when the White House staff, led by the National Security team, begin arriving on the "18 acres" (Secret Service jargon for the White House complex.) Chief of Staff Andrew Card is at his desk by 6:15 a.m. (I arrive, caffeine in hand, much later.) When my day ends, typically at 9:30 or 10:00 p.m., my boss, Deputy Chief of Staff Joshua Bolten, is often still hard at work.

In addition, working in proximity to people who are making history can be exciting and valuable training. The most interesting days at the White House for any young staffer are the days when we meet with the president. On the television show *The West Wing*, President Bartlet engages in long, casual conversations with his staff about, for example,

the best way to baste a turkey. In one episode, President Bartlet filled out an aide's tax forms. But in the real White House, there is no more valuable commodity than the president's time, and staff are expected to use it wisely. Chief of Staff Andrew Card will screen requests to see the president by asking, "Do you want to see the president or do you need to see the president?" As a junior staffer, I rarely need to see the president (or, more precisely, he rarely needs to see me), so I have yet to overcome my tendency to become tongue-tied and awkward during meetings. I have, however, watched many of my colleagues with more administration experience comfortably provide the president with strong views on an issue. And I know that sometime later in life, I will confidently face down a corporate executive or court of appeals judge, knowing that I cut my teeth in a much more intimidating environment.

How to Get an Interesting Job in the Government

One common path to a job in the White House is participation in a presidential campaign. In this White House, most of the senior staffers were active supporters of the president and vice president during the 2000 campaign; many were loyal supporters long before 2000.

Failing good foresight, stay flexible. White House press secretary Ari Fleischer worked on Elizabeth Dole's campaign before she withdrew. His work for the opposition so impressed Karen Hughes that he was quickly picked up by the Bush campaign and is now one of the president's trusted advisors.

I was hired to work in the White House after I had moved back to Austin to volunteer for the policy staff of the Bush campaign. My experience in Austin impressed upon me the importance, for campaign staff, of demonstrating a willingness to put in long hours on occasionally unglamorous jobs. Immediately after the election, a campaign colleague and I volunteered to get on a plane from Austin to Florida, as did many of our

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contemporaries in the White House. That painful month spent watching the ballot count helped us to earn the trust of the campaign staff and develop long-lasting relationship with our future colleagues in the administration.

Other experiences, in addition to working with a campaign, may lend themselves to future employment with the federal government. My time at Williams & Connolly undoubtedly made me a more qualified candidate for a position with the policy staff, which requires that I navigate a broad range of legal issues, as did my job at the firm. And dozens of the younger lawyers in the White House and the Justice Department are alumni of judicial clerkships, which frequently serve as farm teams for like-minded administrations.

Forget the Money

During my clerkship, my co-clerks and I would pass long hours discussing how we would spend grotesquely high signing bonuses from D.C. law firms. So it was with some compunction that I accepted an annual salary at the White House that was less than my anticipated law firm bonus. I haven't regretted the decision for a minute, and I urge anyone presented with an exciting opportunity in government to think twice before turning down that experience for a more comfortable salary.

Many government jobs are once-in-a-lifetime opportunities. Getting hired depends, in large part, on being in the right place at the right time. Many Republican lawyers spent the Clinton years desperately looking forward to the time when they could take drastic pay cuts to enter public service.

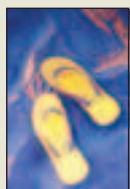
As one law school classmate told me, short-term financial comfort is important, but it is equally important to "build equity" in yourself. There is no substitute, in my experience, for a job you love. ✍

Kristen Silverberg, '96, is a special assistant to the president in the White House Office of the Chief of Staff. Before joining the Bush administration, she clerked for Judge David Sentelle and Justice Clarence Thomas and practiced law at Williams & Connolly in Washington D.C.

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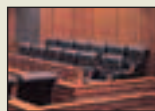
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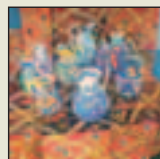
ADMIRALTY AND MARITIME LAW CONFERENCE

October 18, 2002
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Houston



THE JURY TRIAL

August 23 • Austin
September 19 or 20 (tba) • El Paso
September 26 or 27 (tba) • Dallas



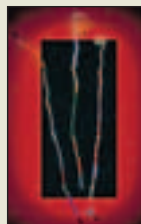
CONFERENCE ON IMMIGRATION AND NATIONALITY LAW

October 24 & 25, 2002
Westin Riverwalk Hotel
San Antonio



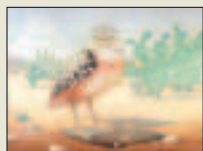
LEGAL WRITING

August 28 • Austin
September 6 • San Antonio
September 18 • El Paso
September 25 • Dallas



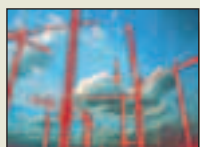
ADVANCED PATENT LAW INSTITUTE

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December 5 & 6, 2002
The Fairmont Hotel
San Jose, California



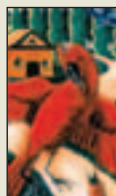
INSURANCE LAW INSTITUTE

September 5 & 6, 2002
Westin Riverwalk Hotel
San Antonio



WILLIAM W. GIBSON, JR. MORTGAGE LENDING INSTITUTE

September 12 & 13, 2002
Hyatt Regency Austin on Town Lake
Austin
and
September 26 & 27, 2002
The Adam's Mark Hotel
Dallas



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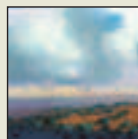
ENERGY MARKETING AND DISTRIBUTION CONFERENCE

November 14 & 15, 2002 (tentative)
The Four Seasons Hotel
Houston



PAGE KEETON PRODUCTS LIABILITY AND PERSONAL INJURY LAW CONFERENCE

October 3 & 4, 2002
The Four Seasons Hotel
Austin



BANKRUPTCY CONFERENCE

November 21 & 22, 2002
The Four Seasons Hotel
Austin

FOR THE FACULTY ACTIVITIES AND PUBLISHED WORKS RECORD

MAJOR LAW SCHOOL EVENTS

AUSTIN, APRIL: **Steven Ratner** gave welcoming remarks at the conference "Challenges to Fragile Democracies in the Americas," April 11-12, which included a keynote address by former Peruvian president Valentín Paniagua; **Gerald Torres** gave closing remarks. Ratner and Torres were organizers of the conference.

AUSTIN, MARCH: At the Texas Hispanic Journal of Law & Policy's symposium, "On the Borderline: The Future of the U.S.-Mexico Special Relationship After September 11," on March 28, **Patricia Hansen** was a panelist at the session on Mexico-U.S. trade agreements; **Sarah Cleveland** moderated a session on immigration and civil rights that included **James Harrington** and **Barbara Hines** as panelists; and **Ron Sievert** was a panelist for a session titled "The Long-Term Future of the Relationship."

The March 22 symposium "Environmental Protection in an Era of Decentralization and New Federalism in the Americas: The Cases of Brazil, Mexico, and the USA" was organized by **Antonio Azuela** and **Antonio Benjamin**. Azuela and Benjamin moderated the opening session, "New Wine in Old Bottles? Federalism and Decentralization in Comparative Perspective"; **Lynn Blais** moderated the panel "Federalism and the Environmental Agenda," which included talks by **Thomas McGarity** and **Ernest Young**; **Gerald Torres** moderated "The Amazon Rain Forest: Habitat and State Fragmentation," which included a presentation by Benjamin; and **Patricia Hansen** moderated "Hazardous Waste, Federalism, and NAFTA: The Metalclad Case and Beyond," which included a talk by Azuela.

AUSTIN, FEBRUARY: At the symposium "From Text to Performance: Law and Other

Performing Arts," sponsored by the Law School and the UT College of Fine Arts and organized by **Sanford Levinson**, February 28-March 9, on the UT-Austin campus, **David Anderson** moderated the session "Legal Responses to Offensive Texts," which included a presentation by **Scot Powe** on the Federal Communications Commission's efforts to suppress indecency on FM radio; Levinson spoke at a session titled "What Are the Links Between Law and Performing Arts?" and moderated the sessions "Offensive Texts" and "Composers, Conductors, Playwrights, and Directors"; **Neil Netanel** presented a talk titled "Recent Developments in the Music Industry" during the session "Developments in Copyright"; **Dean Bill Powers** was part of a panel discussion on *Antigone*; and **David Sokolow** spoke at the session "Contracts in the Performing Arts: Can't Live with 'Em; Can't Live Without 'Em."

On February 21, at the Texas International Law Journal's "Symposium on International Litigation," in honor of **Russell Weintraub**, **Sarah Cleveland** presented "Transient Jurisdiction, Sovereign Immunity, and the Alien Tort Claims Act" during the session "Suits in U.S. Courts Against Foreign and U.S. Entities Under the Alien Tort Claims Act"; **Jay Westbrook's** topic was "Public Enforcement of Private Rights," part of the panel "Extraterritorial Application of U.S. Antitrust Law"; and **Hans Baade** moderated the panel "Obtaining Evidence From Abroad." In addition, **Douglas Laycock** gave closing remarks.

At the conference "What We Know and Don't Know About the Impact of Legal Services on the American Economy and Polity," sponsored by the Law School's Center on Lawyers, Civil Justice, and the Media and the Texas Law Review on February 1-2, **Frank Cross** delivered "Law and Economic Development"; **Thomas McGarity** presented "How Much Does Environmental Regulation Cost?"; **Charles**

Silver's topic was "Does Civil Justice Cost Too Much?"; and **Jay Westbrook** delivered "Empirical Studies of Bankruptcy's Causes and Effects." Commentators at the conference included **Lynn Baker**, **Lynn Blais**, and **Wendy Wagner**. See pps. 12 and 14.

NEW ORLEANS, JANUARY: At the annual meeting of the American Association of Law Schools (AALS) on January 2-6, **R. Anthony Reese** was chosen chair-elect of the Law and Computers Section; Reese will chair the section for 2003 and organize the section's program for the January 2004 meeting. **Louise Weinberg** was elected program chair and chair-elect of the Federal Courts Section; she will organize the section program for 2003 and will chair the section in 2003-2004. Weinberg gave a talk in the Federal Courts Section program, "Federal Courts and the Election Process." **Russell Weintraub** concluded a year as chair of the Section on Conflict of Laws and moderated the section's program "International Forum Shopping." **Patrick Woolley** presented "The Dangerous Search for a Big Idea" as part of a session titled "The Big Idea: Teaching and Scholarship in Procedural Law," sponsored by the Section on Civil Procedure. **Ernest Young** became chair-elect of the Maritime Law Section; he also gave a talk titled "Is Conservative Judicial Activism an Oxymoron?" to the faculty section of the Federalist Society, which met in conjunction with the AALS meeting.

FACULTY NEWS

ALEX ALBRIGHT

PUBLICATIONS *Handbook on Texas Discovery Practice: The New Rules Governing Discovery* (St. Paul: West, 2001 ed.) (with Charles Herring, Jr., and Robert H. Pemberton). **ACTIVITIES** Albright spoke on recent developments in Texas civil procedure at the Law

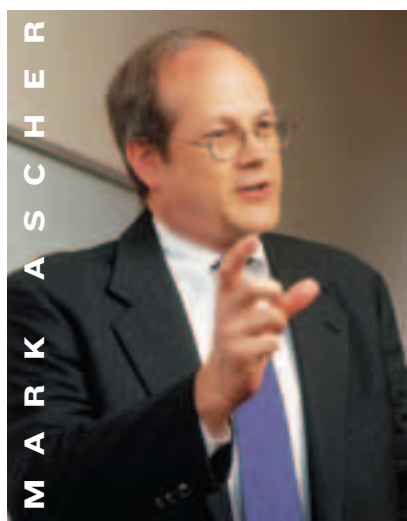
School's 12th Annual Conference on State and Federal Appeals on June 6 in Austin.

DAVID ANDERSON

PUBLICATIONS *Freedom of the Press*, 80 Texas Law Review 429 (2002). ¶ Also see Major Events.

MARK ASCHER

ACTIVITIES Ascher presented a paper titled "Subchapter J: Recent Developments Relating to the Income Taxation of Trusts and Estates" on January 10 at the University of Miami Heckerling Institute on Estate Planning.



Mark Ascher is now the primary author of *Federal Income Taxation of Estates, Trusts, and Beneficiaries*, the leading practitioner treatise on the subject.

ANTONIO AZUELA

ACTIVITIES Azuela gave five lectures on environmental legislation and enforcement strategies in late February as part of a nine-lecture World Bank course for environmental leaders of several Latin American and Caribbean countries. He delivered the lectures from the Law School's videoconference facility. ¶ He also participated in the creation of an international network of researchers on the problems of the urban poor at MIT's Department of Urban Planning on February 4-5. ¶ He gave the keynote address at the conference "Illegal Logging in the Tropics," on March 29 at Yale University. ¶ Azuela delivered a paper at the Sixth International Conference on Environmental Compliance and En-

forcement in Costa Rica, April 15-19. ¶ On June 6, he was appointed to the board of directors of Universidad Autónoma Metropolitana, the second-largest public university in Mexico. ¶ Also see Major Events.

HANS BAADE

ACTIVITIES See Major Events.

LYNN BAKER

PUBLICATIONS *Federalism and the Double Standard of Judicial Review*, 51 Duke Law Journal 75 (2001) (with Ernest Young).

ACTIVITIES Baker presented a paper titled "Toward a Federalism for the Twenty-First Century: A Role for Non-Parametric Judicial Review Under the Spending Cause?" on March 21 at the "Law, Economics, and Politics Workshop," jointly sponsored by the University of San Diego Law School and the University of California at San Diego Department of Political Science. ¶ She presented the same paper at the 2002 annual meeting of the Public Choice Society, on March 23 in San Diego. ¶ She was quoted in the April 12 *Austin American-Statesman* concerning the potential role of sovereign immunity in the breach-of-contract lawsuit between Travis County and Fluor Daniel, Inc., regarding construction of the Blackwell-Thurman Criminal Justice Center. ¶ See also Major Events.

ANTONIO BENJAMIN

PUBLICATIONS *A Natureza no Direito Brasileiro: Coisa, Sujeito ou Nada Disso*, Caderno Jurídico, July 2001, at 149.

ACTIVITIES On March 22-23, Benjamin presented "Law and Sustainable Development" at the William and Mary Environmental Law and Policy Symposium "Rio+10" in Williamsburg, Virginia. ¶ On April 7-9 in Brasilia, Brazil, at the 2002 annual conference of the Brazilian Fulbright Alumni Association, Benjamin gave a keynote speech titled "William Fulbright and Modernity." ¶ On April 14-19 in San Jose, Costa Rica, at the Sixth International Conference on Environmental Compliance and Enforcement, cosponsored by the United Nations, the European Union, and the World Bank, Benjamin presented "Networking and the Enforcement of Environmental Law." ¶ On April 25, in Buenos Aires, Argentina, at the International Seminar on Torts, organized by the University of Buenos Aires School of Law, his topic was "Financial Services and Liability." ¶ On May 6, in Brasilia, Brazil, at the International Seminar on Environmental Law,

organized by the Brazilian Supreme Court, Benjamin gave a talk on the topic "Sustainable Development: An Unsustainable Concept?" ¶ Also see Major Events.

STUART BENJAMIN

PUBLICATIONS *Telecommunications Law and Policy* (2002 Supplement) (with Doug Lichtman and Howard Shelanski).

ACTIVITIES Benjamin presented a paper on judicial review and the Federal Communications Commission at a symposium entitled "The Future of the FCC" at Duke University in March. ¶ His paper titled, "The Logic of Scarcity: Idle Spectrum as a First Amendment Violation" was chosen as a winning paper in the category of constitutional law-theoretical foundations by the Yale/Stanford Junior Faculty Forum. It will be the lead article in the October 2002 Duke Law Journal.

MITCHELL BERMAN

PUBLICATIONS *The Normative Functions of Coercion Claims*, 8 Legal Theory 45 (2002).

ACTIVITIES At the conference "Congressional Power in the Shadow of the Rehnquist Court," held February 1-2 at the Indiana University School of Law-Bloomington, Berman presented "Getting Off the Dole: The Future of the Spending Power" as part of the panel "Implications for Federalism and the States."

LYNN BLAIS

ACTIVITIES See Major Events.

PHILIP BOBBITT

PUBLICATIONS *The Right Questions* [Symposium: "A Celebration of the Work of Mark Tushnet"], 90 Georgetown Law Journal 223 (2001). ¶ *The Shield of Achilles: War, Peace, and the Course of History* (New York: Knopf, 2002). See stories on pps. 32 and 50.

ACTIVITIES Bobbitt delivered a eulogy for Charles L. Black, Jr., on January 27 at St. Paul's Chapel on the Columbia University campus which will be published in a joint issue of the Yale Law Journal and the Columbia Law Review. ¶ Bobbitt delivered the Montgomery Fellows address at Dartmouth College on February 26 on the topic "Intelligence Failures" as part of a lecture series on American intelligence. ¶ Bobbitt presented a paper, "The Bio-terrorist Incident and the U.S. Law: Why We Should Be Stockpiling Laws as Well as

Vaccines," on March 15 in Los Alamos, New Mexico. ¶ On March 19, at the LBJ Library, he delivered a talk, "September 11: Six Months Later." ¶ He wrote the "Legislation" section of the Report for the State Infrastructure Protection Advisory Council, which was presented in the Texas State Senate Chamber on March 25. ¶ Bobbitt presented a paper, "One Way to Use Wittgenstein in Constitutional Theory," to the Inland Northwest Philosophy Conference at the University of Idaho on April 5. ¶ On April 9, he presented "Law Like Love," a multimedia lecture, at a special evening event for UT-Austin's Plan II program.

SARAH BUEL

ACTIVITIES Buel delivered the keynote address, "Race and Culture in the Context of Domestic Violence Practice: Rethinking the Lawyer's Role," at the ABA Domestic Violence Civil Law Institute in Tucson on January 9. ¶ She also presented the keynote address "Bridging the Gap Between Theory and Practice: The Pedagogy of Domestic Violence Law" at the ABA Regional Law School Conference at the University of North Carolina School of Law on February 21. ¶ Buel gave the plenary address for the International Society of Barristers on March 7 in Kona, Hawaii, on the topic "Law School and Community Collaborations: Discourse, Pedagogy, and Practice in Domestic Violence Law." ¶ On March 20, she gave the keynote address for the Department of Justice's "Violent Crimes Against Women on Campuses" conference in Austin, titled "Students As Champions for Social Change." ¶ Buel gave the keynote address, "Policy and Proof in Domestic Violence Litigation: Current Norms Examined," at the UNLV Boyd School of Law's Judicial Conference on April 5. ¶ She presented a paper-in-progress, "Situating Domestic Violence Work in the Academy," on April 20 at Washington College of Law, American University's symposium "Confronting Domestic Violence and Achieving Gender Equality: Evaluating Battered Women and Feminist Lawmaking." ¶ At the Law School's Second Annual Family Law Conference, on April 11-12, Buel's topic was "Family Violence: Ethical Representation of Victims and Offenders in Complex Cases." ¶ Buel gave the keynote address "Employer Liability For Inappropriate Interventions With Domestic Violence in the Workplace" at the Colorado Attorney General's Violence in the Workplace conference on May 9 in Denver. ¶

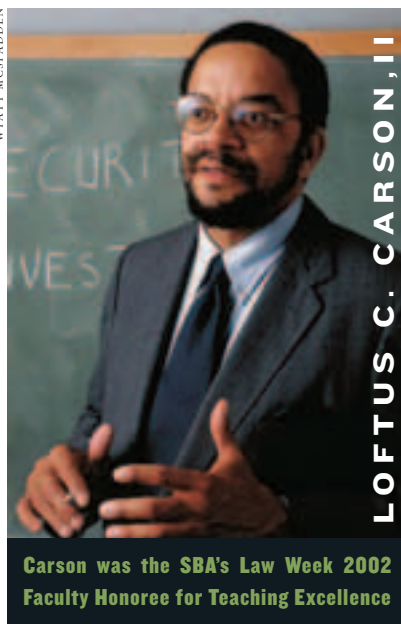
Buel gave a keynote address titled "Reconciling Theory and Practice in Domestic Violence Prosecution" for the American Prosecutors Research Institute and U.S. Department of Justice on May 16 in Denver.

NORMA CANTÚ

ACTIVITIES Cantú delivered the 16th Annual Américo Paredes Distinguished Lecture, titled "Protecting Our Right to Read: Implications of the No Child Left Behind Act," on April 29 at UT's Bass Lecture Hall.

LOFTUS C. CARSON, II

ACTIVITIES Carson was designated by the Student Bar Association as the Law Week 2002 Faculty Honoree for Teaching Excellence and Dedication to the Student Body. In that regard, Carson received a plaque at the Law Week 2002 Dean Keeton Luncheon. ¶ On March 4, Carson presented a paper at the



George Bush School of Government and Public Service at Texas A&M University titled "Government Provision of Social Services Through Faith-Based Institutions: Some Legal and Policy Issues."

SARAH CLEVELAND

PUBLICATIONS *Crosby and the "One Voice" Myth in U.S. Foreign Relations*, 46 Villanova Law Review 975 (2001).

ACTIVITIES Cleveland was named one of the 2001 Teachers of the Year by the Association of American Law Schools. ¶ On March 26, she gave a public lecture, "The Guantanamo Bay Detainees Under Inter-

national Law," sponsored by the UT-Austin chapter of Amnesty International and the Cabinet of College Councils. ¶ Also see Major Events.

JANE COHEN

ACTIVITIES Cohen was hired by UT Law to join the permanent faculty beginning this fall. See p. 49. ¶ On January 10-13 in Florida, Cohen attended a meeting of the Social Science Research Council's Working Group on Ethnicity, Assimilation, and Law, where she presented recent writings in political science and political philosophy concerning minority ethnic groups and citizenship. ¶ On March 22-24, Cohen attended a conference sponsored by the Mellon Foundation at Duke University, "Muslims in America after 9/11," and gave a talk on contemporary legal background conditions affecting the possibilities for adaptive response. ¶ She attended a five-day intensive conference on biotechnology held at Duke University May 5-9.

FRANK CROSS

PUBLICATIONS *Above the Rules: A Response to Epstein and King* [Exchange: Empirical Research and the Goals of Legal Scholarship], 69 University of Chicago Law Review 135 (2002) (with Michael Heise and Gregory C. Sisk).

ACTIVITIES See Major Events.

ROBERT DAWSON

PUBLICATIONS *Editor's Foreword*, State Bar Section Report: Juvenile Law (December 2001) at 5.

ACTIVITIES Robert and Jan Dawson's unique equine law course was featured in the March 25 Texas Lawyer. ¶ At a Texas Forum on Civil Liberties and Civil Rights symposium, "To Secure a Fair Defense: The Future of Indigent Defense in Texas," on April 26, Robert Dawson participated in two panels that addressed the passing and implementing of the Texas Fair Defense Act.

JOHN DZIENKOWSKI

ACTIVITIES Dzienkowski presented "Professional Responsibility in Corporate Counsel" at the Law School's 14th Annual Health Law Conference, April 5, in Houston. ¶ He also presented "The Decline in Lawyer Independence: Lawyer Equity Investments in Clients" in a colloquium at the University of Florida College of Law on March 15. ¶ Dzienkowski presented a talk on lawyer

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dfreeman@mail.law.utexas.edu

Job Fairs, interviewing
opportunities throughout
the U.S.

Lisa Sparks
Director of Career Services
lsparks@mail.law.utexas.edu

Additional opportunities
to meet UT Law Students:

Alternative Careers
Panel and Reception

Corporate Counsel Day

Public Interest Table Talk

Mentor Reception

Public Service Career Day

Mock Interview Program

Careers in Government
Panel and Reception

Small and Mid-Size
Firm Reception

equity investments in clients at a faculty colloquium at the Florida State University School of Law on March 29. ¶ On April 12, he gave a faculty colloquium at the University of California Hastings College of Law, "Judges as Ethics Manager: Judicial Regulation of Lawyer Conduct in Litigation." ¶ He served as moderator of a panel discussion, "Legal Ethics in the News," at a meeting of the Asian Pacific Interests Section of the State Bar of Texas, on April 26 in Austin.

KAREN ENGLE

ACTIVITIES Engle will join the permanent UT Law faculty this fall. See p. 49. ¶ On January 9, she presented a paper in Sanibel, Florida, "Islamic Adaptations: The Threat From Within," to the Social Science Research Council Working Group on the Free Exercise of Culture. ¶ On April 14, she presented a paper at Harvard Law School, "Human Rights and the American Anthropological Association from 1947-1999," at a conference on legal consciousness. ¶ On May 23, Engle's paper "Keeping Terrorism Foreign" was presented at the UN University in Tokyo.

LEE FENNELL

PUBLICATIONS *Hard Bargains and Real Steals: Land Use Exactions Revisited*, 2001 Zoning and Planning Law Handbook 525. [Reprinted from 86 Iowa Law Review 1 (2000).] **ACTIVITIES** Fennell presented a paper titled "Death, Taxes, and Cognition: A Behavioral Look at the Estate Tax" at the University of Toronto's Law and Economics Workshop on March 13. ¶ She presented the same paper at Georgetown University Law Center's Law and Economics Workshop on April 1.

JOHN FLEMING

ACTIVITIES Fleming gave lectures and led workshops on dispute resolution in Israel in January at the invitation of the Israeli Ministry of Justice. ¶ He presented a paper, "Native American Peacemaking and Restorative Justice," for the cultural geography sector of the Association of American Geographers at its annual meeting on March 21 in Los Angeles. ¶ He was quoted in the April 15 issue of *Texas Lawyer* in an article concerning arbitration and possible legislative changes in Texas. ¶ Fleming testified as a resource witness on arbitration before the Civil Practices Committee of the Texas House of Representatives on April 3. ¶ On May 18, Fleming was quoted in the

Arkansas Democrat Gazette on environmental dispute resolution.

WILLIAM FORBATH

PUBLICATIONS *The New Deal Constitution in Exile*, 51 Duke Law Journal 165 (2001).

ACTIVITIES Forbath presented "The New Deal Constitution in Exile" at the Rutgers Law School Faculty Workshop on February 11. ¶ He delivered a talk titled "Welfare Rights: History and Reconstruction" at the 20th Century Politics and Society Workshop, sponsored by Columbia University's Departments of History and Political Science, on February 27. ¶ He also delivered a paper titled "When Jews, Italians, Slavs, and Greeks Belonged to Races Different From We, the People: Race, Class, and National Identity in Immigration Law and Policy, 1882-1924" to the New York University Legal History Workshop on March 6 and to a Columbia Law School faculty colloquium on April 11.

FRANCESCO FRANCIONI

PUBLICATIONS *IO The Italian Yearbook of International Law* (The Hague: Kluwer Law International, 2000) (editor).

FRED FUCHS

ACTIVITIES In May, the National Legal Aid & Defender Association selected Fuchs to receive the prestigious 2002 Kutak-Dodds Prize, which is awarded annually to honor advocates for the poor. See p. 54.

STEVEN GOODE

PUBLICATIONS *Courtroom Handbook on Texas Evidence* (9th ed., St. Paul: West 2002) (with Wellborn and Sharlot) ¶ *Courtroom Handbook on Federal Evidence* (8th ed., St. Paul: West, 2002) (with Wellborn).

STEPHANIE GORE

ACTIVITIES At the February 28 symposium "Intellectual Property in a Challenging Economy," which was sponsored by the Texas Intellectual Property Law Journal, Gore presented "Internet Jurisdiction: Implications for Intellectual Property Disputes."

LINO GRAGLIA

PUBLICATIONS *Single-Sex "Marriage": The Role of the Courts*, 2001 Brigham Young University Law Review 1013. ¶ "The Rehnquist Court and Economic Rights," in

The Rehnquist Court: A Retrospective (Oxford University Press, 2002).

ACTIVITIES Graglia presented "Terrorism and Civil Liberties," at the annual convention of the Young Conservatives of Texas in Dallas on February 8. ¶ He was a discussion leader at the Liberty Fund Judicial Seminar on Constitutional Interpretation, in New Orleans, February 26-March 2. Graglia was interviewed on the Tenth Amendment on "Live and Let Live," Austin Community Access Television, Libertarian Party program, on March 16. ¶ He gave a luncheon talk, "Terrorism and Civil Liberties," to the Houston Federal Bar Association in Houston on March 21. ¶ On April, 1, he participated in a debate on affirmative action sponsored by the Federalist Society, University of Northern Kentucky, in Highland Heights, Kentucky. ¶ Graglia was also a participant in a Liberty Fund Colloquium titled "The New Privileges and Immunities Clause," in Tucson, Arizona.

LESLIE GREEN

PUBLICATIONS "Law and Obligations," in *The Oxford Handbook of Jurisprudence and Philosophy of Law*, ed. J. Coleman and S. Shapiro, 514 (Oxford, U.K.: Oxford University Press, 2002).

ACTIVITIES Green presented a paper, "Law and Other Causes of Judicial Decisions," at a legal philosophy symposium at Balliol College, Oxford, on March 4. ¶

ANNE GRIFFITHS

PUBLICATIONS "Gendering Culture: Towards a Plural Perspective on Kwena Women's Rights," in *Culture and Rights: Anthropological Perspectives*, ed. J. K. Cowan, M.B. Dembour, and R. A. Wilson, 102 (Cambridge, U.K.: Cambridge University Press, 2001). ¶ *Remaking Law: Gender, Ethnography, and Legal Discourse*, 35 Law and Society Review 495 (2001).

ACTIVITIES Griffiths gave a talk, "Remaking Law in Africa, Culture and Rights: A Perspective from Botswana," at the Centre for Law and Society, University of California-Berkeley, March 12. ¶ She also presented "Reconceiving Justice: Children and Empowerment in the Legal Process?" on March 13 at the Boalt School of Law in Berkeley.

DAGMAR S. HAMILTON

ACTIVITIES Hamilton and her husband, Robert Hamilton, are co-holders of the

Godfrey Chair at the Maine Law School during the fall semester, where she will teach advanced constitutional law.

ROBERT HAMILTON

PUBLICATIONS *Fundamentals of Modern Business: A Lawyer's Guide*, 2002 Cumulative Supplement (New York: Aspen Law and Business, 2002) (with Richard A. Booth). ¶ *Business Basics for Law Students: Essential Concepts and Applications* (3d ed., New York: Aspen Law and Business, 2002) (with Richard A. Booth).

ACTIVITIES Hamilton is a co-holder of the Godfrey Chair at the University of Maine Law School in the fall, where he will teach business associations. The Godfrey Chair is the sole endowed chair at the Maine Law School.

PATRICIA HANSEN

ACTIVITIES Hansen participated in a break-fast workshop on research priorities in Latin America that included a delegation from the World Bank and a group of University of Texas faculty, in Austin on February 16. ¶ Also see Major Events.

JAMES HARRINGTON

ACTIVITIES See Major Events.

PATRICK HAZEL

PUBLICATIONS *Editor's Comments*, 20 The Advocate 73 (2001). ¶ *Oral History Interview with George Pletcher*, 20 The Advocate 92 (2001).

ACTIVITIES Hazel taught in the winter trial advocacy session at Harvard Law School in January. See p. 51.

BARBARA HINES

PUBLICATIONS *So Near Yet So Far Away: The Effect of Sept. 11th on Mexican Immigrants in the United States*, 8 Texas Hispanic Journal of Law & Policy, no. 1 (Spring 2002). ¶

ACTIVITIES Hines received the Excellence in Public Interest Award for teaching from the Public Interest Law Association and the Texas Legal Foundation. ¶ She presented "Seeking Termination of Proceedings Based on Suppression of Evidence" at the conference "Representing Immigrant Children and Challenging Unlawful Arrests" at UT-El Paso on February 21, sponsored by UTEP's Center for Border Studies and the Lawyers' Committee for Civil Rights Under Law of

Barbara Hines received the Excellence in Public Interest Award for teaching from the Public Interest Law Association and the Texas Legal Foundation.

BARBARA HINES



RICK PATRICK

Texas. ¶ She also presented "Asylum Law Basics and Immigration Law and Criminal Convictions" at the seminar "Asylum Law: An Introduction to Case Preparation," sponsored by the Travis County Bar Association and the Political Asylum Project, on February 15, in Austin. ¶ Hines and the Law School's immigration clinic handled a Salvadoran woman's successful asylum case that was cited in a leading immigration publication (Stephen Knight, *Seeking Asylum from Gender Persecution: Progress and Uncertainty* 79, no. 20 Interpreter Releases 689, May 13, 2002). ¶ Also see Major Events.

HENRY HU

ACTIVITIES Hu was quoted extensively in numerous major U.S. and foreign newspapers (such as the *New York Times*, *Wall Street Journal*, and *Washington Post* and the *Independent* (London) and *Libération* (Paris)) and magazines (such as *Business Week* and Germany's *Wirtschaftswoche*). He also appeared on television and radio shows, such as *NBC Nightly News with Tom Brokaw*, *News with Brian Williams* (MSNBC), CNBC's *Power Lunch*, and National Public Radio's *All Things Considered*. Hu discussed a wide range of economic and legal matters, such as corporate governance, derivatives, executive compensation, initial public offerings, investment banking, securities disclosure and regulation, stock analysts, and the world financial system. These matters related to, among others, Credit Suisse First Boston, Enron, General Electric, Global Crossing, JP Morgan Chase, Merrill Lynch, Morgan Stanley Dean Witter, Qwest Communications, UBS, Waste Management, and WorldCom. ¶ In January, Hu was reappointed to NASD Regulation's e-Brokerage Committee. ¶ In March, he began a third year of service on the National Association of Securities Dealers' Legal Advisory Board.

STANLEY JOHANSON

ACTIVITIES Johanson addressed the Beverly Hills (California) Bar Association, on January 18, on the impact of the 2001 Tax Act on estate planning.

CORWIN JOHNSON

PUBLICATIONS *Property: Cases and Materials* (8th ed., New York: Foundation Press, 2002) (with Ernest Smith, John E. Cribbet, and Roger W. Findley).

OWEN D. JONES

ACTIVITIES On April 19 in Tallahassee, Jones gave the President's Address at the Fourth Annual Scholarship Conference of the 220-member Society for Evolutionary Analysis in Law (SEAL). ¶ On April 20, Jones spoke at the SEAL conference on how patterns in cross-cultural legal history reflect shared neural architecture. ¶ He delivered the paper "Evolutionary Analysis in Law" at the UT Program in the History and Philosophy of Science on March 28. ¶ Jones was recently named an associate of the science journal *Behavior and Brain Sciences*.

SUSAN KLEIN

PUBLICATIONS *Apprendi and Plea Bargaining*, 54 Stanford Law Review 295 (2001) (with Nancy J. King). ¶ *Miranda's Exceptions in a Post-Dickerson World*, 91 Journal of Criminal Law and Criminology 567 (2001). ¶ *Wright, King, and Klein, Federal Practice and Procedure, Criminal* 3d, 2002 Pocket Parts, vols. 1, 1A, 2, 2A, 3, 3A (St. Paul: West, 2002) (with Nancy J. King).

ACTIVITIES Klein presented "The Implications of Apprendi" on February 27 at a national workshop on federal judges at the Federal Judicial Center in New Orleans.

KIMBERLEE KOVACH

ACTIVITIES Kovach conducted a program for the Delaware judiciary on mediation, in Wilmington, Delaware, on February 4. ¶ She delivered the paper "Issues of Training Mediators in Today's World" at the Annual Alabama Conference on Dispute Resolution in Montgomery, February 13. ¶ On February 19, she gave the talk "Issues Surrounding Enactment of Codes of Ethics for Mediators" at the Cámara de Comercio in Córdoba, Argentina. She made a similar presentation on February 20 before the Asociación Empresarial Region Centro Argentina, in Villa María, Argentina. ¶ Kovach participated in a panel discussion on public perception and consumer opinions about mediation at the annual conference of the Texas Association of Mediators, March 1 in Austin. ¶ Kovach has been appointed to the ABA Standing Committee on Lawyer Discipline and is a member of the Curriculum Committee of the ABA Section of Legal Education and Admissions to the Bar. ¶ On April 5 in Seattle, Kovach spoke on the topic "The Public's Perception of Mediation" at the annual conference of the ABA Section on Dispute Resolution.

DOUGLAS LAYCOCK

PUBLICATIONS "The Damage Done," *Texas Lawyer*, December 31, 2001, at 37.

ACTIVITIES Laycock was the subject of a feature article in the December 31 *Austin American-Statesman*. ¶ He presented "Religion in Schools Update" at the Law School's 17th Annual School Law Conference, February 28, in Austin. ¶ He was also named by UT president Larry Faulkner to chair a panel to revise UT policies on free speech. ¶ Also see Major Events.

LEON LEBOWITZ

ACTIVITIES Lebowitz delivered the opening remarks at the 24th Annual Conference on Securities Regulation and Business Law Problems, February 21, in Galveston, as he has done for all 23 previous conferences. The conference is sponsored by the Law School, the Fort Worth District Office of the Securities and Exchange Commission, the Texas State Securities Board, and the State Bar's Business Law Section.

TERRI LECLERCQ

PUBLICATIONS *In the Time of Shoes and Butterflies* [poem], 7 *Texas Hispanic Journal of Law & Policy* 56 (2001).

BRIAN LEITER

PUBLICATIONS Karl Nickerson Llewellyn, in *International Encyclopedia of the Social and Behavioral Sciences*, ed. Neil J. Smelser and Paul B. Baltes, 8999 (Oxford: Elsevier Science, 2001). ¶ *The Law School Observer*, 5 Green Bag (2d ser., 2002) at 203. ¶ *Naturalized Epistemology and the Law of Evidence*, 87 *Virginia Law Review* 1491 (2001) (with Ronald J. Allen). ¶ *Law and Objectivity*, in *The Oxford Handbook of Jurisprudence and Philosophy of Law*, ed. J. Coleman and S. Shapiro, 969 (Oxford, U.K.: Oxford University Press, 2002).

ACTIVITIES Leiter delivered the paper "Beyond the Hart-Dworkin Debate" at a legal philosophy symposium at Balliol College, Oxford, on March 4. ¶ He also delivered a lecture and answered questions about the past forty years of Anglo-American jurisprudence before five dozen law faculty and graduate students at the University of Paris I (Panthéon-Sorbonne) on March 8. ¶ China University of Political Science and Law Press has contracted with Cambridge University Press to issue a reprint edition of Leiter's edited volume *Objectivity in Law and Morals* (Cambridge University Press, 2001), in an edition of 2,000 copies initially for sale in China. ¶ Leiter has been appointed a consulting editor of the new journal *Episteme: Epistemological Controversies in the Humanities and Social Sciences*, a publication of the Centre for Philosophy of Natural and Social Science at the London School of Economics. The journal's editors are Nancy Cartwright (LSE), Alvin Goldman (Rutgers), and Philip Kitcher (Columbia).

SANFORD LEVINSON

PUBLICATIONS *Legal Historicism and Legal Academics: The Roles of Law Professors in the Wake of Bush v. Gore* (Symposium: "A Celebration of the Work of Mark Tushnet"), 90 *Georgetown Law Journal* 173 (2001) (with Jack M. Balkin). ¶ "Second to None?" *Texas Observer*, January 18, 2002, 14 (reviewing Carl T. Bogue, ed., *The Second Amendment in Law and History*). ¶ *The David C. Baum Memorial Lecture: Was the Emancipation Proclamation Constitutional? Do We/Should We Care What the Answer Is?* 2001 *Illinois Law Review* 1135. ¶ *Who's Afraid of the Twelfth Amendment?* [Symposium "The Law of Presidential Elections: Issues in the Wake of Florida 2000"] 29

Florida State University Law Review 925 (2001) (with Ernest Young). ¶ "Arms, Right to Bear," in Kermit L. Hall, ed., *The Oxford Companion to American Law*, 35 (New York: Oxford University Press, 2002).

ACTIVITIES At the conference "Congressional Power in the Shadow of the Rehnquist Court," held February 1-2 at the Indiana University School of Law-Bloomington, Sanford Levinson moderated the panel "Implications for Congress, the Courts, and the President." ¶ Levinson participated in numerous panels in "Text to Performance: Law and Other Performing Arts," on February 28 through March 9. ¶ Also see Major Events and p. 10.

JEANA LUNGWITZ

ACTIVITIES At the Law School's Second Annual Family Law Conference on April 11-12, Lungwitz was a participant in the panel "Temporary Orders: How to Look Prepared Even If You Met Your Client Yesterday." ¶ At the conference, Lungwitz presented a paper with the same title.

BASIL MARKESINIS

PUBLICATIONS *Unit é ou divergence: a la recherche des ressemblances dans le droit européen contemporain*, 53 *Revue Internationale de Droit Comparé* 807 (2001), also published in English (with some additions) under the title *Unity and Division: The Search for Similarities in Contemporary European Law*, 54 *Current Legal Problems* 591 (2001). ¶ *Der wachsende Einfluß der Menschenrechte auf das englische Delikts-recht*, in *Festschrift für Hans Stoll zum 75. Geburtstag*, ed. G. Hohloch, R. Frank, and P. Schlechtriem, 279 (Tübingen: Mohr Siebeck, 2001). ¶ *Tutorial and Repetitorium: Parallel and Different Techniques of Teaching Law in England and Germany*, in *The British Contribution to the Europe of the Twenty-First Century: The British Academy Centenary Lectures*, 63 (Markesinis ed.; Oxford: Hart Publishing, 2002).

ACTIVITIES In May, Markesinis was appointed Special Advisor to the First President of the French Supreme Court for matters of European Law, the first non-French citizen ever to hold such a special post. ¶ On June 18, Markesinis launched the fourth edition of his *German Law of Torts; A Comparative Treatise* (Oxford: Hart Publishing, 2002), in London.

RICHARD MARKOVITS

PUBLICATIONS *On the Economic Efficiency of Using Law to Increase Research and Development: A Critique of Various Tax, Antitrust, Intellectual Property, and Tort Law Rules and Policy Proposals*, 39 *Harvard Journal on Legislation* 63 (2002).

PHILIP K. MAXWELL

ACTIVITIES Maxwell was one of two U.S. lawyers invited to speak at the "Litigating Class Actions" seminar, May 30–31, in Calgary, held by the Canadian Institute for Canadian lawyers. Maxwell's topic was "What Happens When the Client Class Sues the Class Action Lawyer," and he was a featured luncheon speaker.

TRACY MCCORMACK

ACTIVITIES McCormack presented "Voor Dire and Jury Selection" at the Advanced Civil Litigation Conference, sponsored by the University of Houston Law Foundation in Houston on March 21 and in Dallas on March 28. ¶ On April 12, she delivered "The Jury Trial: A Litigator's Perspective" at the County and District Clerks' Legal Education Conference sponsored by UT CLE. ¶ At the Law School Reunion on April 13, McCormack hosted "The Weakest Link" with Professor Jim McCormack and led an interactive discussion on legal ethics, based on the popular network television game show.

THOMAS MCGARITY

ACTIVITIES In January, McGarity presented a faculty colloquium at Emory University, "Judicial Review of Risk Assessment." ¶ In February, he delivered a paper on regulatory cost analysis at the conference "What We Know and Don't Know About the Impact of Legal Services on the American Economy and Polity," which was held at UT Law School. ¶ In March, he testified before the Senate Committee on Government Operations on the Environmental Record of the Bush administration during its first year. ¶ In April, he attended a conference at Duke University, "Alternatives to Cost-Benefit Analysis in Environmental Regulation." ¶ Also see Major Events.

ROY M. MERSKY

PUBLICATIONS 43 *Index to Periodical Articles Related to Law* (Fall 2001) (with Donald J. Dunn and Tobe Liebert). ¶ 44 *Index to Periodical Articles Related to Law* (Winter 2002) (with Donald J. Dunn and Tobe Liebert). ¶ *Publishing, Law*, in *The Oxford Companion to American Law*, ed. Kermit L. Hall, 679 (New York: Oxford University Press, 2002) (with Tobe Liebert). ¶ *Language and the Law*, *Experience* (Spring 2002) at 8.

ACTIVITIES Mersky was a speaker at the Scribes Award Luncheon at the National Conference of Law Reviews, March 21, at Whittier College School of Law, where he introduced the keynote speaker and presented the Scribes Law Review Competition Award. ¶ He was honored as a Life Member of the Fellows of the American Bar Foundation at the midwinter meeting of the American Bar Association, January 25, in Philadelphia. ¶ He was also appointed a member of the American Bar Association's Standing Committee on Law Library of Congress for a three-year term to begin in August.

LINDA MULLENIX

PUBLICATIONS *Class Actions—The Party's Over: Do Spurned Class Action Objectors Have Appellate Rights to Further Protest?* 2001–2002 *Preview of United States Supreme Court Cases* 298. ¶ *Master Class—Dispositive Motions*, *National Law Journal*, March 11. ¶ *Federal Courts in the 21st Century: Cases and Materials* (2d ed., Newark, N.J.: LexisNexis, 2002) (with Howard P. Fink, Thomas D. Rowe Jr., and Mark V. Tushnet). ¶ *Some Joy in Whoville: Rule 23 (f), A Good Rulemaking*, 69 *University of Tennessee Law Review* 97 (2001).

ACTIVITIES Mullenix presented "September 11th Victim Compensation Fund of 2001: A Model for the Future?" at the conference "Liability and Insurance After September 11th," sponsored by the Connecticut Insurance Law Center and the Geneva Association, March 22, at the University of Connecticut School of Law.

NEIL NETANEL

ACTIVITIES Netanel presented "Copyright and the First Amendment" on January 18 as part of the Boston University School of Law's Intellectual Property Speakers Series. ¶ He presented his recent article, *Locating Copyright Within the First Amendment Skein*, 54 *Stanford Law Review*

1 (2001), at the University of Michigan Law School Legal Theory Workshop on February 8. ¶ See also Major Events.

MARK PERLMUTTER

PUBLICATIONS *Practicing Law—and Keeping Your Humanity*, *ABA Journal* (April 2002) at 58 (review of *Transforming Practices: Finding Joy and Satisfaction in the Legal Life*, by Steven Keeva). ¶

ACTIVITIES Perlmutter served as legal consultant for the film *Scared Silent*, based on a case he handled involving four women who sought justice against a deputy sheriff who raped them. The film aired on the Lifetime channel in late May and early June.

SCOT POWE

ACTIVITIES See Major Events.

WILLIAM POWERS

PUBLICATIONS *Products Liability: Cases and Materials* (3d ed., St. Paul: West, 2002) (with David A. Fischer, Michael Green, and Joseph Sanders). ¶ *Restatement (Third) of Torts: Liability for Physical Harm (Basic Principles)*, Tentative Draft No. 2 (Philadelphia: ALI, 2002) (reporter, with Michael D. Green).

ACTIVITIES Powers was honored as a Life Member of the Fellows of the American Bar Foundation at the midwinter meeting of the American Bar Association on January 25 in Philadelphia. ¶ See also Major Events.

MICHAEL SEAN QUINN

PUBLICATIONS *Terrorism and Insurance: Some Tentative Thoughts*, 14 *Environmental Claims Journal* 19 (2002).

ACTIVITIES Quinn presented "The 11 Commandments of Professional Responsibility" at the Law School's Sixth Annual Conference on Land Use Planning Law, February 8 in Austin, and at the Law School's Fourth Annual Telecommunications Law Conference, March 8 in Richardson. ¶ At the Law School's 24th Annual Conference on Securities Regulation and Business Law Problems, February 21 in Galveston, Quinn spoke at the session "The Corporate and Business Law Implications of Terrorist Activity." ¶ He was also quoted in the March 17 *New York Times* on the insurance context of child molestation claims against Catholic priests.

DAVID RABBAN

PUBLICATIONS *Academic Freedom, Individual or Institutional?* Academe (November–December 2001) at 16.

STEVEN RATNER

PUBLICATIONS Book review of *Unspeakable Truths: Confronting State Terror and Atrocity*, by Priscilla B. Hayner, 95

STEVEN RATNER



Steven Ratner serves as the academic advisor to the UN Secretary-General's Working Group on Terrorism and the United Nations.

American Journal of International Law 994 (2001). ¶ Symposium: "The Multinational Enterprise as Global Corporate Citizen," 21 New York Law School Journal of International and Comparative Law 1 (2001) (with others).

ACTIVITIES Ratner has been appointed to serve as an academic advisor to the UN Secretary-General's Working Group on Terrorism and the United Nations. ¶ Ratner was quoted in an op-ed piece by Nicholas Kristof in the January 29 *New York Times* on the legality of U.S. treatment of Afghan prisoners at Guantanamo Bay, Cuba. ¶ He was also quoted in an ABCNews.com story on February 15 on the UN's decision to halt negotiations with the Cambodian government on a tribunal to try the Khmer Rouge for 1970s-era atrocities. ¶ Ratner appeared as a guest on Fox News' "The O'Reilly Factor" on March 28 to discuss the foreign policy ramifications of the U.S. decision to seek the death penalty for suspected terrorist Zacharias Moussaoui. ¶ Ratner was quoted in the April 12 *Austin American-Statesman* with regard to a former Peruvian president's keynote address at a Law School symposium on challenges to the fragile

democracies of Latin America. ¶ On April 30, Ratner gave an address titled "The Pitfalls of International Justice" to the University of Texas chapter of Amnesty International. ¶ Also see Major Events.

ALAN RAU

PUBLICATIONS *Arbitration* (2d ed., New York: Foundation Press, 2002) (with Edward F. Sherman and Scott R. Peppet). ¶ *Mediation and Other Non-Binding ADR Processes* (2d ed., New York: Foundation Press, 2002) (with Edward F. Sherman and Scott R. Peppet). ¶ *Negotiation* (2d ed., New York: Foundation Press, 2002) (with Edward F. Sherman and Scott R. Peppet). ¶ "Notes for Teachers," *Processes of Dispute Resolution: The Role of Lawyers* (3d ed., New York: Foundation Press, 2002) (with Edward F. Sherman and Scott Peppet). ¶ "Arbitrability" and *Judicial Review: A Brief Rejoinder*, 13 World Arbitration and Mediation Report 71 (2002). **ACTIVITIES** Rau presented "Enforcement of International Awards and Foreign Judgments" at the 14th Annual International Law Institute, "Managing the International Transaction," in Houston on February 22.

R. ANTHONY REESE

ACTIVITIES Reese provided background information on trademark law for the "Explainer" column in the February 27 issue of the online magazine *Slate*, titled "Can You Trademark the Phrase 'Let's Roll'?" ¶ On March 1, Reese introduced Stanford law professor Paul Goldstein, who delivered the keynote address, "Fair Use in a Changing World," at the Law School's third annual Intellectual Property Law Symposium, organized by the Intellectual Property Law Society and the Texas Intellectual Property Law Journal. ¶ On March 7, he introduced Stanford law professor Lawrence Lessig, who gave the lunch presentation "Why Copyright?" as part of the Law School's symposium "From Text to Performance: Law and Other Performing Arts." ¶ Reese presented a draft of his paper "Strict Liability for Copyright Infringement" as part of Cardozo Law School's Intellectual Property Speakers Series on April 8 and as part of the Boalt Hall IP Scholarship Seminar on April 16. ¶ On April 10, Reese spoke on careers in intellectual property law as part of the "Careers in Law Panel" held by the UT-Austin Liberal Arts Career Services office. ¶ He was a guest teacher in two

seminars at Stanford Law School on April 29–30: "High Technology Property and Contract," taught by Margaret Jane Radin, and "Advanced Copyright," taught by Paul Goldstein. ¶ Reese gave a presentation on online copyright issues at the Law School's 15th Annual Computer and Technology Law Institute on May 30 in Austin. ¶ In May, he was awarded the Robert Murff Excellence Award by the Texas Campus Career Council "in recognition of outstanding support of career services at The University of Texas at Austin." ¶ Also see Major Events.

DAVID ROBERTSON

PUBLICATIONS *Protecting U.S. Oil Companies from Lawsuits Brought by Foreign Offshore Oil and Gas Workers: A Report on the Effects of the 1982 Amendment to the Jones Act*, 21 Review of Litigation 309 (2002) (with Chari Lynn Kelly). ¶ *Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits*, 26 Tulane Maritime Law Journal 193 (2001) (with Michael Sturley). **ACTIVITIES** Together with Michael Sturley, Robertson created and wrote the problem and memo used to assist the oral argument and brief-ranking judges at the Ninth Annual Judge John R. Brown Admiralty Moot Court Competition, March 21–23, in New Orleans, which the Law School co-sponsors each year with a local host law school, (this year it was Tulane).

JOHN ROBERTSON

PUBLICATIONS *Crossing the Ethical Chasm: Embryo Status and Moral Complicity*, 2 American Journal of Bioethics 33 (2002). **ACTIVITIES** Robertson was quoted in the February 16 *New York Times* on using preimplantation genetic diagnosis of embryos to create gender variety in families. ¶ On February 23, he presented "Legal, Ethical, and Policy Issues in Embryonic Stem Cell Research" at the University of Mississippi. ¶ He has received a two-year grant of \$150,000 from the National Institutes of Health for a project titled "Preimplantation Genetic Diagnosis and Genetic Modification." See p. 50.

LAWRENCE SAGER

ACTIVITIES Sager was hired as part of the permanent law faculty and will start in his

new position this fall. ¶ See pps.32 and 48.

JOHN SAMPSON

PUBLICATIONS *Amendments to the Texas Family Code, Title 1: The Marriage Relationship* [Commentary], State Bar Section Report: Family Law (Summer 2001) at 6 (with others). ¶ *Amendments to the Texas Family Code, Title 5: The Parent-Child Relationship* [Commentary], State Bar Section Report: Family Law (Summer 2001) at 25 (with others).

WAYNE SCHIESS

ACTIVITIES Schiess has been appointed a member of the Citation Manual Adoptions Committee of the Association of Legal Writing Directors. ¶ He presented "Ten New Things in Legal Research and Writing" to lawyers and legal assistants at the Austin law firm of Graves, Dougherty, Hearon and Moody on January 23. ¶ He spoke on legal writing to the Travis County Women Lawyers Association on April 17.

JOSÉ SERNA DE LA GARZA

ACTIVITIES Serna de la Garza was one of the speakers at the memorial service honoring Guillermo Margadant, March 20, in Mexico City at the Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México.

MICHAEL SHARLOT

PUBLICATIONS *Courtroom Handbook on Texas Evidence* (9th ed., St.Paul: West, 2002) (with Goode and Wellborn).

ACTIVITIES Sharlot wrote the foreword to an oral memoir of the late UT Law professor Gus Hodges, which was published in May by the UT Law library.

RONALD SIEVERT

PUBLICATIONS *Campbell v. Clinton and the Continuing Effort to Reassert Congress' Predominant Constitutional Authority to Commence, or Prevent, War*, 105 Dickinson Law Review 157 (2001).

ACTIVITIES Sievert spent two weeks in Kosovo in October 2001 on a training and liaison mission for the U.S. Department of Justice, working with Kosovar attorneys on their new procedural code and answering questions on pending cases growing out of the conflict with Serbia. ¶ In April as part of this program, Sievert served as a judge in a mock trial to teach courtroom skills to 14

lawyers from Kosovo who were visiting the Law School. Sievert's role in this courtroom training exercise was featured in a May 1 news article in the *Austin American-Statesman*. ¶ Also see Major Events.

CHARLES SILVER

PUBLICATIONS *Defense Lawyers' Professional Responsibilities: Part II—Contested Coverage Cases*, 15 Georgetown Journal of Legal Ethics 29 (2001) (with Ellen S. Pryor). ¶ "What Lawsuit Abuse?" *Dallas Morning News*, April 14, 2002.

ACTIVITIES Silver presented "Does Civil Justice Cost Too Much?" at the conference "What We Know and Don't Know About the Impact of Legal Services on the American Economy and Polity," sponsored by the Law School's Center on Lawyers, Civil Justice, and the Media and the Texas Law Review on February 1-2. See p. 12. ¶ See also Major Events.

ERNEST SMITH

PUBLICATIONS *Property: Cases and Materials* (8th ed., New York: Foundation Press, 2002) (with Corwin Johnson, John E. Cribbet, and Roger W. Findley).

ACTIVITIES On February 26, Smith spoke on "Wind Energy: Prospects and Issues" to the Oil, Gas, and Energy Law Section of the Houston Bar Association. ¶ Smith presented "Case Law Update" at the Law School's 28th Annual Ernest E. Smith Oil, Gas, and Mineral Law Institute, March 22, in Houston.

DAVID SOKOLOW

ACTIVITIES Sokolow presented "So You Want to Make a Movie?" at the Center for Law and Entrepreneurship at the University of Oregon School of Law on April 4.

MICHAEL STURLEY

PUBLICATIONS *Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits*, 26 Tulane Maritime Law Journal 193 (2001) (with David Robertson).

ACTIVITIES As a member of the Competition Committee, Sturley presided over the Ninth Annual Judge John R. Brown Admiralty Moot Court Competition, March 21-23, in New Orleans, which the Law School co-sponsors each year with a local host law school (which was Tulane this year). ¶ Sturley attended the Ninth Session of

Working Group III (Transport Law) of the UN Commission on International Trade Law (UNCITRAL), April 15-26, at the United Nations in New York, as the Senior Advisor on the U.S. delegation. ¶ Before the session, he attended two meetings of the Secretary of State's Advisory Committee on Private International Law, held in Washington, D.C., on January 9 and April 15 to discuss the U.S. government's negotiating strategy at the UNCITRAL meeting.

TERESA SULLIVAN

ACTIVITIES Sullivan's *The Fragile Middle Class: Americans in Debt* (Yale University Press, 2000) (with Elizabeth Warren and Jay Westbrook) was reviewed in 87 Cornell Law Review 1078 (2002).



JOHN SUTTON

ACTIVITIES Sutton served as moderator for the Review of Litigation's symposium, "Ethics and Attorney-Client Intimacy: Proposed Disciplinary Rule of Professional Conduct 5.07 (Prohibited Sexual Relationships)," April 15, at the Law School.

GERALD TORRES

PUBLICATIONS *The Miner's Canary: Enlisting Race, Resisting Power, Transforming Democracy* (Cambridge, Mass.: Harvard University Press, 2002) (with Lani Guinier). ¶ "The Miner's Canary: The Problems of People of Color Show What's Wrong with American Democracy," *The Nation* (February 18, 2002) 20 (with Lani Guinier). ¶ *Translation and Stories*, 115 Harvard Law Review 1362 (2002). ¶ *Foreword to Justice and*

Natural Resources: Concepts, Strategies, and Applications, ed. K. M. Mutz, G. C. Bryner, and D. S. Kenney, xxi (Washington, D.C.: Island Press, 2002). ¶

ACTIVITIES Torres' *The Miner's Canary: Enlisting Race, Resisting Power, Transforming Democracy* (2002) (with Lani Guinier) was reviewed in the *Washington Post National Weekly Edition*, February 18-24, at 32, and the *New York Times Book Review*, April 21. ¶ The book was the featured subject on ABC-TV's *Politically Incorrect*, on April 9. ¶ Torres plays harmonica on the song "Widow of This World" from Austin singer-songwriter Lisa Mednick's new CD, *Semaphore* (Texas Music Group, 2002). The song is available on the Web, at <http://www.antonresrec.com/product/tmg8002.html>. ¶ Torres was the featured speaker at a symposium on the future of civil rights at Wayne State Law School on April 4. ¶ Torres was a symposium panelist at the James Brister Symposium on Civil Rights at the University of Pennsylvania on April 11. ¶ On April 19, Torres was a panelist at the Kennedy School of Government at Harvard University during a symposium that was organized to explore themes from his recent book with Lani Guinier. ¶ Torres gave a lecture titled "Incorporating Tribal Perspectives and Indian Law in Environmental Policy" at the Yale School of Forestry and Environmental Studies on April 24. ¶ See also Major Events.

LOUISE WEINBERG

PUBLICATIONS *Publications Conflict of Laws: Cases, Materials, Problems* (2d ed., Newark, N.J.: LexisNexis, 2002) (with David Vernon, William Reynolds, and William Richman). ¶ *Of Sovereignty and Union: The Legends of Alden*, 76 Notre Dame Law Review 1113-1182 (2001, pub. 2002) (Annual Federal Courts Issue [commissioned]). ¶ *Choosing Law, Giving Justice*, 60 Louisiana Law Review 1361-65 (2001, pub. 2002) (Festschrift issue).

ACTIVITIES "America, the War, and Israel: An Exchange," *New York Review of Books*, January 17, 2002, at 49. [Letter, with reply by Tony Judt.] ¶ See also Major Events.

RUSSELL WEINTRAUB

PUBLICATIONS *When and How to Demagnetize Magnet Forums*, 12 King's College Law Review 195 (2001). ¶ *Commentary on the Conflict of Laws: 2002*

Supplement (4th ed., New York: Foundation Press, 2002). ¶ *Conflict of Laws: Cases and Materials 2002 Supplement* (11th ed., New York: Foundation Press, 2002) (with Hay and Borchers).

ACTIVITIES Weintraub was honored at the



WYATT MCSADDEN

ZIPPORAH WISEMAN

ACTIVITIES Wiseman is a lead organizer for a

ZIPPORAH WISEMAN

Zipporah Wiseman will coordinate a major conference on gender equality, "Subversive Legacies: Learning From History/Constructing the Future," to be held November 22 & 23.

Texas International Law Journal symposium in February at the Law School in Austin. ¶ Also see Major Events.

OLIN GUY WELLBORN III

PUBLICATIONS *Courtroom Handbook on Texas Evidence* (9th ed., St. Paul: West, 2002) (with Goode and Sharlot). ¶ *Courtroom Handbook on Federal Evidence* (8th ed., St. Paul: West, 2002) (with Goode).

JAY WESTBROOK

PUBLICATIONS *The Transnational Insolvency Project of the American Law Institute*, 17 Connecticut Journal of International Law 99 (2001).

ACTIVITIES Westbrook is the recipient of the Ex-Students' Association 2001-2002 Texas Excellence Teaching Award for the School of Law. ¶ He was interviewed about the Enron bankruptcy on National Public Radio's *All Things Considered* on February 21 and on *Weekend All Things Considered*, on February 3, and his comments about Enron appeared in the *Houston Chronicle* on February 13, the *Austin American-Statesman* on February 3, and in Cox News Service stories on January 30 and February 3. ¶ Westbrook was quoted several times in a series of feature articles on consumer bankruptcy in the *Atlanta Journal-Constitution* on February 3. ¶ Westbrook's *The Fragile Middle Class: Americans in Debt* (Yale University Press, 2000) (with Teresa Sullivan and Elizabeth Warren), was reviewed in 87

Cornell Law Review 1078 (2002). ¶ See also Major Events.

major interdisciplinary conference on feminism, "Subversive Legacies: Learning From History/Constructing the Future," to be held at the Law School November 22-23. The conference will explore subversive moments in the history of the struggle for gender equality.

PATRICK WOOLLEY

ACTIVITIES See Major Events.

ERNEST YOUNG

PUBLICATIONS *Two Cheers for Process Federalism*, 46 Villanova Law Review 1349 (2001). ¶ *Federalism and the Double Standard of Judicial Review*, 51 Duke Law Journal 75 (2001) (with Lynn Baker). ¶ *Who's Afraid of the Twelfth Amendment?* [Symposium: "The Law of Presidential Elections: Issues in the Wake of Florida 2000"], 29 Florida State University Law Review 925 (2001) (with Sanford Levinson). ¶ "Europe's Constitutional Convention: Will The European Union Embrace Federalism?" *FindLaw's Writ*, February 28, 2002. (http://writ.news.findlaw.com/commentary/20020228_young.html).

ACTIVITIES Young was awarded the Robert Murff Excellence Award by the Texas Campus Career Council "in recognition of outstanding support of career services at The University of Texas at Austin" for his service as a Faculty Clerkship Advisor. ¶ See also Major Events.

LAW SCHOOL STAFF AND LIBRARY ACTIVITIES

SUSANA ALEMÁN

ACTIVITIES Alemán has been appointed to serve a one-year term on the Council of The Texas Exes as chair of the Hispanic Alumni Advisory Committee, beginning July 1.

JULIE GARBUS

PUBLICATIONS *Service-Learning 1902*, College English 64, no. 2 (May 2002): 547-65.

SUZANNE HASSLER

PUBLICATIONS *Little City*, Echo Literary Journal, University of Texas at Austin 30 (Spring 2002). ¶ *Advocation* (with composer

Hassler coordinated the ten-day "From Text to Performance" conference, including publicity, logistics, and appearances by more than 50 speakers and panelists.

SUZANNE HASSLER



MARK S. RUTKOWSKI

Leslie Adams), (Cleveland, OH: Art Source, Summer 2001).

ACTIVITIES Coordinator, National Symposium, "From Text to Performance: Law & Other Performing Arts," Feb. 28 - March 9, 2002, The University of Texas, Austin campus. ¶ Presenter, Annual B. Iden Payne Theatre Industry Awards Ceremony for the City of Austin, Sept. 24, 2001. Nominating Committee, City of Austin, B. Iden Payne Awards 2001-02.

MARLE HOEPKEN

ACTIVITIES Hoepken is the 2002 recipient of the Faculty Service Award, which is given by a vote of the faculty and recognizes service to the Law School. She was recognized for her service on May 18 at the Law School's Sunflower Ceremony.

HOLLY LAKATOS

ACTIVITIES Lakatos was appointed to the

American Law Libraries' Recruitment to Law Librarianship Committee for two years. She begins her term on July 25 at the American Assoc. of Law Librarians annual meeting.

JUNE LIEBERT

ACTIVITIES Liebert presented a workshop, "Using the Internet in Your Practice," at the Law School's 2002 Reunion on April 13.

TOBE LIEBERT

PUBLICATIONS 43 *Index to Periodical Articles Related to Law* (Fall 2001) (with Donald J. Dunn and Roy M. Mersky). ¶ 44 *Index to Periodical Articles Related to Law* (Winter 2002) (with Donald J. Dunn and Roy M. Mersky). ¶ *Publishing, Law*, in *The Oxford Companion to American Law*, ed. Kermit L. Hall, 679 (New York: Oxford University Press, 2002) (with Roy M. Mersky).

KUMAR PERCY

PUBLICATIONS "Professional Publications: Learning About the Literature of the

THE TARLTON LAW LIBRARY'S CONSTITUTIONS DIGITIZATION PROJECT

The Tarlton Law Library's Constitutions Digitization Project received the 2002 American Association of Law Libraries' law library publications nonprint award. Library deputy director **Marcia Koslov** accepted the award at an association luncheon on July 22 in Orlando.

The Texas Constitutions Project at <http://www.law.utexas.edu/constitutions/> has put online digital versions of all the Texas constitutions published between 1824 and 1876, together with explanatory text and images. The project was made possible by a \$20,000 grant from the Texas State Library and Archives Commission.

The Texas Constitutions Digitization Project was carried out under the direction of **Roy M. Mersky**, Harry M. Reasoner Regents Chair in Law and director of the Jamail Center for Legal Research. Contributing to the project were current library staff members **Rick Garza**, **Brian Quigley**, and **Mike Widener**, as well as former staff members **June Liebert** (director of Internet Initiatives at the Law School), **Stephanie Towrey**, **Jill Duffy**, and **Keith Stiversen**. **Sally Emrick** of Internet Initiatives also worked on the project.

GUILLERMO FLORIS MARGADANT, 1924-2002

In March, Dean Bill Powers sent a message to the National Autonomous University of Mexico expressing the UT Law faculty's condolences on the death of their colleague Guillermo Floris Margadant. Powers wrote: "His contributions greatly enriched not only the cultural links between the two nations, but also the lives of the students and professors of the School of Law during the last two decades. . . . Dr. Margadant's service transformed our school by introducing us to the richness of Mexican jurisprudence."

UT VISITING PROFESSOR OF LAW, 1983-1997
PROFESOR EMÉRITO, FACULTAD DE DERECHO,
UNIVERSIDAD NACIONAL AUTÓNOMA DE MÉXICO

LAW SCHOOL NEWS courtesy of **Michael Widener**. For the most recent Law School Faculty news, please go online to www.law.utexas.edu/lsl/. ☛

Profession," *ALL-SIS Newsletter* (Spring 2002): 6 (with Ted Potter and Miriam Murphy).

JONATHAN PRATTER

ACTIVITIES Pratter is the recipient of the Carl H. Fulda Award for 2001-2002 from the Texas International Law Journal, in recognition of "his contribution to the scholarship of international law" through his assistance to the journal. ¶ At the April 19 annual meeting of the Southwestern Association of Law Libraries in Fort Worth, Pratter was a panelist for the session "Acquisition of International and Foreign Legal Materials."

BETH YOUNGDALE

ACTIVITIES At the April 19 annual meeting of the Southwestern Association of Law Libraries in Fort Worth, Youngdale chaired her last meeting as president of the association.

Right



Big thoughts under the big sky: Sandy Levinson (left) and Lawrence Sager are two of UT's nationally eminent constitutional theorists.



nts & Reason

BY JOHN RATLIFF
PHOTOGRAPHS BY WYATT MCSPADDEN

WHY UT'S CONSTITUTIONAL LAW FACULTY IS ONE OF THE BEST IN THE NATION

ONE OF THE BEST CONSTITUTIONAL LAW faculties in the country just became immeasurably better. This past spring, Dean Bill Powers announced that Texas had lured Lawrence Sager away from his position as the Robert B. McKay Professor of Law at New York University, where he was co-founder of the Program in Law, Philosophy, and Social Theory. “Larry is one of the leading constitutional law scholars in the country, and he will burnish our already leading group of faculty in that area,” Powers said.

Sager’s addition to a constitutional law faculty already considered by many to be the best in the nation invests UT’s claim to the title with fresh authority. And it once again draws national attention to the unparalleled depth and breadth of the school’s faculty.

This strength results from Texas’ commitments to constitutional law, collegiality, and ideological diversity. Sager echoed this point. “Early on, I was asked to give a talk to the faculty about some aspect of my current work. As I considered the various topics I might address, I realized that whatever I chose, someone on the faculty would have done substantial work in that area. I also realized that the local guru on that topic and I probably disagreed seriously.”

A look at the leading faculty in several disciplines—constitutional theory, constitutional history, free speech, religious liberty, and federalism—shows exactly how strong UT Law is, and why its reputation shines so bright.

Constitutional Theory

PROFESSORS SANFORD “SANDY” LEVINSON AND Philip Bobbitt, though differing in their approaches, are two highly influential modern constitutional theorists. With the addition of Sager, UT has achieved a critical mass of intellectual capital in the field.


Sager’s roaming intellect and philosophically rigorous approach to constitutional law helped elevate New York University to the top echelon of law schools during his three decades of teaching there. His work spans many aspects of constitutional theory.

He is famous for having mined a simple insight, namely, that “the Courts neither do nor should fully enforce the Constitution, and other governmental actors, like Congress, have a pivotal role to play in our constitutional life.”

But Sager does not propose a shrinking violet for a constitutional judge. He argues for “justice-seeking constitutionalism,” which insists, among other things, that “judges sometimes have to bring their own studied value judgments to bear in the course of applying the lofty abstractions of the Constitution to ground.” This theory, in turn, has taken Sager to questions as far afield as the amendment process and the idea that there may be a “distinct domain of constitutional justice.”



Freedom of speech, press & religion: Scot Powe (left), David Anderson, David Rabban (seated), and Douglas Laycock are experts on the practice and history of the First Amendment.



In recent years, Sager has written extensively in the areas of religious liberty and the constitutional status of military tribunals, collaborating with his longtime coauthor, Christopher Eisgruber of Princeton University.

Sandy Levinson developed some of his ideas in a 1988 book titled *Constitutional Faith*. He suggests that every person has both the right and the duty to interpret the Constitution for himself. Levinson contrasts this view with a “catholic emphasis on the Vatican-like authority of the Supreme Court.” He has argued before the Court (*Princeton v. Schmid*) and has written on almost every aspect of constitutional law, including some that have traditionally been given short shrift by academics—most notably the Second Amendment. A self-described “card-carrying member of the American Civil Liberties Union,” Levinson challenged his fellow scholars in a widely cited *Yale Law Journal* article to seriously consider the arguments for a constitutional right to gun ownership. His flouting of liberal dogma produced a predictably lively response.

In addition to his prolific scholarship, Levinson initiated a critically acclaimed national symposium, “From Text to Performance: Law and Other Performing Arts” (see story on page 10). He is now working on an upcoming symposium on the Louisiana Purchase, which he describes as “the most important constitutional event in the 60 or 70 years after the Constitution’s adoption.” And with his wife, Cynthia Levinson, he has built the impressive collection of American flag art that is on display at the Law School’s Connally Center.

Pursuing a similarly wide range of interests—though in markedly different directions—is Levinson’s colleague Philip Bobbitt. Known to legal scholars as the author of *Constitutional Interpretation*, he defined a number of “modalities,” or approaches to constitutional interpretation. Yet Bobbitt is also an expert on the history of European warfare, and he has carved out a parallel career as an advisor to Presidents Jimmy Carter, George H. W. Bush, and Bill Clinton, serving as director of intelligence on Clinton’s National Security Council (see page 50).

Despite—or perhaps because of—his frequent grounding in the sticky realities of Washington politics, Bobbitt is quick to defend the relevance of constitutional theory. “A lot of people who denigrate constitutional law are the beneficiaries of a system you don’t need to understand to benefit from,” he says. “A physician or mathematician can transfer his skills. But when a lawyer leaves his

jurisdiction, he’s a tourist. The Constitution empowers lawyers, and a lot of lawyers don’t appreciate this. . . . I can point to societies that have xeroxed our codes and statutes but whose systems are untenable owing to their constitutions.” Striking a more lyrical note, Bobbitt invokes the poet William Carlos Williams to suggest that theory, like poetry, is a necessity rather than a luxury: “It is difficult / to get the news from poems / but men die miserably every day / for lack / of what is found there.”

Constitutional History & Free Speech

THE VAGARIES OF WASHINGTON POLITICS ARE central to the work of Professor L. A. “Scot” Powe, whose assessment of the Supreme Court as an essentially political entity took on new meaning in the wake of *Bush v. Gore*—a ruling that Powe says he found unsurprising. Powe’s book *The Warren Court and American Politics* (“the most important thing I’m likely to do”) takes a historical approach to the effect of politics on the Warren Court, and vice versa. The History Book Club touted the significance of his book, calling it “a landmark, likely to be the baseline against which all future scholarship on the Court will be measured.”

Powe’s prominence as a constitutional scholar is actually twice won: In 1987, he published *American Broadcasting and the First Amendment*, a book that suggested that broadcasting was not a special case but instead could be incorporated into existing First Amendment protections. The book became standard reading in its field, winning the 1988 ABA Silver Gavel award and securing its author’s reputation as a First Amendment scholar.

For the last decade, though, Powe has turned his attentions to the influence of politics on the Supreme Court. He shrugs off his considerable reputation in two different areas of the law and takes pains to make it clear that no scholar is ever in sole possession of the truth. “We’re not typing in stone here,” he says.

The historians are a nationally well-respected group that includes William Forbath, a historian and labor lawyer, and David Rabban, a free-speech historian whose work has won numerous awards, among them honors from the *Journal of the History of Ideas* and the American Library Association. Rabban’s influ-

ential book *Free Speech in Its Forgotten Years* examines public discourse on free-speech issues during the late nineteenth and early twentieth centuries. Most people assumed that the significant judicial discussion of free speech began with the Holmes decisions immediately after World War I, but Rabban's research unearthed an entire tradition of legal and popular commentary on free speech prior to that time.

Like Powe, Rabban prefers to tackle topics from a historical distance. He is leery of using the past to make points about the present, or exercising what he terms a "presentist" agenda. "My historical background leads me to be wary of analogies with what's happened in the past," he says. "I believe that, being an historian, one is alert to the limits of analogies, and more cautious about them."

Nevertheless, he was struck by the similarities in free-speech regulation before World War I and today, so he wrote an afterword to his book. He observed that pre-WWI decisions argued that speech could be regulated because of its negative impact on the public morality or welfare. Some scholars today seek to justify the regulation of speech by making similar claims. Rabban found that many people focused on that analogy, which was something he had not intended. "The point was to write a history."

Rabban's attention to free-speech issues and Powe's early interest in broadcast media and the First Amendment are shared by their colleague David Anderson, who specializes in freedom of the press. Though Anderson is quick to note that what he does is not traditionally considered constitutional law per se—"Press freedom is really just a small corner of the First Amendment"—his work touches on many of the same topics addressed by constitutional historians.

Recent developments in his field include lawsuits engendered by "reality-based" television and how Internet journalism has complicated the already thorny problem of deciding who, exactly, should be considered members of the press.

"The Supreme Court has wisely avoided giving special protection to the press, and instead has applied the same standards to private speakers," he says. "But for purposes of accreditation, you have to be able to designate members of the press. If one day you're writing for the *Washington Post* and the next day you're putting up a Web site all by yourself, are you still a member of the press? You could well argue that you're doing the exact same thing."

UT scholars outside of the constitutional law area are also making important contributions to the understanding of the First Amendment. Neil Netanel, one of the nation's leading intellectual property professors, and Stuart Benjamin, who co-authored the leading telecommunications casebook, have both recently written about the impact of the First Amendment within their regulated fields. For example, in an article published in the *Stanford Law Review*, Netanel argued that speakers should sometimes have a First Amendment right to borrow from copyrighted works. Among other examples, he cited a recent attempt by the Margaret Mitchell estate to use copyright law to squelch an African American author's unlicensed sequel to *Gone with the Wind*, told from the viewpoint of a slave. Levinson commented, "This is one of the hottest areas in law right now, and Neil stands at the forefront."

Religious Freedom

DOUGLAS LAYCOCK IS WIDELY RECOGNIZED as one of the nation's two top scholars on the subject of religious liberty and is one of the authors of the Religious Freedom Restoration Act (RFRA) and of other state and federal legislation on religious liberty. (He is also the country's leading authority on the law of remedies.)

An outstanding advocate, Laycock has filed briefs in most religious liberty cases in the U.S. Supreme Court over the last decade and has orally argued twice before the Court. He is

currently involved in a suit against the city of Boca Raton, Florida. The city wants to remove religious imagery in a city cemetery and replace the crosses, statues, and Jewish grave coverings with horizontal plaques. City officials claim the plaques make maintenance easier. Laycock opposes the city's efforts, stating, "We regulate for all kinds of reasons, mostly from a secular perspective. But government can't obstruct religious practice without good reason."

Laycock believes the single biggest problem facing fledgling churches is zoning and land-use regulation. So when historic preservation laws prevented a Boerne, Texas, church from expanding its sanctuary, Laycock argued that the laws violated the RFRA. The case went to the U.S. Supreme Court, which held that Congress had exceeded its powers in enacting parts of the RFRA.

But he will not uniformly defend churches. He opposed before-game prayers at football games in Texas. "I'm not pro-church, and I'm not anti-church," he states. "I'm pro-liberty. I want government to interfere as little as possible with people's choices and commitments about religion."

By taking stands based on his constitutional philosophy rather than siding with one faction or another every time, Laycock feels that he has established himself as an honest broker. "I think because they've seen me take their position at least some of the time, both sides realize that I don't have an ax to grind."

Not having an ax to grind would seem to be one of the primary qualifications for another task currently confronting Laycock, that of clearly defining what free speech means on the UT-Austin campus. He sees rewriting the rules as more of a logistical challenge than an ideological balancing act. "Rules written in good faith over the years can get disorganized and confusing," he says. "The existing rules aren't aimed at suppressing the substance of unpopular opinions; they're more about traffic control, and allowing the campus to function. Protests can't interfere with students getting to class."

While Laycock labors to establish rules for collegiality among student protesters, Lynn A. Baker applauds the collegial atmosphere at UT, which allows students to reap “an enormous benefit” from the diverse range of opinions represented by the Law School faculty. Baker’s reevaluation of federalism and states’ rights, including the important role of the spending power, has brought her national attention, but it is a position on which opinions are divided.

“This is one of the few faculties in the country where the entire range of views is represented,” she says. “It’s a signal virtue of our institution. Professors routinely bring in Law School colleagues with opposing views to lecture in their classes.”

Baker is quick to note that it’s not only the students who benefit from the exchange of ideas: “I can get very careful and generous yet piercing criticism from people who I know in advance are not likely to agree with me. We can argue out ideas with one another in a very collegial way.”

Ideology on the faculty runs the gamut from the conservative views of Lino Graglia to those of Richard Markovits, a constitutional theoretician and economist critical of the law and economics movement, to the wide-ranging, more liberal views of

Sandy Levinson.

“For better or worse, constitutional law has been the most theoretically rich, intellectually contentious area of the law,” Levinson says. Yet the UT culture overcomes the tendency to contentiousness. Sager cited UT’s “generosity of spirit” as one of its most attractive features, and by way of contrast Levinson recounts the “almost pathological but certainly dysfunctional” atmosphere of another prominent law school at which he was a visiting professor.

At UT, office doors are typically left open and faculty members exchange views freely. “We schmooze,” says Levinson. “It humanizes people in aspects separate from their views.” Indeed, even in the wake of *Bush v. Gore*—about which, Doug Laycock concedes, “we were just as divided as the rest of the country”—Levinson collaborated with his colleague and ideological mismatch Ernest Young on an article about the Twelfth Amendment and its relationship to various Election 2000 controversies. Neither man shed tears nor blood in the process.

States & Nation

BAKER’S ENTHUSIASM FOR A BUSTLING marketplace of ideas also informs her work on federalism. She holds that

“states’ rights” has been unfortunately, if understandably, tainted by the legacy of the Civil War and the slaveholders who were once its loudest proponents. Because of that history, liberals have traditionally thought of federal power as preferable to that of the states, Baker says, but she sees federalism as ideologically neutral. She cites gay marriage as an example of states’ rights being invoked to further a liberal agenda. “The idea behind federalism is that it can allow great diversity to flourish within the realm of what is otherwise constitutionally permitted. Thirty-two flavors in the ice cream store are often better than three. It ought to make more people happier.”

Louise Weinberg’s work may at first blush seem in sharp contrast with Baker’s. Weinberg is the author of *Federal Courts: Cases and Comments on Judicial Federalism and Judicial Power* (1994), developing a theory of federalism that uses an interest-analytic approach. Edward Purcell, Jr., the noted legal historian, has recently singled out Weinberg as one of the most influential scholars of federal common law in the twentieth century.

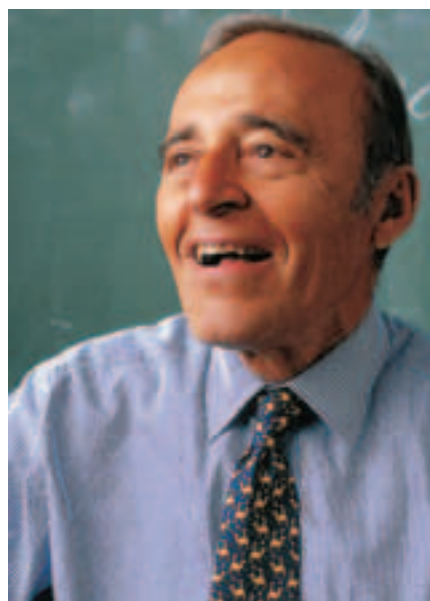
Weinberg’s appreciation of national power, and of the limits of state power, led her recently to criticize Oliver Wendell Holmes, surprisingly, as a “failure”—precisely because Holmes’ life-



GRANT GUERRERO



RICK PATRICK



WYATT MCSPADIN

Left: William Forbath’s recent research on constitutional welfare rights built on his work as one of the top American labor law historians. **Center:** Patrick Woolley, teaches civil procedure and a class on race and the Constitution. **Right:** Lino Graglia has taught constitutional law and antitrust at the Law School for 36 years.

long involvement with state law in state court made him unfit, Weinberg argues, for dealing with great national problems.

But her perspectives on national power have been increasingly tempered by a concern for individual rights. Weinberg points out that national power is not reliably more progressive than state power. Before the Civil War the nation's policy was to appease slave states. The only protections a runaway slave could find would have been those afforded by northern states. In recent work Weinberg has criticized cases in which a state's attempt to deal with a serious problem is preempted by federal law, like the case striking down Massachusetts' sanctions against Myanmar for human rights abuses.

Baker and Weinberg are joined by important scholars on both sides of the debate, including Ernest Young, Mitchell Berman, and Lino Graglia. They have explored various aspects of the relationship between federal and state governments, and how court decisions affect that relationship.

Lino Graglia has been on the faculty for 36 years. He is a staunch conservative who has written extensively on the Supreme Court's role in American policymaking. While noted for his hotly debated views on race, he says that his work focuses on a central point: "The Supreme Court should not strike something down as unconstitutional unless it clearly is, and most things are not. The judgment of elected representatives should prevail in cases of doubt. I want elected officials to make policy decisions and not unelected judges."

Surprisingly, some of his most recent work on the commerce clause finds support from his more liberal colleagues, who disagree with him on much else. "Liberals like my work on the commerce clause because I argue that the scope of federal legislative authority is usually a policy question, which like other policy questions, should be decided democratically, not by the Supreme Court, and that it is a false hope of conservatives that the Supreme Court can or will limit federal power."

The faculty's work in federalism has surprisingly far-reaching applications. Young's work, for example, has encompassed the study of federal maritime jurisdiction, intellectual property regulation (with Berman and Tony Reese), and the emerging federalism of the European Union.

"Many Europeans think of 'federalism' as the 'F-word.' But the constitutional convention now under way in Brussels is working through many of the same issues that perplexed our Founding Fathers," commented Young.

From an institutional viewpoint, though, one of Young's finest moments may have been as the author of the lead article on state sovereign immunity in the 1999 *Supreme Court Review*, edited by the University of Chicago faculty. The edition was bound in burnt orange and dedicated to legendary UT professor Charles Alan Wright.

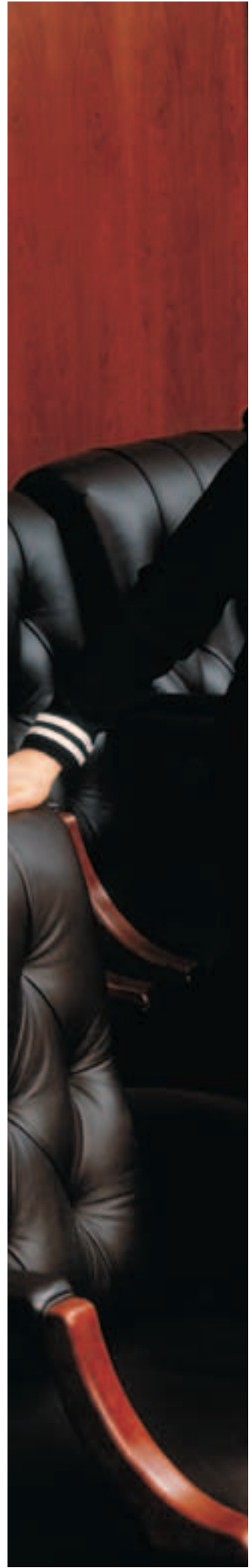
Building To Strength

WHEN WRIGHT PASSED AWAY IN 2000, HIS achievements and legacy were widely—and rightly—celebrated. The casual reader of his eulogies could be forgiven for wondering whether his passing would irretrievably diminish UT's standing in Wright's fields of federal jurisdiction and constitutional law. In the years since, it has become obvious that the prestige and stature of the Law School spring from no one individual, but rather from the unique collection of first-rate talent assembled here.

The unparalleled strength of the school's constitutional law faculty offers eloquent testimony to this fact. The work of the faculty described in these specific areas is complemented by the work of others that also influences the field. For example, Gerald Torres and Patrick Woolley wrangle with the issue of race and the constitution in addition to their other fields of property and civil procedure, respectively. H. W. Perry's famous book, *Deciding to Decide*, about the U.S. Supreme Court certiorari decisions, is virtually mandatory reading for Supreme Court clerks. John Robertson researches the implications of cloning and reproductive rights. Jordan Steiker works extensively on death-penalty issues; UT's criminal procedure professors grapple with constitutional issues; and Sarah Cleveland helps students understand foreign affairs and the Constitution. As well, the work of tax professor Calvin Johnson has helped illuminate just how important direct tax issues were to the country's founding.

Such a diverse and grounded faculty creates one of the best places to learn the field in the United States. As Sandy Levinson observed, "UT has more than its share of constitutional law stars; but our really remarkable feature is our depth. There is no school that begins to compare in bench strength with Texas." 🏠

John Ratliff is a freelance writer living in Austin. Allegra Young contributed. For more information about specific professors, go online to utexas.edu/law.





Federalism: Professors Louise Weinberg (left), Ernest Young, and Lynn Baker are leading voices on the balance between federal and state governments.

BY MICHAEL W. "MIKE" PERRIN, '71
PHOTOGRAPHS BY MARK S. RUTKOWSKI

Reunion 2002

C E L E B R A T I O N S





Reunion 2002 was a success, with almost 300 alumni gathering on April 13 for a barbecue lunch and live music on the lawn of the Law School. Later the group enjoyed an evening gala at the University of Texas Club.

The Alumni Association kicked off this year's reunion weekend with an "early start" reception on April 12 in the Jamail Pavilion. The next day in the same space local vendors exhibited products and demonstrated services, including a golf pro who analyzed the alumni's golf swings.

Among the programs available to the alumni was "The Psychology of Career Change," which was presented by members of the Non-Practicing Alumni Advisory Council and provided practical advice on transitioning from the practice of law to other careers.

A reunion highlight included a presentation by the **Honorable Royce Lamberth, '67**, U.S. district judge for the District of Columbia and the presiding judge of the Foreign Intelligence Surveillance Court in Washington, D.C. Lamberth's topic, "The Role of the Judiciary in the War on Terrorism," drew a

crowd, as well as national television coverage by C-SPAN and interest from the *New York Times*.

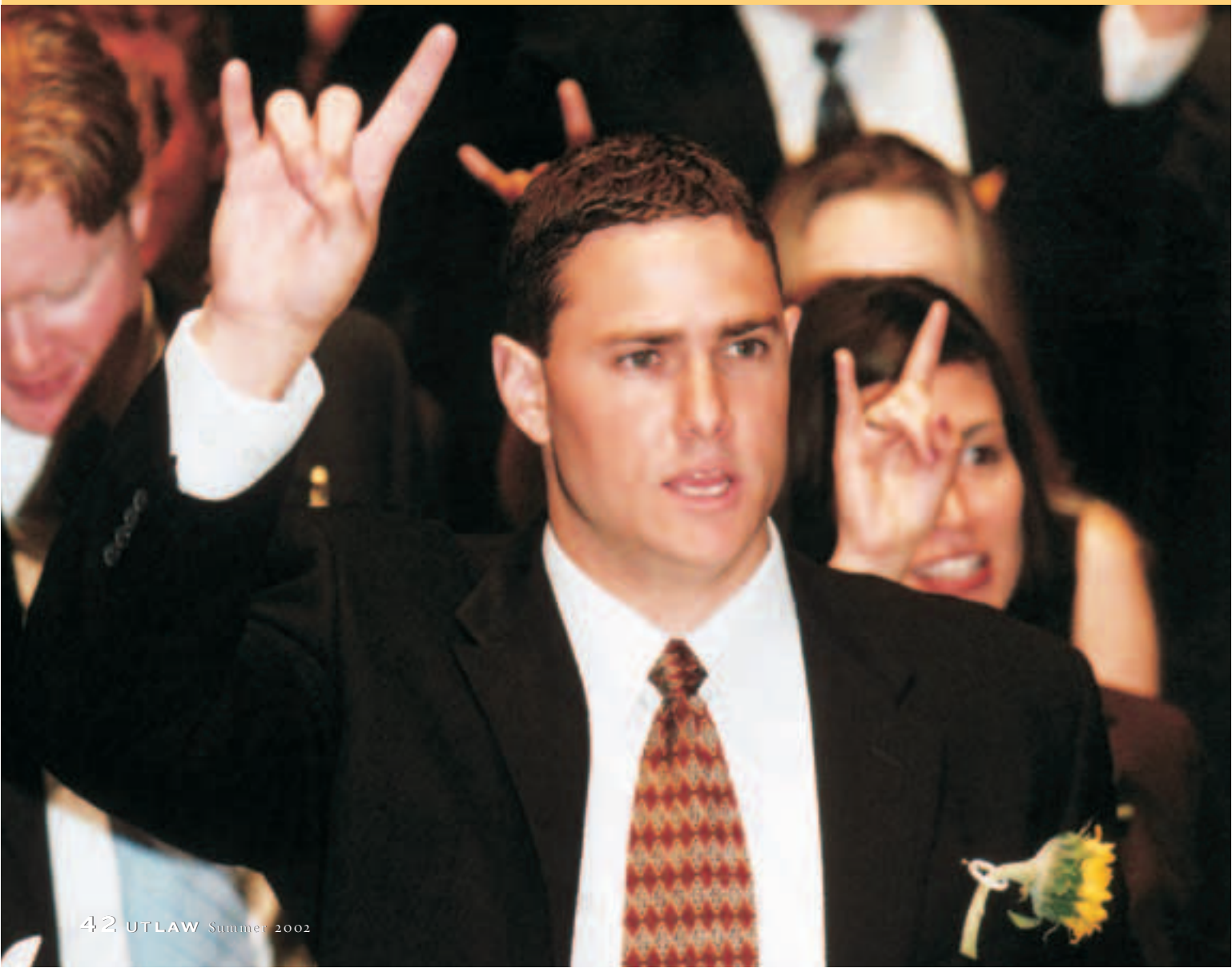
Reunion also served as a festive occasion for the dedication of the UT Law School's Morris Atlas Seminar Room, named for **Morris Atlas, '51**, of McAllen, Texas. Atlas, who is a past president of the Law School Foundation Board of Trustees, attended the celebration, along with his wife and children, Dean Bill Powers, various faculty, friends, and alumni.

Alumni celebrations concluded with a gala reception and cocktail buffet at the University of Texas Club, Darrell K. Royal-Texas Memorial Stadium, with revelers dividing their time between a common concourse area and individual suites designated for this year's honored classes (those ending in graduation years "2" and "7"). Each suite had a brilliant view of the UT Tower and the Austin skyline and was decorated with news, photos, and memorabilia from members of that class. The gala provided a chance for all to renew old friendships and make new ones.

BY DEL WILLIAMS, '85
PHOTOGRAPHS BY JOEL SALCIDO

The Sunflower Ceremony

C E L E B R A T I O N S





A CENTURY AGO, THE DEAN OF THE SCHOOL OF Law, Judge John C. Townes, wrote: "For the first time in several years the department took part in Class Day at Commencement. . . . We still decline to don the cap and gown, and appear on Commencement Day in our modest sunflower." The sunflower tradition began in defiance of an edict from the faculty and senior class of 1900 that all graduates wear cap and gown to commencement. Law students, who were inadvertently left out of commencement discussions, chose instead to wear white suits and sunflowers, the latter because as the sunflower turns to the sun, the lawyer turns to the light of justice.

This year's Sunflower Ceremony was held on Saturday, May 18, at the Frank C. Erwin, Jr. Special Events Center. **Conrad Adams, '02**, permanent class president, welcomed the 444 J.D. and 15 LL.M. recipients, congratulating them on their accom-

plishments. He was followed by guest speaker **Robert A. Estrada, '83**, University of Texas regent and chairman and chief executive officer of Estrada, Hinojosa, and Company. Estrada encouraged graduates to honor the law by doing right and to "remember to take your responsibilities seriously, but not yourselves."

The ceremony concluded with the pinning of the sunflowers on the graduates. As each one walked across the stage, the assistant dean of student affairs read aloud a brief tribute from the graduate student giving thanks to those who provided inspiration and support, from parents and professors to spouses and friends. After a reception at the Law School sponsored by the Alumni Association, many graduates participated in a university-wide commencement ceremony at the University's main mall. As their predecessors have done for at least a hundred years, they appeared with "our modest sunflower." 🌻

Are you a UT Law grad *not* practicing law?

Then the Law School's
Non-Practicing Alumni Advisory Council (NPAAC)
wants to hear from you!

This form is available online at <http://www.utexas.edu/law/alumni>.

Thank you for taking the time to complete this brief questionnaire.

1. Do you actively practice law at all? Yes ___ No ___
2. If not, what is your career/profession at this time?

3. In the context of the Law School and the legal profession, what are your areas of interest or concern?

4. Do you remain active with a State Bar? Yes ___ No ___
5. Do you maintain CLE hours? Yes ___ No ___

Dean Bill Powers established the NPAAC in 2001 to engage non-practicing alumni in the life of the School. Chaired by **Lorne Bain, '69**, the NPAAC provides a forum for more than 60 members from alumni around the country to meet periodically and to advise the Dean on diverse areas of curriculum, career services, continuing legal education, and alumni relations. If you are interested in becoming a member please contact Fran Chapman, Director of External Relations at UT Law.

Please send responses via e-mail or fax to:
Fran Chapman, Director of External Relations
The University of Texas School of Law
727 E. Dean Keeton Street
Austin, Texas 78705
Phone: (512) 232-9394 Fax: (512) 471-6987
E-mail: fchapman@mail.law.utexas.edu

TOWNES HALL NOTES

46 NOTEWORTHY

James A. Baker III, '57
Philip Bobbitt
Sarah Cleveland
Jane Cohen
Sylvia A. de Leon, '76
Karen Engle
John Fleming
J. Patrick Hazel, '71
Marcia Koslov
Hon. Thomas G. Loeffler, '71
J. Mark McLaughlin, '54
Roy Mersky
R. Anthony Reese
John Robertson
Patrick Rose, '04
Lawrence Sager
Martha E. Smiley, '72
Gerald Torres
Ernest Young

52 CLASS NOTES

61 IN MEMORIAM

BENJAMIN FRANKLIN
(1706-1790),
AMERICAN
STATESMAN,
DIPLOMAT,
PHILOSOPHER,
SCIENTIST,
BUSINESSMAN,
INVENTOR, AND
WRITER.
"GENIUS WITH-
OUT EDUCATION
IS LIKE SILVER
IN THE MINE."
COURTESY OF
MICHAEL HORN,
CURATOR, AND
THE ELTON M.
HYDER, JR.
COLLECTION.



WYATT MCSPADEN

Alumni Awards

2002 LAW ALUMNI ASSOCIATION AWARDS AND HONORARY ORDER OF THE COIF

ON MARCH 20, THE UNIVERSITY OF TEXAS LAW Alumni Association honored four graduates at an awards dinner at the Headliners Club in Austin. The 2002 Distinguished Alumni Award recipients are **J. Mark McLaughlin, '54**, Lifetime Achievement; The Honorable **Thomas G. Loeffler, '71**, Outstanding Alumnus; **Martha E. Smiley, '72**, Distinguished Alumnus for Community Service; and **Sylvia A. de Leon, '76**, Honorary Order of the Coif.

"Mark, Martha, Tom, and Sylvia have worked tirelessly to help our great University and Law School," said UT Law dean Bill Powers. "Martha and Tom have served as Regents. Mark has been a longtime member of our Law School Foundation. Sylvia has helped establish better alumni relations in Washington, D.C., and is currently serving on our long-range planning committee," Powers continued. "I am deeply grateful to all of them for all they have done to help



J. Mark McLaughlin received the Lifetime Achievement Award.



The Community Service Award was presented to Martha E. Smiley.

make our Law School and University move ahead."

McLaughlin received the Lifetime Achievement Award in recognition of his distinguished legal career. He served in the U.S. Air Force as a judge advocate and as an assistant attorney general of Texas before entering private practice and ranching in San Angelo. He has been a trustee of the Law School Foundation since 1973, serving as its president from 1988 to 1993. He also served on the Texas Constitutional Revision Commission and the Texas Board of Corrections. McLaughlin's professional affiliations have included the State Bar of Texas, where he served as a vice president, and the Texas Bar Foundation, the American Bar Foundation, and the American College of Trust and Estate Counsel.

Loeffler, a former U.S. representative and former vice chairman of the University of Texas Board of Regents, received the Outstanding Alumnus Award for his contributions to the legal profession and society. Loeffler is a

partner with Loeffler, Jonas & Tuggey L.L.P. in San Antonio, a firm that specializes in business litigation, government affairs, real estate, securities, and public finance. Previously, he was partner in the national law firm of Arter & Hadden, and chairman of its government affairs practice group in San Antonio. During the administration of President Ronald Reagan, Loeffler served as principal coordinator for Central America in the White House Office of Legislative Affairs. He has also served as an advisor to Presidents Gerald Ford and George H. W. Bush. Loeffler currently serves as a trustee of the Law School Foundation.

Smiley, a former University of Texas Regent, was selected to receive the Distinguished Alumnus Award for Community Service, which honors a graduate who brings conspicuous credit to the legal profession by exemplary service. The award recognizes Smiley for her significant civic contributions. She is currently executive vice president of corporate policy and services at Grande Communications in Austin. Previously, Smiley was a principal in Triad, Inc., providing strategic business and regulatory advice to communications companies, and a partner in the Austin law firm of Bickerstaff, Heath & Smiley, L.L.P. She has also served as regional counsel at the Environmental Protection Agency, and chief of the



Thomas Loeffler received the Outstanding Alumnus Award.



CADE MARTIN

Sylvia A. de Leon was inducted into the Honorary Order of the Coif.

Taxation Division of the Office of the Attorney General of Texas. In addition, Smiley serves on the board of the Women's Museum: An Institute for the Future, and is the immediate past chair of the Foundation Board of Trustees for SafePlace. Smiley is president of the Foundation for Women's Resources and chair of the KLRU board of directors. She also founded Grande's Passion and Commitment Club, through which company employees can donate to nonprofit and community-based organizations.

A partner of Akin, Gump, Strauss, Hauer & Feld in Washington, D.C., de Leon was awarded honorary membership in the Order of the Coif for her scholarly attainments and contributions to the legal profession. She is a founding member of her firm's public law and policy practice group. De Leon has worked with federal, state, and local governments through a variety of appointments, client representations, and ad hoc projects. She has also served as an adjunct professor of law at the Georgetown University Law Center. Currently, de Leon serves on the University of Texas Development Board, the executive committee of the UT Law Alumni Association, and the Law School's long-range planning committee.

The Alumni Award recipients are chosen by the Law Alumni Association Executive Committee, based on nominations submitted by the alumni of the Law School. Honorary membership in the Order of the Coif is conferred by a vote of the law faculty.

Lawrence Sager

NYU'S LEADING CONSTITUTIONAL LAW
SCHOLAR JOINS FACULTY



Sager's 30 years at NYU's Law School helped propel it into the top ranks of law schools.

LAURENCE SAGER, WHOSE many ideas and arguments have shaped modern scholarly conversation about constitutional practice in the United States, joins the permanent faculty at UT Law this fall. A visiting professor at the Law School this year, Sager has been the Robert B. McKay Professor of Law at New York University, where he was co-founder of the Program in Law, Philosophy and Social Theory (see cover story).

"The UT Law faculty is rich in people who are talented and deeply ambitious. . . ambitious in their own intellectual projects, ambitious on behalf of the work of their colleagues, and ambitious for the success of the school as a whole," Sager said.

He is the author or co-author of

dozens of articles, many now classics in the canon of legal scholarship, including "Fair Measure: The Legal Status of Underenforced Constitutional Norms" (*Harvard Law Review*, 1978), "Foreword: Constitutional Limitations on Congress' Authority to Regulate the Jurisdiction of the Federal Courts" (*Harvard Law Review*, 1981), "Unpacking the Court" (*Yale Law Journal*, 1986), "The Incurable Constitution" (*New York University Law Review*, 1990), and "The One and the Many: Adjudication in Collegial Courts" (*California Law Review*, 1993). His forthcoming book, *Justice in Plainclothes: A Theory of American Constitutional Practice* (Yale University Press), provides a systematic account of the central features of American constitutionalism.

BRIEFS



Marcia Koslov

In January, **Marcia Koslov** became the deputy law librarian. She was previously director of the Knowledge Management Office for the National Center for State Courts in Williamsburg, Virginia.

•Professor **Sarah Cleveland** has been named one of the 2001 Teachers of the Year by the Association of American Law Schools.

•Professors **R. Anthony Reese** and **Ernest Young** received the Robert Murff Excellence Award in recognition of their outstanding support of career services. Reese and Young serve as judicial clerkship advisors at the Law School. They were the unanimous choice of a campus-wide awards panel.

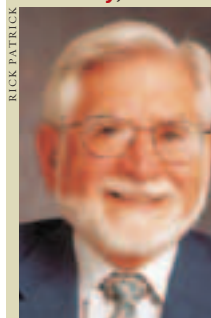


R. Anthony Reese

•Adjunct law professor **John Fleming** lectured on ADR in Israel last January at the invitation of the Israeli Ministry of Justice.

•**Patrick Rose, '04**, is the Democratic nominee for state representative from Dripping Springs.

•Dean **Bill Powers** and Professor **Roy Mersky**, director of research at the Tar-



Roy Mersky

ton Law Library, Jamail Center for Legal Research, were named Life Fellows of the American Bar Foundation, the pre-eminent research center for the empirical study of law, legal institutions, and legal processes in society.



Engle returns to Texas to teach at UT Law.

Karen Engle

EXPERT IN INTERNATIONAL HUMAN RIGHTS
AND FEMINISM JOINS UT LAW

School's permanent faculty this fall.

Engle's research is concentrated in two fields, international human rights and employment discrimination law. Much of her work in these areas examines how legal doctrine and discourse imagine and respond to different conceptions of race, gender, and culture. She is best known for her work on women's human rights and on the tensions between human rights and culture. Engle is currently working on a book-length project titled "Culture Talk: The Functions of Culture in International Human Rights Discourse."

"I am extremely pleased that Karen Engle will be joining our faculty. She brings us real strength in the areas of

international human rights and feminist jurisprudence," said Dean Bill Powers, noting that the most recent survey of academics in the field of international law, ranked UT 12th in the nation. "In addition, Karen will be a great colleague and teacher."

"It's an exciting time to join the UT law faculty. There is a strong sense of community and collegial interaction. I am also delighted to be returning to Texas," said Engle, who grew up in San Antonio and clerked for Jerre S. Williams of the U.S. Court of Appeals for the Fifth Circuit in Austin. Before joining the law faculty at the University of Utah, Engle served as a Ford Fellow in public international law at Harvard.

KAREN L. ENGLE, WHO has taught law at the University of Utah since 1992, joins the Law

Jane Cohen

NATIONALLY PROMINENT SCHOLAR BOLSTERS
INTERDISCIPLINARY STUDIES

THE LAW SCHOOL HAS hired Jane Maslow Cohen, a specialist in family law, medical ethics, property, and feminist theory.

Cohen, formerly a law professor at Boston University, teaches a seminar on the Human Genome Project, the basic course on property, and a seminar that relates feminist theory to law and public policy.

"I couldn't be happier that Jane Cohen will be joining our faculty permanently. She adds greatly to our already strong presence in law and

bioethics, and in family law," said Dean Bill Powers. "She also brings an important feminist and jurisprudential perspective to her scholarship and teaching. On top of all of that, she is deeply committed to making the Law School the best intellectual community it can be. Her decision to come to UT is a great moment for us," he said.

Cohen practiced law for more than a decade before joining the faculty of the Boston University School of Law in 1983, where she was a finalist from a pool of more than 6,000 teachers for the university's teaching prize.

Her articles have appeared in two



LAWRENCE SAGER

Jane M. Cohen's work focuses on family law, feminist theory, and bioethics.

books and in numerous law reviews.

"The UT Law community gives real meaning to the idea of an institutional home," Cohen said. "Here is all the warmth, engagement, talent, and ambition that one could hope to find in a place, and a generous and apt set of shared values, too."



John Robertson is one of the leading bioethics scholars in the United States.

John Robertson

BIOETHICS SCHOLAR
RECEIVES GRANTS FOR
BOOK AND NIH PROJECT

PROFESSOR JOHN ROBERTSON, received a semester research grant for the fall semester 2002 to research a book on legal and other implications of successful sequencing of the human genome. That project, titled "Conquering the Genome: The Challenges of Genetic Knowledge," will address the ethical, legal, and social issues that arise out of genetic knowledge across a range of affected areas.

Robertson, a nationally recognized scholar in his field, has also received a grant from the National Institutes of Health for \$150,000 for two years (2002-2004) to study issues of genetic control and selection in advanced techniques of assisted reproduction.

New on the Shelf

THE SHIELD OF ACHILLES AND THE MINER'S CANARY
PRAISED FOR AMBITIOUS SCOPE AND SCHOLARSHIP

TWO LEADING SCHOLARS AT THE UT School of Law have written groundbreaking books in their fields.

Philip Chase Bobbitt, a leading constitutional theorist and expert on national security law, wrote *The Shield of Achilles: War, Peace, and the Course of History* (Knopf, May 2002).



"*The Shield of Achilles* is a triumph—grand in scale and original in concept, amazingly learned, often provocative, consistently absorbing," said David

McCullough, author of *John Adams*.

"This is a book about the future—the multiple worlds that lie before us at a turning point in history," says Bobbitt, "The way to understand these futures depends on appreciating the dynamic of the last six centuries when revolutions in warfare and revolutions in government came together."

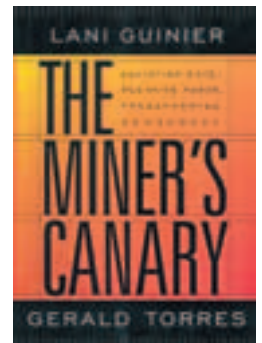
The Miner's Canary: Enlisting Race,

Resisting Power, Transforming Democracy (Harvard University Press, 2002) by **Gerald**

Torres and Lani Guinier, a Harvard law professor, has reaped praise as a powerful and challenging book since its February release. A leading figure in critical race theory, Torres was a deputy assistant attorney general at the Justice Department and counsel to former U.S. attorney general Janet Reno.

In their book, Torres and Guinier write that like the canaries that alerted miners to poison in the air, issues of race point to underlying problems in society that affect everyone, not just minorities. The authors argue that ignoring racial differences has failed, and they propose a theory of political race that calls for the building of grass roots, cross-racial coalitions to tackle inequalities.

Publisher's Weekly called the book "one of the most provocative and challenging books on race produced in years."



James Baker III, '57,



On April 24, **James A. Baker III, '57**, received the 2002 Wickersham Award from the Friends of the Law Library of Congress for exceptional public service and dedication to the legal profession. Baker, a former U.S. secretary of state, is a senior partner in Baker Botts and senior counselor to the Carlyle Group.

MILESTONES

Several faculty members reached major milestones of teaching at the Law School recently. **Professor David Anderson, '71**, celebrated his 30th anniversary this past spring. Professors



Richard Markovits

Inga and Richard Markovits, who joined the faculty in 1976 along with **Professor Philip Chase Bobbitt**, celebrated their silver anniversaries. This fall is **Professor John Sutton's** 45th anniversary. It will be the 25th anniversary for Dean **Bill**

Powers and Associate Dean **Steven Goode**; both have taught here since September 1977. Adjunct professor **Ken Houp** will also celebrate 25 years. Professor **Corwin Johnson**, who is retired but continues to teach one semester each year, has been at the Law School since September 1947, bringing his total years at UT Law to 55! Other faculty who have taught here longer than 25 years include Professors



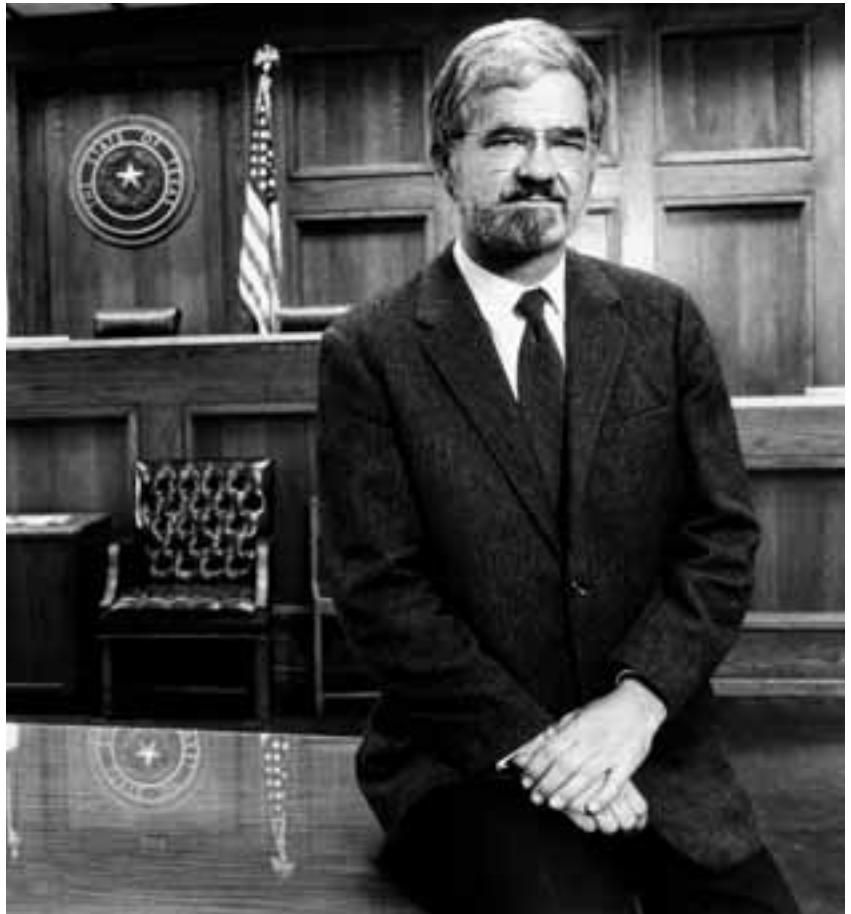
Inga Markovits

Stanley Johanson (39), Ernest Smith (39), Robert Hamilton (38), Roy Mersky (37), Russell Weintraub (37), Lino Graglia (36), Robert Dawson (34), Michael Sharlot (33), David Robertson (32), Jack Sampson (32), George Dix (31), Scot Powe (31), Guy Wellborn (28), Michael Churgin (27), and Patrick Hazel (27). Adjunct professor **Bill Allison** also celebrates 27 years of teaching at the Law School. Professor emeritus **Leon Lebowitz**, who retired in 2000 from teaching, celebrates 47 years at the Law School this fall.

Reporting by Sarah Gainer, B.A. '01, Laura Castro Trognitz, '97.

J. Patrick Hazel

EMINENT TRIAL ADVOCACY PROFESSOR
RETIRES AFTER 27 YEARS



J. Patrick Hazel established one of the top trial advocacy programs in the United States.

J Patrick Hazel, '71, the father of the Law School's nationally recognized and award-winning trial advocacy program, delivered his final arguments as a full-time professor this spring, retiring after 27 years of teaching.

Hazel taught trial advocacy principles, as well as advanced civil litigation to more than 4,000 students over the past 27 years. He developed a nationally respected program that won an award as the best trial advo-

cacy program in the United States in 1991. As a testament to Hazel's legacy, Professor Jack Sampson points out that the John B. Connally Center is dedicated to advocacy at a school where—prior to Hazel—no such program existed. "He has a great devotion to his task and a great integrity in performing it," Sampson said.

Hazel will leave his full-time position in August, but is scheduled to teach Texas civil procedure on a half-time basis in 2002-2003. 📖

C L A S S N O T E S

Please write to us about your latest accomplishments and send photos to Irma Santana at the address below. For additional information, contact Laura Castro Trognitz, Communications Strategy Manager, 512-232-1229, lcastro@mail.law.utexas.edu.

Have questions about the overall development program of the Law School?

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Fran Chapman

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Want to join or become more involved in the Law Alumni Association?

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Trial Skills for Public Interest Lawyers

On March 1, the Fellows of the American College of Trial Lawyers presented a unique program titled "Trial Skills for Public Interest Lawyers" at the Law School's Eidman Courtroom. The program, part of a 2002 Poverty Law Conference in Austin, consisted of numerous presentations by UT Law graduates, including **Terry O. Tottenham, '70**, who coordinated the event. Other alumni presenting their experience to assist in educating public interest lawyers were **Broadus A. Spivey, '62**, former president of the State Bar of Texas; **Don Davis, '65**; **David J. Beck, '65**, past president of the State Bar of Texas; **Diana E. Marshall, '73**; **James B. Sales, '60**, past president of the State Bar of Texas; and **Thomas H. Watkins, '64**.

1927

Guy Louis Smith spent his career with Maryland Casualty Company, primarily out of Texas. He and his wife, Laura Ruth Irvin of Amarillo, retired to Kerrville in 1971. Since then, they have done extensive traveling, often by freighter.

Ralph Yarborough is the subject of *Ralph W. Yarborough: The People's Senator* (UT Press, 2002), a recent biography that offers the first in-depth look at his life and career.

The author, Patrick Cox, is a historian at the Center for American History at UT-Austin. He draws on Yarborough's personal and professional papers, as well as



on extensive interviews with the senator and his associates, to follow Yarborough from his formative years in East Texas through his legal and judicial career in the 1930s, decorated military service in World War II, unsuccessful campaigns for Texas governor in the 1950s, distinguished tenure in the U.S. Senate from 1957 to 1970, and return to legal practice through the 1980s. Yarborough died in 1996.

1949



William B. Hilgers, chairman of Hilgers & Watkins, P.C., in Austin, has received the 2002 American Inns of Court Professionalism Award for the Fifth Circuit. On May 2, the Honorable Patrick E. Higginbotham of the U.S. Court of Appeals for the Fifth Circuit presented the award to Hilgers at the Fifth Circuit Judicial Conference at the Fairmont Hotel in Dallas. The award honors a senior practicing judge or lawyer whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession.

1950

Morris Atlas and his son, **Scott Atlas, '75**, were honored with the Anti-Defamation League's Karen H. Susman Jurisprudence Award in April in Houston for their outstanding civic activities. Morris is a managing partner of the McAllen, Texas, law firm of Atlas & Hall, L.L.P. Scott is a partner at Vinson & Elkins, L.L.P., in Houston. Also see p. 41 for dedication of the Morris Atlas seminar room at the Law School during Reunion 2002.

T. Alex Beall has completed a listing of all attorneys in Tyler, Texas and Smith County from 1900 to 2000. This 100-year summary with selected biographies was published in *Chronicles*, the magazine of the Smith County Historical Society.

1951

Jim Wilson became a Life Member of the American Law Institute (25 years as an ALI member) at a meeting in Washington, D.C., in May. His daughter, **Alex Wilson Albright, '80**, is a new member of the ALI and also attended the meeting.

1957

The Friends of the Law Library of Congress presented **James A. Baker III** the 2002 Wickersham Award for exceptional public service and dedication to the legal profession. Baker was secretary of state from January 1989 through August 1992 under President George Bush. He is presently a senior partner in the Houston law firm of Baker Botts, L.L.P., and is a senior counselor to the Carlyle Group, a merchant banking firm in Washington, D.C. Also see p. 50.

1962

Former State Bar of Texas president **Broadus Spivey** was sworn in as president of the International Academy of Trial Lawyers at its annual meeting in Los Angeles on April 13. The academy was founded in 1954 for the purpose of cultivating the science of jurisprudence;



Broadus Spivey, left, is President of the International Academy of Trial Lawyers.

promoting reforms in the law; facilitating the administration of justice; elevating the standards of integrity, honor, and courtesy in the legal profession; and cherishing the spirit of brotherhood among members.

1964

Irwin H. Steinhorn of Conner & Winters P.C. in Oklahoma City, Oklahoma, will teach a course titled "Agency, Partnership, and Limited Liability Entities," at the Oklahoma City University School of Law during the 2002 fall semester. Steinhorn has served as an adjunct professor at OCU School of Law since 1980 teaching courses in corporations, securities regulations, agency and partnership, and environmental law.

1965

Austin attorney **Don Davis** was featured in *Texas Lawyer* on April 29 for his work as a clay and bronze sculptor. Davis, a partner at Byrd, Davis, Eisenberg, Walter & Furman, specializes in product liability cases and is creating his second sculpture for the Children's Hospital of Austin. He has also sculpted life-size figures of famous golfers.

1966

Walter D. Hester, formerly with Scott, Hulse Marshall, Feull, Finger, Thurmond in El Paso is now Of Counsel to the El Paso firm of Ainsa Hutson, L.L.P.

Lynn N. Hughes, U.S. district judge for the Southern District of Texas in Houston, delivered an address at Northwestern University Law School in late 2001 titled "Contracts, Custom, and Courts in Cyberspace" at the Fourteenth Annual Symposium on Intellectual Property Law and the Corporate Client. His talk will be published this summer by the Northwestern University Law Review. He also spoke on the topic "Metaphysics of Courses in Legal Writing" at the Legal Writing Institute's meeting in New Orleans in January.

1967

Johnnie Kinard has been reelected as Saluda police commissioner for a four-

year term and also as mayor pro-tem of Saluda, North Carolina.



Tim Truman has joined Hill Gilstrap, Arlington's largest law firm. Truman, appointed a Hill Gilstrap director, will manage the firm's new office in North Richland Hills and serve as director of the bankruptcy section. He will continue to serve as Standing Chapter 13 Trustee for the Northern District, Fort Worth Division.

1971

Chris G. Paliare, an LL.M. graduate, has left Gowlings, one of Canada's largest national law firms, to form a litigation boutique with 18 partners, located in Toronto, Ontario. The new firm is Paliare Roland Rosenberg Rothstein, L.L.P. Paliare, a Fellow of the American College of Trial Lawyers, is chairman of the firm, which specializes in corporate/commercial litigation, appeals, and administrative regulatory law.

1972

Melinda F. Harmon, a federal judge in Houston, presided over the criminal trial of Arthur Andersen, as well as overseeing class-action lawsuits filed by Enron shareholders.

David T. Maddox has joined the law firm of Schmitt, Schneck, Smyth & Herrod, P.C., in Phoenix, Arizona.

Thadieth E. Son, a criminal defense attorney in Austin, married **Carol Cunningham, '71**, in 1997.

1973

Regina Rogoff, executive director of Legal Aid of Central Texas, is the first recipient of a new award—named after her—presented by the Travis County Bar Association. She received the award on May 1 at the association's Law Day luncheon. Serving as a lasting tribute to Rogoff's career achievements, the Regina Rogoff Award will be given annually to a Travis County attorney who has demonstrated outstanding service in the public and nonprofit sector. Regina has been with Legal Aid since 1973 and as its executive director for 19 years.

1975

Ginny Smith Granade was nominated by President George W. Bush to be U.S. district judge for the Southern District of Alabama on September 4, 2001. She was confirmed on February 4 and sworn in on February 20. Judge Granade previously practiced as an assistant U.S. attorney in Mobile, Alabama, for 25 years.

Charles W. McCoy, a Los Angeles superior court judge, was profiled in a March 29 *Los Angeles Times* article for writing *Why Didn't I Think of That? Think the Unthinkable and Achieve Creative Greatness* (Prentice Hall, 2002). The book contains stories about McCoy's experiences on the bench and how they taught him important lessons on critical thinking. McCoy is also an adjunct professor at the Pepperdine School of Law.



1976

In May, the National Legal Aid & Defender Association recognized **Fred Fuchs** for his 25 years of service to low-income individuals and his role as a leading advocate for justice for the poor in the field of housing, community development, and tenant rights. Fuchs



Regina Rogoff, 73, congratulates Fuchs (right) on his national award for housing advocacy.

received a cash award of \$10,000 at a dinner given by NLADA in Washington, D.C., on May 30. He is a lawyer with the Legal Aid Society of Central Texas and teaches the Housing Law Clinic at UT Law.



Richard Pena, former president of the State Bar of Texas and 1999 recipient of UT Law's Honorary Order of the

Coif, was elected as the state delegate from Texas to the American Bar Association. Pena serves a three-year term, which starts this year.

1977



H.S. (Bert) Garcia was sworn in on June 3 as the U.S. attorney for the District of Puerto Rico. Previously, he was the assistant U.S. attorney in charge in the U.S. Attorney's Office, Eastern District of Texas, in Sherman.

Paul Parsons has been appointed as chairman of the State Bar of Texas Committee on Laws Relating to Immigration and Nationality. He previously served as Chairman of the Texas/Oklahoma/New Mexico Chapter of the American Immigration Lawyers Association.



Charles W. Schwartz, a partner in Vinson & Elkins, L.L.P., in Houston, has been elected chair of the State Bar of Texas Board of Directors. He began his one-year term in June at the State Bar of Texas annual meeting in Dallas. Schwartz practices commercial litigation, specializing in securities and class actions.

1978

Larry D. Carlson has been named a Fellow of the American College of Trial Lawyers. Carlson is a partner with the Dallas office of Baker Botts, L.L.P.



Ray E. Green has been named president of Argosy University/Dallas, Argosy University's newest campus, scheduled to open in September. As campus president, Green will oversee academic policies and procedures for Argosy University/Dallas, while providing leadership in the development of academic programs.

Tom Secrest, a partner in the New York firm of Fish & Neave, is listed in the current edition of *The Best Lawyers in America*.

1981

Raymundo Aleman is the Libertarian Party candidate for district attorney of Bexar

County. No Democrat is running. **Susan Dolan Reed, 74**, is the incumbent.

Thomas M. Mengler has joined the University of St. Thomas in Minneapolis, Minnesota, as dean of its School of Law. He previously worked at the University of Illinois College of Law, where he served as dean since 1993 and as a faculty member since 1985. Mengler's research and teaching interests are in the areas of civil procedure, federal jurisdiction, and complex litigation.

James R. Young is assistant district attorney with the Travis County District Attorney's Office.

1982

James W. Cannon, Jr., has joined Baker Botts, L.L.P., as a trial partner in its Austin office. Previously, Cannon was a partner in the Austin office of Gray Cary Ware & Freidenrich, where he practiced intellectual property litigation.

1983



Steven P. Nichols has been appointed associate vice president for research at the University of Texas at Austin. He will oversee university-wide activities related to technology transfer, protection of intellectual property, and commercialization.

1984

Susana Alemán has been appointed a member of the Women in the Profession Committee of the State Bar of Texas for a three-year term. Alemán is assistant dean for student affairs at the UT School of Law.

William S. Osborn wrote a lead article in the January 2002 issue of *Southwest Historical Quarterly*, *Curtains for Jim Crow: Law, Race, and the Texas Railroads*.

1985

On May 16, **Stuart Smith** stood on top of Mt. Everest. See p.56.

On May 18, **Del Williams** of Dallas received a 2002 Outstanding Young Texas

Ex Award, presented annually to individuals who are distinguished in their chosen careers and have demonstrated a continuing interest in the University and the Texas Exes. The awards were presented at the Alumni Center by Texas Exes president **John Fainter, '63**, and UT president Dr. Larry Faulkner in conjunction with the UT spring commencement. Williams was recognized at the Sunflower Ceremony and at the general UT graduation ceremony. Williams, B.B.A. '83, is an attorney and CPA with Hillwood and Perot Systems and a member of UT Law's Alumni Association Executive Committee and the Texas Exes Scholarship Committee. See also Celebrations, p. 42.

Rick Zucker is assistant general counsel with Laclede Gas Company in St. Louis, Missouri.

1986

Laura A. Hajovsky, Jenice Meagher Cutler, and Henry Miles "Trey" Cutler III, '87, have launched the publishing company Inner Avenue Media, which released its first title in March: *Diary of an Awakening: A Spiritual Journey of a Lifetime*, by Jenice Meagher Cutler.

Gail Papermaster, a corporate attorney, recently joined the firm of Bracewell & Patterson, L.L.P., as a partner in the Austin office. With more than 15 years in the legal profession, Papermaster has a broad range of corporate, transactional, and general business experience representing a wide variety of Texas, national, and international clients.

Karen Patton Seymour began her new position as chief of the Criminal Division in the U.S. Attorney's Office, S.D.N.Y., in February. She was formerly with Sullivan & Cromwell in New York.

1987

W. Stephen Benesh has been named managing partner at Bracewell & Patterson, L.L.P., in Austin. He has practiced with the firm for 14 years and specializes in business and technology litigation.

Paul Harding was named vice president of Human Resources and Communications at Solvay Advanced Polymers, L.L.C., in Alpharetta, Georgia, a position



he began in November 2001. Solvay Advanced Polymers is a global engineering plastics company with four plants in the United States, as well as additional plants and laboratories around the world.

Sharon Reuler of Palmer, Allen & McTaggart, L.L.P., in Dallas was appointed chair of the Committee on Property Owners Associations of the State Bar of Texas Real Estate, Probate, and Trust Law Section.

1988

In May, **John Cohn**, a member of Thompson & Knight's tax department in Dallas, received the Housing Crisis Center's Margaret Wagers Enduring Service Award for exemplifying "undeviating support for the prevention and elimination of homelessness." He also received a certificate of appreciation for his eight years of service on the board of the organization, where he served as president from 2000 to 2001.



Betty Owens, a Litigation Group partner in the Houston office of Vinson & Elkins, L.L.P., will become the firm's full-time director of attorney development. Owens will work throughout the firm with its Associate Development Committee to design and implement mentoring, training, and other programs. Owens received the Faculty Service Award from UT Law last year for her work on the 1996 *Hopwood v. Texas* case.

1989

President George W. Bush appointed **Micaela Alvarez** to serve on the President's Commission on Educational Excellence for Hispanic Americans. Alvarez is a partner with Hole & Alvarez, L.L.P., in McAllen.

Arthur T. Catterall has accepted a two-year clerkship with the Honorable James S. Halpern of the U.S. Tax Court in Washington, D.C. Catterall recently earned an LL.M. in taxation at Georgetown University.

J. Rolando Olvera, Jr., was appointed by Texas governor Rick Perry as judge of the 357th State District Court in April 2001. The district includes Cameron County and Willacy County.

1990

Humberto Molina, Jr., is the regulatory affairs manager for Motiva Enterprises, L.L.C., in Houston.

1991

Kelli Norris Carlton and her husband, John Carlton, '91, are proud to announce the birth of their second child, Michael Bennett Carlton, on March 1.

Kirk T. Florence and his wife, Elizabeth, are pleased to announce the birth of their second son, Samuel Patrick Florence, on January 20. Kirk is a partner in the Dallas office of Crouch & Inabnett, L.L.P., practicing in the areas of commercial and product liability litigation.

On May 18, **Machree Garrett Gibson, B.A. '82**, of Austin received a 2002 Outstanding Young Texas Ex Award, presented annually to individuals who are distinguished in their chosen career and have demonstrated a continuing interest in the University and the Texas Exes. The awards were presented at the Alumni Center by Texas Exes president **John Fainter, '63**, and UT president Larry Faulkner in conjunction with the spring commencement. She was recognized at the UT Law Sunflower Ceremony and the general UT graduation ceremony.

Lisa Marquis's law firm, Easley & Marquis, opened new offices in Plano at the Legacy Bank Center. Easley & Marquis has six attorneys and an expanding family law practice. Marquis is also the new president of the Collin County Bar Association.

Vianei Lopez Robinson has been appointed as a minority member to the State Bar of Texas Board of Directors. Robinson, who began a three-year term on the board in June, is the principal and founder of the Robinson Law Firm in Abilene.



James M. Womack recently opened his own law firm of three partners and one associate. Practice areas are employment, family, immigration, and criminal defense, both state and federal.

THE MOUNTAIN

STUART SMITH, '85, CLIMBS EVEREST

On May 16, 2002, Stuart Smith, '85, stood on top of Mt. Everest, the world's highest peak at 29,035 feet, where he unfurled the Texas flag. Smith climbed Mt. Everest on a non-guided basis, becoming one of 150 Americans who have reached the mountain's summit. When not climbing mountains, he practices law with the Waco firm of Naman, Howell, Smith & Lee.





1992

Fields Alexander, a former partner with Brown McCarroll, L.L.P., has joined the Houston law firm of Beck, Redden & Secrest, L.L.P., as Of Counsel.

In May, **Keitha "KJ" Butler** was honored by the Travis County Women Lawyers Association with the Outstanding Commitment to the Minority Community Award for her legal work to survivors of domestic violence.

Mark W. Drasnin, formerly with Rosenn, Jenkins & Greenwald, L.L.P., in Wilkes-Barre, Pennsylvania, has joined the law firm of Adelman, Lavine, Gold & Levin, P.C., in Philadelphia.

Christopher N. Johnsen is general counsel for the University of Texas Medical Branch-Galveston.

Raquel G. Perez has become a partner in the law firm of Bracewell & Patterson, L.L.P. Perez, based in San Antonio, is a labor and employment attorney.

1993

Brent Anderson was named a partner at Snell & Wilmer, L.L.P. Brent practices commercial litigation in the firm's Denver office.

Christopher Graff has joined Thompson & Knight's intellectual property practice as trademark and copyright partner. His practice focuses on protecting clients' trademarks, copyrights, and trade secrets, including representing clients in trademark and copyright litigation and enforcement actions. Previously, Graff was with the law firm of Skjerven Morrill MacPherson.

Cameron Sue Heaps was married to Joseph Christopher Ippolito on May 20, 2000. She is working as an assistant U.S. attorney in Savannah, Georgia, in the Narcotics Section.

Burt M. Martin has been named senior vice president, general counsel, and secretary at Weatherford International, Inc., in Houston. He was formerly associate general counsel and assistant secretary.

James McAnelly III has been elected partner at Bracewell & Patterson, L.L.P. McAnelly works in the areas of real estate, energy, and finance in the firm's Houston office.

Beth L. Roberts and her husband, Thomas Mackall, joyfully announce the birth of John Milton Roberts Mackall on November 26, 2001. John has two brothers, Benjamin, age 13, and James, age 2, and one sister, Katherine, age 4. Beth recently became partner with Hogan & Hartson, L.L.P., where she practices health care law part-time in the Washington, D.C., office.

Eden P. Sholeen has been elected partner at Bracewell & Patterson, L.L.P., in Houston. Sholeen works in the areas of labor and employment.

Pavneet Singh Uppal was elected partner in the international law firm of Bryan Cave, L.L.P., as of Jan. 1. Uppal is a member of Bryan Cave's Labor and Employment Client Service Group in its Phoenix office. He and his wife, Neena, have a three-year-old son, Tajinder.

Judy Robinson Wilber was sworn in as the new city judge for Alexander, Arkansas, at an investiture ceremony witnessed by more than 60 family members, friends, and colleagues on April 8. Wilber will preside over preliminary felony cases, criminal misdemeanors, traffic offenses, and city ordinance violations.



Wilber at her investiture ceremony in April.

Jason E. Winford, a labor and employment attorney with Jenkins & Gilchrist P.C. in Dallas, announces his marriage to Celeste Yeager on April 6, 2002. Celeste is a lawyer with Gardere Wynne Sewell, L.L.P. in Dallas. Jason

was also named one of the best lawyers in Dallas under the age of 40 in the May 2002 issue of *D* magazine.

1994

Jason Bergmann joined Lasky, Haas & Cohler, P.C., in San Francisco in January.

Mischa Buford has been named partner at Shook, Hardy & Bacon, L.L.P., in Overland Park, Missouri. She is a member of the firm's tax section and focuses her practice on advising privately held companies on tax and corporate issues.

Eric Gambrell was named the #1 lawyer on "The Best Lawyers Under 40 in Dallas" list by *D* magazine in its May issue. Gambrell is a civil trial lawyer with Akin, Gump, Strauss, Hauer & Feld. His wife,



The Gambrells were named top attorneys.

Elizabeth Reding Gambrell, '94, an appellate lawyer with Rochelle Elrod Hutcheson, tied for #88 on the list.

1995

Victor Alcorta, former policy director for Texas governor Rick Perry, has joined Thompson & Knight's government relations practice. Previously, Alcorta served on the governor's senior staff as policy director, where he was responsible for developing public policy in such diverse areas as the Texas-Mexico border affairs, energy, insurance, technology, telecommunications, and transportation. Prior to working in the governor's office, Alcorta served as general counsel to the Texas Secretary of State.

Scott J. Arrington was appointed a national partner in Baker & McKenzie's major projects and litigation practices. Arrington represents corporations involved in major projects and international transactions. He also serves regularly as counsel in major project transactions involving oil-and-gas and power-generation facilities.

Clay S. Conrad spoke in June 2001 at a conference by the Federal Public Defender Association of Philadelphia on "Overview of Jury Nullification: Themes, Theories, and Ethical Issues." His article "Death Qualification Leads to Biased Juries" appeared in the March 2001 *USA Today* magazine. In December 2001, he was a guest on the nationally syndicated David Horowitz show on the issue of trial by jury, and he was a guest lecturer at Texas Southern University on inmate rights and criminal procedure in February 2002. Conrad is currently a partner in the law firm of Lamson & Looney, P.C., in Houston.

Estrellita J. Doolin recently joined ACCOR Lodging North America (ALNA) in Dallas as staff counsel. ALNA is an affiliate of ACCOR, a Paris-based hotel conglomerate.

Rani C. Garcia has been promoted from associate to counsel in the Dallas office of Akin, Gump, Strauss, Hauer & Feld, L.L.P. She practices labor and employment law.



David R. Nelson has been promoted from associate to counsel in the San Antonio office of Akin, Gump, Strauss, Hauer & Feld, L.L.P.

Dan Rey-Bear has become an equity partner at Nordhaus, Haltom, Taylor, Taradash & Bladh, L.L.P., in Albuquerque. It is one of the oldest and largest law firms in the country that specializes in representing Native American tribes.

Major Susan L. Turley graduated first in her LL.M. class at the Judge Advocate General's School of the Army. On May 23, 2002, Turley was named the "Distinguished Honor Graduate" for achieving the highest overall standing in the class of 72 military lawyers, and received the American Bar Association's Award for Professional Merit. Also, Turley was honored for earn-

ing the highest GPA in contract and fiscal law. Her research paper on the use of online auctions in defense procurement was chosen as the year's best research paper. Major Turley is stationed in the Air Force Material Command Legal Office, Acquisitions Division, at Wright-Patterson Air Force Base in Dayton, Ohio.

Corbin Van Arsdale of Fitzhugh & Elliott, P.C., in Houston became state representative-elect for District 130 after winning the Republican primary on March 12. Corbin faces no Democrat opposition in November.

1996

Michael Berry was elected the youngest member of the Houston City Council. He serves in an at-large position since he was elected city-wide. He left Jenkins & Gilchrist, L.L.P., several years ago to found his own residential real estate company, Michael Berry Properties, which is still in operation.

In January, **Karen C. Burgess** was promoted to partner at Taylor & Dunham, L.L.P., in Austin, where she practices commercial litigation.



Keith Dugger left his partnership with Seigfreid, Bingham, Levy, Selzer & Gee, P.C., in Kansas City to join the health care boutique firm of Stewart & Stimmel, L.L.P., in Dallas. He relocates with his wife, **Ashley Polk Dugger**, and two-year-old twin sons, Jackson and Carson.

Martin E. Garza, an associate in the Dallas office of Hughes & Luce, L.L.P., in the real estate section, has designed the new Web site for the Dallas Hispanic Bar Association, which was launched in March and allows individuals, law firms, and businesses to seek Hispanic attorneys in Dallas.

George W. Jordan has been promoted to counsel in the Houston office of Akin, Gump, Strauss, Hauer & Feld, L.L.P. He practices intellectual property law.

Janie A. Shannon has been promoted to counsel in the San Antonio office of Akin, Gump, Strauss, Hauer & Feld, L.L.P.

Skylar Sudderth was elected district attorney for the Thirty-fifth Judicial Circuit in Brownwood, Texas, and has held that office since January 2001.

Heather Way was honored with the Outstanding Young Lawyer Award from the Travis County Bar Association and Austin Young Lawyers Association in May.

1997

Eilin J. Chiang is working with the U.S. Army Legal Services Agency in Arlington, Virginia, as defense appellate counsel.

Charles Hamilton Houston III, an attorney with Fennemore Craig in Phoenix, has been elected to the board of the North Valley School of Arts. He also volunteers with Valley of the Sun United and is a 2001 member of the Black Board of Directors Project, an 18-year-old advanced leadership organization that empowers individuals for leadership.

Trent A. Howell has joined the law firm of Holland & Hart L.L.P. as fourth-year associate in its Litigation Department. Howell works in the firm's Santa Fe office.



David E. Kelley II has been elected partner with the Fort Worth law firm of Loe, Warren, Rosenfield, Kaitcer and Hibbs, P.C. He has two daughters, and he and his wife are excited to be expecting twins in September.

Katherine T. Kurtz is working at Coach USA in Houston as corporate counsel.

Amy Sumner is with the U.S. Securities and Exchange Commission in Denver.

1998

Jay Dyer, an associate at Vinson & Elkins, L.L.P., in Austin, and his wife, Berkley, are pleased to announce the birth of their second daughter, Lettie Anne Dyer, who was born on November 28, 2001. Their other daughter, Jane Perry Dyer, will be two on July 25. Jay, who began working at Vinson & Elkins in 1998, is in its corporate and securities section.



Dyer with his daughters, Lettie and Jane.



Monica Ingram, former staff attorney at the Texas Association of School Boards, has joined the Law School as the new assistant dean for admissions.

J. Eric Lockridge recently joined the Dallas office of Gardere Wynne Sewell, L.L.P. in commercial and products liability litigation.

Greg J. O'Bradovich is now with Hinkle & O'Bradovich, L.L.C., in Lawrenceville, Georgia. He was formerly with Fish & Richardson, P.C., in New York.

Matthew T. Wirthlin has joined the Salt Lake City law firm of Holland & Hart L.L.P. as a third year associate in its business department.

2000

Jason Luong, former law clerk to the **Honorable Royal Furgeson, '67**, has joined the Houston office of Beck, Redden & Secrest, L.L.P., as an associate.

Matthew Marchant was elected to the City Council in Carrollton, Texas. At 25, he becomes one of the youngest council members in the city's history. Matthew is an associate at the Dallas office of Strasburger & Price, L.L.P.

2001

Jaime Bell has joined Vinson & Elkins, L.L.P., in New York as an associate.

Shay Aaron Gilmore has joined the Los Angeles office of Lewis D'Amato Brisbois & Brigaard, L.L.P., as an associate.

Daci Jett joined D'Ancona & Pflaum, L.L.C., in Chicago in September 2001. She is practicing estate planning and probate administration law.

Kaci Sohrt is hearings examiner with the Texas Youth Commission in Austin.

Daniel Timmons has joined the tax practice at Baker & McKenzie in Dallas.

Shalyn Timmons has joined the litigation practice at Jackson Walker, L.L.P., in Dallas.



ROBERT BAUMGARDNER

Connie Douglas Reeves, 100, is the oldest living honoree to be named to the Cowgirl Hall of Fame in Fort Worth. She attended UT Law in the early 1920s and was the only woman in her 250-student class. She resides in Kerrville, Texas and has been a riding instructor for 67 years.

IN MEMORIAM

The Honorable Fannie M. Boyls, '29, died February 14, 2002, at 96. She was a former administrative law judge with the National Labor Relations Board and played a role in the creation of modern labor law. She joined the board in 1937, two years after its creation.

Robert Lee Cole, Jr., '33, died February 6, 2002, at 92. He practiced law in Houston, with his father's firm until 1950 and then independently until 1995, when after 62 years of practice, he retired and moved to Bryan, Texas. A WWII veteran, Cole served as a municipal court judge in Bellaire, Texas, from 1966 to 1970.

Jesse W. McDaniel, Jr., '34, of Houston, died January 8, 2002, at 91. After working in Hillsboro, Texas, he moved to Houston in 1936 to join Cole, Patterson, and Cole, where he became a name partner and practiced law until 1977. He served in the U.S. Navy from 1944 to 1946.

John Dewitt Furrh, Jr., '36, died November 3, 2001. From 1937 to 1939 he practiced law in Longview and Carthage. From 1939 to 1945, he served as a special agent for the Federal Bureau of Investigation. Following the war, he practiced general law in Reno, then returned to Marshall in 1955 to a private law practice. He was elected county judge of Harrison County in 1963 and served two terms before leaving to work for the Republican Party.

Franklin Lanier Cox, '37, of Austin, died January 1, 2002, at 85. He taught at UT's Business School until his retirement. A WWII navy veteran, Cox received numerous awards for teach-

ing excellence and once served as Vice Chancellor. He was inducted into the College of Business Administration Hall of Fame in 1987.

James Lee Pardue, '37, died in April 2002 at the age of 88. He first worked as a lawyer at Barkley and Webb in Houston. After his WWII naval service, Pardue was legal counsel to Glenn McCarthy, a Texas oilman, and David Bintiff Enterprises in Houston. He was a vice president and legal counsel for Cliff Trice and Trice Production in Longview, and in 1959 he opened a private law practice in Midland. In 1967, he joined Stubbeman, McRae, Sealy, Laughlin, and Browder as a senior partner, where he practiced until he retired in 1994.

C.B. "Jack" Owen, '38, died September 14, 2001, at 86. After serving in the U.S. Navy in WWII, Owen began his career in Tyler at East Texas Auto Supply, a company founded by his father. Owen was president of East Texas Auto Supply until his retirement in 1980. He was also president and chairman of Owen Development Co., which developed the Owentown industrial district northeast of Tyler.

John "Barry" Rudd, '38, of Waskom, Texas died February 10, 2002, in Shreveport, Louisiana, at 84. He was a farmer and rancher.

Roy D. Jackson, Jr., '39, passed away November 20, 2001, in El Paso at 82. After his WWII naval service, he practiced corporate international law with Gulf Oil Co. and related entities where he served in major executive positions. He was also the founder and chief executive officer of Oil Insurance Ltd., a Bermuda corporation. In the mid-1980s, he held "of-counsel" positions with the El Paso law

firms of Scott and Hulse, and Mayfield and Perrenot.

William Taylor Lagrone, '39, died January 22, 2002, at 88. A WWII army veteran, he started an oil and gas law practice in Houston. Lagrone worked for Humble Oil until 1951 and then moved to Dallas, spending 30 years as special counsel to the Jake L. Hamon Oil Co. In 1979, he became president of CNR Resources Inc. and a consultant.

Delos Andrew "Don" Gayer, '40, born in Norman, Oklahoma, died April 20, 2002, at the age of 85. He practiced law in Catulla and Edinburg, Texas, before serving with the infantry in WWII. Between 1946 and 1981, he worked for Miami-based McBreem Insurance Associates, specialists in aviation insurance. After retiring, Gayer volunteered for 20 years at The Vizcaya Museum of Miami. He moved to Midland in 1999.

Len Steinle, '40, a prominent Atascosa County attorney, died February 22, 2002, in Jourdan, Texas, at 83.

John Campbell, '41, died April 19, 2002, in Midland. He was 85. Campbell served as a briefing clerk for the Texas Supreme Court and an attorney for the Texas General Land Office. In 1951, he moved to Midland where he practiced real estate law transactions until his retirement in 1999.

Judge Peter Michael Curry, '41, age 84, of San Antonio, died December 15, 2001. A WWII veteran, Curry was appointed judge of 166th District Court by the late John Connally, '41, where he worked for 30 years. He continued to preside by assignment in Bexar County, Laredo, and other south Texas cities.

Leo J. Hoffman, '41, died on December 2, 2002. He was 82. After WWII army service, he joined Sun Oil Co.'s law department in Dallas in 1946. In 1963, he joined Strasburger & Price, where he managed the firm's mineral law section.

Lester L. Klein, '41, of San Antonio died October 22, 2001, at age 87. After serving in WWII between 1941-46, Klein opened his law practice in San Antonio. He also served as an assistant city attorney. From 1967 until his death, Klein practiced with this son, Joel, most recently at Joel H. Klein & Associates.

Albert Wadel Moursund III, '41, a Hill Country lawyer who worked with his friend Lyndon B. Johnson to bring electricity to that once-deprived region, died at 82 on April 22, 2002, in Round Mountain, Texas. Judge Moursund served as general counsel for the Pedernales Electric Cooperative from 1950 until his death. He also had been a rancher, a banker, a member of the State House, county judge of Blanco County, a member of the Texas Parks and Wildlife Commission, and a close friend, business associate and advisor to President Lyndon B. Johnson.

John Bookhout Webster, '41, died March 2002 in Dallas. He was a decorated B-29 pilot who flew missions over Japan. He retired from practice at the Missouri-Kansas-Texas Railroad.

Walter E. Babel, Jr., '42, of Houston died on May 7, 2002, at 82. After serving in WWII, he worked in Houston at Fulbright, Crooker, Freeman & Jaworski. Babel also worked as an oil and gas attorney for Housh Drilling Co., Housh Portable Bridge & Equipment Co. and later was legal counsel for Forrest Warren Investments. He was also a director of Westbury National Bank.

Jeanne C. De Coux, '42, passed away on January 26, 2002, in Houston at 81. She worked in the land department of Humble Oil & Refining Co. She retired to become a wife and mother.

Baxter Finch Holland, '43, of Whitpain Farms, Blue Bell, Pennsylvania, and formerly of Greenwich, Connecticut, died on November 25, 2001, in Abington,

Pennsylvania. He was 81 and the son, grandson, and great-grandson of Texas lawyers. After WWII army service, Holland practiced with Fulbright, Crooker, Freeman & Bates, now Fulbright & Jaworski, where he became a partner. In 1957, he joined the newly-formed Manhattan law firm of Roberts & Holland, where he practiced until his retirement.

Joseph Earl Jackson, '43, of Carthage, Texas, died on January 27, 2002, at 82. Jackson, who served in the navy in WWII and continued on active duty through the Korean War, joined Long & Strong in Carthage in 1953, where he practiced until December 2001. In 1993, the State Bar of Texas honored him for 50 years as a member of the board.

Vernon Martin Pfluger, '43, died on February 21, 2002, at the age of 80. After service in the U.S. Navy, Pfluger practiced law in Austin and Pflugerville until his retirement in 1990. He also served as a justice of the peace in Travis County for more than twenty years.

Benjamin Prater Monning, Jr., '47, of Willis Point, Texas, passed away March 23, 2002, at 82. Monning, a captain in the U.S. Army Air Force during WWII, practiced law in Amarillo with his father at Monning & Monning Lawyers until his father's death in 1969. In 1970, he moved to Willis Point, where he practiced law with Wynne & Wynne.

David Owen Belew, Jr., '48, a retired federal judge in Fort Worth, died on November 21, 2001, at 81. Belew, a U.S. Army captain during WWII, worked as an assistant U.S. attorney in Fort Worth before joining Cantey & Hanger in 1952, where he became partner. In 1979, President Jimmy Carter appointed Belew to the U.S. District Court for the Northern District of Texas, where he retired in 1995. His best-known case was a 14-month civil trial resulting from the 1985 crash of Delta Airlines Flight 191, the longest aviation trial in history.

Francis James Byrne, '48, died in Dallas on January 10, 2002. Byrne, a U.S. Army captain in WWII, was an attorney with Turner, Atwood, Meer, and Francis, which specialized in oil and gas

real estate law. He served as director of Fidelity National Bank in Dallas.

Max Addison, '49, of Lubbock, died January 15, 2001, at 83. A WWII fighter pilot, Addison joined the law firm of Crenshaw, Dupree, and Milam, where he was a partner for 35 years.

John Jefferson Carr, '49, of Papalote, Texas, passed away on January 15, 2002, at 77. A paratrooper in WWII, he practiced law in Edinburg, Texas, before moving to Corpus Christi in 1951 and forming the partnership of Carr Oil two years later. He was instrumental in the formation of San Antonio based Retama Partners, Ltd., where he served as president of the board.

John Marvin Robinson, '49, died on February 19, 2002, at the age of 81. He practiced law in the Houston area for more than 50 years. He worked for the FBI before serving in the army during WWII and the Korean conflict.

Richard M. "Dick" Clark, '50, died February 15, 2002, at the age of 79. Clark, who served in the Army Air Force in WWII, was an FBI special agent in New York. He returned to Texas in 1954 to enter the ad valorem tax business with Kirkwood and Darby, and later with Seaboard Oil Company, and Texaco, where he remained until his retirement in 1988.

Kenneth Jack Coleman, Sr., '50, an attorney in El Paso, died in November 2001. He had a long and distinguished military career, having served in WWII, the Korean conflict, and Vietnam.

John Davis Dorman, '50, died February 22, 2002, at 82. After WWII army service, he worked as an attorney for 35 years with such companies as Brazos Oil and Gas, Dow Chemical Corporation, and Coastal States Oil and Gas.

Fred W. Hodson, Jr., '50, passed away on April 9, 2002. He was 76. A WWII veteran, Hodson practiced law in Houston for 50 years.

Arch C. Blocher, Jr., '51, born June 3, 1921, passed away on January 2, 2002, at 80.

Lon B. Moser, '52, died October 7, 2001, at 73. Moser practiced law in Dumas until 1953, when he was appointed assistant county attorney of Potter County. He served as Potter County attorney in 1960 and had a private practice in Amarillo for nearly 40 years.

Weldon Jeffrey Squyres, '52, died November 29, 2001, at 72. Squyres was a retired partner in the accounting firm of Squyres, Johnson, Squyres, and Company, which was founded by his father in the early 1930s. Squyres was nationally recognized for his expertise in oil and gas taxation.

Johnnie Eugene Dorris, '55, of Victoria, Texas, died December 11, 2001, at the age of 74.

Britton Powell Laughter, Jr., '55, passed away November 27, 2001, at the age of 73.

Edwin Watson Stockly, Sr., '55, passed away February 19, 2002, in Nevada. Prior to law school, Stockly served in the U.S. Army during WWII and as a reporter in Alamogordo, New Mexico, and El Paso. He practiced law until 1979 in Los Alamos, New Mexico, where he was a special assistant attorney general in the New Mexico Banking Department. From 1981 to 1994, he practiced primarily family law in Boise, Idaho.

Robert O. Rogers, '56, died on March 16, 2002. After serving in the U.S. Marine Corps, he moved to Palm Beach in 1960, where he opened the law office of Rogers Bowers Dempsey and Paladino.

George Evans Brown, '57, died January 23, 2002. He worked at a Wall Street law firm as a corporate and antitrust lawyer before entering the Foreign Service in 1963, where he specialized in Latin America, primarily as a Brazilianist. After retiring in 1987, he remained in Brasilia for three years with a law partnership.

Morgan K. Williams, '58, died on December 2, 2001, at 69. Williams practiced law in Fort Worth at a firm that became Mehl, Williams, Cummings, and Groce. Williams was inducted into the

Texas Christian University Sports Hall of Fame in 1984.

Judge Robert "Skip" Morse, '60, of Georgetown, formerly of Galveston, died April 12, 2002, at the age of 69. He was a great-great-grandson of Samuel F. B. Morse, the inventor of the telegraph. After serving in the U.S. Army, Judge Morse served as attorney, president, and chairman of Certified Savings Association and maintained a private law practice. He also served as municipal judge in Georgetown from 1966-1971 and judge of Williamson County Court at Law #2 from 1991 until his death.

Jack Norwood, '60, died December 9, 2001, at 65. Norwood began his law career as an assistant district attorney for Smith County in Tyler. In 1963 he moved to Austin to serve as Texas assistant attorney general. He re-turned to Tyler in 1964 to enter private practice.

William Ross "Bill" Laughlin, '64, passed away on December 15, 2001, at 62. He worked in private practice in Houston, and later served several years as Baytown city attorney. His later years were spent in private practice in Baytown.

William Armand "Bill" Jeffers, Jr., '68, passed away December 12, 2001, at 58. He practiced law with the firms of Kelso, Locke and King and Groce, Locke and Hebdon and subsequently founded the firm of Jeffers, Brook, Kreager and Gragg.

James Eugene "Jim" Perry, '68, died January 6, 2002, in Arlington, at 58. Jim was the city attorney in San Angelo and Killeen from 1969 to 1983 and an assistant city attorney for Grand Prairie from 1983 to 1986. In March 1986 he was appointed a municipal court judge, a job he held until his retirement.

Douglas D. Ehrlich, '72, passed away January 19, 2002, in Houston, at 55. He was the assistant city attorney in Port Arthur from 1972 to 1974. An army veteran, he joined Conoco in 1974 and retired from the company in 1996.

Dane George, '74, of Austin and formerly of El Paso, passed away at 53 on

February 4, 2002. George was a partner in the El Paso office of Kemp Smith, P.C., from 1974 to 1998, and at the time of his death was "of counsel" to Haynes and Boone, L.L.P., where he practiced in the corporate securities section.

Peter M. Kreisner, '74, of Austin, died May 4, 2002. He was 52. He had his own law practice in Austin.

John Michael Kyser, '77, of Austin, passed away April 29, 2002, at 48. He worked at one time as an attorney at McCall & Richie in Austin.


Michael Guy O'Neill, '78, died February 24, 2002, in Dallas at 51. He worked in Dallas with several firms before forming his own practice, Michael G. O'Neill, P.C.

Ronald D. Wren, '78, passed away January 9, 2002, at 47, in Bedford. Wren was admitted to practice in every state and federal court in Texas. He practiced civil trial law, personal injury trial law, and civil appellate law.

Colonel Bruce C. Young, '80, U.S. Army (Retired), of Austin died on December 17, 2001, at 77. Young, whose military career included serving in WWII and Vietnam, practiced law until his retirement in 1990.

William Gregg Thawley, '82, died April 10, 2002, at 47. He had been an attorney at Bank One for 10 years.

Susan Grubbs Scolaro, '84, died March 12, 2002, at 42. She worked for the Bexar County District Attorney's Office from 1984 to 1989, joined the Lubbock County Criminal District Attorney's Office in 1995, and was elected judge of Lubbock County Court-at-Law No. 1 in 1998. She re-joined the Lubbock Criminal District Attorney's Office in 1999, where she was a felony prosecutor. She worked closely with children's advocacy and rape crisis centers.

Christopher Holder, a third-year law student from Natchez, Mississippi, died January 9, 2002, at 28. He entered UT Law in the fall of 1997. 

Supreme Court TV?

BY HARRY P. SUSMAN "GOOD MORNING, STEPHEN."

Those were the first words Charles Alan Wright ever said to me outside the classroom. "Great," I thought, "he has confused me with my dad." Professor Wright, however, was not confused. I had just enrolled in his Supreme Court seminar and had drafted Justice Stephen Breyer as the justice that I would play for the semester. Professor Wright was so committed to making the experience real that he insisted on calling me "Stephen" for the next four months. Too bad the producers of *First Monday* and *The Court*—the two Supreme Court television dramas that premiered this season—do not share Professor Wright's commitment to bringing a touch of reality to a fictional Supreme Court.

As a former Supreme Court law clerk, I am supposed to keep my behind-the-scenes experiences secret. Oh, well, here are some secrets. The justices do not high-five each other before taking the bench for oral argument. The parties do not sit at counsel's table—even the attorney general sits in the cheap seats. Nor do the justices direct questions to the parties; the justices save their questions for the lawyers. Imagine your toughest first-year professor and multiply it by nine. And the law clerks are not uniformly good-looking. Trust me, even Jordan Steiker looked like a nerd when he was a law clerk.

The verdict is in on these shows. It isn't pretty. The critics have widely panned both shows. The public has been more harsh. The ratings for *The Court*, starring Justice Sally Field, were so bad that ABC benched the show for the remainder of the season after just three episodes. *First Monday*, starring Justice James Garner, was doing just as poorly, but apparently CBS had nothing better to serve up.

Why did these shows go so wrong? The answer is probably terrible writing. The plots oversimplify complex

issues, and the characters (especially the law clerks) are ridiculous. Curiously, I do not think these shows have failed because they are unrealistic.

To begin with, the reality of the Supreme Court is boring. Try writing an episode about an ERISA case; even public access television won't show it.

Plus, the viewing public knows next to nothing about the Supreme Court. The secretary for my boss—Justice Anthony Kennedy—liked to tell a story about a woman who came up to Justice Kennedy and asked him to take a picture on the Court's steps. He reluctantly agreed. She handed him the camera to photograph her and her kids. She had no idea who he was.

Ironically, the main reason that the Court makes such a tantalizing subject for television drama is because it does not allow television cameras inside. While arguments are open to the public, seating is limited, and (by the way) you have to go to Washington. Folks in Hollywood obviously figured that Americans were ready to believe wild-eyed tales of intrigue. They had good reason. A few years ago, the book *The Tenth Justice* featured a law clerk who hunted down the murderous bad guy. It was a best-seller.

I am sure that everyone associated with the Court is rolling his eyes at the recent television shows. But the Court may have itself to blame. If the public learned more about the Court, Hollywood would be forced to depict the Court with greater realism in order to convince the viewing public to watch. More importantly the public would come to learn that behind the veil of secrecy is an amazing institution that would make them proud of their constitutional system. Certainly that was my impression. ✍

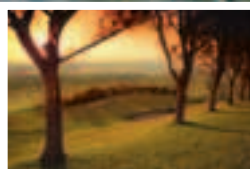
Harry P. Susman, '96, is a partner at Susman Godfrey, L.L.P., in Houston and a former U.S. Supreme Court clerk for Associate Justice Anthony Kennedy.



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