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*plus*

SOCIETY OLYMPICS  
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"LAST WILL"

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BILL POWERS!



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# WINTER 2006

*This spring A. Mechele Dickerson, an award-winning teacher and an insolvency expert, becomes UT Law's new Fulbright & Jaworski Professor of Law.*

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Cover photograph and photograph this page by **Wyatt McSpadden**

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**UTLAW**  
VOLUME 4 • ISSUE 2

# UT-Austin President Bill Powers

As this edition of UTLAW went to press, The University of Texas System



Board of Regents named Dean Bill Powers the 28th president of The University of Texas at Austin. He is expected to be installed as president in February 2006.


“Bill Powers has excelled in dealing with the challenges and opportunities of

leading one of the country’s outstanding law schools,” said Mark G. Yudof, chancellor of The University of Texas System and former UT Law dean.

DEAN BILL POWERS  
has led the Law School since 2000.



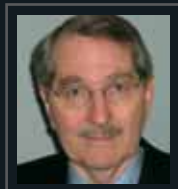
He is a university distinguished teaching professor and holds both the Hines H. Baker and Thelma Kelley Baker Chair in Law and the John Jeffers Research Chair in Law. Powers joined the Law School faculty in 1977 and has held several faculty chair and administrative appointments. Among his many accomplishments as dean, Powers raised more than \$55 million to hire and retain world-class faculty, improved the school's physical facilities, and strengthened the school's administration. He also recruited a highly diverse student body.



And, as Law School Foundation trustee  
Senator Kay Bailey Hutchison said,  
“No one needs to teach him how to love Texas.”

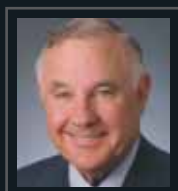
# CONGRATULATIONS TO OUR 2006 ALUMNI AWARD RECIPIENTS

{ Full profiles to appear in the Spring 2006 edition of UTLAW }



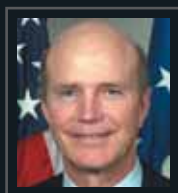
## *Lifetime Achievement Award*

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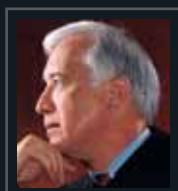
## *Outstanding Alumnus Award*

RON KRIST, '62 • HOUSTON



## *Distinguished Alumnus Award for Community Service*

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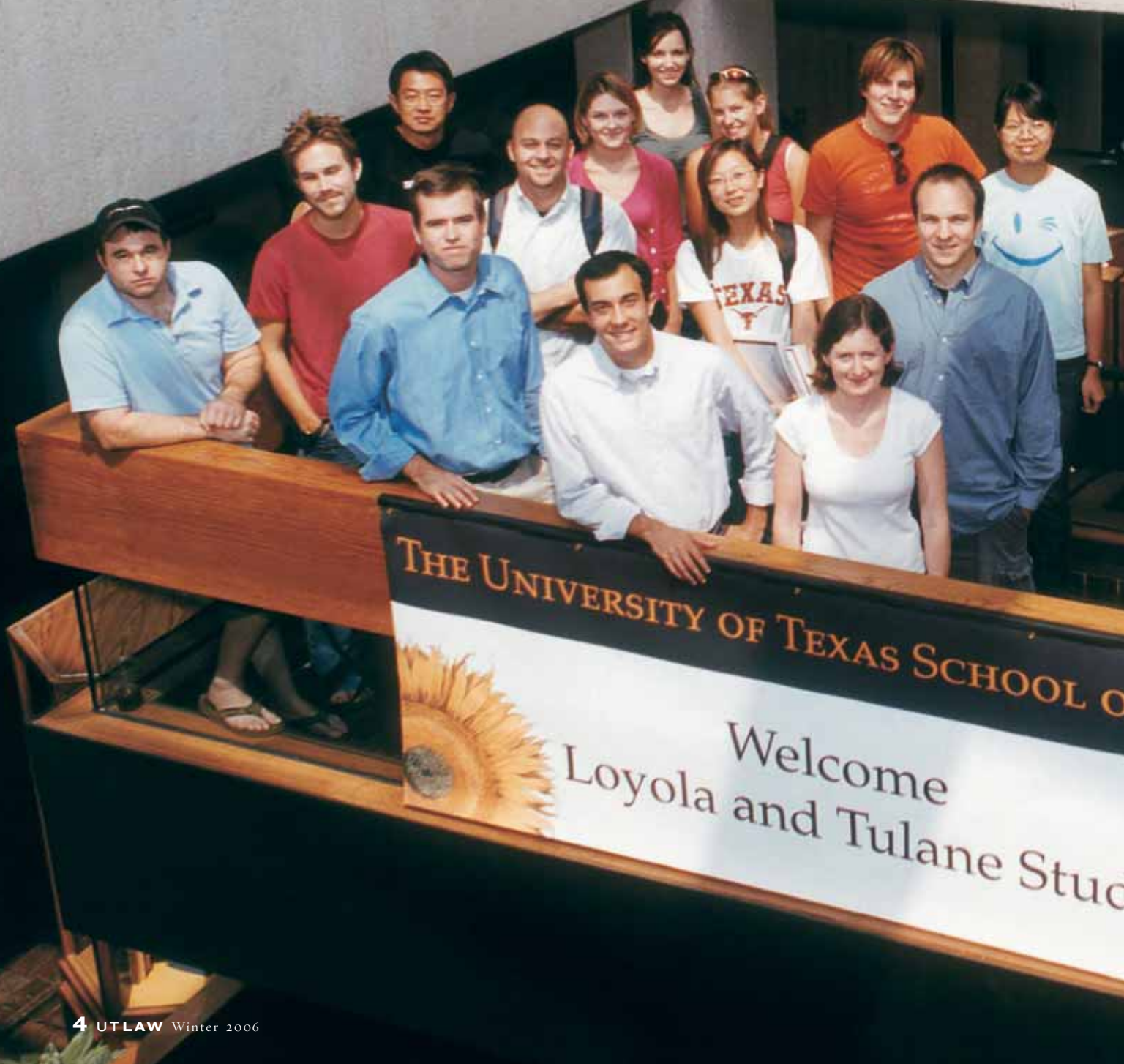
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# IN CAMERA







## TEXAS HOSPITALITY

UT Law welcomed 80 visiting students from New Orleans law schools this semester in response to the devastation caused by Hurricane Katrina. Members of the *Texas Law Review* promptly gave office space to ten students who lead the *Tulane Law Review*, while professors and students helped find housing for the visitors. "We're glad that our Law School is able to lend a hand. These are smart students who've been through a lot," said Dean Bill Powers.

PHOTOGRAPH BY  
WYATT McSPADDEN

OF LAW

ents!

## A SIDE OF TORTS WITH THAT?

Civil litigation attorney Marie Hejl, '03, of Locke Liddell & Sapp unwinds at night by filming her award-winning cooking show, *It's Easier Than You Think*. The show airs in Austin, Dallas, Wisconsin, and New York on local community television. Her studio is her parents' kitchen in Austin.

PHOTOGRAPH BY WYATT McSPADDEN





IN CAMERA





# Milestones

*Landmark events and honors at the Law School.*

**W**Henever I read *UTLAW* I am reminded just how much happens at our Law School. The pages that follow describe a wide range of milestones, events, and honors that is truly impressive.

Our Law School is blessed with superb faculty who are nationally renowned, bright students who are curious and engaged, and accomplished, loyal, and generous alumni who support us beyond measure. I've said it many times before, but it bears repeating: it is an honor to serve as your dean.

On the cover of this issue, we honor the remarkable career of one of the longest-serving members of our faculty—Roy Mersky. He has been our director of legal research for forty years now, during which he has built one of the finest law libraries in the nation—indeed, in the world. Not only is the collection itself world class, but Roy and his able staff provide broad, deep, high-quality service that is without peer. We are fortunate to have had him live and work among us over the past four decades. Roy won't commit to another forty years, but he has promised us another twenty. We'll gratefully take what we can get.

The first-year societies, now in their second year, have been hugely successful. The societies are a new way of organizing entering law students into groups to more effectively provide a structure for learning, a stronger sense of community, mentoring by upper-class students and alumni, and opportunities for service. You'll learn more about this, and more about our amazing students, in this issue.

Our alumni Judge Diane P. Wood of the U.S. Court of Appeals for the Seventh Circuit in Chicago, retired judge Harriet M. Murphy of Austin, and Bill Barnett of Houston, among others, have reasons to celebrate, and we celebrate with them. You will read about them in this issue.

Our faculty have been extremely active, too. Sanford Levinson has been invited to spend a semester in Bellagio, Italy, as a scholar-in-residence with the Rockefeller Foundation. Sir Basil Markesinis, who you learned in the last issue of *UTLAW* was knighted by the queen and who holds tenured positions both here and at University College, London, has been named to the Roman Academy. Robert Peroni and Gerald Torres were appointed to endowed chairs, and our colleague, former dean, and now chancellor, Mark Yudof, was honored by the University of Minnesota's naming of a building for him.

The Law School's Bernard and Audre Rapoport Center for Human Rights hosted a groundbreaking conference earlier this year, and our William Wayne Justice Center for Public Interest Law honored three outstanding individuals in Dallas for their devotion to providing equal access to justice. Just as important, these two centers provide education and training for our students and expose them more fully to the many opportunities and responsibilities that await them as members of the legal profession.

As you know, Hurricane Katrina, and then Hurricane Rita, wreaked havoc along the Gulf Coast. Many people need more help than do New Orleans law students, but they need help too. I am proud to say that we have 79 of them with us this fall, including 19 LL.M. students from around the world. We did not ask for transcripts, or records. We just said, "Come!" Most arrived the Tuesday after Labor Day. We welcomed them, fed them, and had them in class that afternoon. We waived about 85 percent of their fees. And as a result of outstanding efforts by our faculty and students, we found housing for all of them. You all saw what Houston, led by our alumnus Mayor Bill White, and other cities around Texas, and the state itself, did to open their arms to people fleeing Katrina. All of this made me proud to be a Texan and to be at our Law School.

For all that we are doing, we have much more planned. You have reason to be proud of your Law School. And we have reason to be thankful for you, our alumni and friends. Once again, let me express my profound appreciation for your support. Your interest in what goes on here and your generosity in helping our students, faculty, and programs make all the difference. Simply put, we couldn't do it without you. Thank you.

Sincerely,



Bill Powers, Dean

## APRIL 22, 2006

Save the date: **REUNION!**

## FEBRUARY 1-22

The "**Martin Luther King, Jr., and the Civil Rights Movement**" exhibit will be displayed in the Susman Godfrey Atrium. The exhibit tells the story

**ishment Law and Policy.**" For more information, contact Kim Olson at kim.olson@mail.utexas.edu or visit [www.utexas.edu/law/journals/tlr](http://www.utexas.edu/law/journals/tlr).

## FEBRUARY 15

The Tarlton Law Library will host a talk, "**The Distribution of Law Books in European Libraries in the 12th**

tunity to meet outstanding UT Law students in a casual setting. Nearly three hundred UT Law students and recent graduates are expected to attend this popular networking event. Practitioners do not need to be hiring to attend. For more information, visit [www.utexas.edu/law/career](http://www.utexas.edu/law/career) or contact Deb Freeman at [dfreeman@law.utexas.edu](mailto:dfreeman@law.utexas.edu) or (512) 232-1162.

## MARCH 13-APRIL 7

The 64th annual **Western Books Exhibit** features the best-designed books in the western United States from 2005. The Rounce & Coffin Club of Los Angeles selects the books for this annual exhibit. The jurors honor both limited-edition private-press books and colorful illustrated trade editions.

## APRIL 11-SEPTEMBER 30

A **Watergate Exhibition** will feature facsimile images from the Woodward and Bernstein Papers at the Harry Ransom Center, supplemented with materials from some of Tarlton's own collections, including the Charles Alan Wright Papers and the Tex Lezar Papers.

## THIS SPRING

The Texas Law Fellowships (TLF) will hold its **annual pledge drive** to fund summer 2006 fellowships for students employed in the public interest field. For more information, contact TLF at [tlf@mail.law.utexas.edu](mailto:tlf@mail.law.utexas.edu).

To review a complete schedule of the Law School's **CLE conferences**, go online to [www.utcle.org](http://www.utcle.org) or call the CLE office at (512) 475-6700.

*For more information on all library-sponsored events, contact Michael Widener at [mwidener@law.utexas.edu](mailto:mwidener@law.utexas.edu) or (512) 471-7263.*



THE CIVIL RIGHTS EXHIBIT RUNS THROUGH FEBRUARY 22 IN TOWNES HALL.

of the civil rights movement from the emergence of Martin Luther King, Jr., in the Montgomery Bus Boycott of 1955 to his death in 1968.

## FEBRUARY 3

The 15th annual **Public Service Career Day**, the largest public interest job fair for law students in Texas, will be held at the Law School this spring. For more information, visit [www.utexas.edu/law/career](http://www.utexas.edu/law/career) or contact Tina Fernandez in the Career Services Office at [tfernandez@law.utexas.edu](mailto:tfernandez@law.utexas.edu) or (512) 232-1159.

## FEBRUARY 3-4

The Texas Law Review will host its annual symposium, this year titled "**Pun-**

**Century,"** by Dr. Stanley Chodorow, a noted medieval scholar. The talk will take place at 3:30 p.m. in the Sheffield Room in Townes Hall.

## FEBRUARY 20

Spring **On-Campus Interviews** (OCI) will be held at the Law School in the Career Services Office Interview Suite. For more information, visit [www.utexas.edu/law/career](http://www.utexas.edu/law/career) or contact Bethany Thomason at [bthomason@law.utexas.edu](mailto:bthomason@law.utexas.edu) or (512) 232-7110.

## MARCH

The Career Services Office will host its sixth annual **Small- and Mid-Size-Firm Reception**. This event offers firms and solo practitioners the oppor-

# AROUND THE



KEITH DANNEMILLER

Professor Hansen's class studied electoral accountability this semester. Above, voting in Mexico City.

## Patricia Hansen Links Austin, Mexico City

**T**HIS SEMESTER, PROFESSOR Patricia I. Hansen's course Democracy, Accountability, and the Rule of Law in the Americas is utilizing weekly real-time videoconferenc-

ing sessions to link students in Austin and Mexico City.

John Ackerman of the Facultad Latinoamericana de Ciencias Sociales co-teaches the session. Guest speakers visit from government agencies in Mexico and Brazil, as well as from different departments within universities.

To inaugurate the course, Hansen worked with Latin American organizations across the UT-Austin campus to bring legal scholars from the United States and Mexico to

Austin for the conference "Accountability and the Rule of Law in Mexico on the Threshold of the 2006 Elections." Conference proceedings can be reviewed online at <http://www.realaudio.cc.utexas.edu:8080/asxgen/law/depts/media/Reels/MexCtrKeynote9-8.wmv>.



WYATT MCSPADEN

Hansen teaches via real-time video.

### WORKING PAPERS FREE ONLINE

Many UT Law professors' working papers can be found free at [SSRN.com](http://SSRN.com) and at the Center for Law, Business, and Economics (CLBE) Web site. To find the materials on [SSRN.com](http://SSRN.com), go to <http://www.ssrn.com>. Click on "Legal Scholarship Network," then "Research Paper Series." Papers are posted in both the Law and Economics series and the Public Law and Legal Theory categories under the UT Law links. Faculty working papers can also be accessed free at the CLBE Web site: <http://www.utexas.edu/law/academics/centers/clbe/>.

## SANDERS, BARON, AND JULIAN HONORED

On November 3, the William Wayne Justice Center for Public Interest Law honored three Law School alumni—Judge "Barefoot" Sanders, '50, Elizabeth "Betsy" Julian, '73, and Frederick M. Baron, '71—at its second annual Justice Awards Dinner at the Belo Mansion in Dallas. "Justice Awards" were given to the honorees for their commitment to public service and equal justice for all. Judge Sanders received the Lifetime Achievement Award.



# LAW SCHOOL

WINTER 2006

## UT Law Professors Advise Iraqi Government

**T**HIS SUMMER THE U.S. Department of Justice asked adjunct professor Ronald Sievert to work with the International Bar Association in training 5 prosecutors and 15 judges of the Iraqi Special Tribunal. The session focused on the rules of procedure and substantive international law in preparation for the trial of Saddam Hussein and his associates. The August session, held in a secret location in Western Europe, lasted approximately three weeks. Before

undertaking this assignment, Sievert worked at an overseas military base on matters related to the case.

In addition to teaching the United States Law and National Security course at UT-Austin, Professor Sievert is an assistant U.S. attorney and national security coordinator for the Western District of Texas.

Also, the German Foreign Office tapped UT Law visiting professor Jörg Fedtke to serve as an academic expert in its Democratization Assistance Program. Fedtke

works with two others, a lawyer from Iraq, and a member of the Venice Commission. The team evaluated the draft of the Iraqi constitution put before Iraqi citizens in a historic October vote.

Fedtke's analysis focused on the drafting process, difficulties concerning the implementation of new constitutional arrangements (drawing comparisons with Germany post-1949 and South Africa post-1993-94), and the analysis of specific provisions in the draft text.

He is a visiting professor brought to Texas by the Law School's Institute for Transnational Law. In London he works with its counterpart, the Institute of Global Law, University College London.

## Second Cite

The Institute for Scientific Information recently ranked UT Law faculty second in terms of most citations per paper published, 1999-2003. The institute publishes highly respected natural sciences faculty impact reports and occasionally releases studies on the social science disciplines (psychology, sociology, law). The 2004 report ranked law faculties by citations per paper published 1999-2003. The top six reported (with citations per paper in parentheses) are:

1. Yale University (5.72)
2. University of Texas, Austin (5.42)
3. Harvard University (5.01)
4. New York University (4.61)
5. University of Michigan, Ann Arbor (4.61)
6. Columbia University (4.54)



LYNNEY ADDARIO/CORBIS

Adjunct professor Sievert has worked on the controversial trial of Saddam Hussein. Above, protests for a trial.

# AROUND THE LAW SCHOOL

## Woolley Honored

**T**HE TEXAS CAMPUS CAREER Council at UT–Austin honored Professor Patrick Woolley with the 2005 Robert



Murff Excellence Award for his outstanding support of career services at UT Law. Previous

recipients include Professors Tony Reese and Ernest Young.

“Patrick richly deserves this university-wide recognition of his commitment to helping students make better career choices. He is a dedicated teacher whom we are proud to have on our faculty,” said Dean Bill Powers.

“I’m honored to receive the Murff Award,” said Woolley. “One of the great joys of my job is that I get to talk to students not just about the law but about their future lives in the law. The transition from law student to lawyer is obviously of immense importance to our students, and I’m glad to have the opportunity to help when I can.”

Woolley joined the faculty of UT Law in 1994 and holds the Beck Redden & Secrest professorship in law. He is also the Gus M. Hodges Society faculty advisor.

## WHITE HOUSE COUNSEL OFFICE SELECTS TWO INTERNS FROM UT LAW

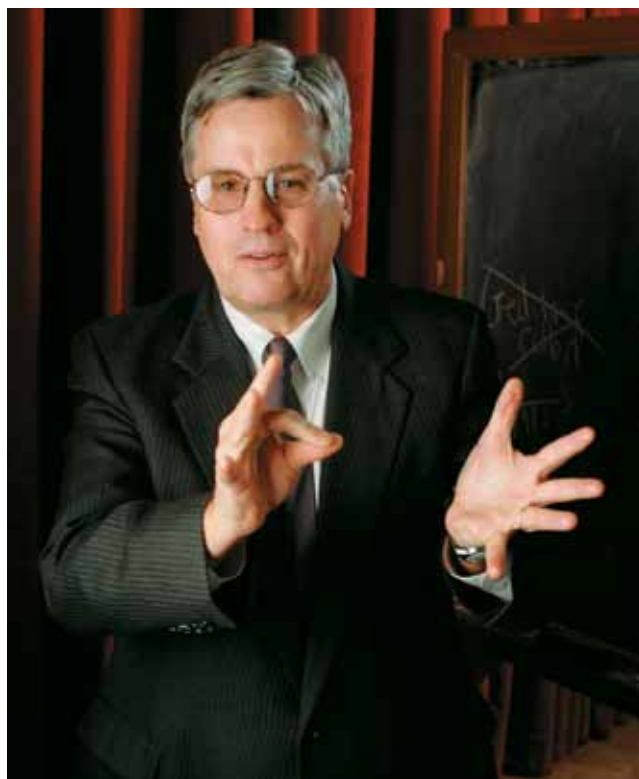
Two UT Law students completed summer internships in the Office of Counsel to the President of the United States. The counsel’s office selected Gerardo Interiano, ’06, and Sharon Murray-Roberts, ’06, for two of its three student intern positions.

Interiano and Murray-Roberts assisted with judicial nominations and confirmation strategy for all levels of the federal judiciary courts, worked with attorneys on a variety of clearance- and ethics-related questions, and researched constitutional and statutory questions concerning presidential power.



## WERE THE FOUNDING FATHERS THAT ANGRY?

Nationally prominent historians, political scientists, and legal scholars came to Austin to discuss *Righteous Anger at the Wicked States: The Meaning of the Founders’ Constitution* (Cambridge University Press, 2005), by Professor Calvin H. Johnson (below), at a symposium on October 28. The law panel, moderated by Professor Jordan Steiker, included UT Law’s own Lynn Baker, Mitchell Berman, and Ernest Young. Other panels showcased eight political scientists and historians, including Stanford’s Jack Rakove and Princeton’s Keith Whittington.



## “Starr” of Lezar Lecture



**T**HIS OCTOBER, JUDGE Kenneth Starr (above) delivered the second annual speech of the Tex Lezar Memorial Lecture Series to a capacity crowd in Dallas. At the speech, titled, “The Least Dangerous Branch: The Supreme Court and Individual Rights,” Judge Starr was introduced by former U.S. solicitor general Ted Olson, who delivered last year’s inaugural lecture.

Friends of Harold Joseph “Tex” Lezar, Jr., ’76, created the series to honor Lezar, who died in January 2004.

The UT Law-based fund supports an annual lecture on law and public policy.

GERALD HERBERT/AP

WYATT MCSPADEN

# The Rapoport Center

**T**HIS NOVEMBER THE BERNARD and Audre Rapoport Center for Human Rights and Justice and the *Texas International Law Journal* hosted a symposium exploring how

international human rights law and issues of culture emerge. Three panels discussed issues concerning asylum, sovereignty, and what the term "human rights" means in different contexts. Surakiart Sathirathai, the deputy prime minister of Thailand, provided the conference's closing speech; Philippe Sands of the University College, London, gave the opening keynote address.

This fall the center also hosted a speakers' series, including:

SEPTEMBER 26: Susan Marks

(Cambridge), "The Ticking Bomb and Other Modern Myths"

OCTOBER 10: Laurel Fletcher (UC-Berkeley), "Bystanders: The Limits of International

Criminal Trials and Jurisprudence"

OCTOBER 24: Erika George (Utah), "Development Priorities, Human Rights Principles: Globalization

and the Place of the Transnational Private Actor"

NOVEMBER 21: Ryan Goodman (Harvard) and Derek Jinks (UT), "International Human Rights Law and the Socialization of States: Empirical and Conceptual Challenges"

DECEMBER 5: Nathaniel Berman (Brooklyn Law School), "Justice at War: International Human Rights Versus International Humanitarian Law?"



## Shakespeare and The Law

Actors from *Spirit of Shakespeare* performed portions of Shakespeare's *Twelfth Night* at UT Law's Eidman Courtroom in September. The performance was part of the panel discussion about one character's reference to "the Windy side of the law." Professor Jack Getman, who teaches a course on law and literature, moderated the panel of experienced Shakespearean directors.

The event was part of a month-long celebration of Shakespeare's *Twelfth Night* hosted at UT-Austin. It emanated from a 2002 multidisciplinary event held at the Law School, called "From Text to Performance: Law and Other Performing Arts." The event included a production of five interpretations of Shylock's speech from *The Merchant of Venice*.



MARK RUTKOWSKI

## ROOMS WITH CLASS

This semester the Law School completed a five-year renovation program of the school's large classrooms. The refurbished rooms are now equipped with state-of-the-art technology and electrical outlets at every seat. Restrooms in the large classroom hallway were also completely redone, and new chairs have been installed in all Townes Hall seminar rooms.

The school also added six new faculty offices and began renovations on the lower-level cafeteria.

## COURT CLERKS

Four law students were awarded prestigious clerkships with the Inter-American Court of Human Rights in Costa Rica. Mónica Jiménez, '06, Lucas Lixinski, a Brazilian exchange student, Tanner Neidhardt, '06, and Kassi Tallent, '06, will be the sixth, seventh, eighth, and ninth UT Law students to intern at the court since the Law School began sending students in 2002.

Professor Sarah Cleveland called the court's agreement to accept all four nominees "extraordinary."



# Diane P. Wood

## REFLECTIONS FROM THE BENCH

*A decade of experience on the  
federal court of appeals.*



**Judge Diane Wood, '75, was appointed to the U.S. Seventh Circuit Court of Appeals in 1995.**

**W**HEN THE TELEPHONE rang in my office at the U.S. Department of Justice in the early afternoon of Tuesday, February 7, 1995, I assumed that the call was about baseball. A few months ear-

lier, Major League Baseball had been forced for the first time in its history to cancel the World Series,<sup>1</sup> and there were some who thought that the so-called baseball exemption from the antitrust laws played some part in that unhappy event. As the deputy

assistant attorney general in the Antitrust Division in charge of legal policy (as well as international enforcement and appellate matters), I was responsible for discussing with Congress the question whether the time had come to abolish that exemption. We had scheduled a conference call for that afternoon, which was about to begin. But this was not my baseball conference call, or anything remotely connected with it. It was Abner Mikva, White House counsel to President Bill Clinton, calling to tell me that the president was going to nominate me to the Seventh Circuit Court of Appeals. I spent the rest of the day in a daze, although my euphoria did not prevent me from immediately calling Judge Irving L. Goldberg, for whom I had clerked many years before at the U.S. Court of Appeals for the Fifth Circuit, and Justice Harry A. Blackmun, for whom I had clerked at the U.S. Supreme Court, to pass along the good news and to thank them for their unswerving support.

In comparatively short order, my nomination was formally sent over to the Senate, the Judiciary Committee

1. See "1994 baseball strike," Wikipedia on-line encyclopedia, at [http://en.wikipedia.org/wiki/1994\\_baseball\\_strike](http://en.wikipedia.org/wiki/1994_baseball_strike), visited Sept. 30, 2005.

held its hearing, it gave its advice and consent to my confirmation, and the president signed my commission on June 30, 1995. Now, ten years later, I am grateful to have the opportunity to share with my fellow UT alums my thoughts about my experiences on the Seventh Circuit..

According to the U.S. Census Bureau, as of 2004, almost 25 million people now live in the three states that constitute our circuit.<sup>2</sup> Not a day goes by in which I do not reflect on the privilege of serving on this court, as well as on the weighty responsibility of serving the people in this region. Everyone recalls President Harry Truman's famous sign "The Buck Stops Here." Even though the buck does not always stop with the courts of appeals, because there is normally the possibility of further review before the Supreme Court, statistics suggest that the courts of appeals are wise to treat every case as if they had the last word.

In the Seventh Circuit, according to statistics compiled by the Administrative Office of the U.S. Courts, 3,706 appeals were filed in 2005; 3,533 appeals were terminated; and 2,522 were pending at year's end. From that impressive annual volume of appeals, the Supreme Court gives further review to a tiny number: for example, during October Term 2003, it took certiorari and rendered full opinions in four cases,<sup>3</sup> while in October Term 2004, it heard only two cases from the Seventh Circuit.<sup>4</sup> Numbers like that speak for themselves.

But the cases coming before me have not been mere numbers. Each one has mattered enough to the people involved that they took the time, trouble, and expense to pursue litiga-

tion in the first place, and to seek a second opinion in the court of appeals in the second place.

Although there is much that any judge could say about his or her role in that process, three points seem especially important. The first relates to judicial independence—a sine qua non for a strong democratic government. The second touches on the ideal of nonpartisanship, from the day one dons the judicial robe, and how the Seventh Circuit strives to live up to that standard. The third puts the judge's role in a broader context, with particular reference to the vital part played by the bar in achieving the kind of justice system the American people want and deserve.

It took very little time after I joined the court before I realized, more acutely than ever before, how wise the framers were when they provided for an independent judiciary in article 3 of the Constitution. The protection of tenure of office—during good behavior, not necessarily life, as Justice Blackmun mischievously reminded me when he administered my oath of office—and the prohibition on reductions in salary give article 3 judges the assurance that no one can retaliate against them for unpopular decisions.

Although many cases that come before the federal courts are unlikely to provoke strong reactions, others give rise to passionate responses from all quarters. Over the years, I have sat on cases dealing with subjects as diverse as the death penalty, partial-birth abortion, the Ten Commandments, political patronage, Chicago mayor Daley's effort to close down Meigs Field Airport in downtown Chicago, and (most unexpectedly) the U.S. representative in the 75-kilogram weight class for Greco-Roman wrestling at the 2000 Sydney Olympics. Occasional cases have provoked comments from members of Congress; some have received unfavorable press coverage; and on a few occasions I have seen my own opinions used to urge those opposed to the outcome of the case to support political candidates who

presumably would appoint a different kind of judge. Some of that criticism is reasonable, from the point of view of the merits of the case, and some less so. No matter what, however, an article 3 judge can rest assured that her independence is protected.

The quid pro quo that society is entitled to demand from independent judges is that they be true neutral arbiters, not committed to any particular political agenda. On the Seventh Circuit, we employ a number of internal mechanisms to ensure that we achieve that goal. For example, we refuse to disclose the identity of a panel that is going to be sitting on any given day to the lawyers who will be arguing their cases. In this way, we hope, advocates will structure their arguments on the basis of the jurisprudence of the court as a whole, rather than on the idiosyncrasies of the particular three judges who are hearing their appeal.

We also have a local rule under which a panel that believes that an earlier Seventh Circuit decision needs to be overruled or significantly modified must circulate that proposed change to the full court *before* issuing the opinion.<sup>5</sup> Furthermore, taking advantage of our relative geographical compactness (for many years no judge has lived more than ninety miles from our Chicago courthouse), we change the membership of the panel every day. In this way, each one of us sits with every other member of the court with a greater frequency than would be possible if we had a single panel for a full week each month. Finally, we do not use visiting judges, either from other circuits, from the ranks of the senior judges outside the Seventh Circuit, or from the district courts.

In my opinion, not only does our internal system help to give us a cohesiveness that fosters our functioning as one court, but it also allows us to reap the advantages that ought to accompany a multi-member court. With rare [ CONTINUED ON PAGE 58 ]

5. Seventh Circuit Local Rule 40(e).

2. The Census Bureau's Web site, <http://www.census.gov>, reports that the population of Illinois in 2004 was 12,713,634; Indiana's was 6,237,569; and Wisconsin's was 5,509,026, for a total of 24,460,229.

3. The cases were *Central Laborers' Pension Fund v. Heinz*, 541 U.S. 739 (2004); *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004); *Jones v. R. R. Donnelly & Sons Co.*, 541 U.S. 369 (2004), and *Kortrick v. Ryan*, 540 U.S. 443 (2004).

4. The two cases were *United States v. Booker*, 125 S.Ct. 738 (2005), and *Estate of Kanter v. Comm'r of Internal Revenue*, 125 S.Ct. 1270 (2005) (companion case to *Ballard v. Comm'r of Internal Revenue*).

# A. Mechele Dickerson

## A SCENE, A SAYING, AND A SCRIPTURE

*Why bankruptcy reform should  
ignite civil rights activists.*

**T**HE BANKRUPTCY ABUSE PREVENTION and Consumer Protection Act of 2005 was signed into law on April 20, 2005. This legislation was enacted this year, although Congress has considered substantially similar bills every year since 1997. To provide a sense of perspective—between the time the first bankruptcy reform legislation was considered and the time that it

finally passed, we witnessed the following events in this country: the scandals and ultimate impeachment hearings involving President Clinton, the rush to become Y2K compliant, the averted constitutional crisis involving the 2000 Bush/Gore presidential election, the tragedy of September 11, the anthrax scare, the invasion of Afghanistan, and the invasion and war in Iraq. While some

amendments were effective immediately, the act's general effective date was October 17, 2005. Again, to put this in perspective—between the time the bill was signed into law and its effective date, two major airlines (Delta and Northwest) joined two others

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**Dickerson, an elected member of the American Law Institute, chaired the Virginia State Bar's Bankruptcy Law Section.**





(United and US Airways) in bankruptcy. Moreover, before the law became fully effective, this nation witnessed the economic devastation caused by Hurricanes Katrina and Rita.

Supporters of this new bankruptcy legislation contend that it was necessary to prevent people from manipulating and abusing bankruptcy laws. It also was needed, say its supporters, to make clear that discharging debts in bankruptcy is not just another financial management tool. Supporters were certainly correct that some debtors were abusing the system by repeatedly filing frivolous bankruptcy petitions, by hiding behind generous state exemption laws, and by thwarting legitimate creditor collection attempts.

As is true with many legislative reforms, however, there is more to the story. Indeed, the essence of this legislation can best be captured by a scene, a saying, and a scripture.

The scene—from the television show *Seinfeld*—features one character (George) telling another character (Seinfeld) to just remember, “It’s not a lie if you believe it.” The president and the members of Congress who supported this new law told themselves that people file for bankruptcy because they simply consume too much. Too many people are fiscally irresponsible and make too many extravagant purchases. The politicians convinced themselves that those irresponsible people could repay their bills but chose not to. They convinced themselves that the increased bankruptcy filing rates imposed a \$400 “bankruptcy tax” on every honest American family who paid its bills. They stuck to their beliefs even when empirical data showed that most people who file for bankruptcy do so because of skyrocketing health care costs, the loss of a job, or divorce-related debts. They kept believing the lie despite studies that proved that the \$400 tax just does not exist. In effect, elected officials simply convinced themselves that the overconsumption myth was true.

The saying is the term “perpetratin’”—imitating or pretending to be something that you aren’t. In

numerous ways, the bankruptcy law “perpetrates.” It requires debtors to obtain credit counseling before filing for bankruptcy, then requires them to complete additional counseling before receiving a bankruptcy discharge. It pretends that mandatory credit counseling is benign and will help individuals avoid irresponsible spending. Credit counseling is perpetratin’ as something that will help individuals even though government investigations and testimony presented during recent congressional hearings disclosed that numerous credit counseling companies deceptively suggested that the fees individuals were required to pay were voluntary; many of those agencies then charged excessive fees for debt management plans yet gave little or no counseling or education; and many credit counseling agencies promised results, then simply failed to deliver them. Even before the bill was signed into law, the Federal Trade Commission reached a settlement with a large credit counseling agency based on the agency’s fraudulent “counseling” practices. Since the bill was signed into law, the IRS has announced that it is auditing a number of nonprofit credit counseling agencies and has revoked the tax-exempt status of several of those agencies. Credit counseling is perpetratin’ as something that will help individuals despite mounting evidence suggesting that many debtors may end up worse off financially after such “counseling.”

The new bankruptcy law also pretended that it was morally just and designed to force individuals to be more fiscally responsible. It has been no secret, though, that the financial services industry targeted, then contributed heavily to, various key members of Congress after the bill was first proposed. The new law’s supporters in Congress pretended that the bill was designed to help individuals, but in fact it was designed to help consumer lenders avoid internalizing the costs of their own irresponsible lending practices. This bill, which had been portrayed as a morally just one, instead looked morally suspect.

And, as is true with many issues, race matters with this new law. Indeed, people of color have probably been the biggest victims of this perpetratin’ law. Even before the recent amendments, bankruptcy laws operated primarily to benefit married couples who had wealth (especially homes and retirement income) and who financially supported only legal dependents. Census and other empirical data show that minorities generally have lower marriage rates, there is a significant gap between white household net worth and the net worth of most minority households, and minorities are significantly more likely to provide support to nonlegal dependents than are whites. Further, a nationwide lending survey recently released by the Federal Reserve shows that even after the data are adjusted for income level, loan size, and property location, blacks are still almost twice as likely as whites to be given a high-cost mortgage product. The new law not only perpetuates the wealth (and bankruptcy benefit) gap but widens it by providing a subsidy to parents who choose to send their children to private schools. The recipients of this new subsidy will, again, be predominantly white.

The scripture is Hebrews 11:1, in which faith is described as “the substance of things hoped for, the evidence of things not seen.” The politicians who supported this new law had faith that the higher bankruptcy filing rates could be attributed solely to irresponsible spending by consumers. So strong was their faith that they were not willing to even consider that unexpected job losses, or medical catastrophes, or natural disasters like Katrina, or just plain bad luck might push a significant number of individuals into a bankruptcy court. And any faith that individuals might have had in politicians, or the new law itself, proved to be unwarranted. They might have hoped that the law would make it harder for creditors to engage in deceptive or predatory lending practices, but it doesn’t do that. They might have hoped that the law would make it easier for them [CONTINUED ON PAGE 59]

# Jack Getman and Teresa LeClerc

## UT LAW'S PRE-LAW INSTITUTES

*Providing intensive training for students who have not traditionally been exposed to the field of law.*

*Teresa LeClerc is one of the top legal-writing experts in the United States. She is also UT Law's administrative liaison to four pre-law institutes. These programs provide intensive training in legal history, classical logic, and advanced writing for students who have not traditionally been exposed to the field of law.*

*In 1998, Dean Michael Sharlot and Professor Gerald Torres spoke with UT-El Paso political science professors Bill Weaver and Bob Webking about the program. Dean Sharlot then spearheaded UT Law's involvement. The initiative's success at UT-El Paso led to the creation of three additional centers. The programs at UT-San Antonio, UT-Pan American, and Prairie View A&M were built as partnerships and funded by grants from a host of sources, including an initial grant from UT Law.*

*Each summer Dean Bill Powers, Sarah Buel, Norma Cantú, Jack Getman, Barbara Hines, Teresa LeClerc, David Simon Sokolow, Guy Wellborn, and others travel to the institutes to conduct rigorous training sessions, to listen, and to learn about the educational needs of different parts of Texas.*

*This fall, UTLAW caught up with Professors Getman and LeClerc, a husband-and-wife team of 14 years, and asked them about the progress of the institutes over the past 7 years.*

**U**TLAW: What kind of students attend the pre-law institute sessions?

**GETMAN:** The students we meet are of all races, primarily from

working-class backgrounds. Some are academic all-stars and they know it. Many, however, are unsure of themselves. They don't think it's unusual

that they've been working since they were small children. They often need affirmation of their own abilities, which are considerable.



**Jack Getman and Teresa LeClerc at their Austin home. They are among the many professors who work at the institutes.**



**LECLERCQ:** At the beginning of each session, when we ask the students why they are attending the courses, we used to hear statements like, “I wanted to work at the INS because they were mean to my grandmother.” Or, “Three years ago a developer took advantage of my family. I want to know the law to prevent that from happening again.” They often wanted to be police officers or government employees as the result of a negative experience. These students had little context for understanding what it is, exactly, that lawyers do. It took a whole summer to open windows—or maybe steel doors—so they could understand the profession and what they would have to do to enter it.

**UTLAW:** What do these institutes teach?

**LECLERCQ:** The programs are half academic—legal history, classical logic, an introduction to a legal topic, writing—and half career focused. For instance, the Kaplan Corporation provides LSAT review at a reduced rate. We counsel students regarding their letters of application for any graduate school, and we also discuss how there are 177 law schools to which they might apply and many more graduate programs. We want them to understand what exists beyond their current boundaries.

**GETMAN:** Bill Powers tells a great story of how one student at El Paso was driving him to

the airport. Bill asked what he was reading from the book beside him in the car. The young man said, “Aristotle. Because you can never have too much Aristotle.” That’s the enthusiasm that makes you happy to get in your car and drive to these institutes. The students are learning a lot and are very appreciative of the opportunity to work hard.

**UTLAW:** Who are our partners in these programs?

**GETMAN:** The burden is shared by multiple administrators, faculty members, and funding sources. The programs’ faculties and administrators are devoted and capable people. One magazine referred to the UT–El Paso faculty, Bob Webking and Bill Weaver, as “saints in the desert.” I think they are all saints—Richard Gambitta at UT–San Antonio and Jerry Polinard at UT–Pan American in Edinburg, as well.

**LECLERCQ:** Initially UT–El Paso’s program was funded by the Texas Legislature, but the other three were each started with a \$10,000 UT Law grant and, of course, they were backed by the prestige of our school and the time of our faculty. But the funding requirements have moved well past the initial grant. Our faculty volunteers continue to contribute their summer time, but fundraising is a major part of an institute administrator’s time.

**UTLAW:** What kind of results are being achieved?

**LECLERCQ:** Our goal is that the students walk into their graduate programs prepared for classes, not surprised by the graduate-level workload, and not overwhelmed by the first couple of weeks of school. By and large, we achieve that goal.

The program also helps students identify their weaknesses as well as their strengths. When students realize that they’re behind in writing skills, we try to give them a realistic sense that they can improve, but we don’t sugarcoat the results. Law school is not the time to find out you are behind. Many of the students sign up for technical-writing classes to improve their skills.

**GETMAN:** We used to tell the students, “Don’t be disappointed if you can’t get into UT.” Many thought if they didn’t get in here, they’d failed. Now that Yale, Harvard, and many, many other law schools are recruiting these students, we say, “Please remember UT Law when applying.” It’s been terrific to see these students attend many different graduate programs and law schools all over the United States, and their success is a real eye-opener for other students at their schools.


**UTLAW:** What value do the two of you get out of traveling Texas for these programs?

**GETMAN:** Satisfaction. Nontraditional students in these programs discover the excitement of high-level, intellectually demanding education. We get to watch them adjust their self-concepts and recognize that they can excel academically. To meet these students and work with the faculties is rewarding.

**LECLERCQ:** Meeting these undergraduates reminds me of why I teach. I love to see the lightbulb go on. I get a kick out of watching a pre-law student revise her personal statement until it represents that spark I’m hearing as she tells me her life story.

**UTLAW:** Do the students return to their communities?

**LECLERCQ:** Several of the communities initially feared a brain drain, but anecdotally we are seeing that these students do return. They secure judicial clerkships, become briefing attorneys, work in legal aid, and work at law firms. (See related story about Stephanie Townsend-Allala, ’02, on page 53.)

Of the first class of ten students from El Paso, UT Law accepted three. One, after law school, went to Rice to obtain a master’s degree in psychology so she could work as a jury advisor. One went to work at a law firm in Houston. The third went back to El Paso to work in legal aid. That’s a pretty good return on our investment—for the State of Texas, for the community of El Paso, and for our Law School. 





# Jens Dammann

## FREEDOM OF CHOICE?

*A critical look at the costs  
and benefits of harmonization  
in European corporate law.*



U.S. CORPORATIONS ARE FREE to choose the state law that governs their internal affairs. At the root of that freedom is a conflict-of-laws rule, according to which a corporation's internal affairs are governed by the state of incorporation. As a result of that rule, corporations can choose a particular corporate law regime simply by incorporating in the relevant state.

In the European Community, by contrast, corporations have long been denied such freedom of choice. Most member states of the European Community have traditionally adhered to the so-called "real seat" doctrine. Under that doctrine, it is the location of the corporate headquarters rather than the place of incorporation that determines the applicable corporate law. As a result, corporations cannot choose to be governed by the law of another member state unless they move their headquarters to that member state, something that few corporations are willing to do.

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**Jens Dammann has studied corporate law in both the United States and Germany.**

Over the last few years, however, the situation in the European Community has undergone a fundamental change. In a number of decisions, the European Court of Justice has made it clear that the "real seat" rule violates European Community law. According to the Court of Justice, once a corporation has been formed in any given member state, it has the right to be governed by the corporate law of that member state, regardless of where its corporate headquarters is located.

Thus, the European Community now faces a question with which the United States has been grappling for a long time: should corporations be left free to choose from a menu of corporate law regimes or should that freedom be eliminated by way of enacting a uniform corporate law regime at the Community level?

Essentially, the answer to that question depends on whether or not one trusts corporations to choose efficient over inefficient corporate law regimes. If corporations tend to migrate toward jurisdictions with more efficient corporate law, then freedom of choice is likely to lead to better outcomes than the federalization of corporate law does. After all, if the number of available law regimes from which to choose is sufficiently large, then at least some of them are likely to be more efficient than whatever regime would result from the Community legislative process. If, by contrast, corporate decision makers tend to choose inferior corporate law regimes, then the federalization of corporate law may well be more efficient, since it prevents such inefficient choices.

The question, then, is whether corporations can be trusted to choose efficient over inefficient rules. In this context, the most significant problem results from the risk of managerial opportunism. Indeed, in the United States the question of managerial opportunism has long been at the very heart of the debate on freedom of choice in corporate law. Some scholars believe that managers routinely abuse their influence to

ensure that corporations end up in states with corporate law that promotes the interests of managers at the expense of shareholders. Other voices in the literature dispute that account. They argue that the capital markets exert a sufficient amount of pressure on managers to ensure that corporations will generally migrate toward states with efficient corporate law. Hence, they conclude, freedom of choice tends to benefit rather than harm the interests of shareholders.

Not surprisingly, when freedom of choice was first discussed with respect to European corporate law, scholars were quick to point to the aforementioned debate in the U.S. literature. The assumption was that in order to know what is best for Europe, one had to find out what works best in the United States.

However, that assumption is very likely mistaken. In fact, there is reason to believe that granting freedom of choice in corporate law is the most efficient course of action to take in Europe, even if one considers such a system to be inefficient in the United States. To be sure, that assessment may be somewhat counterintuitive. After all, if one were to come to the conclusion that freedom of choice does not work in the United States, why should the outcome be different in Europe?

In answering that question, it is helpful to start with two preliminary points. To begin with, there will always be some managers who, instead of acting opportunistically, use their influence to make sure that their corporation reincorporates in the jurisdiction with the most efficient corporate law. Thus, for a trend toward efficiency to occur, it is very likely sufficient to make sure that corporations cannot migrate toward jurisdictions with less efficient law. Moreover, it is worth noting that states can do much to ensure that domestic corporations do not move to other jurisdictions with less shareholder-friendly law. For example, by requiring that any decision to reincorporate be approved by a superma-

jority rather than by a simple majority of all shareholders, states can make it harder for managers to reincorporate in states that favor managers at the expense of shareholders.

Thus, the decisive question can be framed as follows: Can we expect the member states of the European Community to take more energetic steps than their U.S. counterparts to prevent corporations from reincorporating in jurisdictions with less efficient law? And, in fact, the answer is yes.

Most important, the influence of corporate lawyers as an interest group must be considered. In the United States, corporate lawyers in any given state are not necessarily united in trying to prevent corporations from reincorporating in another jurisdiction. After all, given that a majority of all publicly traded corporations are already incorporated in Delaware, many lawyers across the nation already have an expertise in Delaware law. And even if they don't, the various corporate law regimes in the United States are sufficiently similar to make it relatively easy for an attorney specializing in the corporate law of one state to gain expertise in the corporate law of another state as well.

In Europe, by contrast, the situation looks very different. Fundamental differences between the various corporate law regimes make it exceedingly difficult for a lawyer from one member state to give advice on the law of another jurisdiction. The fact that many of the different member states use different languages also contributes to that problem. As a result, a corporation's decision to reincorporate in another member state will almost certainly mean that the corporation will have to work with different lawyers. It follows that lawyers have every incentive to pressure their member states to impose harsh requirements on firms that want to reincorporate. And opting for mandatory supermajority requirements is an easy way for lawmakers to accommodate local lawyers while at [ CONTINUED ON PAGE 59 ]

# Derek Jinks

## THE GENEVA CONVENTIONS AND THE GLOBAL WAR ON TERROR

*The ongoing struggle over the role of law in time of war.*

ONE IMPORTANT REASON TO question the applicability of the Geneva Conventions to the global war on terror (GWOT) is that undesirable legal and policy consequences might follow from the characterization of the conflict as a “war.” For example, characterizing the conflict as a “war” might empower the president to exercise extraordinary, draconian powers reserved for the successful prosecution of wars. Or, to take another example, perhaps design of counterterrorism policy on a “war model,” rather than on the “law enforcement model,” is ineffective and counterproductive. Irrespective of the merits of these claims, such considerations are irrelevant to whether the Geneva Conventions do or should apply to the GWOT.

Some of these issues obviously turn on matters unrelated to the applicability of the conventions. Consider a couple of examples. The important (and widely debated) question of whether the “war model” is the most effective means of counterterrorism should exert no weight on our inquiry into the applicability of rules governing the conduct of war. As a conceptual matter, the propriety of any given conflict has no bearing on whether a conflict in fact exists. Moreover, it is perverse to argue that a poorly justified war may be fought free of the constraints that would (presumably) govern wars fought for more sound reasons. In short, opposition to the “war model” is a bad reason to oppose application of the conventions.

Another example is the debate over the validity of the self-defense claim advanced by the United States in the wake of the September 11 attacks. The United Nations Charter generally prohibits the use of force by one state against another sovereign state. The most important exception to this rule is the “inherent right” of all states to use force in self-defense. Under the charter, states have the right to use force in self-defense provided they have been subject to an “armed attack.” Whether attacks carried out by non-state actors ever constitute “armed attacks” is an important question—related obliquely perhaps to the question of whether hostilities involving non-state actors constitute “armed conflicts.” First, note that there is no clear relation between the “armed attack” requirement of the charter and the “armed conflict” threshold in the conventions. Indeed, some circumstances (even in the interstate context) would clearly trigger the application of the conventions without necessarily satisfying the “armed attack” requirement. Recall that a formal declaration of war unquestionably triggers application of the Geneva Conventions—even though without more (such as the assumption of an aggressive-force posture), a declaration of war alone would not constitute an “armed attack.” And, of course, the existence of a non-international armed conflict confined to the territory of one state would not trigger the right to self-defense—even though some aspects of the conventions govern such circumstances.

These divergent fields of application are the result of divergent policy objectives. The UN Charter self-defense rules seek to minimize international aggression—these rules are part of a wider regime committed to the elimination of war as an instrument of national policy. As such, the primary concern is the over-application of the self-defense exception—which tends to push the threshold of application higher. The Geneva Conventions, on the other hand, seek to minimize unnecessary suffering resulting from organized hostilities. Therefore, the primary worry in Geneva law is the under-application of humanitarian rules—which tends to push the threshold for application lower. Because there is no necessary relationship between the optimal level of war and the “optimal” level of suffering in war, there is no necessary relation between the triggering conditions of these regimes. Indeed, any structural linkage of the two regimes risks frustrating the policy objectives of one (or both) of the regimes. Any structural relationship between the two regimes would tend to exert pressure in the opposite direction suggested by regime objectives.

The most important examples, though, are those that implicate the very values the conventions purport to protect—individual rights. Consider the example of emergency powers. The central point here is that the conventions do not define, directly or indirectly, when the president may invoke constitutional war powers. If, when, and to what extent the U.S. Constitution empowers the



president to suspend civil liberties, presents questions that have little, if anything, to do with the applicability of the conventions. The conventions define the treatment due vulnerable individuals in the context of organized hostilities. The problem addressed by the conventions is the radical inhumanity that all too often characterizes warfare. To address this problem, the conventions prescribe a few simple rules that require humane treatment of captured enemy soldiers and civilians. The limiting principle for these rules is military necessity. Because it is unreasonable to expect warring parties to observe rules that increase the prospect of their defeat, the conventions require only a modest level of protection—a level that is consistent with the

legitimate strategic imperatives of waging war. The conventions, in this sense, establish minimum rules that apply even when arguably no other law does—shining the light of law, however dim, into the darkness of war. Given these limited ambitions, the conventions should apply whenever fighting erupts between organized enemies.

The proper scope of presidential war powers, on the other hand, turns on other considerations. These powers, it is thought, promote national security by vesting the president with the authority necessary to wage war successfully. The idea is to empower the president, under certain circumstances, to act outside some of the ordinary constraints of law. This body of law, in this sense, defines when and to what extent the president may act contrary to the law. It may be, for example, that the president has the

authority during a war to detain without charge or trial U.S. citizens who take up arms against the United States. Given these features, broad presidential war powers should be triggered only in a narrow range of carefully defined circumstances.

Of course, this is not to say that the applicability of the conventions in no way implicates the scope of executive power. If the conventions apply, and if they accord humanitarian protection to captured enemy individuals, then the conventions clearly impose a legal constraint on the scope of the president's power. This kind of concern, however, is not a “collateral” matter at all; rather, it is a direct challenge to the advisability of applying the conventions. This kind of challenge is best evaluated through focused analysis of specific protections—particularly when provided [ CONTINUED ON PAGE 59 ]

**Derek Jinks is an expert in the fields of public international law and criminal law.**



# Emily Kadens

## THE MORE THINGS CHANGE

*Tension in the legal profession*

*between ethical practice and zealous*

*advocacy has always been with us.*

**I**N THE WAKE OF THE ENRON SCANDAL both the legal profession and the general public have renewed calls that more attention be paid to legal ethics. What does history have to teach us about the utility of focusing more effort and intensity on this subject?

From their first appearance in the 12th and 13th centuries, professional attorneys have had to address ethical questions arising from their role as facilitators of justice and advocates on behalf of the cause of another. And, it turns out, those medieval lawyers were well instructed in their ethical duties. Yet during the same period, lawyers faced scathing criticism of how they met, or failed to meet, their ethical obligations.

The history suggests an explanation for this dichotomy that makes as much sense now as it did hundreds of years ago. Medieval law students and practitioners received ambiguous messages about how they were supposed to behave. They were told to be noble guardians of justice, but they were also acknowledged to be businessmen. They were instructed to advocate zealously for their clients, but they were also warned not to use tricky arguments to win cases or prolong suits. Such competing expectations could not always be reconciled. Disillusionment and cynicism, among lawyers and non-lawyers alike, was the result.

The immediate antecedent of the modern legal profession traces to the Europe of the 12th and 13th centuries. The Roman Empire had supported a cadre of trained lawyers who

were largely responsible for elaborating its highly sophisticated legal system. But for the approximately six hundred years after the collapse of the empire in Western Europe, there were no professional lawyers as we would recognize them. There were, of course, men who knew the laws, who remembered the proper formulae to speak in court or the correct procedure to follow, but they were neither trained in law nor vocationally consecrated to the profession.

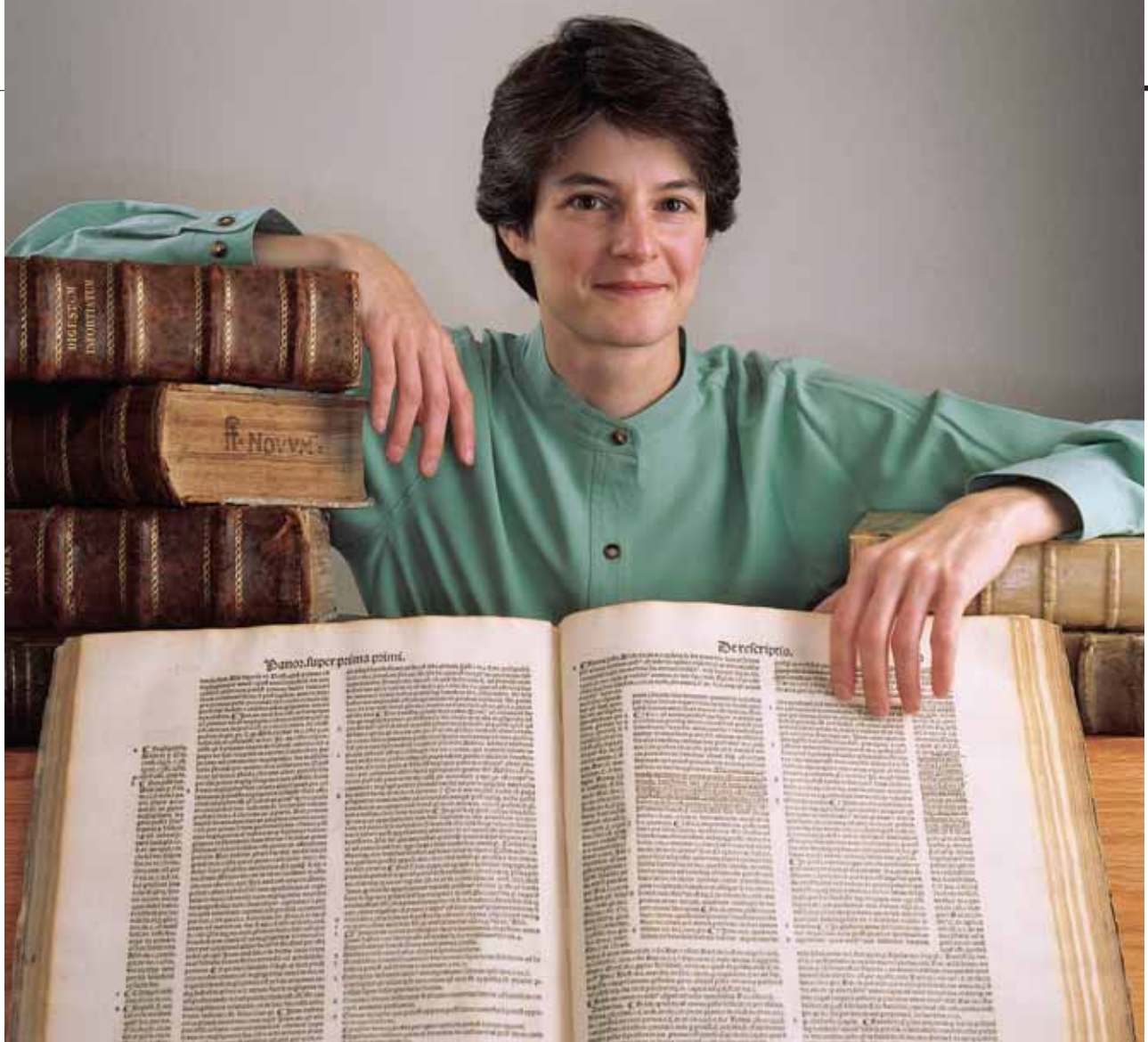
Lawyers reappeared when formal law reappeared. During the six-hundred-year lawyerless interim after the fall of the Roman Empire, law arose from the customary activities of the community, and the community members acted as judge and jury when faced with violations of those customs. Then, in the 12th century, in England, the king began to take control of the machinery of justice through legislation and through the creation and empowerment of centralized courts. To learn to argue before these courts, students began to serve apprenticeships, which later became years of studying and training in the Inns of Court. Simultaneously, in Continental Europe, scholars rediscovered the sixth-century body of written Roman law and fashioned it into a law for their own world. The Roman law influenced both the canon law (that is, the law of the Catholic Church) and the local customary laws, helping to turn them into more coherent and finished legal systems.

To qualify as a lawyer in the Roman or canon law, students had to spend many years in universities.

The need for training, and the expectation that practitioners would be officially credentialed, created a restricted and identifiable caste of lawyers, with a characteristic set of ethical issues that arose from trying to manage the competing claims of clients, courts, colleagues, and self-interest.

The medieval ideal of the ethical lawyer was well developed in sermons preached specifically to lawyers and law students, in manuals for Catholic confessors about how to hear the confession of attorneys, and in lectures given in law school classrooms. The ethical lawyer took on only just cases. He served the poor as well as the rich. He gave every case his fullest attention, regardless of his client's ability to pay. He charged only a moderate fee, and then only for work actually done. The ethical attorney never gave false counsel or suborned perjury. He did not try to confuse his opponent or the judge with over-subtle technical points of law or procedure in order to draw out the suit or to force concessions. He did not try to cover up his ignorance of a point of law with bluster and bluff. And he always refused to aid a client in engaging in frivolous or malicious litigation.

If sermons preached to attorneys are any guide, medieval lawyers did not live up to these high standards. In a model sermon intended to be delivered to judges and attorneys, the famed 13th-century preacher Guibert of Tournai assured his audience that the ideal lawyer was not like "the attorneys of our time, who are officers of iniquity, who catch the poor man in



his cunning and ensnare him with the noose of his words. They duly assist in just and unjust causes alike and they produce fraudulent documents and false and corrupt witnesses. They allege false laws and false factual proofs." Continuing, he told the cautionary tale of "a certain faithless attorney, who, as he was dying and saw the demons waiting to take his spirit, began to cry, 'a stay, a stay!' But he could not obtain a stay from the just judgment of God, because frequently in cases he had fraudulently requested stays so that he might protract the suit and injure his adversary. We hardly find one attorney who does not speak many lies and tergiversations."

When the 14th-century cardinal Pierre DePalme preached a Lenten sermon in 1340 to a papal court full of lawyers, he compared the unethical behavior of lawyers to the three foul spirits that poured forth from

the mouth of the beast in Revelation 16:13: "The first [spirit] is the hiding and impugning of the truth and the defense of deception. The second is the complicating of a case and its prolongation. The third is trickery and the false and deceitful imposition of charges. Through these three evil spirits, barristers ensnare many good men and subvert their causes, making them interminable. And these [behaviors] are detestable in the eyes of all honest men. Such [barristers] truly are sons of the devil." A similar chorus of grievances against lawyers commenced when law became a recognizable occupation, and it has not ceased ever since.

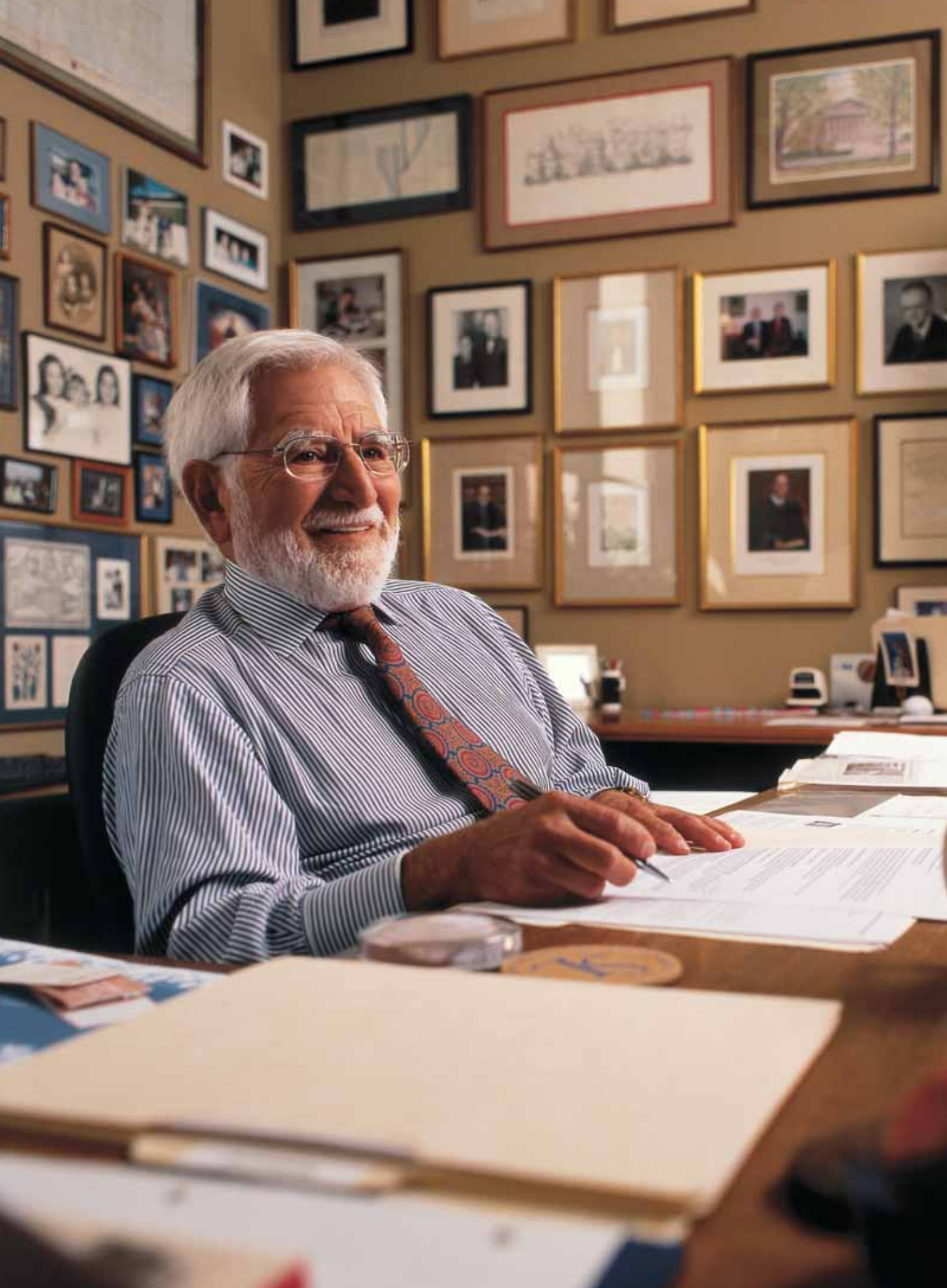
Underlying many of the complaints about lawyers' ethics, however, were certain fundamental ambiguities that arose with the birth of the legal profession. Consider, for instance, the problem of selling access

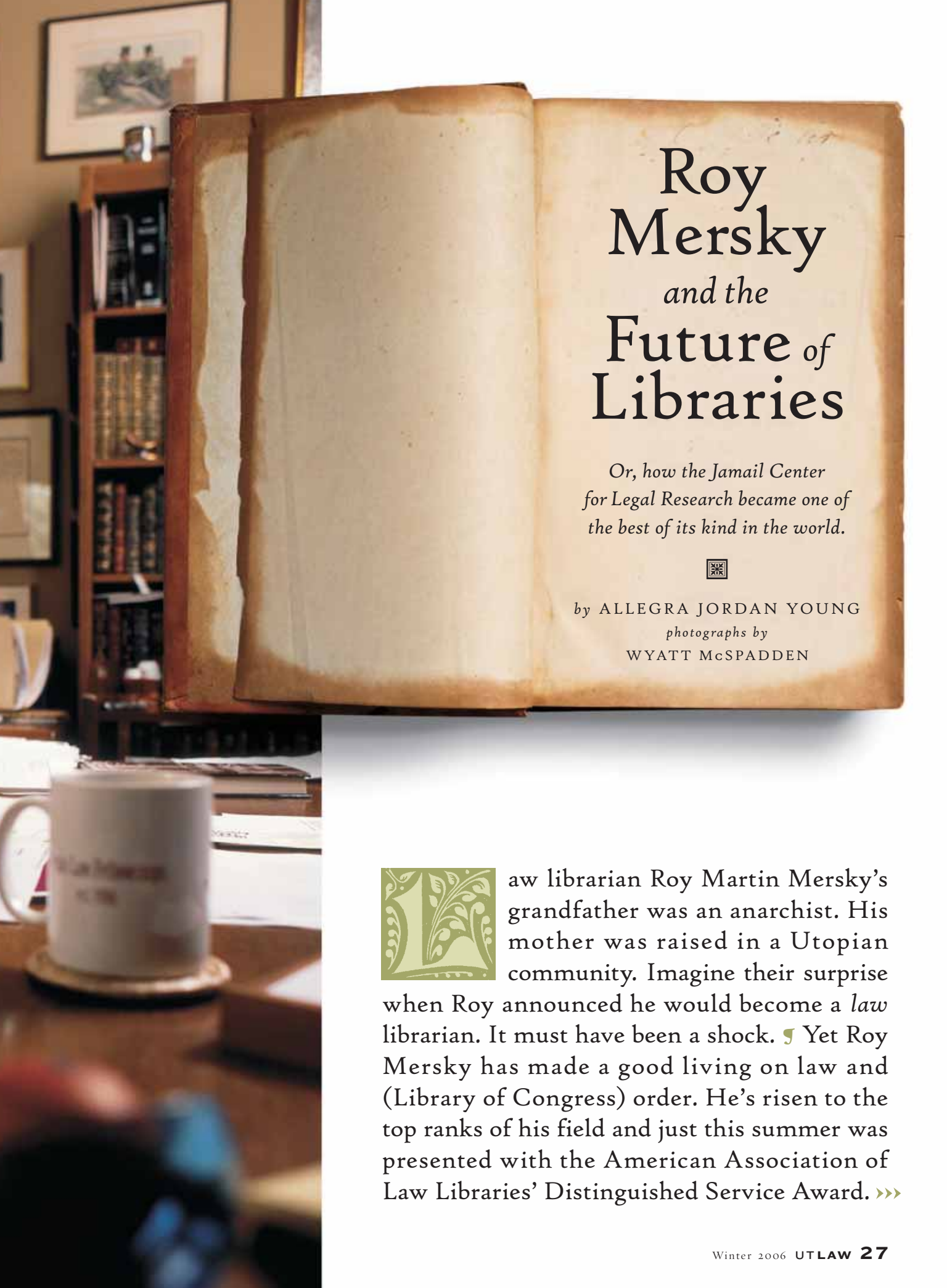
**Kadens' collection of 16th-century books focuses on medieval Roman and canon law.**

to justice. Imbued with the biblical spirit that knowledge and justice should not be sold and with the tradition of the aristocratic Roman jurist, who refused remuneration for the legal advice he dispensed, medieval jurists felt a certain squeamishness over the very idea of being paid for legal services. Somehow, however, they managed to overcome that hesitancy. Early in his series of lectures on the Roman law, the 13th-century Italian law professor Odofredus made this frank acknowledgment of lawyers' interest: "Philosophers spurn money, and rightly so." But, he continued, we are lawyers; we get paid.

Nevertheless, medieval lawyers continued to worry about when they could and should [CONTINUED ON PAGE 60]







# Roy Mersky *and the* Future of Libraries

*Or, how the Jamail Center  
for Legal Research became one of  
the best of its kind in the world.*



by ALLEGRA JORDAN YOUNG

photographs by

WYATT McSPADDEN



aw librarian Roy Martin Mersky's grandfather was an anarchist. His mother was raised in a Utopian community. Imagine their surprise when Roy announced he would become a *law* librarian. It must have been a shock. Yet Roy Mersky has made a good living on law and (Library of Congress) order. He's risen to the top ranks of his field and just this summer was presented with the American Association of Law Libraries' Distinguished Service Award. >>>



And while he may not share his grandfather's methods, he does share his grandfather's concern for social justice. He believes that improving access to legal information creates a better society. It's one of the reasons he became a law librarian and something that has kept him going in the same job for forty years. It's a job worth doing well and a pursuit he will follow, "until 2020, at least!" he says.

## { Order and Justice }

**R**oy Mersky's mother, Rose Mendelsohn, was raised in an Esperanto-speaking Utopian community. She married New York City businessman Isadore Mirsky, whose sense of order was so refined that he used no paper to run what many consider the world's best bialy bakery, Mirsky and Kossars. (Roy Mersky's surname was changed by a high school registrar's spelling error, and the bakery was later sold.)

Roy inherited his father's business skill and his grandfather's deep concern for social justice. This family history explains his ability to focus on critical business metrics—such as the comprehensive operational cost to shelve a book at the Tarlton Library (\$125), or the change in online database costs. It also explains his deep need for action in the face of prejudice.

The Mirsky family understood prejudice. Roy's father was born near Bialystok, Poland, a town between Treblinka and Belarus. On the eve of World War II, Bialystok's Jewish population stood at nearly 200,000. The population was either killed by the Nazis or fled to join the Russian army.

Anti-Semitism and fascism radicalized young Roy Mersky. He had just begun pre-med studies at New York University in 1943 when he decided to enlist in the U.S. Army.

"I knew what I was fighting against in World War II: fascism and anti-Semitism. Some other people just wanted to fight. They were inevitably the first to crack under the pressure," he said. "When things went bad, you had to remember why you were there."

While in basic training Mersky taught some fellow soldiers, anti-Semites themselves, how to read. They became friends. In return, the soldiers protected him from the anti-Semitism within the U.S. Army. They also taught him about baseball, knowledge that would save his life in battle when he was attached to Patton's Third Army.

## { The Western Front }

**I**n mid-December 1944, the future Harry Reasoner Regents Chair in Law was bounced around the back

of a convoy truck headed toward the German lines. The men of the 87th Division drove through the Ardennes forest to reinforce the 101st Airborne against 14 divisions of German soldiers. Roy, at 18, was nearly three years older than the average German soldier he faced. The problem was, there were so many more of them, and the temperature was dropping.

It was the worst winter in twenty years in Europe. The U.S. and British armies had pushed the Nazis back to the German border. In Hitler's last major offensive, the Nazis struck at the Belgian border, creating a wedge between the U.S. and British troops. Hitler's goal: the vital supply port at Antwerp.

No one told the infantrymen of Company D what an incoming German shell sounded like. On their first night of camping just south of the battle lines, the woods suddenly filled with "whirring noises." The incoming shells killed nearly half of Mersky's company. The survivors piled into the backs of convoy trucks and drove to Bastogne, Belgium.

Bastogne was besieged by panzers and *Volkstrum*. Worse, a thousand Germans had infiltrated the American lines, dressed as American soldiers, driving captured American Jeeps, and trained to speak perfect English.

The U.S. troops took to using base-

ROBERTS, TOP, HELPED FOUND UT. BOTH HE AND GOULD SERVED ON THE TEXAS SUPREME COURT.

LAW LECTURES WERE FIRST HELD IN OLD MAIN, BUILT IN 1882.

THE FIRST LAW BUILDING WAS KNOWN AS THE "LITTLE YELLOW SCHOOLHOUSE."



1889

Law students rely on the private law libraries of Governor O. M. Roberts and Judge Robert S. Gould, UT's first two law faculty members.



1883



A lecture room houses the law library.

1895

1903

Isadore Mirsky migrates from near Bialystok, Poland. Establishes bialy bakery in New York City.

The new law building houses 5,000 volumes.

1913



1908

The Ballinger and Jack library fund is established with \$1,000.



ball passwords—either you knew what team Joe DiMaggio played for or you were shot. Roy, who grew up only a few blocks from Yankee Stadium, had never learned the game. The men he taught to read taught him baseball, and that saved him.

The Battle of the Bulge broke the Nazi army. Roy's Eighty-seventh Division advanced 165 kilometers into Germany and took 10,282 prisoners. In one sortie, Roy was sent to capture a group of young soldiers—all less than 15 years old except for their SS officer. As Roy reached to receive the officer's gun, the man shot him through the hand.

Roy was sent to convalesce in Rheims, France, his work done. He'd fought in four major campaigns in the European theater of operation and had received the Infantry Combat Medal and the Bronze Star.

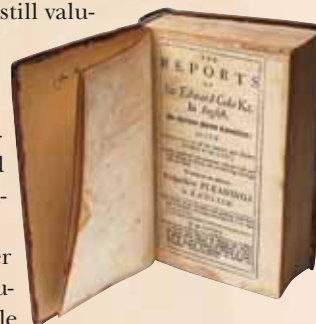
While in the hospital, he spent his time applying to schools and reading military-issued books. He no longer wanted to study medicine in New York. He wanted to pursue social justice by becoming a labor economist. The best program at that time was at the University of Wisconsin, Madison.

In 1946, while studying labor economics, Roy took a job at his university's library. He loved it. He decided on a life in law and library science, and completed his law degree in 1953. He

## Coke's Classic

THE TATTERED BOOK that Professor Mersky holds in the cover photo is one of the rarest finds in the Jamail Center for Legal Research. It is the first volume of a seven-volume set of *The Reports of Sir Edward Coke* (London, 1738). Volumes 2–7 of the set have been in the Tarlton Law Library since at least 1986. Coke was one of the most influential jurists in English legal history, and his case reports were so highly regarded that they were cited simply as "The Reports." Even though the library's set was incomplete, it was still valuable because it once belonged to Oliver Ellsworth (1745–1807), who was appointed by George Washington in 1796 as the third chief justice of the U.S. Supreme Court.

In 1999, another former chief justice of the Texas Supreme Court, the Honorable Joe R. Greenhill, Sr., '39, donated several books to the Tarlton Law Library. One of them was a book he had bought in the 1930s, while he was a law student, at the old Gammel's Bookstore on Congress Avenue. It was the missing Volume 1 of Coke's *Reports*, with Oliver Ellsworth's signature on the title page. "If you are patient and lucky, you can sometimes find a replacement for a missing volume," said Mersky, "but to find THE missing volume—that's practically unheard of!"



Source: Michael Widener, Head of Special Collections

ISADORE AND ROSE MIRSKY  
WERE MARRIED IN 1923.

Law librarian  
Ione Spears is  
appointed to a full-  
time position.  
10,000 volumes are  
now in the library.



1916

1919



The Texas Legislature authorizes the secretary of state to exchange Texas laws, reports, and statutes for those of other states for the benefit of the law library.

The Carswell  
Company donates  
1,119 rare books.

1921

1925



Roy is born to  
Isadore and  
Rose Mirsky.



Helen Hargrave,  
'26, becomes assis-  
tant law librarian.



1930

1940

Hargrave promoted  
to law librarian.  
Publishes News  
Sheet during  
World War II sent  
to ex-students and  
UT faculty serving  
in the armed forces.



ROY M. MERSKY TIME LINE

MERSKY AND HIS SISTER. ROY'S LAST NAME WAS  
CHANGED DUE TO A HIGH SCHOOL CLERICAL ERROR.

## Online Resources from Rare Books and Special Collections

*The Papers of Justice Tom C. Clark: Civil Liberties  
and Civil Rights Cases of the U.S. Supreme Court*  
<http://utopia.utexas.edu/explore/clark/>

*Texas Constitutions Digitization Project*  
<http://www.law.utexas.edu/constitutions/>

*Law Dictionary Collection*  
<http://tarlton.law.utexas.edu/rare/dictswb/>

*Sources on Heman Sweatt and Sweatt v. Painter*  
<http://tarlton.law.utexas.edu/rare/sweatt.html>

*Law in Mexico Before the Conquest*  
<http://tarlton.law.utexas.edu/rare/aztec/Home.htm>

*Resources on Aztec and Mayan Law*  
<http://tarlton.law.utexas.edu/rare/aztec.html>

*Texas Legal History: A Survey of Oral History Resources*  
<http://tarlton.law.utexas.edu/rare/law-relatedOH.html>

*Introduction to Book Collecting*  
<http://tarlton.law.utexas.edu/rare/bookcollecting.html>

*Guide to Legal History on the Web*  
<http://tarlton.law.utexas.edu/rare/legalhis.html>

*Web Sources for the Legal History of the American West*  
<http://tarlton.law.utexas.edu/rare/wha.html>

*Guide to Law-Related Resources at the Harry Ransom  
Humanities Research Center*  
<http://tarlton.law.utexas.edu/rare/hrc.html>

received his master of library science degree. He then worked for 11 years as a professor and a law librarian at various universities, including Yale. He eventually became a professor and the law librarian at the University of Colorado.

While at Colorado, Roy closely followed the voting rights struggle. After police in Selma, Alabama, beat nonviolent marchers on March 7, 1965, thousands of people drove to Alabama to protest. Roy made that trip.

"I wanted to be a witness. I wanted to be able to tell my children that I did what I could," Roy said. Despite a sprained ankle, he marched in protests leading up to the March 21 walk to Montgomery. He was also charged by mounted policemen and beaten.

Upon his return to Colorado, Roy was both reviled and hailed. One person in particular called to congratulate him: Dean Page Keeton thanked him for his courage—and then welcomed him to Austin.

## { Building Institutions }



When the Law School was founded in 1883, students relied on the private libraries of Governor O. M.

Roberts and Judge Robert S. Gould, the Law School's first two faculty members. The library collection soon expanded beyond the private holdings, and in 1895 a lecture room became UT Law's first library. The Board of Regents stipulated that students pay annual fees to create a library acquisition fund.

Twenty-one years later, UT Law hired its first full-time law librarian, Ms. Ione Spears, to cultivate the 10,000-volume collection. During this era private donations assisted its growth, including \$1,000 to establish the Ballinger and Jack library fund, and the Carswell Company's donation of 1,119 rare books.

In 1930 UT Law hired one of its own graduates, Helen Hargrave, '26, as its librarian and faculty member. She was both the first female law professor and a beloved figure in the library. Hargrave tripled the collection, and UT Law became the largest law library in the South and Southwest. During her tenure, the library was renamed the Tarlton Law Library, after Judge Benjamin Dudley Tarlton. Tarlton had served on the UT Law faculty after establishing a private law practice, serv-

MERSKY SERVED IN THE INFANTRY  
OF PATTON'S THIRD ARMY.

UT LAW LIBRARY TIME LINE



Nazis burn the  
Great Synagogue  
in Bialystok,  
Poland, with 2,000  
Jews inside. Jews  
are rounded up  
into ghettos.



1941

1943

Mersky volunteers  
for the U.S. Army  
to fight fascism  
and anti-Semitism.



Mersky is wounded  
three times in the  
Bastogne crisis.  
Receives three  
medals, including  
a Bronze Star.

1944

1946

Mersky  
is honorably  
discharged.

Begins work  
on B.A., J.D.,  
and M.A.L.S.  
degrees from  
the University  
of Wisconsin.



1948

LIBRARY  
COLLECTION  
REACHES  
70,000  
VOLUMES

Undergraduate  
libraries begin  
providing students  
full access to  
their stacks.

1950

1953-65

Mersky works  
at libraries  
in Wisconsin,  
Connecticut  
(Yale),  
Washington,  
and Colorado.  
Practices  
law in  
Wisconsin.



TOP: THE GREAT SYNAGOGUE IN BIALYSTOK;  
AN AERIAL PHOTO TAKEN DURING THE FIRE.

THE UNIVERSITY OF WISCONSIN AT MADISON  
WHERE MERSKY STUDIED, TAUGHT, AND WORKED.



ing as a representative to the Texas Legislature, and serving as chief justice of the Court of Civil Appeals (Second District of Texas).

When Helen Hargrave retired in 1965, Dean Keeton called Professor Mersky. At Mersky's departure from UC-Boulder, the dean inscribed a book "To Roy Mersky, of whom I mistakenly told the Dean of Texas that he was the best law librarian in the country."

## { Mr. Mersky's Library }

In a 1965 *Townes Hall Notes* interview Roy Mersky established his agenda. The Tarlton Law Library, which ranked nationally in the 120s among academic law libraries, would become one of the most important law libraries in the world. He would professionalize the library's staff. The new team would expand access to basic resources, improve special collections, such as the international and rare-book holdings, and provide more patrons with improved access to both the library's holdings and its technologies.

"The library's primary concern is to the faculty and students," he said. "But as a state institution, we have a responsibility to all lawyers in the state to make resources available to them."

Today, the Jamail Center for Legal Research, of which the Tarlton Law

Library is a part, ranks as the seventh-largest academic law library in the United States. Mersky's teams of professional librarians have acquired more than 835,000 books. The library loans more books than the law libraries of Harvard or Yale. The library has hosted a wide array of scholarly conferences, expanded the rare-books collection, and used a far-ranging set of technologies to disseminate information.

Mersky has also focused on students. He re-established Teaching Quizmasters (TQ), a program expanding faculty assistance roles for students. The program had started back in 1901. In 1965 students began to help with legal research, writing, and oral advocacy. Many American law schools have since adopted the model, and UT Law continues to refine the program.

But as important as his achievement of acclaim for Texas is, Professor Roy Mersky is nationally known for training an entire generation of law librarians.

Tarlton "alumni" include law librarians and legal researchers Rhea Ballard-Thrower (Howard), Steve Barkan (U. Wisconsin-Madison), Robert Berring (UC-Berkeley), Lance Dickson (Stanford), Don Dunn (former law librarian at West New England College of Law and now dean of LaVerne College of Law), Charles Dwyer (San Diego County), Harry S. Martin III (Harvard), Robert Nissenbaum (Fordham), Keith Stiverson

(Chicago-Kent), Jenni Parrish (UC-Hastings), Chris Simoni (Northwestern), Dan Martin (Pepperdine), and Virginia Wise (Harvard).

Virginia Wise is Harvard's Thayer Senior Lecturer on Law for Legal Research. She commented, "Christopher Columbus Langdell may have had a theory about the law library being the center of legal education, but Roy Martin Mersky has made it a reality at the Tarlton Law Library. Through sheer intelligence, skill, force of personality, and example he has enriched generations of law librarians, staff, faculty, students and alumni at the University of Texas. Tarlton has a unique blend of special collections, super staff, fabulous art, modern technology, and Texas hospitality that only Roy Mersky could bring together and maintain over decades of sea changes in legal education and libraries."

## { Money Matters }

one of this happens without money, and the Jamail Center for Legal Research requires constant tending. From the governor of Texas donating his own library to the collection of student fees, the building of the UT Law library has been a communal effort.

Important support came in 1989, when Dean Mark Yudof announced in

TARLTON WROTE LAW TEXTBOOKS THAT WERE ADOPTED BY LAW SCHOOLS, INCLUDING UT LAW.

PRESIDENT ZALMAN SHAZAR OF ISRAEL WITH MERSKY.

The law library is renamed for Benjamin Dudley Tarlton.



1951

1952

The law library purchases one microfilm reader and one microcard reader.



UT creates a rare-book room.



1953

1961

Mersky is hired. He re-launches the Teaching Quizmasters program.



1965

1972



Mersky takes leave to direct the Jewish National and University Library in Jerusalem.

The library becomes a depository for one copy of all briefs filed in the U.S. Supreme Court.

ROY M. MERSKY TIME LINE



*Townes Hall Notes* that he had requested a tuition increase of \$7 per hour to improve the acquisitions budget of the library. He called the “erosion of support for the Tarlton Law Library” the most serious problem facing the Law School. He wrote that the Tarlton Law Library and Jesse Jones Hall were “the jewels in the crown of the Law School, and I will do everything in my power to preserve them.”

The Houston Endowment, Inc., responded with a gift of \$1 million, nearly ten times the total library endowment that the Law School received in its first 106 years.

In 1993 Lee and Joseph D. Jamail, '52, donated \$13 million to UT-Austin, \$5 million of which supported two chairs for faculty research, a Library Excellence and Research Fund, and a Dean's Discretionary Fund. As a result, the Law School launched the Jamail Legal Research Center, of which the Tarlton Law Library is a part. Other generous gifts from the Jamails have been used to expand the library's collection, including the purchase of John Rastell's 1525 *Exposicions of (th)e Termys of (th)e Law of England*, the first dictionary of any kind written in English. (See UTLAW, Spring 2002.)

Those gifts have been complemented by book fund endowments given by many loyal supporters of the Law School. To name just a few, in addition to the

Jamails and the Houston Endowment, donors have included Pan and Bryan Garner, '84, the Honorable Joe Greenhill, Sr., '39, Chauncey Leake, Jr., '55, Mary J. Parrish, '78, Eduardo Rodriguez, '68, the Scott J. Atlas Philanthropic Fund, the family of Neal Manne, '80, and the family of Judge Benjamin Tarlton, '11.

A semi-permanent loan of art also enriches students' lives. Roy Mersky's friendship with Elton M. Hyder, '43, convinced the art collector to house his massive legal art collection in the Tarlton Law Library. The collection contains more than 4,000 items of furniture and art. It's one of the largest legal art collections ever compiled by a single person. It creates a warmth not found in many law libraries, and it was placed in the Jamail Legal Research Center because Mr. Hyder wished for students to be surrounded by the history of the law, as they were in many elite private graduate schools.

## { The Future }



this year UT-Austin's undergraduate library was renamed the Flawn Academic Center. The center—more Starbucks than stacks—enables students to relax, work in teams around large tables, and use technology to access learning materials. Its books are

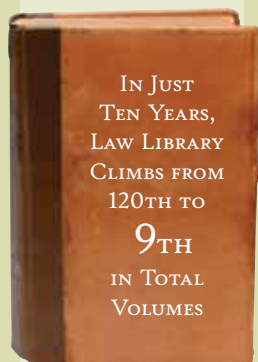
now primarily housed in UT's other libraries, including the Perry-Castañeda Library (PCL), where the majority of UT-Austin's eight-million-volume collection currently resides.

These changes send chills through those who find comfort in the presence of book-lined walls. Will the Jamail Center for Legal Research suffer such a fate?

“No,” said Jeanne Price, '82, the center's associate director for patron services. “In the digital age, books won't go away. Library patrons still learn from browsing the stacks. However, the need for duplicate copies is reduced because the material can often be accessed online. That opens up space in the library shelves and reduces the number of books we need to have on-site. Some of the savings goes into paying the ever-increasing costs of online databases. Other savings are shifted into digitizing our own special collections so that those materials will be made available to wider audiences.”

Price, who also holds degrees from UT-Austin, Yale, and the University of Maryland, acknowledges the movement toward having several large regional libraries house massive collections especially for archival and preservation purposes. One group, the Legal Information Preservation Association, is exploring the creation of “dark archives.” These archives preserve pri-

DEAN YUDOF AND MERSKY ACCEPT THE CLARK PAPERS DONATION FROM MARY CLARK AND HER SON, U.S. ATTORNEY GENERAL RAMSEY CLARK.



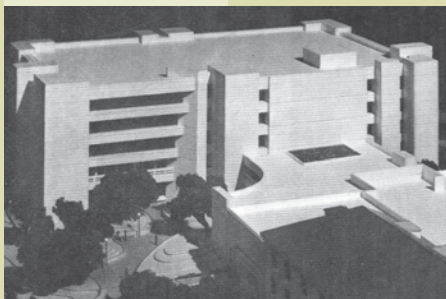
1975

1979

Law librarian Helen Hargrave becomes the first woman to receive the UT-Austin distinguished graduate award.



The library moves into its new facilities in Jones Hall.



1980

1982

Mersky takes a one-year leave to build the New York Law School library.



Dean Mark Yudof announces a tuition increase earmarked for the library.

The Houston Endowment gives \$1 million.

1989



1991

Construction converts three thousand square feet of closed stack area into a computer center.

mary authority documents (official reports, codes, etc.), but the public has no access to the repository.

Roy Mersky echoes this future. While he admits that no one knows what will happen, he foresees a time when smaller law libraries keep limited numbers of hard copies and contribute to funding a larger collection housed in a regional library with national stature—one like the Jamail Research Center.

## { Distinguished Service }

Roy spoke about these changes this summer, when he was presented with the prestigious Marian Gould Gallagher Distinguished Service Award by the American Association of Law Libraries.

"I've always tried to be a proactive librarian (people have alleged aggressive). I've embraced innovation, change, and technology. . . . But much has stayed the same: librarians still feel the stigma of stereotyping and lack professional status; academic directors are being denied tenure; book prices and online database costs continue to escalate; and deans and corporate officers still feel that libraries are black holes in relation to their budgetary needs. . . . But as I look toward my retirement in 2020, I pledge to remain enthusiastic, intellectually curious, and supportive of a mar-

velous profession and a superlative former and present Tarlton staff."

Will he stick around to see the transition to stronger library partnerships and dark archives occur? After all, Kings Saul, David, and Solomon each reigned for only forty years.

Roy Mersky answered that question this fall when Dean Bill Powers surprised him with a school-wide birthday party in the Susan Godfrey atrium. The faces in the audience were young and old, almost all hired after Mersky. While the sprightly eighty-year-old was thanking the gathering, Professor Guy Wellborn yelled out from the crowd, "Forty more years! Forty more!"

"You get twenty!" retorted Mersky. 🗡️

*Gwyn Anderson, Michael Horn, George Peek, Jeanne Price, Addy Sonder, and Michael Widener contributed to this article.*

*Time line sources: Hans W. Baade, with Rich Leiter, "Beginnings of the Law Library," Tarlton Brief, 1997; Interviews,*

## PAST DIRECTORS of UT Law's Research Center



H. C. VON STRUVE  
1895



IRA P. HILDEBRAND  
1899-1900



WILBURN M. CLEAVES  
1910



IONE SPEARS  
1916-23



CECIL MORGAN  
1923-24



DORIS CONNERLY  
1924



LUCY MOORE  
1926-40



HELEN HARGRAVE  
1939-65



ROY M. MERSKY  
1965-PRESENT

*Townes Hall Notes, 1965-2000; Tarlton Law Library Briefs, 1976-present; Tarlton Law Library Annual Reports, 1965-present; Michael Widener; Gwyn Anderson.*

MORE INFORMATION ABOUT THE RARE-BOOKS COLLECTION CAN BE FOUND AT [HTTP://TARLTON.LAW.UTEXAS.EDU/RARE/INDEX.HTML](http://TARLTON.LAW.UTEXAS.EDU/RARE/INDEX.HTML).

The law library establishes an online public access catalog and circulation system.

1993



1992

The law library becomes a part of the Jamail Center for Legal Research.



1996

2001

More than 150 leading legal scholars from around the globe meet at the "Language and the Law" conference.



UT Law Library celebrates its millionth volume, John Rastell's *Exposicions of (th)e Termys of (th)e Law of England* (London, 1525), donated by Lee and Joseph Jamail, '52.

2002

2005

Jamail Center is sixth-largest law library in the country.

Mersky is awarded the Marian Gould Gallagher Award for Distinguished Service.




ROY M. MERSKY TIME LINE

LEE AND JOSEPH JAMAIL, '52, HAVE PROVIDED GENEROUS SUPPORT FOR THE LIBRARY, FACULTY, STAFF, AND STUDENTS.






# A NEW GAME

 IN A HOT SEPTEMBER AFTERNOON at the intramural fields on Guadalupe Street, more than three hundred students and faculty competed in the 2005 Race Judicata: Society Olympics. The enthusiastic participants scored points in the three-legged race, egg toss, tug-of-war, mile run, and other games.

This year's ultimate victory went to the Charles McCormick Society, which bested the Alice Sheffield Society in Capture the Flag.

"I chalk our victory up to high spirits, great teamwork, and an egg that just wouldn't break," said McCormick Society faculty advisor Ernest Young.

## STUDENT SOCIETIES

 HE RACE JUDICATA: SOCIETY OLYMPICS is one of the programs the Office of Student Life uses to foster a stronger sense of community at the Law School and encourage a commitment to pro bono and public service activities.

Last year Dean Powers launched the

Office of Student Life to help improve UT Law students' sense of belonging to a close-knit community. He tapped David Simon Sokolow, a popular professor, and Allyson Childs, '95, to lead the program.

The societies were named for prominent alumni and faculty members, such as Judge Carlos Cadena, '40, a respected judge and civil rights crusader, and Alice Sheffield, '18, one of the Law School's first female graduates. Each society consists of approximately sixty first-year students and sixty second-years. Each has a faculty advisor and a student program coordinator to plan events. The groups' activities vary, but every society has social, academic, professional, and public service programs.

As part of the society program, the first-years are sectioned into smaller groups of approximately thirty students each. An upper-class student mentor serves as an advisor and counselor throughout the first year. These mentors welcome incoming law students during the summer before school begins and host get-togethers the week


end before orientation. Their role is to help the first-year students become acclimated to the Law School, as well as to plan social and intramural athletic activities.

The society program is now in its second year, with second-year students retaining their membership in the societies they were assigned to in their first year. Next year all law students will be members of a society.

Does it work?

Many students think so. Said first-year Emily Reynolds, '08, "I think the society program is great because it gives you a definite set of 'I know you's' and the comfort of familiar faces. Law school would be a lot more overwhelming if it weren't for the societies."

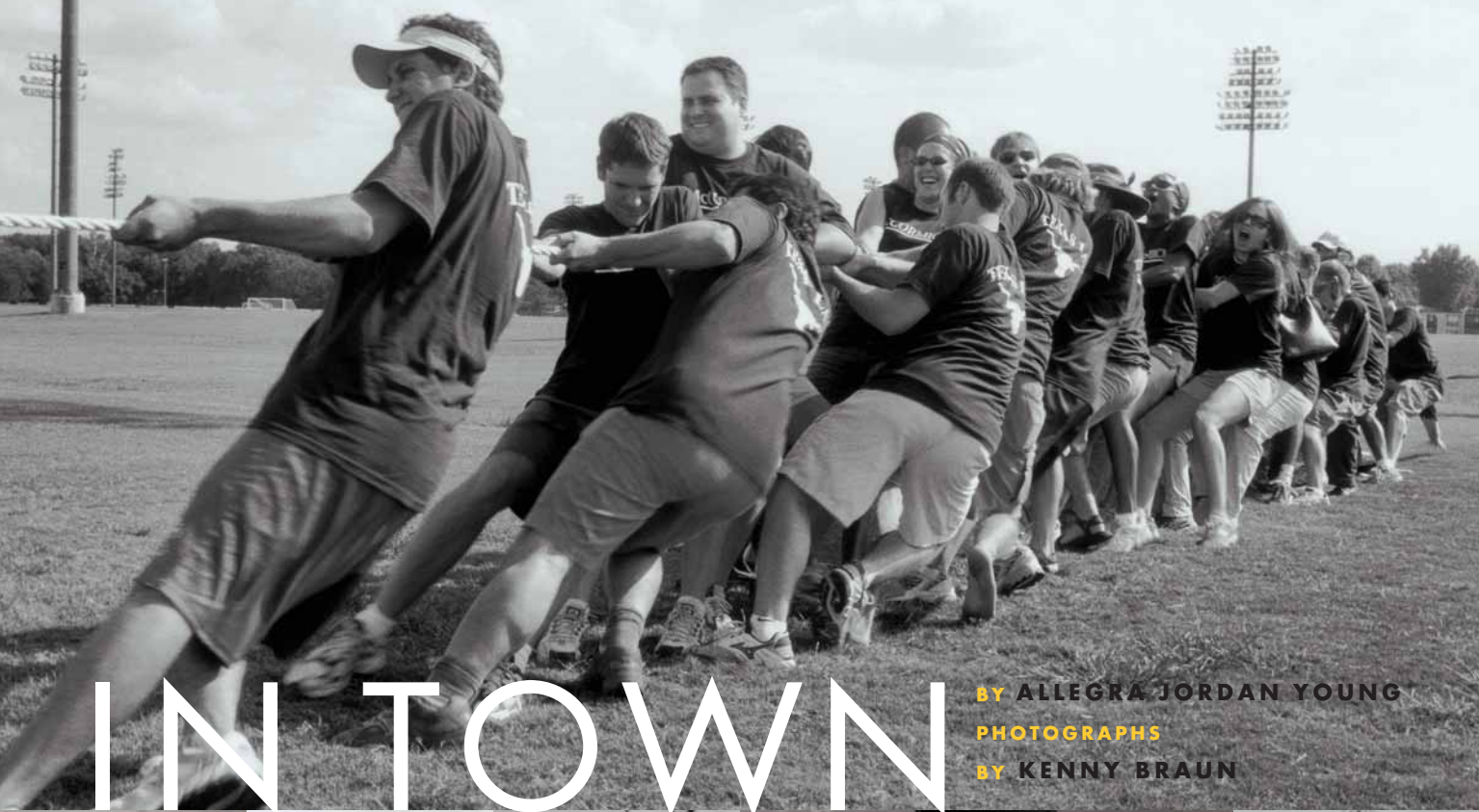
## PUBLIC SERVICE

 SOCIETIES PROMOTE TEAMWORK, and not just on the playing field. Public service is an important element of the program.

These events rely on volunteers, and last year more than half of the first-years



SOCIETY OLYMPICS, WHERE STUDENTS DEMONSTRATED BOTH TEAMWORK AND PRIDE.



# INTOWN

BY ALLEGRA JORDAN YOUNG  
PHOTOGRAPHS  
BY KENNY BRAUN



CLOCKWISE  
FROM TOP:  
TUG-  
OF-WAR; PROF.  
YOUNG IN THE  
THREE-LEGGED  
RACE; BAT-SPIN-  
NING CONTEST;  
STUDENT MEN-  
TORS; BUBBLE  
BLOWING; PROF.  
STEIKER IN THE  
THREE-LEGGED  
RACE; T-SHIRTS  
COMPLIMENTS  
OF A GIFT FROM  
FULBRIGHT &  
JAWORSKI.







CLOCKWISE FROM TOP: THE HORSESHOE PITCH; PROF. SOKOLOV AND STUDENT LIFE DIRECTOR ALLYSON CHILDS, '95, WHO HAVE LED THE SOCIETY PROGRAM FOR TWO YEARS; THE EGG TOSS; THE GOLD MEDALIST MCCORMICK SOCIETY WITH MENTOR JAMILLA MENSAH, '06, AND ADVISOR, PROF. YOUNG; SUTTON SOCIETY RELAY RUNNER; PROF. TONY REESE IN THE THREE-LEGGED RACE.



participated. The projects required solving problems and securing cooperation from teammates, important skills for any professional. The work also enhanced the view the Austin community holds of both the legal profession and the Law School.

"I am extremely proud of the work our societies have done. Public service is an important part of the society program, and we were thrilled to see our students helping their community," said Dean Powers.

The projects were varied, depending upon the interests of each society. For instance, this fall the Sheffield Society, led by Professor Jordan Steiker, volunteered with Habitat for Humanity. The team spent two Saturdays working on homes. Mentor Michael Cruz found this project rewarding. "We built roofs for two houses. We literally put a roof over someone's head. It was amazing," said Cruz. Last year the Sheffield Society adopted Blackshear Elementary School in East Austin. Groups of students tutored and read to the elementary school students each week for six weeks.

Last year, the Austin State School had its Community Room repainted courtesy of Professor Guy Wellborn's Leon Green Society. When the school, which serves the mentally retarded and those with other developmental disabilities, needed assistance this fall with renovating its deck and landscaping, the students in the Green Society were happy to oblige.

Professor Ernest Young's McCormick Society worked for two evenings this fall at Casa Marianella, an emergency shelter serving immigrants and refugees in Austin. Program coordinator and mentor Jamila Mensah, '06, said, "With public service, sometimes it's rare to see the fruits of your labor right away. But the McCormick Society group was able to fix a meal that the residents of Casa ate for dinner that night, so they were able to see all of the hard work put to good use right away. I think everyone truly enjoyed the experience."

When program coordinator Amy Emerson surveyed the students in the Bradford Society, they indicated an interest in volunteering outdoors. Working with the Austin Parks Foundation,

they removed rocks from Shoal Creek to allow the water to run more freely. Last year, the Bradford Society raised more than \$1,000 for the Susan G. Komen Foundation by participating in the Race for the Cure.

In a different section of Austin, students from Professor Patrick Woolley's Gus Hodges Society participated in a cleanup effort at Lake Travis with the Lower Colorado River Authority and Keep Austin Beautiful. Last year the Hodges Society partnered with Jenkins & Gilchrist, P.C., to process more than 4,300 pounds of frozen carrots at the Capital Area Food Bank. "I'll never look at carrots the same way again," said student mentor Brandon DeFrehn, '06.

This year, the Helen Hargrave Society hosted a Volunteer Day public service panel. Led by Professor Sarah Buel, the group will support Street Law, a group that sends law students into middle and high schools to teach students basic information about the law, human rights, and democracy, and the Survivor Support Network, which helps survivors of domestic violence.

A group of Sutton Society students and faculty advisor Barbara Hines volunteered this fall at the Capital Area Food Bank. Last year, the Sutton Society assisted low-income individuals and families in filing their tax returns.

The societies also added career, academic, and social support for students. Last year the Cadena Society presented a panel discussion on Careers in Prosecution, featuring speakers from the U.S. attorney's office, the Austin district attorney's office, and a U.S. magistrate judge. Attendees heard advice about the prosecutorial career path at the state and federal levels. The Cadena Society also invited Judge Richard Hinojosa to speak to students about how to become a judicial clerk and the ways in which clerkships benefit a student's career.

The societies also arranged social events and movie nights. For instance, one society screened *Runaway Jury* and heard Lisa Blue, one of the nation's top jury consultants, speak about the psychology of jury selection. After watching *The Thin Blue Line*, a documentary about the conviction of an

innocent man, another group discussed the Actual Innocence Project with Professor Bill Allison. Other social events included a bowling night, a Thanksgiving dinner, and a presidential election night party.


## MOVING AHEAD

**S**OKOLOW AND CHILDS HAVE used both anecdotal and written survey feedback to refine the program.

"We're putting more activities in the early weeks of school. Frontloading activities helps students meet each other at a time when they're not beginning to prepare for exams," said Allyson Childs, the director of student programs. For example, society lunches were held during First-Year Orientation. Each society also had a boat party on Town Lake during the month of September, allowing first- and second-year society members to meet one another in a festive atmosphere. In addition, whenever possible, the faculty advisors are teaching the students in their societies.

In a wonderful development, the law firm of Fulbright & Jaworski L.L.P. recently gave the society program a generous two-year grant to underwrite specific society programs and events. The funds will support activities common to all societies, including the society lunch during First-Year Orientation, the Race Judicata: Society Olympics, kick-off socials on Town Lake, and an end-of-the-year social event.

Regular society reports will appear in future UT LAW editions, and in the school's bimonthly e-newsletter. These reports will also be posted online so our alumni can keep up with the results of a positive innovation that the school believes will have long-term benefits for current law students and for the UT Law School as well.

"Texas Law is one of the biggest programs in the country, but the society program makes it feel much more like a tight-knit community. It has created a collegial environment that has enriched my law school experience," says Casey Kaplan, '06, program coordinator for the Sheffield Society. 

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*Editorial assistance provided by Allyson Childs, David Simon Sokolow, and Paula Taylor.*



# 2007 LAW ALUMNI ASSOCIATION AWARDS NOMINATION FORM

NOTE: NOMINATIONS ARE CURRENTLY BEING ACCEPTED  
NOMINATIONS DUE BY FRIDAY,  
SEPTEMBER 8, 2006

**Please select only one award per form:**

(FEEL FREE TO COPY THIS FORM FOR ADDITIONAL NOMINATIONS)



## LIFETIME ACHIEVEMENT AWARD

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



## OUTSTANDING ALUMNUS AWARD

This award honors a graduate who has made outstanding contributions not only to the legal profession but to society as a whole.



## DISTINGUISHED ALUMNUS AWARD FOR COMMUNITY SERVICE

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

### MY NOMINATION FOR THE ABOVE-REFERENCED ALUMNI ASSOCIATION AWARD IS:

Nominee \_\_\_\_\_ Class Year \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_

PLEASE GIVE AN OVERVIEW OF YOUR NOMINEE'S ACHIEVEMENTS AND ACCOMPLISHMENTS AND WHY YOU BELIEVE THAT HE/SHE IS DESERVING OF THIS HONOR. IF POSSIBLE, PLEASE INCLUDE OTHER BACKGROUND INFORMATION (ATTACH ADDITIONAL PAGES AS NEEDED).

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Nominated by \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_

### PLEASE SUBMIT YOUR NOMINATIONS TO:

The University of Texas Law Alumni Association  
727 E. Dean Keeton Street  
Austin, Texas 78705  
(512) 471-6314 • FAX: (512) 471-6987

# TOWNS NOTES

## 40 NOTEWORTHY

*Rex G. Baker III, '77*  
*David J. Beck, '65*  
*Martha S. Dickie, '80*  
*Seth H. Kretzer, '03*  
*Douglas Laycock*  
*Hon. Harriet M. Murphy, '69*  
*C. Kenneth Roberts, '51*  
*Mark G. Yudof*

## 44 CLASS NOTES

## 62 IN MEMORIAM

**A BRILLIANT INTELLECT** SIR JOHN SIMON, K.C. (ENGLISH, 1873-1954) HELD MANY HIGH-RANKING LEGAL AND CABINET POSTS, INCLUDING SOLICITOR GENERAL, ATTORNEY GENERAL, FOREIGN SECRETARY, AND HOME SECRETARY. THOUGH POLITICS WAS HIS GREAT INTEREST, HE IS BEST REMEMBERED AS AN ADVOCATE AND A DISTINGUISHED LORD CHANCELLOR. FROM THE ELTON M. HYDER JR. COLLECTION, THIS IMAGE IS ON DISPLAY IN THE TARLTON LAW LIBRARY, JAMAIL CENTER FOR LEGAL RESEARCH. COURTESY OF MICHAEL HORN, CURATOR.



# C. Kenneth Roberts

ROBERTS, '51, TO LEAD THE LAW SCHOOL'S CRUCIAL EFFORTS TO RAISE FUNDS FOR SCHOLARSHIPS, SALARY SUPPLEMENTS, AND OTHER SUPPORT

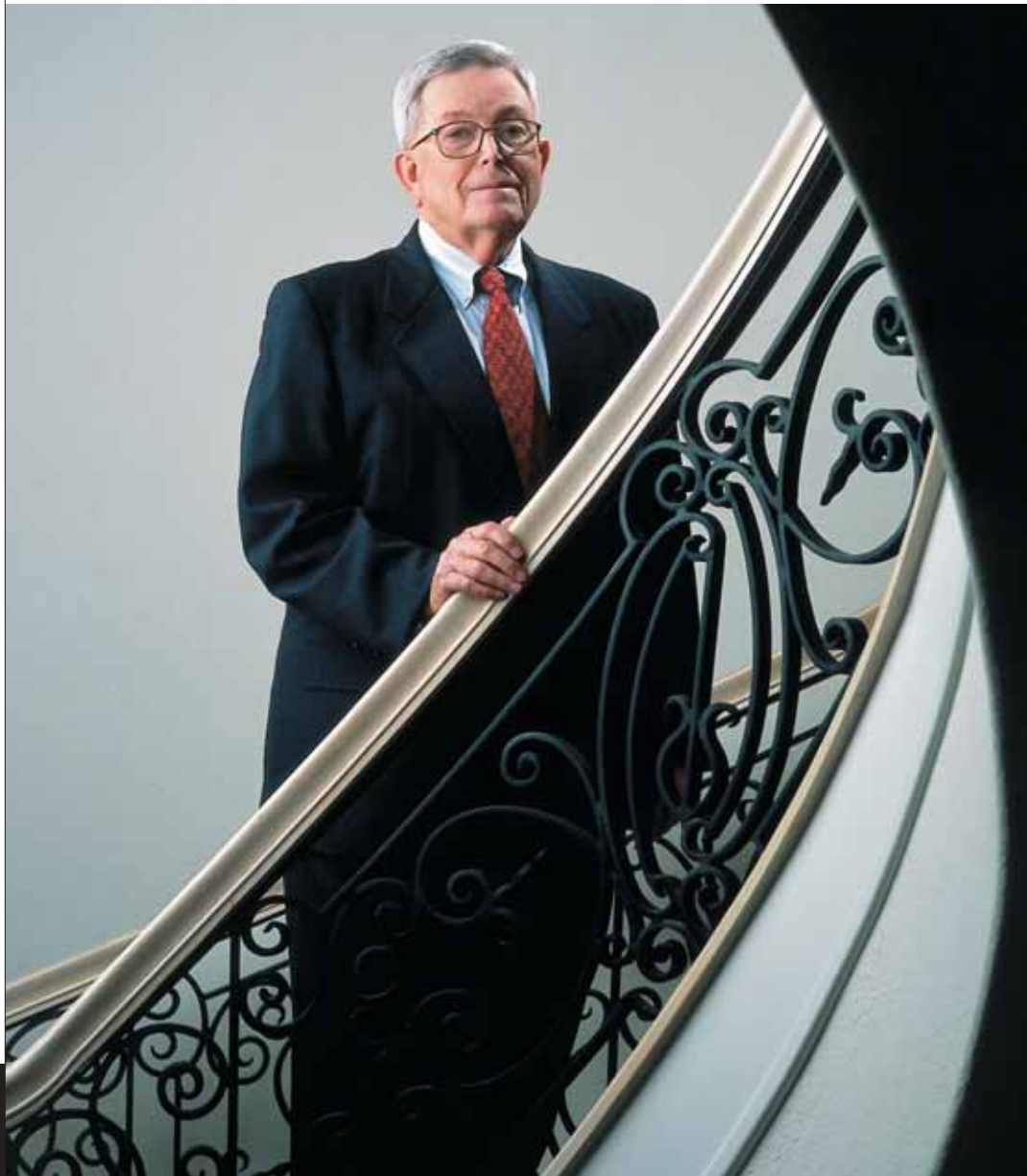
**T**HE NEW PRESIDENT OF THE LAW SCHOOL foundation is C. Kenneth Roberts, '51. His term started November 12.

Roberts has a long history of service, both in the legal community and at UT-Austin. Following service with the U.S. Army, he joined the Exxon Company, USA (then Humble Oil) Law Department in Houston in 1954 as an attorney in the Contract and Title

Section. His positions with Exxon USA included administrative manager for the company's Baytown, Texas, refinery in 1967, administrative manager of the Refining Department in 1968, and manager of the Public Affairs Department in 1969. In 1972 Roberts became executive assistant to the president of Exxon Corporation in New York. In 1979 he was named general counsel of Exxon USA in Houston, and in 1992 he became vice president and general counsel of Exxon Corporation in Dallas. He retired in 1995.

Roberts has served as chairman of API's General Committee on Law and chairman of the board of directors of Landmark Legal Foundation, and has been a member of the board of the Institute on Court Management and the National Center for State Courts. He has served on the Board of Visitors of the Stanford and University of Texas Law Schools. He is a member of the Association of General Counsel and a member of the board of the American Arbitration Association. In 1993 he received the Outstanding Alumnus Award from UT Law's Alumni Association. He is also a fellow of the American and Texas Bar Foundations.

**Roberts is the tenth president of the UT Law Foundation Board of Trustees. These 34 alumni and friends direct efforts to raise money for the school.**





# BOOK 'EM

## BETTER LEGAL WRITING

15 TOPICS FOR ADVANCED  
LEGAL WRITERS

Wayne Schiess

This fall **Wayne Schiess** published *Better Legal Writing: 15 Topics for Advanced Legal Writers* (William S. Hein, 2005). Schiess wrote the book to help legal writers produce more readable, audience-focused, accessible prose.

## CRITICAL CHOICES

THAT CHANGE LIVES

How Heroes Turn Tragedy Into Triumph

DANIEL R. CASTRO

Alumnus **Daniel R. Castro, '88**, published *Critical Choices That Change Lives: How Heroes Turn Tragedy Into Triumph* (Beartooth Press, 2005). The book explores the choices made by everyday and famous heroes in challenging circumstances.

# Harriet M. Murphy

## JUDGE RECEIVES NATIONAL RECOGNITION BY NBA JUDICIAL COUNCIL

**T**HE HONORABLE HARRIET M. MURPHY, '69, RECEIVED THE 2005 RAYMOND Pace Alexander Award from the Judicial Council of the National Bar Association (NBA) in Orlando, Florida, on August 4. The award recognizes contributions to judicial advocacy and to humanity.

Dean Bill Powers, who attended the awards luncheon, said, "I can think of no one who deserves this award more than Judge Murphy. She has been a pathbreaking pioneer in the legal community." He added, "We are proud she is an alumna and a good friend of our Law School."

For two years in the Law School, Murphy was the only African American enrolled. She was the first African American woman appointed to a regular judgeship in Texas, in 1973. She was a judge for the City of Austin Municipal Court for twenty years, and during that time she became the presiding judge. She is also the only African American woman to serve as a Democratic presidential elector from the State of Texas. She is currently a visiting judge in the Travis County Justice Court System.



## Baker, Kretzer Join Wright Society



This year **Seth H. Kretzer, '03** (left), of Houston joined the **Charles Alan Wright Society**. He is one of the youngest major donors in the history

of UT Law. **Rex G. Baker III, '77** (below), of Dripping Springs also joined. More than 100 members of the extended Baker family have graduated from UT. They have given generously to the Law School for more than a century.



# Douglas Laycock

## PROFESSOR RECEIVES CIVITATIS AWARD

**O**N SEPTEMBER 14, President Larry Faulkner presented Professor Douglas Laycock with UT-Austin's prestigious Civitatis Award for exemplary service to the University.

The University presents only one Civitatis Award in any given year to recognize a faculty member for outstanding citizenship throughout a career. The award's name

derives from the Latin motto that appears on UT-Austin's seal—"Disciplina Praesidium Civitatis"—taken from the words of Mirabeau B. Lamar, former president of the Republic of Texas: "A cultivated mind is the guardian genius of democracy."

Laycock holds the Alice McKean Young Regents Chair in Law. He is considered the nation's leading authority on the law of remedies and one of its leading scholars on the law of religious liberty. At UT-Austin, Laycock has chaired both the Task Force on Assembly and Expression (2001–03) and the Consultative Committees on the selection of the executive vice president and provost (1993–94) and the dean of the School of Law (1994–95). He was also a key member of the *Hopwood* litigation team and of the legal team responding to the Michigan decisions on affirmative action.



# Martha S. Dickie

PRESIDENT-ELECT FOLLOWS  
ALUMNI RODRIGUEZ, FRELS

**M**ARTHA S. DICKIE, '80, HAS BEEN chosen to be president-elect of the State Bar of Texas. She will be the fifth female president of the Bar and the first female president from UT Law. The last two presidents of the State Bar of Texas are also UT Law graduates. They are Kelly Frels, '70 (2004–05), and Eduardo Rodriguez, '68 (2005–06).

"I ran for president because I have always valued public service and I firmly believe that our legal system, imperfect as it is, is the main institution that distinguishes our state and our country," Dickie said.

Dickie joined the firm of Akin and Almanza, L.L.P., in January 2005, where she practices general civil and criminal law. She worked for the firm of Minton, Burton, Foster and Collins P.C. from 1982 to 2004, and for U.S. district judge Jack Roberts from 1980 to 1982. She has served on the State Bar Board of Directors, the Texas Board of Legal Specialization, as a trustee of the Texas Bar Foundation, and as chair of the fellows of the Texas Bar Foundation.

She is married to James Rader, in-house counsel with the Lower Colorado River Authority in Austin. They have two sons, Joey, 12, and Clark, 10.

Martha Dickie is the first female State Bar president from UT Law.



# Mark G. Yudof

In the fall of 2005 the University of Minnesota renamed a student residence hall the Mark G. Yudof Hall to honor a former university president.

Yudof served as the University of Minnesota's 14th president before becoming chancellor of the UT System. There, he won unprecedented support for academic priorities, historic preservation, and new construction. To supplement legislative support, he announced a private fundraising campaign that brought in more than \$1.6 billion for scholarships, endowed chairs, research, and other initiatives.

# HIGH HONORS

**Bill Barnett, '58**, has been chosen by the National Association of Corporate Directors (NACD) as the 2005 Director of the Year. He was honored at a reception in Washington, D.C., this past October.

**Charles Dyer, '74**, director of libraries at the San Diego County Public Law Library, was honored by the American Association of Law Libraries for his career as an advocate for county law libraries. This summer he received the Marian Gould Gallagher Award.

This fall the Texas Exes alumni association honored **Senator Rodney Ellis, '79**, with its distinguished alumnus award. Ellis serves in the Texas Legislature as a state senator from Houston. During his 14-year tenure in the Texas Senate, he has passed more than three hundred pieces of legislation. He is the chair of the Committee on Government Organization and serves on the Senate State Affairs, Criminal Justice, and Infrastructure and Development Committees. Previously, Senator Ellis has chaired the Senate Finance, Jurisprudence, and Intergovernmental Relations Committees.

The Real Estate, Probate, and Trust Law Section of the State Bar of Texas honored Professor **Stanley Johanson** with the 2005 Distinguished Probate Lawyer Lifetime Achievement Award.

Professor **Sanford Levinson** has been invited to be a scholar-in-residence at the Rockefeller Foundation's Bellagio Study and Conference Center in Italy this fall. He will work on a book titled *The Iron Cage of the United*



WYATT MCPHADEN

*States Constitution*. Recent Bellagio visitors from UT Law include Professors Linda Mullenix and Gerald Torres.

This November, **Duke R. Ligon, '69**, received the 2006 Eugene Kuntz Award for outstanding contributions to the oil and gas industry. He is general counsel and senior vice president for Devon Energy Corporation, one of the largest independent oil companies in the country. The award, given by the University of Oklahoma College of Law since 1993, honors lawyers who have made major contributions to the field of natural resources law and policy. It is considered one of the nation's most prestigious honors in this field.

**Gene R. Nichol, '76**, was appointed president of the College of William and Mary.



Professor **Robert Peroni** has been promoted to the James A. Elkins Centennial Chair in Law this year. He joined the Texas faculty in 2003, and his primary

areas of teaching and scholarship are federal income taxation, international taxation, natural resource taxation, and professional responsibility. He is one of the nation's top scholars in international taxation.

Professor **Gerald Torres** has been promoted to the Bryant Smith Chair in Law. He is the immediate past president of the Association of American Law Schools (AALS). A leading figure in critical race theory, Torres is also an expert in agricultural and environmental law.

**John D. White, '72**, has been elected chairman of the Texas A&M University System Board of Regents. White is the managing partner in the Houston office of the Jones Walker Law Firm. He is a fifth-generation Texas rancher and a second-generation Aggie.

## David J. Beck

### NEW PRESIDENT-ELECT OF THE AMERICAN COLLEGE OF TRIAL LAWYERS

**T**HE AMERICAN COLLEGE of Trial Lawyers (ACTL) named UT Law School Foundation president David Beck, '65, its president-elect in October. He will become president at the college's annual meeting in London in September 2006 and will serve for a one-year term.

Founded in 1950, the ACTL fellows represent plaintiffs and defendants in all manner of civil cases and include federal and state prosecutors and criminal defense attorneys. Fellowship is extended by invitation to experienced trial lawyers who have mastered the art of advocacy and whose careers have been marked by the highest ethical standards, professionalism, and civility. Membership is limited to one percent of the bar, and fellows must have a minimum of 15 years of experience.

Morris Harrell, Leon Jaworski, and Kraft Eidman, '35, are the only other Texans to have led the group since its founding in 1950. Mr. Beck worked with both Eidman and Jaworski during his time at the law firm of Fulbright & Jaworski L.L.P.

Mr. Beck cofounded the Beck Redden & Secrest L.L.P. law firm in Houston, Texas. He served as president of the State Bar of Texas in 1995-96. Among his many honors, he recently received the Anti-Defamation League's 2005 Jurisprudence Award.



# C L A S S N O T E S

## THROUGH SEPTEMBER 2005

Have questions about the overall development program of the Law School, including endowed gifts and planned giving?

### Nancy Brazzil

Assistant Dean for Development and Alumni Relations  
(512) 232-1129  
nbrazzil@mail.law.utexas.edu

### Ellen Jockusch Fenton

Director of Development  
(512) 232-4990  
efenton@mail.law.utexas.edu

Want to become more involved in the Law Alumni Association? Have questions about the Law School's Annual Fund, including online giving and the Class Fundraising Competition? Need information about an upcoming alumni event, or to RSVP?

### Christine Marcin

Director, Law Alumni Association  
(512) 232-1156  
cmarcin@mail.law.utexas.edu

Want to update your contact information, including e-mail and employer?

### Angela Krause

UT Law  
(512) 471-7188  
akrause@mail.law.utexas.edu

## 1941

**N. Alex Bickley**, former Dallas city attorney, was appointed general counsel of Hilton Head Properties.

## 1948

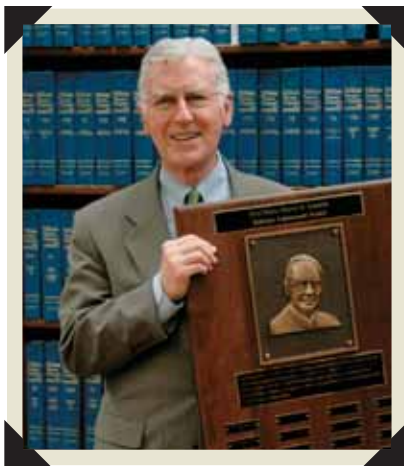
**Ed Vickery**, a partner with Royston, Rayzor, Vickery, and Williams in Houston,

was honored by the Austin Presbyterian Theological Seminary when he endowed a chair in his wife's name.

## 1951

**Beverly Tarpley** was profiled in the *Abilene Reporter-News* on July 31, 2005, regarding her impressive legal career, especially her work to shape laws on free speech and liquor sales in Abilene.

## 1954



**Maston C. Courtney**, with Courtney, Countiss, Brian & Bailey, received the Chief Justice Charles L. Reynolds Lifetime Achievement Award. The award is given to a lawyer or judge with a distinguished legal career who also made a substantial contribution to the community, the legal profession, and the Amarillo Area Bar Association.

## 1955

**Dan Hurley** and **J. Madison Sowder, '55**, recently celebrated fifty years of business together at their law firm, Hurley & Sowder, in Lubbock. (See sidebar, page 45.)

## 1957



**Sheldon Anisman**, counsel for the Real Estate Section of Jackson Walker's Fort Worth office and board certified in real estate law by the Texas Board of Legal Specialization, was selected by his peers as one of Tarrant County's Top Attorneys for 2004.

**Harold E. Moore** was inducted into the National Academy of Arbitrators in October 2004. Moore was recognized by the Texas Board of Legal Specialization in Labor and Employment Law as a charter member for thirty years of board certification in February 2005.

## 1958

**E. William "Bill" Barnett** was elected director of the Board of Enterprise Products. He was also chosen by the National Association of Corporate Directors (NACD) as the 2005 Director of the Year. Barnett is chairman of the board of trustees of Rice University and a lifetime member of the University of Texas Law School Foundation Board of trustees. (See Noteworthy, page 43.)

## 1959

**Jack M. Little**, of Thompson & Knight in Dallas, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.

## 1961

**Gus Block**, of Thompson & Knight in Houston, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.

**Ben B. West**, of Thompson & Knight in Dallas, was selected by his peers for

inclusion in *The Best Lawyers in America 2006*.

1962



**George C. Chapman**, of Thompson & Knight in Dallas, was selected by his peers for inclusion in *The Best Lawyers in America 2006*. Chapman serves as a member of the UT Law School Foundation Board of Trustees.

**Harry M. Reasoner** was given the Lifetime of Excellence in Advocacy Award by the Texas Association of Civil Trial and Appellate Specialists. Reasoner is a lifetime member of the UT Law School Foundation Board of Trustees.

1963

**Buford P. Berry**, of Thompson & Knight in Dallas, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.

**Rod Edens, Jr.**, joined Graves, Dougherty, Hearon & Moody as Of Counsel.

1964

**Shannon H. Ratliff, Sr.**, was recognized as a Distinguished Lawyer honoree by the Austin Bar Foundation in January 2005.

**Irwin H. Steinhorn**, a shareholder in the Oklahoma City office of Conner & Winters, was listed in *The Best Lawyers in America 2006* (Corporate, Mergers and Acquisitions, and Securities Law).

**Larry F. York** was recognized as a Distinguished Lawyer honoree by the Austin Bar Foundation in January 2005.

1965

**David J. Beck**, partner in the Houston law firm of Beck, Redden & Secrest, was presented the 2005 Jurisprudence Award by the Anti-Defamation League. The annual award is presented to legal professionals who demonstrate a devotion to the principles of the U.S. Constitution, commitment to the democratic values of the United States, and dedication to fair and equal justice for all. Before the death of

U.S. Supreme Court chief justice William Rehnquist, Beck was appointed to the prestigious Judicial Conference Standing Committee on Rules of Practice and Procedure. (See Noteworthy, page 43.)

**John Pike Powers**, of Fulbright & Jaworski, was honored by the Austin Technology Incubator with its Laura Kilcrease Community Business Leadership Award.



**Larry L. Schoenbrun**, of Gardere Wynne Sewell, was honored by *D Magazine* as one of "The Best Lawyers in Dallas" in May 2005 in corporate finance/M&A.

**William A. Thau**, former shareholder at Jenkins & Gilchrist in Dallas, recently published his first novel, *Non-Recourse*.

1966

**Linton E. Barbee** retired as partner of Fulbright & Jaworski in Dallas in May 2005 and is now engaged in solo practice.



**Jay J. Madrid**, of Winstead Sechrest & Minick, was elected to the firm's executive committee. Madrid is also chair of the firm's litigation/dispute resolution practice.

**Harry L. Tindall** received the Tom Garner Award in recognition of distinguished service to the Texas Board of Legal Specialization and for thirty years of board certification in family law. Tindall is a shareholder in the Houston office of Tindall & Foster.

**William J. Wade**, partner for Crenshaw, Dupree & Milam, in Lubbock, Texas, became a fellow of the American College of Trial Lawyers in spring 2005.

1967

**Charles C. Foster**, manager of the Immigration Section in the Houston office of Tindall & Foster, was recently recognized with three honors. He was awarded the Royal Decoration of the Knight Commander (Second Class) of the Most Noble Order of the Crown of Thailand; as co-chair of the Houston Monument Committee, he spoke at the December 2004 dedication of the George Bush (41st) Presidential Mon-

# CLASS 1955 NOTES Q&A

**DAN HURLEY** and **J. MADISON SOWDER** recently celebrated fifty years of business together at their law firm, Hurley & Sowder, in Lubbock.



"BIG" DAN HURLEY AND MADISON "SQUARE" SOWDER.

**UTLAW:** How did you meet?

**SOWDER:** In the spring of 1945 we were fortunate to be members of a basketball team that won third place at state finals. He was a good player. I was not good.

**UTLAW:** What do you like most about your law partner?

**HURLEY:** He has a very good knowledge of the law and a practical approach to the law practice.

**SOWDER:** 1. His quick wit and sense of humor. 2. Integrity.

**UTLAW:** What do you like least?

**HURLEY:** I really can't find much fault with him.

**SOWDER:** His organized desk.

**UTLAW:** What is your advice for young lawyers?

**HURLEY:** Pick out what part of the law practice you enjoy and try to specialize in that particular area. You need to be proficient in what you do.

**SOWDER:** Always keep your word. Your reputation for honesty will be your key asset.

*Q&A interviews by Jodi Bart*

ument in downtown Houston; and he was also reelected chairman of the board of the Asia Society Texas.

**J. Clifford Gunter III**, a partner in the Houston office of Bracewell & Giuliani, was ranked #2 in the area of "Energy: Litigation in Texas" by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.

**John Radcliffe "J.R." Hurd**, president of HurdCo and general partner in the

oil and gas company of Hurd Enterprises, was named to the board of trustees of Trinity University in San Antonio.



**David R. McAtee**, a partner in the Dallas office of Akin Gump Strauss Hauer & Feld, was appointed by Texas State Bar president-elect Eduardo Rodriguez to a three-year term with the Texas Bar Foundation Board of Trustees. He began his term in June 2005.

## 1968



**Byron F. Egan**, a partner in the Dallas office of Jackson Walker, was recognized in *The Best Lawyers in America 2006* for his work in both mergers and acquisitions and securities law. He was also recognized as a top corporate lawyer by *D Magazine*.



**John S. Hollyfield**, of Fulbright & Jaworski, received the Real Estate Lawyer Lifetime Achievement Award for 2005 from the Real Property, Probate and Trust Law Section of the State Bar of Texas.

**Albert B. Kimball, Jr.**, of the Houston office of Bracewell & Giuliani, was ranked #2 in the area of "Intellectual Property in Texas" by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.

**Larry Langley** joined Jackson Walker in the Austin office as a partner in the Business Transactions Section. Langley's practice focuses on general corporate, real estate, and business law. He also represents clients in regard to health care matters.



**Claud L. "Tex" McIver**, senior partner of Fisher and Phillips, was appointed to the Georgia Judicial Nominating Commission by Governor Sonny Perdue in February 2005. McIver was also unanimously appointed as the senate's representative to the State Election Board in April 2005. He is the immediate past chair of the Labor and Employment Law Section of the Atlanta Bar Association, and was selected by *Atlanta Lawyer* magazine as one of Atlanta's "Top Legal Minds."

**Frederic T. Spindel** joined Buckley Kolar in Washington, D.C., as a partner specializing in corporate and securities transactions and regulation.

**Charles H. "Hank" Still**, of Fulbright & Jaworski, was named a "Client Service All-Star MVP" by BTI Consulting. He is the author of *A Handbook of Corporate Governance: All the Issues in One Place*, a book that Fulbright publishes.

**Douglas J. Whaley** retired from the Ohio State University Mortiz College of Law after 35 years of teaching contracts and commercial law.

## 1969

**Bennett W. Cervin**, of Thompson & Knight in Dallas, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.

**W. Robert Dyer, Jr.**, of Gardere Wynne Sewell, was honored by *D Magazine* as one of "The Best Lawyers in Dallas" in commercial real estate.

**R. Joe Hull**, of the Houston office of Bracewell & Giuliani, was ranked #4 in the area of "Tax Law in Texas" by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.

**John Mackintosh**, of Thompson & Knight in Dallas, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.

**T. Michael Wilson**, managing partner of Jackson Walker, was named the 2005 recipient of the Justinian Award for Community Service. This award is given by the Dallas Lawyers Auxiliary to an outstanding attorney who has shown dedication to volunteer service benefiting the community through civic, educational, health, welfare, religious, and philanthropic endeavors. Wilson serves on the board of the Dallas Citizens Council, chairs the board of directors of BioDFW, and also serves on the board of the Greater Dallas Chamber.

## 1970

**J. Philip Ferguson** was named chief investment officer at AIM Investments.

Ferguson will have overall responsibility for all of AIM's long-term investment operations. He serves as a member of the board of governors of the Investment Counsel Association of America and on the board of directors for the University of Texas Investment Management Company.



**L. Kelly Frels**, a senior partner in the Houston office of Bracewell & Giuliani, was recognized in March 2005 by the Region IV Superintendents for service to education through the law. He is known for developing the legal standards for the Houston Magnet School Program, which became a national model, and for pioneering the development of school law as a specialty. He is the immediate past president of the State Bar of Texas, is a Keeton Fellow and a member of the Dean's Round Table, and serves as a member of the executive committee of the Chancellor's Council at The University of Texas.

**Thomas D. Manford III**, of the Houston office of Bracewell & Giuliani, was ranked #3 in the area of "Communications in Texas" and #3 in the area of "Technology: Corporate and Commercial in Texas" by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.

**Samuel A. Simon**, of Issue Dynamics, was reelected as chair of the board of the National Consumers League, the oldest consumer organization in the United States.



**William O. Whitehurst, Jr.**, was inducted as a fellow of the American College of Trial Lawyers in April 2005. Whitehurst is a partner in the firm of Whitehurst, Harkness, Ozmun & Brees. He chairs the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants and is also a fellow of the International Academy of Trial Lawyers. In January 2005 Whitehurst was honored by the Austin Bar Association with the Distinguished Lawyer Award in recognition of Travis County lawyers who have practiced law for thirty years or more and have significantly contributed to the profession and the community.



## 1971

**Thomas R. Kelsey**, formerly of Locke Liddell & Sapp, opened his own law office in Houston in July 2005.

**James Russell Leahy**, of Thompson & Knight in Houston, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.

**Phillip M. Renfro** was appointed to the board of directors of Enzon Pharmaceuticals. Renfro runs the corporate, business, and banking practice of Fulbright & Jaworski's San Antonio office.

**Jim Turner**, representative for the Texas Second Congressional District in the U.S. House of Representatives from 1997 until 2005, joined Arnold & Porter as a partner in the Washington, D.C., office. He practices in the Public Policy and Government Contracts Section.

## 1972



**John D. White** was elected chairman of the Texas A&M University System Board of Regents. White is the managing partner in the Houston office of Jones Walker and is board certified in civil trial law. He was appointed to the A&M System Board by Texas governor Rick Perry in 2003 and was elected chairman by the board's nine-member governing board in May 2005. White's term expires in February 2009.

## 1973

**Steven A. Buxbaum**, a partner in the Houston office of Haynes and Boone, struck a 180-yard hole in one during a golf tournament benefiting the Muscular Dystrophy Association in November 2004. He won a Corvette valued at \$60,000.



**Robert M. Cohan**, a partner in the Litigation Section and chair of the Antitrust Group in the Dallas office of Jackson Walker, was selected by his peers for inclusion in *The Best Lawyers in America 2006* for his achievements in antitrust, business litigation, and environmental law.

**David W. Hilgers**, a partner in the Austin office of Brown McCarroll, was honored as one of ten attorneys nationally to receive *Nightingale's Healthcare News'* Outstanding Physician Practice Lawyers for 2004. Hilgers' primary focus is on health care, corporate, and administrative law.

**Ernest C. Jett** was appointed senior vice president, general counsel, and secretary of Leggett & Platt. In 2004 Jett, the longtime head of Leggett & Platt's Legal Department, celebrated 25 years with the company.

**John M. Nolan**, a shareholder and member of the real estate practice in the Dallas office of Winstead Sechrest & Minick, was reelected to the firm's executive committee. Nolan has served on the firm's executive committee for the past three years.

## 1974

**G. Luke Ashley**, of Thompson & Knight in Dallas, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.

**Charles R. Dyer** received the American Association of Law Libraries (AALL) 2005 Marian Gould Gallagher Distinguished Service Award. He is the director of libraries at San Diego County Public Law Library.

**Richard Meyer** was honored as a co-founder of Preservation Texas on the 20th anniversary of its founding. Preservation Texas is a network of statewide organizations and individuals that seek to preserve historic, cultural, and natural resources and is the Texas affiliate of the National Trust for Historic Preservation, Washington, D.C.

## 1975

**Scott J. Atlas**, a partner with Vinson & Elkins in Houston, was recently appointed by Governor Rick Perry as an ex officio member of the newly formed Criminal Justice Advisory Council. The council is charged with studying and recommending changes in legal procedures needed to keep pace with advances in forensic science, major developing legal issues that could affect Texas' criminal justice system, and changes in law that may be necessary to better protect the rights of both victims and the accused.

**Jeff Civins** was named the *Austin Business Journal's* best environmental attorney.

**Jeremiah J. Jewett III** joined Giant Cement Holding as vice president, general counsel, and secretary.



**Michael A. "Mike" McConnell**, a shareholder in Winstead Sechrest & Minick's Business Restructuring/Bankruptcy and Litigation Practice Groups, was inducted into the honorary DFW Sergeants Inn of Court for 2005. McConnell has been recognized in *The Best Lawyers in America* for the past 16 consecutive years, and has been selected for *Chambers USA's America's Leading Business Lawyers* annual listing since 2003.



**Steven A. Waters**, a partner in the Real Estate Practice Group at Haynes and Boone, was named winner of the 2005 Philip M. Barshop Founder's Award, recognizing excellence and leadership in the real estate industry.

## 1976



**Linda L. Addison**, of Fulbright & Jaworski, presented a paper in March 2005 at the spring session of the Oxford Round Table at Lincoln College, the University of Oxford, in Oxford, England, which focused on women's rights and gender equity in the U.S. workplace. Addison is a member of the executive committee of Fulbright & Jaworski, serves as the firm's technology partner and is involved in the firm's Committee on Recruitment and Retention of Women and Minorities and its Women's Initiative Network. She is also a member of the UT Law School Foundation Board of Trustees.

**Judge Ken Anderson's** revised *Crime in Texas: Your Complete Guide to the Criminal Justice System* was published in April 2005 by the University of Texas Press.

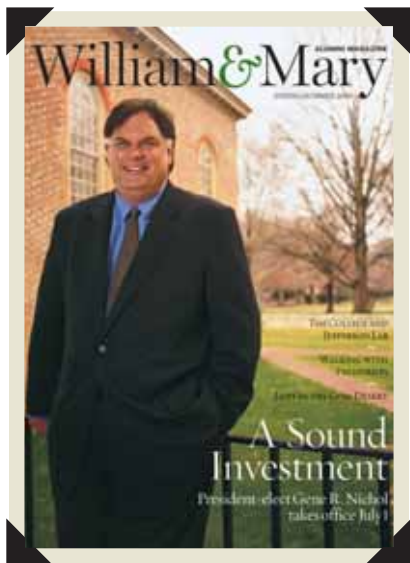
**Daniel G. Fish**, a partner at Freedman Fish & Grimaldi, was elected chair of the New York State Bar Association's 2,900-member Elder Law Section. His prac-

tice concentrates in the areas of elder law, estate planning, guardianship, and trust law.



**Brandon Janes** joined Jackson Walker's Austin office as a partner in the Business Transactions Section. His practice focuses on corporate governance, capital transactions, and mergers and acquisitions.

**James C. Morriss III**, of Thompson & Knight in Austin, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.



**Gene R. Nichol** was appointed president of the College of William & Mary.

1977

**Nancy J. Appleby**, of the Washington, D.C., office of Bracewell & Giuliani, was ranked #1 in New Mexico for her expertise in Native American law for the second consecutive year by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.

**Mark C. Evans**, a partner in the Houston office of Bracewell & Giuliani, was ranked #2 in "Banking and Finance in Texas" and #4 in the area of "Projects in Texas" by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.



**Reid L. Phillips**, partner with Brooks, Pierce, McLen-don, Humphrey & Leonard, was honored by the Greensboro

Bar Association with the 2004 Centennial Award, which recognizes lawyers for "Out-standing and Exemplary Community Ser-vice." Phillips currently serves as chair of the Community Resource Board and as chair-elect of the Greensboro Metro YMCA, and he is past president of the Greensboro Community Swim Association and the Green Hill Center for North Carolina Art.

1978



**Donald L. Gaffney**, part-ner with Snell & Wilmer of Phoenix, Arizona, was select-ed for a three-year term as a lawyer representative with the Ninth Circuit of the United States District Court in May 2005.

**Robert Jackson**, of Thompson & Knight in Dallas, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.

**Donald R. Joseph, Jr.**, was appointed as senior vice president, general counsel, and secretary to Abgenix, a biopharma-ceutical company focused on develop-ment of antibody therapeutics. Before joining Abgenix, he was the cofounder of Alekta Pharmaceuticals, a specialty phar-maceutical consulting group and devel-opment company.



**Michael P. Pearson**, a partner in the Business Trans-actions Section and co-chair-man of the Energy Practice Group in Jackson Walker, Houston office, was selected by his peers for inclu-sion in *The Best Lawyers in America 2006* for his achievements in natural resources law.

**Evan Pierce-Jones** was reappointed to the board of directors of MHMR Services for the Concho Valley in Texas. He serves as vice president of the board of directors of Meet in the Middle, San Angelo's child visitation and exchange center. Pierce-Jones recently completed his first year as a director of the Concho Valley Criminal Defense Lawyers Association.



**Yvonne K. Puig**, of Fulbright & Jaworski, was selected as a 2004 Outstanding Health-care Litigator by *Nightingale's*

*Healthcare News*. Puig is one of only 12 lawyers to make this national list, and the only lawyer selected from Texas. Puig is the chair of the Health Law Section of the State Bar of Texas and has served as a council member of the Health Law Section since 1994.

**Timothy M. "Tim" Sulak** was ap-pointed by the Austin City Council to its Ethics Review Commission. He is with the Austin firm of Morris, Craven & Sulak.

1979

**Edward T. Cotham, Jr.**, is the president of the Terry Foundation, a nonprofit organi-zation that provides scholarships to Texas college students. Cotham's second book, *Sabine Pass: The Confederacy's Thermop-ylae*, was published in October 2004.

**Joan E. Dubinsky** was appointed ethics officer of the International Mon-etary Fund, located in Washington, D.C. She was previously with the Rosentreter Group, a management consulting prac-tice that she founded and led, which pro-vides expertise in business ethics, organi-zational development, corporate compli-ance, and human resources.

**The Honorable Vonciel Jones Hill** retired from the City of Dallas Municipal Court Judiciary and started a private practice.

**Ron Kirk**, former mayor of the City of Dallas and former Texas secretary of state, joined the law firm of Vinson & Elkins as partner. He will be part of the firm's Public Policy and Finance Section. Kirk is also a member of the UT Law School Foundation Board of Trustees.

**Geoffrey L. Master** was elected part-ner in the Washington, D.C., office of May-er, Brown, Rowe & Maw. Master practices in the area of corporate law.

**John H. Rooney, Jr.**, joined Shutts and Bowen, where he will practice in the in-surance and reinsurance law and inter-national arbitration areas.

1980

**Mary M. Bearden** joined Brown & Fortunato of Houston. Bearden has been

listed in *Best Lawyers in America* for the last ten years.



**Thomas I. Davies** joined the Austin law firm of Stahl, Bernal & Davies as a partner. He will focus his practice in the firm's Commercial Real Estate and Business Transactions Sections.

**Martha S. Dickie** was chosen president-elect of the State Bar of Texas. She is Of Counsel to the Austin office of Akin & Almanza. Dickie will serve a one-year term as president-elect before assuming the presidency in June 2006. (See Noteworthy, page 42.)

**Colene Gaston**, of Gaston Law Office in Fayetteville, Arkansas, was named 2004-05 chair of the Arkansas Bar Association Environmental Law Section.

**H. Hollis Horton III**, of Beaumont, was appointed by Governor Rick Perry as justice of the Ninth Court of Appeals District pursuant to House Bill 2261, passed in the 78th regular session. Horton will serve until the next general election, when he can opt to run for a full term. He is an attorney and senior partner with Orgain, Bell & Tucker.

**Kenneth R. Ramirez**, of the Austin office of Bracewell & Giuliani, was ranked #2 in the area of Environment in Texas by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.

**Clark G. Thompson, Jr.**, a partner in the Houston office of Bracewell & Giuliani, was ranked #3 in the area of Real Estate in Texas by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.

## 1982

**James W. Cannon, Jr.**, became partner in charge of the Austin office of Baker Botts in April 2005.

**Jan Soifer** joined the law firm of Delgado, Acosta, Braden & Jones as shareholder in the Austin office. Soifer has had an active statewide civil litigation practice based in Austin for more than 22 years, including as a partner in the Austin office of Locke Liddell & Sapp, chief of the Charitable Trusts Section of the Office of

the Attorney General, and deputy chief of the Consumer Protection Division.



**Marc R. Stanley** is serving as the 2005 president-elect of the Texas Trial Lawyers Association. Stanley, a principal in the Dallas law firm of Stanley, Mandel & Iola, is a board-certified civil trial lawyer who focuses his practice on class-action and complex business torts.

## 1983

**Demetrio Duarte, Jr.**, was named one of the "Best Lawyers in San Antonio" by his peers. The honor was reported in "San Antonio's Scene" in *SA* magazine.



**Robert A. Estrada** was elected by the Federal Reserve Bank of Dallas' member banks to the board of directors in May 2005. He will serve a three-year term, through December 2007. Estrada is chairman, president, and chief executive officer of Estrada Hinojosa and Company, a Dallas-based investment banking firm he founded in 1990. He serves on the UT System Board of Regents, and is an executive committee member of the Greater Dallas Chamber of Commerce board of directors.

**Cary K. Hyden**, a corporate partner at Latham & Watkins' Orange County, California, office was named to the BTI 2005 Client Service All Star Team for Law Firms. A group of 114 lawyers from across the country were named in the annual listing, which recognizes lawyers who consistently deliver "superior client service."

**Charles L. Lewis** became a registered nurse in January 2005 and works at the Round Rock Medical Center.

**Michelle D. Monse** was named executive director of the Carl B. and Florence E. King Foundation in February 2005. She is in charge of the foundation's grant-making program and maintaining close relationships with the nonprofit and philanthropic community.

**Phillip A. Pillar** joined Reed Smith as counsel in the Regulatory Litigation Group in Philadelphia. Pillar was formerly Director of the Tax Controversy and Risk

Management Services practice of Ernst & Young in the Mid-Atlantic Area.

## 1984

**Alan D. Albright** joined Fish & Richardson as the managing principal of the firm's new Austin office as of January 2005. Albright's practice emphasizes intellectual property and complex commercial litigation, with expertise in various technology areas, including semiconductors.

**Daniel L. Butcher** was elected as firm-wide managing partner of Strasburger & Price. Butcher counsels clients on tax matters, particularly in the areas of state and local taxation, federal income taxation, tax-exempt organizations, and international tax.

**Alfred M. Meyerson**, of Thompson & Knight in Houston, was selected by his peers for inclusion in *The Best Lawyers in America 2006*.

**H. Michael Sokolow** was presented with the Outstanding Assistant Federal Defender award in June 2005 by the National Association of Federal Defenders. Sokolow was one of three assistant federal defenders nationwide selected for this year's award. He is an assistant federal public defender in the Southern District of Texas and serves as senior supervisor and head of the Appellate Section.

## 1985

**Eric A. Groten**, a partner in the Austin office of Bracewell & Giuliani, was ranked #4 in the area of environment in Texas by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.

**Ronald Mann**, a UT Law professor, was featured on July 21, 2005, in the *Austin American-Statesman* with regard to his recollections of working with U.S. Supreme Court chief justice John Roberts at the U.S. Department of Justice. Mann worked on cases for John Roberts at the U.S. Department of Justice for two years during the early 1990s.



**Brenda N. Phillips** joined Bass, Berry & Sims as staff attorney. Her practice focuses on complex business and com-



mercial litigation. Phillips is also an instructor at Vanderbilt University Law School.

**Thomas Delano "Del" Williams** was named vice president and secretary of Perot Systems in September 2004. He also serves as general counsel for the company and leads the legal and internal audit groups. Williams is president of the Law School's Alumni Association Executive Committee.

## 1986



**William S. Dahlstrom**, of Jackson Walker, was honored by *D Magazine* as one of "The Best Lawyers in Dallas" in May 2005.

**Jorge L. Freeland** was recognized by *Florida Trend* magazine as one of Florida's "Legal Elite," practicing in the fields of mergers and acquisitions and securities.



**William H. Hornberger**, of Jackson Walker, was selected by his peers for inclusion in *The Best Lawyers in America 2006* for his achievements in tax law. In January 2005 Hornberger was asked to serve on the advisory board of the Dallas Holocaust Museum.

**Brian C. Newby** was named general counsel for the Office of the Governor of Texas. Newby is a partner at Cantey & Hanger, where he specializes in commercial litigation, regulatory, employment, and business law. He has served on the Texas Tech University Board of Regents since 1999 and has been vice chairman of the board since 2003.

**David L. Phillips** was named to the 2006-07 edition of the National Register's *Who's Who in Executives and Professionals*.



**Jay A. Zweig**, shareholder with Gallagher & Kennedy in Phoenix, Arizona, was elected president of the Maricopa County Bar Association in February 2005.

Zweig is also a member of the State Bar of Arizona and was named by *Business Journal-Phoenix* as "one of the Best of the Bar for employment litigation" representing employers.

## 1987



**Patricia Alvarez**, a partner in Alvarez, Notzon & Gutierrez in Laredo, was appointed to the Texas Bar Foundation Board of Trustees by President-elect Eduardo Rodriguez for a three-year term, beginning in June 2005.

**Jonathan P. Graham** was appointed vice president of litigation and legal policy for General Electric Company.



**Paul J. Harding** was promoted to vice president of human resources for Solvay America's Houston office in March 2005.

**Jack B. Hicks**, a lawyer in the Intellectual Property Practice Group at Womble Carlyle Sandridge & Rice, was named one of *The Best Lawyers in America for 2004*.



**Kristan L. Peters** joined Fulbright & Jaworski's New York office as a partner.

**Kip Poe** joined Stewart & Stimmel as an associate.



**Lisa Schafroth Sooter**, née Dean, joined the health care law firm of Stewart & Stimmel as a partner in their Dallas office. Sooter's practice combines her experience in business transactions with expertise in the health care industry.



**Jennifer Jackson Spencer** joined Fulbright & Jaworski as a partner in its Dallas office. Her practice includes complex commercial cases, class actions, banking litigation, real estate litigation, and product liability litigation, including pharmaceuticals and medical devices. Previously, Spencer was with Locke Liddell & Sapp.

## 1988

**Geoffrey S. Connor** was named Of Counsel to Jackson Walker in its Austin office. Before this appointment, Connor was the Texas secretary of state, a posi-

tion in which he developed expertise in international business and foreign affairs.

**Mark Freeze** joined Steptoe & Johnson as special counsel in the firm's Phoenix office. Freeze was previously with Be-shears Wallwork Bellamy Chartered.



**Lowell A. Keig** has become general counsel of Youth and Family Centered Services, a ten-state health, education, and life skills provider focusing on troubled youth.

**Leon A. Polott**, founder and president of 5iTech, a Cleveland-based technology commercialization firm, was appointed to the U.S.-Russia Innovation Council on High Technologies by the U.S. Department of Commerce.



**Jay K. Rutherford**, a partner of Jackson Walker in the firm's Fort Worth office, was selected by his peers as one of Tarrant County's Top Attorneys for 2004 in the Labor and Employment (Employer) Section.

**Kent Royce Smith**, a partner of Jackson Walker in the firm's Fort Worth office, was selected by his peers as one of Tarrant County's Top Attorneys for 2004 in the Labor and Employment (Employer) Section.

**C. Elizabeth Wagner** joined the National Association of Bond Lawyers as director of governmental affairs in April 2005.

## 1989

**Micaela Alvarez** was appointed district judge in the Laredo Division for the Southern District of Texas.

**Michael L. Barrera** was named president and chief executive officer of the United States Hispanic Chamber of Commerce. Barrera is currently the national ombudsman for the United States Small Business Administration, a position to which he was appointed by President Bush in 2001. Previously, he cofounded two law firms in Kansas City focusing on general civil litigation, small business start-ups, workers' compensation, criminal defense, and personal injury.

**Sheri Lynn Deterling** and her husband, Geoff Hawkes, announce the birth of their first child, Brian Leslie Hawkes, on July 16, 2004.

**David C. Frederick**, a lawyer with Rose & Rose, was named one of the top civil rights lawyers in the Washington, D.C., area by *Washingtonian* magazine in December 2004.



**Patrick Keel**, former district judge, has opened his own law practice, focusing on mediation and arbitration.

**Daniel W. Martin** was appointed professor and law library director for Loyola Law School in April 2005.

**Jonathan E. Retsky**, of Brinks Hofer Gilson & Lione, rejoined the firm as a shareholder in the Chicago office. Retsky is a patent attorney with experience in litigation and patent preparation and prosecution. He has served as an adjunct professor in contemporary technology and intellectual property law at the John Marshall Law School since 1995.

**John B. Strasburger** was appointed managing partner of the Houston office of the international law firm Weil, Gotshal & Manges. His law practice includes complex commercial litigation, product liability and mass tort litigation, and bankruptcy litigation.

**David M. "Dave" Wachtel**, a lawyer with Rose & Rose, was named one of the top civil rights lawyers in the Washington, D.C., area by *Washingtonian* magazine in December 2004.

## 1990

**Mark R. Heilbrun** joined Jenner & Block in Washington, D.C., as a partner. He previously served as deputy staff director and general counsel for the United States Senate Committee on the Judiciary.

**Edmund A. Normand** was selected by *Florida Trend* magazine as a Florida Legal Elite. Normand is in his 14th year of practice with the firm Wooten, Honeywell, Kimbrough, Gibson, Doherty & Normand in Orlando, Florida. His practice focuses on plaintiffs' personal injury with a spe-

cial emphasis on medical malpractice and product liability.

**Robert G. Stephens**, of the Houston office of Bracewell & Giuliani, was noted as an "Up and Coming" attorney in the area of "Energy and Natural Resources in Texas" by the *2005 Chambers USA: America's Leading Lawyers for Business* directory.

## 1991

**Albert Betts** was named commissioner of the Division of Workers' Compensation at the Texas Department of Insurance by Governor Rick Perry in September 2005, for a term to expire in February 2007. Betts will lead the division as it implements the House Bill 7 workers' compensation reform.



**Laura Lee Prather**, née Stapleton, a partner with Jackson Walker in the Litigation, Appellate, and Intellectual Property Sections and a member of the Media, Technology, and Entertainment and Sports Law Practice Groups of the firm's Austin office, was honored by the *Austin Business Journal* as a 2004 Rising Star. Prather also received the Texas Association of Broadcasters' Special President's Award for her exemplary service to Texas Broadcasters and all Texans in protecting open government and advocating a shield law to protect reporters' confidential sources.



**Susan Sample** joined Fulbright & Jaworski in Houston as counsel. Before joining Fulbright, Sample worked for Deloitte Tax. She focuses her practice on tax controversy matters and has extensive experience representing corporations, partnerships, high-wealth individuals, and estates before the IRS in examination, appeals, penalty, and collections proceedings.

## 1992

**Benton J. Barton** and Michelle Blouin-Barton announce the birth of their daughter, Elise Claire, on September 8, 2004. Elise joins her two-year-old brother, Jack, at home in Castle Rock, Colorado. Barton was recently elected partner in the Denver office of Hall & Evans,

where he practices as a civil trial lawyer.

**Michael L. Calhoon** was named partner of the Washington, D.C., office of Baker Botts. His practice focuses on commercial litigation and international arbitration.

**Rachel Giesber Clingman**, a partner with Fulbright & Jaworski, where she practices litigation law, was listed by *H Texas Magazine* as an up-and-coming lawyer in the Houston legal community for 2004.



**Donna Garcia Davidson** will become the new general counsel to the Republican Party of Texas. Davidson is Of Counsel to the Austin law firm of Potts & Reilly.

**Neil E. Giles** was elected as a partner with Bracewell & Giuliani. Giles handles civil and commercial litigation cases with emphasis on energy, finance, and environmental law.

**Edward C. Lewis**, a partner with Fulbright & Jaworski, where he practices environmental law, was listed by *H Texas Magazine* as an up-and-coming lawyer in the Houston legal community for 2004.

**William R. "Will" Marlow** was elected as a partner with Bracewell & Giuliani. With a concentration on the energy sector, Marlow counsels corporate clients in project finance, lending, and real estate.

**Katherine T. Mize** joined Legge, Farrow, Kimmitt, McGrath & Brown as a partner and codirector of its labor and employment practice.

**Lieutenant Colonel Daniel A. Rice** was appointed to the staff and faculty of the United States Military Academy as assistant professor, Department of Law.

**Clay Sell** was appointed by U.S. energy secretary Samuel W. Bodman as deputy secretary of a group of upper-level appointees whose job is to oversee day-to-day operations of a newly passed energy bill. Sell also serves as chief operating officer with responsibility for policy and program oversight. Before taking office in March 2005, Sell worked as a special assistant to President Bush for legislative

affairs. He also was a special assistant to President Bush for economic policy.

1993



**Sharla J. Fuller**, née Neill, was named partner in the Dallas office of Koons, Fuller, Vanden Eykel & Robertson.

Fuller is board certified in family law. She and her husband, Kevin, have two sons.

1994

**Rebecca A. Beynon** was elected partner of Kellogg, Huber, Hansen, Todd, Evans & Figel. She practices telecommunications litigation.



**Andrew G. DiNovo** was elected as a shareholder to Jenkins & Gilchrist's board of directors in April 2005. Di-

Novo's practice focuses on litigation of complex patent, trade secret, and other intellectual property cases.



**Ricardo Garcia-Moreno** was elected a shareholder with Winstead Sechrest & Minick. Garcia-Moreno's practice is in corporate/securities/mergers and acquisitions, and sports business and public venues.

**Jennifer C. Hayes**, née Frasier, and her

husband, Chris, are proud to announce the birth of their third child, Liam Patrick Hayes, on February 3, 2004, in Walnut Creek, California. Their other children are Emma Grace, who is three years old, and Sean Connors, who is two. Hayes is the permanent law clerk to bankruptcy judge Thomas E. Carlson in San Francisco.



**Kristin M. Jenkins**, JPS Health Network vice president for administrative services and chief corporate officer, was promoted to administrator for the develop-

ment and daily operations of the short-stay hospital that JPS recently purchased in Arlington, Texas. She is the president of the Tarrant County Young Lawyers and the North Texas Region Health Care Compliance Association, is on the advisory board of the Bureau of National Affairs Health Care Program Compliance Guide, and is a contributing author to the *Journal of Healthcare Compliance*. This year she was named one of Fort Worth's "Top 40 Under 40" by the *Fort Worth Business Press*.

**Sue Ann Krennek**, a partner of Howard Rice Nemerovski Canady Falk & Rabkin, was promoted to director in March 2005.

**Thomas M. Lipovski**, a partner at Jackson Walker in the Labor and Employment Section of the firm's Austin office,

was honored by the *Austin Business Journal* as a 2004 Rising Star.

**John Padilla** became a name partner at Solar & Padilla in Houston.

**Dan Panetti** joined Prestonwood Christian Academy in Plano as its worldview director.

**Lori E. Ploeger** joined Cooley Godward as a partner in the firm's litigation department. Her practice centers on appellate litigation. She will serve as co-chair of the ABA Appellate Practice Committee Pro Bono Subcommittee during 2005, and is currently co-chair of the committee's Young Lawyers Subcommittee.

**Kevin W. Yankowsky**, a partner with Fulbright & Jaworski, where he practices health law, was listed by *H Texas Magazine* as an up-and-coming lawyer in the Houston legal community for 2004.

1995

**Scott J. Arrington** joined Akin Gump Strauss Hauer & Feld as a partner in the global projects practice in Houston, where he will focus on international infrastructure development projects in the oil and gas, petrochemical, and power industries.

**Philip D. Fraissinet** was elected to partnership with Bracewell & Giuliani. Fraissinet concentrates on construction, eminent domain, and other business matters for public and private entities. He is an adjunct professor in the Education Law Department at the University of Houston.



**M. Daniel "Danny" Guerra**, of Brown McCarroll, was named partner in the firm's Austin office. Guerra advises clients in the resolution of corporate and civil litigation matters in the high-tech, real estate, and health care industries.



**Michael D. Hansen** was promoted to senior managing director of Howard Frazier Barker Elliot. Hansen, who specializes in M&A and corporate finance, joined the firm as managing director in 2003.



Chris and Jennifer Hayes, with children (l. to r.) Emma Grace, Liam Patrick, and Sean Connors.



**Gregory H. Kahn**, former clerk for Texas Supreme Court justice Rose Spector, was named general counsel for Verizon Avenue in Herndon, Virginia.

**Marnie A. McCormick** was elected shareholder for the Austin office of Clark, Thomas & Winters in April 2005.

**Michael L. Peck** was named one of the "Top 40 Under 40" for 2005 by the *Fort Worth Business Press*. Peck and his wife celebrated the birth of their twins, Cate and Cash, in September 2004. They have another son, Cole, who is four years old.

**Mae C. Quinn** joined the faculty of the University of Tennessee College of Law, where she will be teaching in the advocacy clinic as an associate professor.

Texas state representative **Corbin Van Arsdale** (R-Tomball) was selected to participate in the Emerging Political Leaders program through the University of Virginia's Darden School of Business Administration and the State Legislative Leaders Foundation. Nominated by House Speaker Tom Craddick, Van Arsdale is one of only fifty legislators from 35 states selected to participate.

**Charles B. Walker, Jr.**, a senior associate with Fulbright & Jaworski who practices intellectual property law, was listed by *H Texas Magazine* as an up-and-coming lawyer in the Houston legal community for 2004.

**Dan Winikka** was named partner of Jones Day, where he concentrates on corporate restructuring and bankruptcy-related litigation matters. Dan and his wife, Marla, live in Dallas with their two children.

1996

**Christopher J. Arntzen** was named partner in the Houston office of Baker Botts. His practice focuses on securities offerings, mergers and acquisitions, and general corporate and securities matters.

**Christopher A. Artzer** was appointed vice president and general counsel for Texas Petrochemicals. Artzer has spent the last several years in financial restructuring practice, adding to his broad practice in transactional and commercial matters.

turing practice, adding to his broad practice in transactional and commercial matters.

**R. Keith Dugger** was named partner in the health care law firm Stewart & Stimmel's Dallas office. Dugger has been instrumental in the development and management of the firm's regulatory and transactional practice group, and he works closely with the firm's clients to assist in identifying and addressing key operational issues affecting their facilities.



**Alicia Wells Duleba**, of Jackson Walker, was elected partner in the firm's Austin office in the Labor and Litigation Sections.

**Karen E. Griffin** was named partner in the Dallas office of Baker Botts. Her practice focuses on litigation, and she assists clients in all major areas of employment law and labor relations.

**Jeffrey Thomas Helvey** was elected a partner of Sterne, Kessler, Goldstein & Fox. He was also named director of the firm, where he specializes in the areas of RF circuit design and communications.

**Michael Keane** delivered the convocation speech in December 2004 at the graduation ceremony for the U.S. Naval Postgraduate School in Monterey, California.

**Ruth Kochenderfer** joined Hunton & Williams as an associate in the McLean, Virginia, office. Previously she was an associate with Shaw Pittman.



**Marcus Lopez**, of Jackson Walker, was elected partner in the Business Transactions Section of the firm's San Antonio office.



**Andrew D. Mendez** became a member of the law firm Stone Pigman Walther Wittmann in January 2004, after joining the firm as an associate in 1999. Mendez's practice is concentrated in commercial litigation, toxic tort litigation, and bankruptcy law.

**David M. Rodi** was named partner

# CLASS 2002 NOTES Q&A

**STEPHANIE TOWNSEND-ALLALA** was elected president of the El Paso Women's Bar Association for 2005-06. She focuses on elder law at Terry Hammond & Associates.



**UTLAW:** You were once a news anchor. Why did you switch to law?

**TOWNSEND-ALLALA:** I was a television news anchor at the ABC affiliate in El Paso before I decided to further my education. I always thought lawyers and journalists had a lot in common, in terms of giving voice to those in need. Both can serve as agents of social change.

**UTLAW:** Why did you want to return to El Paso after getting your degree?

**TOWNSEND-ALLALA:** I commuted between El Paso and Austin while in law school, so I never really left El Paso. It's remained home to me and my family.

**UTLAW:** What are the challenges facing female lawyers in El Paso?

**TOWNSEND-ALLALA:** Gender bias continues to be a problem in society and in the legal profession. All officers of the court should work to eliminate the subtle and not so subtle forms of bias, which ultimately hurt clients.

**UTLAW:** What do you hope to do with the Women's Bar Association in El Paso?

**TOWNSEND-ALLALA:** Our Positive Role Model Program is encouraging children from at-risk schools to think about pursuing the legal profession. I want to help kids have hope that they can one day use the legal system to make their world a little brighter.

# CLASS 2003 Q&A NOTES

**MARIE HEJL**, a civil litigation lawyer with Locke Liddell & Sapp in Austin, hosts a local access television cooking show called *It's Easier Than You Think*. In June 2005 she won first place in the variety category at the 2005 Austin Video Awards.



**UTLAW:** Which of your jobs is more rewarding—being a lawyer or being a local TV personality?

**HEJL:** They are equally rewarding in different ways. Being a lawyer is rewarding because I am constantly challenged by and learning from my colleagues—people that I admire professionally and personally—at Locke Liddell & Sapp. Hosting a cooking show is rewarding because it gives me the opportunity to improve my culinary skills and, at the same time, connect with the community. It makes me happy to hear from viewers who, after watching the show, are inspired to cook something they've never made before.

**UTLAW:** Do you have any meal suggestions for the busy lawyers reading this who want to cook but whose time is limited?

**HEJL:** Precooked rotisserie chickens are a godsend. I use them for chicken salad, tortilla soup, tacos, and Cobb salad. But the possibilities are endless. Just use the white meat if you are watching your diet.

Make an easy Greek salad by adding olives, cherry tomatoes, feta cheese, canned artichoke hearts, and a simple vinaigrette to prewashed salad greens. Throw in some canned tuna (or the rotisserie chicken!) if you want a more satisfying meal.

For dessert in a pinch, I love to make a "Berry Merry Parfait." Add sugar, vanilla, and sour cream to freshly whipped cream. Place a spoonful of the cream mixture into a sundae glass and then add a layer of fresh berries. Continue alternating layers until you reach the top of the glass. Finish with shredded dark chocolate and a cherry.

in the Houston office of Baker Botts. His practice focuses on litigation, arbitration, and regulatory investigations. He also handles coverage disputes on behalf of both the insurer and the insured.

**Kristen Silverberg** was confirmed as assistant secretary of state (international organization affairs).

**Veronica Vargas Stidvent** was named the assistant secretary for policy in the U.S. Department of Labor. Stidvent will provide policy advice to Secretary of Labor Elaine Chao. She previously worked in the White House as a special assistant to the president for policy.

**Jeffrey D. Sullivan** was named partner in the New York office of Baker Botts. His practice focuses on the litigation of patent, trademark, trade secret, unfair competition, and copyright disputes.

**Jeffrey S. Wigder** was named partner in the Dallas office of Brown McCarroll. His practice includes real estate finance, development projects, and hospitality.

## 1997

**Alexander Berger** has become litigation counsel at VeriSign, Inc., in Dulles, Virginia. Berger was formerly with the law firm of Howrey in Washington, D.C. Berger and his wife, Amber, live in Arlington, Virginia.



**La Tisha O. Chatman**, an associate with McGuireWoods, has moved from the firm's Norfolk, Virginia, office to its Richmond office. She practices in the firm's corporate services department, primarily focusing on corporate transactions, finance and governance matters, and federal securities law compliance and reporting.

**Denise C. Hyde** was the second recipient of the David H. Walter Community Excellence Award, which honors an Austin Bar member who has recently made a significant impact in the community and at the same time raised the profile of the profession.

**Anthony C. Marino** joined the law department of the Northwestern Mutual Life Insurance Company as an assistant general counsel on the Securities Investment Team in April 2005.

**Andrew P. Price**, a senior associate with Fulbright & Jaworski, where he practices litigation law, was listed by *H Texas Magazine* as an up-and-coming lawyer in the Houston legal community for 2004.

## 1998

**Brandy L. Copley** joined King & Spalding's Global Transactions Group in the Houston office in January 2005.

**Stephen Wade Nebgen** opened his own law office in Phoenix, Arizona. The Law Offices of Stephen Wade Nebgen focuses on entertainment law and intellectual property. His practice also includes bankruptcy and business reorganization, with a special emphasis on the reorganization issues confronting entertainers and production companies. Nebgen also runs two theaters in Phoenix.

**Royce P. Poinsett** is now the general counsel to the Speaker of the Texas House of Representatives.



**Justin Gazer Rice**, an associate with Jackson Walker, was invited to become a fellow of the Texas Bar Foundation. Less than one percent of the total bar membership are invited to be a part of this premier charitable organization.

**Gavin R. Villareal**, of the Austin office of Baker Botts, was named president-elect of the Hispanic Bar Association of Austin.

**Scott M. Wilson** joined the Dallas office of Fulbright & Jaworski in the area of corporation, banking, and business.

1999

**Jennifer Boisture**, a recent medical school graduate, moved to Boston as a psychiatry resident at Harvard.

**Lowry A. Crook**, of the Litigation Department of Wilmer Cutler Pickering Hale and Dorr, was promoted to counsel.



**Jeff Scott Edwards**, an associate at Whitehurst, Harkness, Ozmun & Brees, won the Austin Under 40 Award for the law category in 2004. "Austin Under 40" is a joint collaboration between the Young Women's Alliance and the Young Men's Business League. It honors men and women under the age of forty who have excelled in their field of endeavor and demonstrated service to the community.

**James Alvin "Jae" Ellis III**, his wife, Liza, and their daughter, Caroline, are proud to announce the arrival of James Gillespie Ellis. "Judge" was born on November 21, 2004, in Dallas, Texas, and was named in honor of his grandfather, James A. Ellis, Jr., and in memory of his great-grandfathers the late James A. Ellis, Sr. (former chief justice of the Amarillo Court of Appeals and professor of law at Texas Tech University), and the late Wilford Lafayette ("Pete") Gillespie.

**Christopher J. Lallo**, senior associate with Fulbright & Jaworski, where he practices tax law, was listed by *H Texas Magazine* as an up-and-coming lawyer in the Houston legal community for 2004.

**Sean N. Markowitz** joined the Dallas office of Fulbright & Jaworski in the area of corporation, banking, and business.



**Sinéad M. O'Carroll** joined Reeves & Brightwell's Austin office. She will work remotely from her home in College Station.

**Shawn Raymond** was elected partner at Susman Godfrey. In December 2004 he was recognized as a Lawyer on the Fast Track by *H Texas Magazine*.

**Matthew S. Shelton** joined the Fort Riley, Kansas, Office of the Staff Judge Advocate, as chief, legal assistance. He

lives in Manhattan, Kansas, with his wife, Dr. Sarah Frahm.

**Davor S. Vukadin**, a senior associate with Fulbright & Jaworski, where he practices banking and corporate law, was listed by *H Texas Magazine* as an up-and-coming lawyer in the Houston legal community for 2004.

2000

**Nicholas J. Brunick** was one of seven finalists for a national award to recognize young Catholics who are working to break the cycle of poverty in the United States. Brunick, an active member of St. Clement Parish in Chicago, is director of the Regional Affordable Housing Initiative, which uses legislative advocacy, legal and policy research, litigation, and organizing to preserve and create affordable housing in the region.



**Lucy Lixin Chen** joined Fulbright & Jaworski's Hong Kong office. Chen focuses on acquisitions, joint ventures, cross-border investments, finance, and other international transactions.

**Michael T. Eversden** was elected partner of McGrath, North, Mullin & Kratz in Omaha, where he practices in the Commercial Litigation Section.

**Christopher D. Kratovil** joined Jones Day as an associate in the Dallas office in the Issues and Appeals Group. His wife, Siobhan F. Kratovil, '00, remains with Locke, Liddell & Sapp in the Dallas office. Their daughter, Caitriona, was born in June 2005.

**Kathleen M. "Kate" McPartlin** joined Fulbright & Jaworski's Austin office as counsel. McPartlin has experience in intellectual property, litigation, regulatory, and corporate law.

**Carlos R. Rainer, Jr.**, associate with Fulbright & Jaworski, where he practices antitrust law, was listed by *H Texas Magazine* as an up-and-coming lawyer in the Houston legal community for 2004.

**Doug Rathbun** recently became counsel for the U.S. Senate, Committee on the Judiciary. As counsel for the chair of the

Subcommittee for Antitrust, Competition Policy, and Consumer Rights, he will be handling antitrust legislation and policy initiatives for the Senate.

2001

**Bret S. Alexander** began work in the district attorney's office of Hamilton County in Chattanooga, Tennessee, where he will handle DUI cases. Alexander will also prosecute habitual-offender cases and cases that involve alcohol-related crashes.

**C. Bryce Benson** joined Fulbright & Jaworski's Dallas office as an associate. Benson's practice covers all aspects of complex commercial litigation, including such issues as breach of contract, common-law fraud, securities fraud, loan foreclosures, breach of fiduciary duty, and other business torts.

**Will Denham** joined Abrams Scott & Bickley as an associate.

**Ramon A. Molina**, an associate with Cox Smith Matthews, was selected as the 2005 recipient of the Outstanding Young Lawyer Award in May 2005. Sponsored by the San Antonio Young Lawyers Association, the Outstanding Young Lawyer Award annually recognizes an individual who has exhibited professional proficiency, service to the profession, and service to the community.

**Adrian Stewart** and **Douglas Cox** were featured in an article in the *New York Law Journal* regarding their work with Guantánamo Bay detainees.

2002



**Peter J. Cesaro** joined the Austin office of Graves, Dougherty, Hearon & Moody as an associate in the firm's Real Estate Section.

**Melissa B. Cobb**, née Bearden, joined the real estate practice of Akin Gump Strauss Hauer & Feld in Dallas in February 2005. On June 11, 2005, she married Jonathon Cobb of Dallas.

**Luke J. Ellis**, associate for Jackson Walker, is the author of "The Common



# CLASS 2005 NOTES Q&A

**JOHN RAMSEY**, below, competed against more than a hundred other candidates to win the title "Funniest Person in Austin, 2005." He works as an attorney at Nunis & Associates in Austin.



RAMSEY, WINNING "FUNNIEST PERSON IN AUSTIN" TITLE.

**UTLAW:** How are the study of law and stand-up comedy alike?

**RAMSEY:** Both require a great deal of analysis. I like to take the same kind of analysis that I might give to *Marbury v. Madison* and apply it to something like the game paper, rock, scissors, or pineapples. Which is to say, I can analyze pineapples with C+ clarity.

**UTLAW:** How were you able to come up with material while studying for the bar exam?

**RAMSEY:** I have some killer jokes about *res ipsa loquitur*. And what is the deal with the rational basis test? Seriously, folks, seriously.

**UTLAW:** When did you first realize that you were funny?

**RAMSEY:** I tried to answer this question in a way that made me sound both honest and humble. It was impossible.

**UTLAW:** Do you plan to pursue a law career or a stand-up comedy career? Or both?

**RAMSEY:** I will pursue both as long as possible, but at some point I am going to have to jump ship one way or the other. I will probably end up a lawyer because I like being intellectually challenged and medically insured.

Law," an information legal column that discusses how the law addresses everyday legal issues. "The Common Law" is published weekly in the *Austin Chronicle*. In addition, Ellis is the host of a weekly television news segment, also called *The Common Law*, which airs every Tuesday on News 8 Austin.

**Mary Evelyn McNamara** joined Brown McCarroll's Austin office as an associate. She practices in the areas of family law and appellate law.

**Stephanie Townsend-Allala** was elected president of the El Paso Women's Bar Association for 2005-06. She is a probate attorney with Terry Hammond & Associates. (See sidebar, page 53.)

## 2003

**Marcus C. Bradley** joined Baker and Hostetler as an associate in the Houston office.

**Amanda L. Bush**, an associate in the Litigation Section of Jackson Walker's Fort Worth office, was selected by her peers as one of Tarrant County's Top Attorneys for 2004 in the Product Liability Section.



**Jessica C. Coe** joined Williams Mullen's Richmond office as an associate. She will focus on general litigation matters, products liability, and mass torts.

**Marie Hejl**, a civil litigation lawyer with Locke Liddell & Sapp in Austin, has hosted a local access television cooking show called *It's Easier Than You Think* since December 2004. In June 2005 one of her shows on Asian dinners won first place in the variety category at the 2005 Austin Video Awards. Also in June, the *Austin American-Statesman* published a feature article on Hejl and her show. (See In Camera, page 6, and sidebar, page 54.)

**Jennie K. Hoelscher** joined Brown McCarroll's Austin office as an associate. She practices in the areas of general civil litigation, product liability litigation, and appellate.

**Adam J. Loewy** opened the Loewy Law Firm in Austin, Texas, in May 2005. Loewy is chairman and CEO of the firm.

**Milam Foster Newby** transferred from Vinson & Elkins' New York office to its Austin office in April 2005. Newby's principal areas of practice are corporate finance and securities law.

**John Pearson** joined the U.S. Justice Department as a trial lawyer in the Public

Integrity Section of the Criminal Division. Pearson is a member of the Attorney General Honors Program.

**Samantha Snyder** and **Victor Rodriguez** are engaged to be married in Temple in October 2005. Rodriguez is with Ellis, Koenek & Ramirez in McAllen.

**Brent E. Troyan** is stationed with the U.S. Navy Judge Advocate General's Corps in Norfolk, Virginia. Lieutenant Troyan is currently assigned as a special assistant to the U.S. attorney in the Eastern District of Virginia, prosecuting cases for the Naval Criminal Investigative Service.

**Ephraim "Fry" Wernick** joined Akin Gump Strauss Hauer & Feld in Washington, D.C., after spending two years at Strasburger & Price in Dallas.

## 2004

**Troy S. Allen** joined Baker and Hostetler's Houston office as an associate.

**P. Morgan Barsi** joined Brown McCarroll's Houston office as an associate. He practices in the Estate Planning and Probate Section.

**Susana Carbajal** joined Brown McCarroll's Austin office as an associate. She practices in the areas of bankruptcy and commercial litigation.

**E. Lane Cates** joined Fulbright & Jaworski as an associate in the firm's Dallas office. She will focus on matters involving corporate and securities transactions.

**Jennifer M. "Jenny" Chilton** joined Fulbright & Jaworski as an associate in the Dallas office.

**J. Garrett Cornelison** joined Baker and Hostetler's Houston office as an associate.

**H. Michael Drumm** joined Oppenheimer, Blend, Harrison and Tate's San Antonio office as an associate in the corporate and securities practice.

**Kindel L. Elam** joined Fulbright & Jaworski's Houston office as an associate focusing on corporate matters.

**Gilbert A. "Bert" Greene** joined the international law firm of Fulbright & Jaworski as an associate in the Austin office. Greene focuses his practice on intellectual property matters, which primarily include patent prosecution and patent litigation.

**Haylie A. Halpin** joined Fulbright & Jaworski as an associate in the Dallas office.



**Adam S. Harbin** is an associate at Bass, Berry & Sims in the corporate and securities practice area.

**Jessica Biddle Holoubek** joined Fulbright & Jaworski's Houston office as an associate focusing on public finance.

**Joshua R. Lounsbury** joined Coolidge, Wall, Womsley & Lombard. He practices in the area of workers' compensation defense.

**Rachel M. Morris** joined Baker and Hostetler's Houston office as an associate.

**Kristin N. Necessary** joined Crain Caton & James in Houston as an estate planner and probate litigator. In July, Necessary finished a one-year clerkship with Justice Dale Wainwright of the Texas Supreme Court.

**Charles A. "Andy" Parker** joined Fulbright & Jaworski's Houston office as an associate focusing on litigation.



**Brian K. Prewitt** joined Bell Nunnally & Martin as an associate in the Corporate Practice Group.

**Terry David Roberts** joined Vinson & Elkins' Austin office as an associate in the Employment Litigation and Labor Section.

**Stephen Sides** joined Fulbright & Jaworski in Dallas. His practice focuses on corporate and securities law, including general corporate matters, mergers and acquisitions, and corporate financings. Sides was previously with Hughes & Luce.

**Michael B. Tristan** joined Jackson

Walker's Dallas office as an associate in the Litigation Section.



**Shannon M. Zmud** joined Jackson Walker's Dallas office as an associate in the Litigation Section.

## 2005

**John Ramsey** competed against more than a hundred candidates to win the title "Funniest Person in Austin, 2005" on Monday, May 23, at the Cap City Comedy Club in Austin. Ramsey's previous comedy experience included founding an improvisational and sketch comedy troupe at his alma mater, Rhodes College. Before this competition, he had participated in only one open-mike night, in 1999. Ramsey headlined at the Velveeta Room in July and again in November. (See sidebar, page 56.)

**Michael Song** was featured on News 8 Austin in July 2005 for the work he does mentoring young people through the Boys and Girls Clubs of the Capital Area. 📺

"When asked by the legal affairs columnist Stuart Taylor to recommend the best book on judicial review in the last twenty years, Laurence Tribe wrote, 'There are two, and they're both by the same author,' recommending Philip Bobbitt's *Constitutional Fate* and *Constitutional Interpretation*."

101 MICHIGAN LAW REVIEW AT 1731, N. 65 (MAY 2003)

"*Constitutional Fate* is one of a handful of truly towering works of constitutional theory in the last half-century."

AKHIL AMAR, 72 TEXAS LAW REVIEW AT 1703 (JUNE 1994)

"*Constitutional Interpretation* is the best book on constitutional law in years. It is also the most philosophically sophisticated and stylistically subtle."

DENNIS PATTERSON, 93 COLUMBIA LAW REVIEW 270 (1993)

OXFORD UNIVERSITY PRESS  
announces new editions of

**Professor Philip C. Bobbitt's**

*Constitutional Fate: Theory of the Constitution*, 1982  
*Constitutional Interpretation*, 1991

AVAILABLE FALL 2005

WYATT McSPADEN PHOTO

[ CONTINUED FROM PAGE 15 ] exceptions relating to emergency stays, no judge acts alone. However strongly one might feel about a particular outcome, it will become the law of the Seventh Circuit only if at least one other colleague is persuaded that this result is correct.

Normally, in fact, our opinions and those of our sister circuits are unanimous. It makes little difference whether Ronald Reagan, George H. W. Bush, Bill Clinton, or George W. Bush appointed the other two judges on the panel. Occasionally, of course, there are serious differences of opinion that are reflected in concurrences or dissents. But even in the most hotly contested areas, we have retained a tradition of respectful disagreement.

Interestingly, too, it is not always possible to predict who will be on which side merely by knowing when the judge took office. Other differences, such as the judge's background as a former prosecutor, former legislator, former member of the solicitor

general's office, former academic, or former district court judge, also play a role in the contribution that the individual judge brings to the case.

It would be impossible for me to overstate how much I have learned over the last ten years from my colleagues on the court, past and present, and how the quality of our decision making benefits from our diversity.

Judges do not learn solely, or even primarily, from their colleagues, however. In our adversary system, where the judges are generalists, the lawyers play an indispensable role. On the civil side, they decide which cases are worth bringing, how to develop the record for summary judgment and through trial (in that small group of cases that are still tried), and whether a trial court decision or an administrative ruling is worth appealing. On the criminal side, they are the ones who ensure that the police and the prosecutors are playing by the rules, whether those rules are found in the Fourth Amendment, in the criminal code, or elsewhere.

Although as judges we try to understand each side's case even if

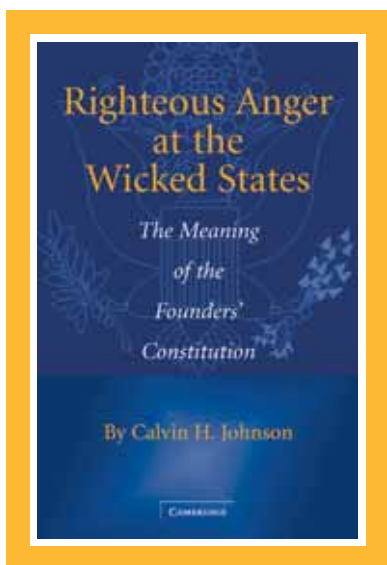
one party is well represented and the other is not, we can go only so far to neutralize that kind of disparity. If a bad lawyer failed to get evidence into the record, the evidence is not there; if an important legal argument was waived, it usually cannot be resurrected. It is small comfort to the client to be told that a legal malpractice action might redress the problem or that habeas corpus relief might be available if counsel was constitutionally ineffective. The system works only if the lawyers are doing their job from the very start.

The court depends especially on lawyers who are willing to donate their time to clients who would otherwise be forced to proceed pro se or who do not have the knowledge or the money to secure competent representation. The pro bono efforts of many of the firms that practice regularly in our court have improved the quality of the briefs and the argument in cases in areas ranging from criminal law, immigration, and employment discrimination to constitutional issues. At times, although more rarely than I would like, the Seventh Circuit has even seen UT Law graduates who are willing to venture as far north as Chicago and accept appointments in our court. With quality legal representation like that, the system works. It operates at a serious disadvantage if the entire burden rests on the shoulders of the judges.

Ever since my first day at the Law School, when Professor Bernie Ward referred with reverence to the federal judiciary, I have known what a privilege it is to serve as one of its members. I am only sorry that I cannot share at least some of this experience with people like Professor Ward and my other great mentor at the Law School, Professor Charles Alan Wright. I hope that I have lived up to their standards, and I look forward to the challenges that the coming years will undoubtedly bring. ✍

*"An intellectually honest, incredibly erudite description of the Constitution as an intensely nationalist instrument. . . . A fine achievement and a sophisticated book."*

Jefferson Powell, DUKE UNIVERSITY LAW SCHOOL



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To see the first chapters, book reviews, and discussion, and to purchase, go to <http://www.utexas.edu/law/faculty/calvinjohnson/RighteousAnger>.

*Diane P. Wood is a circuit judge on the U.S. Court of Appeals for the Seventh Circuit and senior lecturer in law at the University of Chicago Law School. She is an alumna of The University of Texas at Austin, B.A. (Plan II), 1971, and J.D., 1975.*



# Dickerson

[ CONTINUED FROM PAGE 17 ] to keep their homes, rather than lose them because of imprudent home equity borrowing or risky mortgage products, but it doesn't do that. They might have hoped that the new law would be flexible and humane enough to permanently excuse them from complying with the law's mandatory requirements (including credit counseling) if they became victimized by a natural disaster, like Hurricane Katrina, but it doesn't do that either.

The catastrophic effects of Hurricane Katrina have, once again, brought to the surface and to the public discourse the disparities in wealth in this country and the concentrated (and often segregated) poverty that continues to exist in many American cities. The bankruptcy law's views toward, and treatment of, the working and middle classes might just show leaders of progressive rights-based organizations (like the NAACP, the National Council of La Raza, the National Urban League, the Mexican American Legal Defense and Educational Fund, the National Women's Law Center, unions, black sororities and fraternities, and others) that they need to change their political agenda. The new law, and what it exposes, should ignite civil rights and cause them to develop and aggressively pursue strategies that will help close the racial wealth gap and eliminate deceptive consumer-lending practices that target racial minorities.

Progressive groups should, of course continue to focus on traditional civil rights issues, such as ensuring equal opportunity in the workplace and the schools. However, with luck (and a little faith, perhaps) this perpetratin' law may make economic empowerment the cornerstone of a new civil rights agenda. 🍷

*This spring A. Mechele Dickerson will become the Fulbright & Jaworski Professor of Law. She comes to UT-Austin from the William & Mary Law School, where she was the Cabell Research Professor of Law. She is an elected member of the American Law Institute and has been on the editorial board of the American Bankruptcy Institute Law Review since 2000. While at William & Mary, she received both the Walter L. Williams, Jr. Teaching Award and the 2000 Alumni Fellowship Award.*

# Dammann

[ CONTINUED FROM PAGE 21 ] the same time appearing to be fighting for the interests of shareholders.

To be sure, there is now a growing number of international law firms, uniting lawyers from a broad variety of jurisdictions. Hence, the decision to reincorporate in another member state does not necessarily mean that the corporation has to switch from one law firm to another. Rather, it may find lawyers with the right kind of expertise within the same law firm. However, with respect to the political economy of corporate law, that is unlikely to make much of a difference. So long as attorneys cannot easily transfer their expertise from one corporate law regime to another, the above-described situation remains the same. For example, the attorneys in the German office of a multinational law firm are unlikely to be pleased to see their expertise becoming worthless as more and more of their corporate clients demand the services of lawyers who specialize in U.K. company law.

Moreover, past experience confirms that the member states of the European Community are reluctant to let corporations reincorporate elsewhere. For example, the above-mentioned "real seat" rule was originally introduced for the very purpose of preventing corporations from incorporating elsewhere. Also, it is worth noting that many member states have traditionally banned corporations from reincorporating or have failed to provide corporations with rules that were sufficiently clear to make reincorporation a viable option.

In sum, whatever one thinks of the situation in the United States, there is every reason to believe that European corporations will mostly end up using their freedom of choice in a way that benefits their shareholders. 🍷

*Jens Dammann, an expert in comparative corporate law, joins UT Law as an assistant professor. He teaches Business Associations and Advanced Corporate Law. He comes to Texas from Cornell Law School, where last year he was a visiting assistant professor.*

# Jinks

[ CONTINUED FROM PAGE 23 ] to specific categories of individuals.

More generally, the conventions, if applicable, do not displace or trigger the application of any other body of rules. Many of the variations of this criticism tacitly trade on the idea that application of the conventions somehow precludes application of some more-robust individual rights scheme—such as ordinary constitutional law, criminal law, or even international human rights law generally. This assumption, however, is plainly inconsistent with the conventions themselves—and difficult to square with the purposes of humanitarian law generally. No rule in the conventions requires the warring parties to abrogate any rights-protecting scheme otherwise recognized in its law. In other words, the United States could accord, consistent with the Geneva Conventions, all captured al Qaeda fighters the full protections of international human rights law and the U.S. Code and Constitution. The applicability of the conventions does not displace these other potentially applicable regimes. Moreover, the inverse is clearly false—states cannot render the conventions inapplicable simply by deciding to apply some other body of rules. The problem addressed by humanitarian law is that organized hostilities are often characterized by lawlessness and barbarity. The conventions, then, prescribe the rules that must be observed even if no other rules apply. This is, of course, importantly different from the view that the conventions prescribe rules that apply because no other rules apply. And it is manifestly inconsistent with the view that the conventions prescribe rules that have the effect of displacing other rights-regarding rules. 🍷

*International law expert Derek Jinks joins UT Law this year as an assistant professor from Arizona State University College of Law. He is a prolific scholar, having written or coauthored twenty publications. The preceding excerpt is from his book *The Rules of War: The Geneva Conventions in an Age of Terror* (Oxford University Press, 2006).*

# Kadens

[ CONTINUED FROM PAGE 25 ] take fees. Thus, the 13th-century canonist Johannes Teutonicus could assert that “if [lawyers] can give counsel without labor, not needing to read over books nor taking the time to glance over the complaint, they should assist for free.” Jurists also argued at some length about when lawyers could ask for their fees, most agreeing that they should be sought only at the conclusion of the case. Subverting this advice somewhat, one wily 13th-century canon lawyer suggested that the attorney “look to getting his fees [after the arguments] but before the conclusion of the case [with the verdict], because at that time the parties are in a hurry to celebrate and each side believes it will win, so they will be mindful of the promise of the attorney, and the parties will pay more freely.” It was perhaps by following such questionable advice that lawyers earned the venomous disdain of laypeople, who considered them money grubbers who sold their skills, and their souls, to the highest bidder, all the while ignoring poor people with just causes.

Even more fundamental than his fees, the medieval lawyer had an ethical duty to advocate zealously for his client. In so doing, he constantly found himself bumping up against the exhortations to be scrupulously honest and not to be overly subtle, which, in the medieval lexicon, meant to seek out tricky or niggling points of law or procedure in order to confuse one’s opponent or extend the proceedings. The boundary between these two responsibilities was blurry. Another sermon exemplum from the 13th century unintentionally puts the lawyer’s dilemma in stark relief:

“Have you heard about the great cleric, who was an attorney in his worldly years and who won all his cases? When he took up the habit of a monk, he was frequently sent to act as a lawyer in cases [on behalf of the monastery], and he lost every case. The indignant abbot and monks said to him, ‘Why do you lose every one of our cases, when in your worldly years you always won cases for other people?’ And he replied, ‘When I was in the world, I was not afraid to lie, but through falsehoods and deception I

bested adversaries. Now, however, because I do not dare to speak anything but the truth, the opposite happens.’”

The preacher, Jacques de Vitry, did not, in fact, intend for his listeners to understand that righteous lawyers should never lie. His point was that lawyers had to lie if they wanted to win cases, which is why men who wished to be righteous should become monks instead of attorneys.

Medieval lawyers constantly wrestled with the distinction between advocacy and sophistry. In 1563, for example, a former judge of the high court of the German Empire named Joachim Mynsinger published a work reporting the decisions of that court, one of which concerned the question of whether an attorney, to further a just cause, may refute and deceive his adversary with cunning so that his adversary might be overcome. The court answered yes, citing, among other highly reputable authorities in both civil and canon law, a commentary of the jurist Philippus Decius (1454–1536/7) on the Roman law. In commenting on the legal concept of the *cavil*, a sophisticated trick, Decius explained that while the judge should rightly condemn and throw out redundant and excessively subtle *cavils*, other *cavils* could be tolerated, provided they were not maliciously made.

The gloss accompanying Decius’ commentary in some printed editions went further: “An advocate pursuing a just cause can refute [his] adversary with malice and *cavils*, as long as this is done without mendacity.” The gloss gave an analogy to shore up the distinction: “If by a defect of justice, someone cannot recover property that had been stolen from him, he may steal it back, provided, nonetheless, that he does this without mendacity.” Thus, if your cause was just, a little *caviling* did not hurt. The message was not quite “win at all costs,” but that end clearly rested at the bottom of this particular slippery slope.

The lawyer who did not seize every advantage risked losing the case for his client, so law students had to be taught winning tactics. In medieval courts, attorneys sometimes had to have a “letter of procuration” from their client confirming their engagement, and that letter had to be prepared according to certain formalities. One way to slow down litiga-

tion was to challenge the validity of the other party’s letter of procuration. Jacques de Révigny, a 13th-century law professor at the University of Orléans, recounted to his students the time he successfully did just that. Student lecture notes reproduce his story: “Once my master [Révigny] destroyed a certain procuration, because the notary had written it in great haste and had not included the name of the person who wrote it. Therefore, he said to the judge, an honest and worthy lord, ‘Although the name of the official scribe has not been set down, I allow that the seal [of the issuing judge] is there.’ But my master said, ‘There is no evidence who wrote it.’ The opposing party said, ‘Yes there is, because of the seal.’ My master said, ‘That does not suffice to show the connection to the writing, and none of the formalities ought to be omitted.’” Was this unethical trickery? Révigny evidently thought not.

What message did law students and attorneys take from all these voices? On the one hand, they knew what a normatively ethical lawyer was supposed to look like; on the other hand, they heard all around them complaints that lawyers were failing to live up to that norm. And yet no matter how hard they might have strived to meet the ideal, they confronted the reality that the ideal contained its own contradictions. Lawyers were to serve their clients to the best of their ability, but they were not to exercise their talents if that meant offending some sense that the law should be tidy, simple, and straightforward. Balancing the demands of living up to those standards was not easy for medieval lawyers, and it is not easy now. Therefore, before we engage in yet another round of professional self-flagellation over recent scandals, let us pause to recollect. Attorneys have been listening to sermons for centuries. They have always understood the importance of professional ethics. And yet the dilemmas and difficulties, and the behavior that follows from them, persist more or less unchanged. ✍

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*Emily Kadens, Ph.D., specializes in European legal history. She joins the Law School as an assistant professor. She comes to Texas after completing a clerkship with Chief Judge Danny Boggs of the U.S. Sixth Court.*

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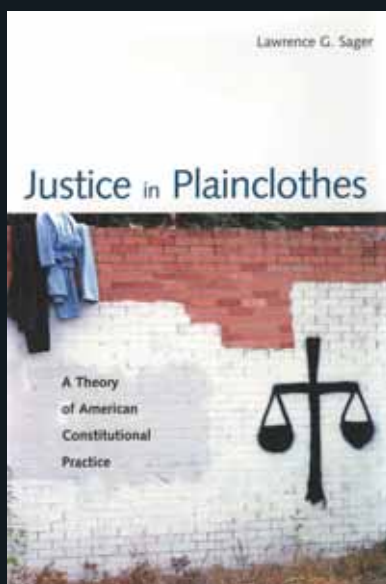
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# Justice in Plainclothes

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HARVARD UNIVERSITY

by Lawrence G. Sager



# IN MEMORIAM

THROUGH NOVEMBER 2005

**Jon Knox Rhodes, '37**, died February 16, 2005.

**Garland F. Smith, '37**, died June 4, 2005, at 93. Smith practiced law in Weslaco, Texas. He won two cases before the U.S. Supreme Court. Smith served as general attorney for Hidalgo and Cameron Counties, Water District #9. He was instrumental in drafting and passage of the Texas Water Rights Adjudication Act. He also served as member and later chairman of the State Water Board Committee, Weslaco city attorney, and president of the Weslaco Chamber of Commerce. Smith was the organizing agent for Mid Valley State Bank and served for many years as chairman of the board. Later, as president, he helped organize and served as director of Magic Valley Savings and Loan.

**J. Paul Painter, '39**, died September 26, 2004.

**Guy W. Shaw, '41**, died May 7, 2004, at 90. Shaw served as Taylor County attorney for two years in the 1940s. He taught business law at Hardin-Simmons University in Abilene and served as president of the HSU Alumni Association. He received the John J. Keeter Alumni Award from Hardin-Simmons University, the highest honor ever to be bestowed on an HSU graduate.

**Eleanore Banks Donnelly, '45**, died September 13, 2005, in Houston.

**Ernest Lynn Sample, '47**, died in 2003, at 85. Sample was a practicing attorney until his death.

**Parker Frank Wilson, '47**, died May 12, 2005. Wilson worked in Sears' regional legal department for 30 years. He served as a full-time pro bono lawyer at Projecto Adelante for 18 years.

**M. Parker Ellzey, '48**, died July 24, 2004.

**T. Lawrence Jones, '48**, died August 25, 2004, at 83. Jones was assistant attorney general of Texas (1957-60), general counsel for the Federal Maritime Administration (1961-63), and deputy federal highway administrator (1964-66). In 1967 he became president/CEO of the American Insurance Association, New York, where he served for twenty years. From 1986 to 1999 he served as senior counsel to the law firm of Hunton and Williams.

**C. Daniel Molloy, '48**, died December 3, 2004.

**Wallace H. Scott, Jr., '48**, died April 25, 2005, at 84. Scott was a captain of the 1941-42 UT football team and was a supporter of UT athletics, having cofounded the Longhorn Club, the predecessor of the Longhorn Foundation. Scott was the first attorney hired by the Oil and Gas Division of the Texas Railroad Commission. He later opened a private law practice and became a successful and respected oil and gas attorney. In 1976 Scott and Frank Douglass founded the Austin law firm of Scott, Douglass and McConnico.

**G. Bradley Bourland, '49**, died May 24, 2005. Bourland was assistant attorney general of Texas and former securities commissioner of Texas before starting a private law practice.

**Geraldine Browder Tennant, '49**, died November 24, 2004, at 82. When she was in law school, she was one of only three women. She was elected in 1982 as judge of the 113th Civil District Court, a post she held until retiring in 1996. In 1995 Tennant founded the Geraldine B. Tennant Endowed Presidential Scholarship at UT Law.

**Bill W. Waters, '49**, died August 4, 2004, at 79. He was elected Gray County attorney in 1950 and district attorney of the 31st Judicial District in 1954. In 1978 he was elected district director of the State Bar of Texas and was later a member of both the State Bar of Texas Professional Ethics Committee and the committee that drafted the Texas Model Rules of Professional Conduct for Attorneys. He was a life fellow of both the Texas Bar Foundation and the American Bar Foundation. In 1989 Waters was named Pampa Citizen of the Year.

**Pat McKinney Baskin, Sr., '50**, died May 27, 2005, at 78. Baskin dedicated himself to bettering public schools and was a lifetime member of the Parent Teacher Association. He served Midland as city councilman and mayor pro tem (1968-72). A practicing attorney for more than 25 years, he served as a municipal court judge for 5 years (1953-58) and was elected to the 142nd State of Texas District Court in 1980, where he served for 12 years. Upon retirement, he took a senior district judge status, practicing as a visiting judge until early May 2005.

**Elizabeth Nowlin Craver, '50**, died August 19, 2004. Craver was the first woman assistant district attorney in Bexar and Lubbock Counties.

**Tom H. Davis III, '50**, died August 1, 2005, at 79. Davis represented the families of Jim Croce, Stevie Ray Vaughan, and three members of Reba McEntire's band in aviation litigation. After law school, he served as a briefing attorney for the state supreme court. After the Korean War, Tom Davis practiced personal injury law with former U.S. senator Ralph W. Yarbrough and cofounded the Austin firm of Byrd and Davis in 1959. He founded Slack and Davis in 1993 and retired in 1998.

**John Patrick Maloney, Sr., '50**, died September 10, 2005, at 81. Known as the king of torts, Maloney specialized in personal injury and product liability cases.

**William R. Barnes, '51**, died October 20, 2003.

**Edgar Herman Eggert, Jr., '51**, died July 10, 2004.

**Donald A. Edwards, '52**, died May 12, 2004, at 75.

**William M. Cotton, '53**, died April 18, 2005, at 80.

**The Honorable Samuel J. Day III, '54**, died November 13, 2005, in Fort Worth. Judge Day was appointed to the Second Court of Appeals by Governor William P. Clements and served from 1989 to 2003.

**Bernard O. Dow, '56**, died December 26, 2004, at 72. After serving in the U.S. Air Force as a law instructor from 1956 to 1959, Dow practiced law with family. In April 2003, Dow joined his son's law firm, Dow, Golub, Berg and Beverly. Dow also conducted numerous continuing legal education (CLE) seminars. In 1994 Dow was recognized by the College of the State Bar of Texas as the first recipient of the professionalism award. He was also the first to receive the lifetime achievement award in real estate law in 2000, from the State Bar's Real Estate, Probate, and Trust Law Section. *Texas Lawyer* named him as one of the top five real estate lawyers in the state. In 2003 and 2004 he was on the list of "Texas Super Lawyers." In 2004 UT Law honored Dow with its lifetime achievement award. The school also announced that beginning in 2005 its continuing legal education seminar on real estate leasing would be known as the Bernard O. Dow Leasing Institute.

**M. L. "Bud" Null, '56**, died May 20, 2005. Null was a partner with Anderson, Smith, Null and Stofer.

**Joe V. Boerner, Jr., '58**, died April 27, 2005, at 72. Boerner practiced law with Crenshaw, Dupree & Milam in Lubbock for 35 years, serving on the firm's operating committee for 5 years and as managing partner beginning in 1991. In March 1993 he cofounded the law firm of Boerner and Dennis. Boerner was director of the

Junior Bar, which he helped establish, and the Senior Bar Association of Lubbock, where he also served on the State Bar Forms Committee.

**Pat Cain, '58**, died November 20, 2004. Cain served in the House of Representatives from 1963 to 1967, when he resigned to join the Office of the Texas Attorney General.

**W. Payne Royce, '58**, died June 4, 2005, at 72. Royce was a successful criminal defense attorney with his own law practice and was president of both the Graham Jaycees and the Young County Bar Association.

**William Henry Burton, '59**, died on November 17, 2005. A former Legal Eagle, he was also Texas Exes Life Member #459.

**Benjamin F. Knight, '59**, died December 25, 2004.

**Carlos Flavio Vela, '62**, died September 20, 2005, at 67. He served as a lawyer for the Equal Opportunity Employment Commission, the U.S. Department of Agriculture, and the Texas and U.S. attorneys general. He fought for increased educational opportunities for Hispanics and promoted literacy through volunteer work. At the time of his death, he was an attorney in good standing in Cameron County.

**Thomas Eugene Wood, '62**, died May 27, 2005, at 74.

**Mike Joplin, '63**, died February 17, 2005. Joplin worked to develop the corporate practice for Strasburger & Price, which established the Strasburger & Price, LLP Scholarship in Law in his memory.

**The Honorable Mack Kidd, '64**, died January 3, 2005, at 63. Kidd began his law career with Cofer, Cofer and Hearne, followed by Garey, Colbert and Kidd. He next was associated with Kidd, Doggett and Jacks. Before joining the court, he founded the firm then known as Kidd, Whitehurst, Harkness, and Watson. In 1990 Kidd was elected to the Court of Appeals, Third District of Texas, where he served for 14 years. He served as president of both the Texas Trial Lawyers Association and the Association of Retarded Citizens of Austin, was chair of the Travis County Democratic Party, was a Texas Bar Foundation Fellow,

and was a frequent continuing legal education lecturer. He was an active member of the American Board of Trial Advocates, where he mentored young lawyers.

**Philip Patman, '64**, died February 5, 2005, at 67.

**Walter B. Dunagan, '65**, died March 3, 2003.

**Charles Haworth, '67**, died November 23, 2005. He both clerked for Chief Judge John R. Brown on the U.S. Court of Appeals for the Fifth Circuit and taught law at Washington University School of Law. At the time of his death, he worked in Dallas at Owens, Cleary & Aken, LLP.

**F. Hastings Pannill, '68**, died July 22, 2000.

**R. Drew Furgeson, '70**, died July 9, 2004.

**William V. Schirmeyer, '72**, died January 17, 2005.

**Gerald E. Thornton, Jr., '80**, died March 6, 2005.


**Ernest Patrick Black, '81**, died September 22, 2004, at 55.

**Avon Williams III, '84**, died July 10, 2005. He served as counsel for the U.S. Department of the Army and the Nashville law firm of Williams & Dinkins and served as assistant commissioner for the Texas Department of Economic Development. At his death he was acting general counsel for the Department of the Army and had been principal deputy general counsel.

**James David Langner, '87**, died July 30, 2005.

**Edwin Smith Stewart, '92**, died March 1, 2000.

**Elizabeth Dodge Schwab, '97**, died July 30, 2005. Schwab was in the Litigation Section of Vinson & Elkins in Houston.

**Felecia Shankle-Rogers, '01**, died December 8, 2004, at 27. While at UT Law, Shankle-Rogers was a member of the Frederick Douglass Moot Court team. Since 2002, she had practiced intellectual property law with Leydig, Voit & Mayer in Chicago. 

# Williston Fish's "A Last Will"




**BY MICHAEL WIDENER** WILLISTON FISH (1858–1939) was a Chicago attorney who pursued an active literary career on the side. He published a pair of novels based on his service in the army and hundreds of short stories and poems. In 1898 he published a sentimental mock will in *Harper's Weekly*, titled "A Last Will." It was a little more than a one-column filler in an issue dominated by news of the Spanish-American War, yet this modest prose poem struck deep chords with readers for the next hundred years.

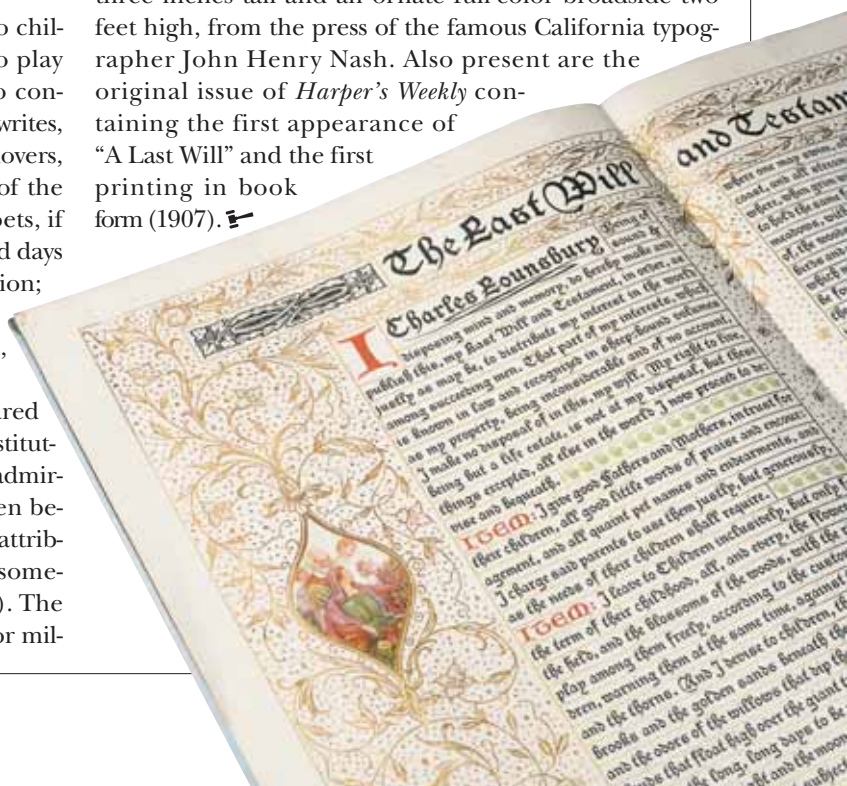
It is a lovely piece of writing. The author gives to children the dandelions in the fields and the right to play freely among them; to lovers all that they need to construct their world; to young men bravery. "And," he writes, "to those who are no longer children, or youths, or lovers, I leave Memory, and I leave to them the volumes of the poems of Burns and Shakespeare, and of other poets, if there are others, to the end that they may live the old days over again freely and fully, without tithe or diminution; and to those who are no longer children, or youths, or lovers, I leave, too, the knowledge of what a rare, rare world it is."

"A Last Will" has been reprinted at least a hundred times since its appearance in 1898. Although it constituted Williston Fish's claim to fame, Mr. Fish and his admirers have had to repeatedly reclaim it. The text often became separated from its author's name, and it was attributed to its fictitious testator, Charles Lounsbury (sometimes misspelled as "Lounsbury" or "Loundsberry"). The legend grew that Lounsbury was a destitute lawyer or mil-

lionaire who died destitute in a Chicago jail cell, almshouse, or insane asylum, and the will was found in a pocket of his tattered overcoat.

It has been published under at least twenty variant titles, including *A Legacy to Mankind*, *The Happy Testament*, and *I, Charles Lounsbury*. It has been printed as a Christmas keepsake, as a children's book (*Pictures in the Fire*, 1993), and in fine-press editions by some of the leading book designers of the 20th century. It has appeared in periodicals as diverse as the *New York Times*, *American Forests*, the *Georgia Bar Journal*, and church bulletins. It was included in a 1908 Harvard Ph.D. dissertation, a Canadian school reader, and Irving Wallace's 1977 bestseller, *The Seven Minutes*. It has been translated into Spanish, French, and Portuguese, and it inspired a song by Irving Berlin ("When I Leave the World Behind," 1915). Today it's on the Internet in blogs, the Ethical Wills Web site, and the online fan club of TV actor Gene Barry, to name only a few.

Tarlton Law Library is collecting the printed editions of "A Last Will." Thanks to the support of a generous donor, the collection is dedicated to the late Mildred A. O'Donohoe (1942–2000), a poet and friend of the library's Rare Books and Special Collections. The Mildred A. O'Donohoe Collection includes fifty different printings of "A Last Will" and related works, and is always on the lookout for more. The collection includes a miniature edition only three inches tall and an ornate full-color broadside two feet high, from the press of the famous California typographer John Henry Nash. Also present are the original issue of *Harper's Weekly* containing the first appearance of "A Last Will" and the first printing in book form (1907). 





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