

TULANE UNIVERSITY LAW SCHOOL

TULANE
LAWYER

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FALL 2008



OPENING DOORS

NURTURING A
COMMON BOND

THIS ISSUE

PRIVILEGED TO SERVE
• SCHOOL INTEGRATION
THREATENS APPEALS
COURT • REUNIONS •
COMMENCEMENT 2008



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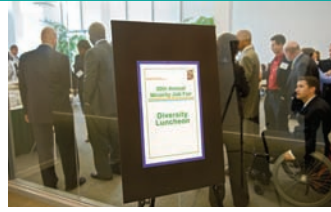
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This year's minority job fair attracted more than 50 employers, 100 Louisiana law students and 20 Tulane Law School alumni.

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*Front cover
photography by
Will Crocker*

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PRIVILEGED TO SERVE

BY DEAN LAWRENCE PONOROFF



Mark down this date: Aug. 20, 2008. The date is significant for two reasons: it marks the date that the class of 2011 arrived at Tulane Law School, and it marks the date our recovery ended and our renewal began. In the aftermath of Katrina we designed a strategic plan to guide our recovery and set the stage for our renewal. The central feature of this plan was to downsize the entering class from 320-325 to 240-250 students, but without making corresponding cuts in student services, the curriculum, or financial aid. Our objective was to improve the quality of our students' personal and educational experience. We also believed that in the down market following Katrina this would allow us to preserve academic quality and reputation, and that staying at this size even after the market improved would allow us to be more selective in admissions

the highest median LSAT (162) and highest median undergraduate GPA (3.6) in our history. But it goes much deeper than those quantitative academic metrics. The class of 2011 showed up 242 strong, our smallest class in more than 25 years. However, unlike 25 years ago, these 242 students come from three countries, 40 states, and more than 130 undergraduate institutions. The percentage of women in the class increased by two percentage points over the previous year, as did the percentage of African-American students. In order, the largest feeder states are Louisiana (16.5%), Texas (12.5%), New York (11%) and, in a three-way tie for fourth, California, Georgia, and Illinois. These new J.D. students were joined by approximately 35 LL.M. students, representing an additional 15 countries.

When you couple this diversity with the broad array of program initiatives undertaken over the past three years—as described in previous issues of the *Lawyer*—I believe I can comfortably say that we have never been stronger, healthier, and more robust in the depth and breadth of our curricular and co-curricular programs. I also firmly believe that we have never done a better job than the job we're doing now of preparing our students for lives of personal fulfillment, professional success, and responsible, engaged citizenship.

Now, how do you remove 225 tuitions from a rather expensive private school without breaking the bank? Well, you exercise responsible fiscal discipline, and we've done that. You look for

“I ... FIRMLY BELIEVE THAT WE HAVE NEVER DONE A BETTER JOB THAN THE JOB WE'RE DOING NOW OF PREPARING OUR STUDENTS FOR LIVES OF PERSONAL FULFILLMENT, PROFESSIONAL SUCCESS, AND RESPONSIBLE, ENGAGED CITIZENSHIP.”

and elevate our reputation.

It seems to be working. Nationally, law school applications last year were flat to slightly down. In contrast, our applications were up by about 14 percent. As a consequence, the class that enrolled on Aug. 20 collectively boasted



“I BELIEVE I CAN COMFORTABLY SAY THAT WE HAVE NEVER BEEN STRONGER, HEALTHIER, AND MORE ROBUST IN THE DEPTH AND BREADTH OF OUR CURRICULAR AND CO-CURRICULAR PROGRAMS.”

entrepreneurial opportunities, consistent with your core mission, that produce net revenue, and we are doing that. Most importantly, however, you seek to maximize your development returns, and this is where so many of you have played a critical role. As of the beginning of last fiscal year—July 1, 2007—the Tulane Law Fund was restored for the first time since Katrina. This meant that once again every dollar contributed to the law school stayed at the law school to support our students, faculty, and programs. Despite the two-year hiatus, as a result of the generosity of our alumni and friends, we not only broke the old record for unrestricted giving established in 2005 (the last year before Katrina), we crushed it. Together with several major new endowed gifts, we are well on the way to restoring fiscal integrity.

I hope I've convinced those of you who are already investors that you made a wise investment, because we will need your continuing support. But, more importantly,

I hope the remarkable success I've described inspires many of you who are not yet participating to become involved. By continuing to work together, we can complete the process of not just coming back from Katrina, but actually using the opportunities which that disaster presented to order our priorities, sharpen our focus, and ultimately transform an already excellent institution into an even better one, serving the interests of our students, our faculty, and our community.

Since the last edition of the *Lawyer* in the spring, I have been privileged to visit with many of you in cities across the country and even abroad. Your affinity toward and concern for the law school are palpable. I seriously doubt there are many institutions that enjoy the affection of their alumni in the way that we do. We are deeply appreciative, and we want to do what is necessary to continue to earn your support. And, by support, I do not necessarily mean only financial support—not by a long stretch. If you want

just a glimpse into the myriad of ways that you can help us fulfill our mission and, at the same time, stay involved at the law school, turn to Mary Mouton's (L '90) piece on "Opening Doors": it truly captures the spirit of our alumni and the bond between our students of today and our students of yesterday.

Among the remaining pages of this issue, you'll receive a close-up look at some of the exciting developments at the law school that I've referred to, and you'll catch up not only on what our faculty are up to, but on what many of you have going on today in our busy world.

Now in my eighth and final year as dean, I can only say it's been a privilege to serve and I could not be prouder of what we've accomplished nor more optimistic about what the future holds. Monica and I wish each of you and your families a joyous and peaceful holiday season, and I'll look forward to seeing you either in your communities or here at Weinmann Hall.



SHOW YOUR PRIDE

When was the last time you showed your school spirit?

Perhaps you wandered the pyramids in a Tulane law t-shirt or skied the Rocky Mountains wearing your old law school sweatshirt. Maybe you wore a TLS hat while camping in Argentina. Where do you wear your pride? Send us your pictures showcasing Tulane Law School on the world stage, and we'll post them in the next *Tulane Lawyer*. E-mail your photographs to lvergona@tulane.edu and include your name, class year, and where and when the photo was taken. Digital photos are encouraged. JPEG is the preferred format.

A horizontally oriented image should be 1375 pixels wide. A vertically oriented image should be 650 pixels wide. Tulane Lawyer prints photos at a resolution of 300 dpi. You may submit a photo at 300 dpi or the web standard, 72 dpi (or at a resolution in between), provided the pixel width conforms to the 1375 and 650 standard.

LETTERS TO THE EDITOR

I'M JUST SITTING DOWN to finish reading the spring 2008 *Lawyer*, and I have to tell you how very impressed I am with it. You cover so much material, and *every single article* was of interest. Often you leaf through a "magazine," picking out what grabs you, but *everything* grabbed me. I'm so impressed.

L. Becnel

Editorial Services Manager, Tulane Law School

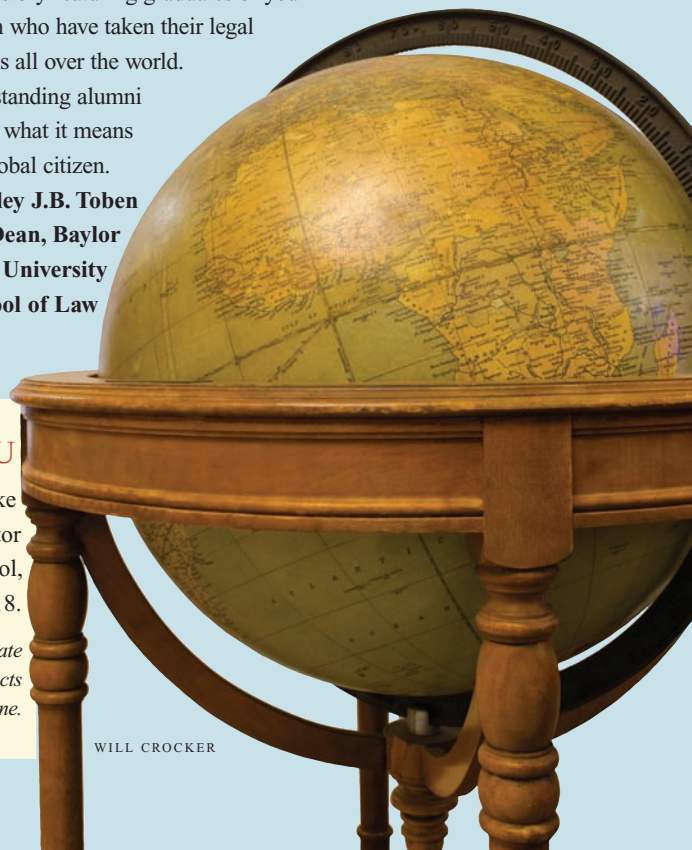
AFTER SEEING A COPY of *Tulane Lawyer*, the *Philippine Daily Inquirer*—the Philippines' newspaper with a readership of around 40 million people—featured me in their Sunday, September 7, 2008, issue. Again, thanks for featuring me in your magazine. I am gaining so much goodwill because of everything Tulane.

Galahad Pe Benito (LLM '03)
The Philippines

THE SPRING 2008 EDITION of *Tulane Lawyer* was full of interesting reading. The article detailing the history of the First Amendment and its challenges within the last century was particularly fascinating, as well as the cover story featuring graduates of your institution who have taken their legal educations all over the world.

Such outstanding alumni personify what it means to be a global citizen.

Bradley J.B. Toben
Dean, Baylor
University
School of Law



WE WANT TO HEAR FROM YOU

If you have a comment about an issue of the *Tulane Lawyer* or would like to share an idea for the upcoming issue, please contact editor Lauren Vergona at lvergona@tulane.edu or via USPS to Tulane Law School, 6329 Freret St., Ste. 210F, New Orleans, LA 70118.

The Tulane Lawyer reserves the right to edit letters for clarity and length, and to eliminate inappropriate language or potentially libelous material. Letters should address subjects related to Tulane Law School or found in an issue of Tulane Lawyer magazine.

GENIUS IN GOOD COMPANY

Call T. Haller Jackson IV (L '08) a triple threat. Jackson graduated last May with a perfect 4.0 GPA, the highest in the history of Tulane Law School since it introduced the current grading system in the 1960s. As if that weren't enough, he set a second school record by earning the asterisk in fourteen classes including Federal Courts, First Amendment, Constitutional Law, and Constitutional Criminal Procedure. And he did it all while finishing his PhD in infectious disease epidemiology, focusing on HIV.

Hard to believe this powerhouse squeezed in time to serve as editor in chief of the *Tulane Law Review*, an editor of *Law and Sexuality*, and vice president of Tulane's Lambda Law Alliance. The 26-year-old Shreveport native took home honors in Trial Advocacy, won the Moot Court Senior Appellate competition, and received recognition for his pro bono work. All told, he graduated with 28 awards and honors.

Asked about his best and worst memories from law school, Jackson didn't hesitate. "Serving as editor in chief was unquestionably the high point. It was a challenge, but a very rewarding one, particularly because I had such a great team." The *Review* published the second highest number of pages in its history and organized two national conferences under Jackson's leadership. "Hurricane Katrina qualifies as the low point by a landslide, but I'm amazed at how hard it is to see its effects today, at least around the school."

Jackson, a third-generation lawyer, originally wanted to be a scientist, and his resume shows it, with co-authorship of about a dozen research papers in such diverse fields as neurophysiology,



As if graduating with a 4.0 GPA was not enough, Haller Jackson finished his PhD while in law school.

endothelial cell biology and math. During law school, Jackson took a full load of public law courses, maintained a 4.0 in his PhD program and took his doctoral comprehensive exams as a 1L.

Jackson lived on a cruise ship upon his return to law school following Hurricane Katrina in January 2006. His experience speaks volumes about student life at Tulane. "For me, like almost everyone in my class, Tulane was not just a school but also a community we chose to rejoin." His advice for those just joining that community is simple: "Read, go to class, and speak up (when you have something to say), but don't miss out on the opportunity to build lasting friendships—it's the good company you'll remember."

Jackson says he hopes to return to teaching and research soon—he taught psychology at Xavier University before law school. "I'd love to have the opportu-

nity to teach and write again," he says. "Teaching as part of a large research institution offers remarkable opportunities for interdisciplinary study, something that's always been attractive to me. I'd like to study some of the methodological problems shared by science and the law."

He is happy to wait a few years. Currently clerking for Judge Jacques Wiener Jr. (L '61) of the Fifth Circuit Court of Appeals, he'll clerk next year for Chief Judge Alex Kozinski of the Ninth Circuit. "I've only been at work for a couple of months, but thus far it's the best job I could imagine. The talent and dedication of everyone at the court manage to be both awe-inspiring and utterly unsurprising at the same time. If you want to see the rule of law in operation, clerking for the United States court system is one of the best seats in the house."



Behind locked gates is the mostly demolished B.W. Cooper public housing complex in New Orleans. The New Orleans City Council recently approved plans for redeveloping the site with 410 apartments, two-thirds of which will have rents subsidized for low-income residents.

Through her research and writing, Associate Professor Stacy Seicshnaydre hopes to find a common ground in addressing housing issues in New Orleans.



CALL FOR FAIR HOUSING

Post-Katrina New Orleans continues to lack affordable housing, fueling controversy over the decision to demolish several public housing complexes. Adding to the controversy is the city's history of racially segregated public housing, says Stacy Seicshnaydre (L '92), associate professor of law and director of Tulane Law School's Civil Litigation Clinic. The result: a thorny debate that has yet to produce a fair housing policy.

Post-Katrina planning has resulted in what Seicshnaydre calls "two false choices:" Either keep public housing segregated the way it was before the storm, or redevelop it by removing blight and attracting market-rate tenants, which will reduce the number of affordable apartments.

"The proposals to redevelop public housing in New Orleans have focused far too heavily on blight removal and removing low-income people from poor neighborhoods, and far too little on overcoming the zoning and other barriers that have helped create and perpetuate segregated housing conditions in the first place," says Seicshnaydre, citing a well-documented history of "public housing built for blacks and public housing built for whites."

Efforts to desegregate public housing through legislation in the late 1940s were met with threats to eliminate the program altogether, she says. In order to save public housing, advocates opted to accept it in its segregated form.

Seicshnaydre, who served as first executive director of the Greater New

Orleans Fair Housing Action Center and on the board of directors of the National Fair Housing Alliance, offers several recommendations for crafting a fair public housing redevelopment policy. She says the redevelopment should be resident-conscious and resident-driven, and should include one-for-one replacement of units lost even if they are located off-site. She also recommends that government entities funding the process take concrete action to eliminate exclusionary zoning barriers that hinder redevelopment and relocation of displaced residents.

Seicshnaydre expounds on these recommendations in "The More Things Change, The More They Stay the Same: In Search of a Just Public Housing Policy Post-Katrina," an essay published in the *Tulane Law Review*, 81 Tul. L. Rev. 1263 (2007), and excerpted in the September-October 2007 issue of *Poverty and Race*, the journal of the Poverty & Race Research Action Council.

This summer, Seicshnaydre continued her research by examining the varied restrictions and bans on the development of affordable housing that have emerged regionally while the demolition of public housing in New Orleans has moved forward.

"The discussion about how to meet our rather obvious need for affordable housing must take place on a regional level," says Seicshnaydre. "There is much we can learn from other communities about 'fair share' approaches that ensure that our regional need for fair and affordable housing is met, without having that housing concentrated in any one place."



Kristin Wenstrom, left, and Morgan Williams will begin two-year fellowships that offer support to lawyers involved in public service.

AND JUSTICE FOR ALL

LAW SCHOOL GRADUATES ACCEPTED INTO EQUAL JUSTICE WORKS FELLOWSHIP PROGRAM

Among the biggest challenges to honoring the nation's promise of "justice for all" are the numerous financial obstacles preventing young attorneys from helping underserved populations. Through support from a fellowship program, two Tulane law alums are dodging a few of those obstacles as they begin careers as public interest attorneys.

Last month **Kristin Wenstrom** (L '08) and **Morgan Williams** (L '07) were accepted into the fellowship program sponsored by Equal Justice Works, a non-profit organization that supports the next generation of public-interest lawyers.

Williams, a New Orleans native, will be working with the Greater New Orleans Fair Housing Action Center, which identifies discriminatory practices in the New Orleans housing market. He will aid disabled individuals seeking accessible and affordable housing.

"Before I applied, I went in and asked what their greatest unmet need was," Williams says. "When they told me it was housing for the disabled, I knew right away that I'd make that my mission. An opportunity like this is rewarding because you get to see the law used to make change in an unjust situation."

Williams learned about the Fair Housing Action Center through his work with the Tulane Civil Litigation Clinic, which gives upper-level law students the opportunity to represent indigent clients.

"Being from New Orleans is the driving force behind my interest in helping people return to the region by targeting unfair housing issues," Williams says. "My work through the clinic exposed me to challenges faced by residents trying to secure a place to live amidst the affordable housing crisis and to a great organization that is confronting these challenges."

Wenstrom, originally from Milford, Conn., will work with the Innocence Project New Orleans, a nonprofit law firm that works to overturn wrongful convictions of prisoners serving life sentences in Louisiana and southern Mississippi.

"I came to law school wanting to do social justice work and to represent the poor," says Wenstrom. "I interned with the Innocence Project for two summers and I knew then that I wanted to continue working with them once I graduated."

During her two-year fellowship with the Innocence Project, Wenstrom will work on the cases of individuals convicted of crimes as teenagers.

Since 2001, the Innocence Project has achieved the release of twelve innocent prisoners through the use of witness statements and forensic evidence.

FEDS CONTINUE SUPPORT FOR DOMESTIC VIOLENCE CLINIC



Twelve third-year law students are trained each year in the Domestic Violence Clinic.

Tulane Law School received a \$300,000 grant from the U.S. Department of Justice to support its domestic violence legal clinic. Attorney General Michael B. Mukasey announced the grant on a visit to New Orleans in May.

The funding comes through the Justice Department's Office on Violence Against Women's Legal Assistance for Victims Grant Program. This is the fourth grant in continued funding to support the clinic's work in providing legal services to victims of domestic violence, sexual assault, stalking and dating violence in Orleans and Jefferson parishes, said Tania Tetlow, director of the law school's Domestic Violence Clinic.

The Tulane clinic has received funding totaling more than \$2.25 million from the Justice Department.

"Since its inception in 2003, the Domestic Violence Clinic has served as an extraordinary vehicle for training our students in an interdisciplinary setting, and, at the same time, provided an urgently needed resource in the community," said Dean Lawrence Ponoroff.

The clinic's work extends beyond its role to provide legal representation to indigent domestic abuse victims, Ponoroff added. "It includes supervising student externships in domestic violence in related placements around the city, training for judges and law enforcement, and research that will hopefully assist governmental officials to lead wisely and more effectively in addressing this serious issue from a systemic perspective." Ponoroff praised the Department of Justice for its "steadfast support," which

has made the clinic's work possible.

During his New Orleans visit, the attorney general reaffirmed the Justice Department's commitment to rebuilding the city's justice system in the aftermath of Hurricane Katrina. He toured the New Orleans Family Justice Center, a public-private partnership modeled after the President's Family Justice Center Initiative, where victims of domestic violence find comprehensive services in one central location. Since the Justice Department opened the center last year, it has helped provide 464 services to 139 individuals.

"The catastrophe that hit New Orleans caused incalculable pain and loss that we can never forget, but it also opened our eyes to the tremendous need for services," Mukasey said. During the trip, the attorney general also observed reconstruction efforts in the Lower Ninth Ward and at the 17th Street Canal, and toured a newly rebuilt New Orleans police station. He met with local, state and federal law enforcement officials to discuss the collaborative efforts in fighting violent crime and rebuilding the justice center.

Since Hurricane Katrina struck in 2005, the Justice Department has provided \$86 million in grants to the state of Louisiana, assigned six additional assistant U.S. attorneys, and recently filled two victim witness specialist positions, to directly provide services to victims of crime.



Left: Jerome Ringo, chair of the National Wildlife Federation and president of the Apollo Alliance, delivers a keynote address. Above: Dr. Mark Plotkin, co-founder of the Amazon Conservation Team, is introduced before addressing "Rain, Rainforests, Shamans and Climate Change." Right: Dr. Devra Davis signs her book, "The Secret History of the War on Cancer."



CLIMATE CHANGE AFFECTS COURTS

Tulane Law School's 13th annual Environmental Conference on Law, Science, & the Public Interest took place April 4-5 at Weinmann Hall. The overarching theme was "Climate Change: In the Community and the Courtroom," and it featured discussions by an all-star lineup of attorneys, professors, scientists, activists and industry representatives.

Featured panel topics included: water impacts of climate change; coal in the post-Mass v. EPA world; a biofuels debate; impacts of climate change on forests; sustainable planning; sea level

rise and coastal risk; the Morganza Project; recent climate change litigation; impacts on various endangered species; Kyoto implementation; ocean acidification impacts of CO₂ emissions; and the impact of climate change on indigenous communities.

Keynoting the conference were world-famous ethnobiologist Dr. Mark J. Plotkin, who co-founded the Amazon Conservation Team; Jerome Ringo, chair of the National Wildlife Federation and president of the Apollo Alliance; and Dr. Devra Davis, author of "The Secret History of the War on Cancer," who spoke about the impact of the environ-

ment on human diseases. The conference also featured a luncheon with a book signing by Dr. Davis, evening receptions with live music, and a play entitled, "To the 7th Degree," written by then-3L Mary Nagle (L '08).

Nagle's original production, a fantasy showing various perspectives on the reality of global warming and what the impact will be for New Orleans, was performed by Tulane Environmental Law Society students and took place both Thursday and Friday evening in the Freeman Auditorium at the Woldenberg Arts Center.

TURNING 20

CORPORATE LAW INSTITUTE CONFERENCE

In April 2008, the Tulane Corporate Law Institute marked its 20th anniversary as the preeminent mergers and acquisitions and corporate law forum in the country. Two decades ago, Delaware Supreme Court Justice Andrew G.T. Moore II (L '60) and a group of prominent New Orleans corporate practitioners were among those who undertook an aggressive goal: to establish a new annual platform for a gathering of

the nation's leading corporate jurists and practitioners. Twenty years later, the institute continues to play a critical role.

The annual conference, which takes place over a two-day period in downtown New Orleans, brings together approximately 250 people, all of whom have an intense interest in M&A. These are the people who are negotiating, planning, spinning and selling the mergers and acquisitions.

"The Tulane conference brings together the preeminent advisers who craft the deals, the in-house lawyers whose companies launch those transactions, and the senior judges and regulators who construct and enforce the rules for M&A. Everybody who is anybody is there. You just can't miss New Orleans."

—*The M&A Journal*

"...top deal makers and merger lawyers [are again] pursuing their annual takeover of [New Orleans]; Tulane's conference about deal law and tactics [has] become the equivalent of Davos for the rainmaker crowd."

—*The New York Times*

This past April's gathering was particularly engaging, with discussions about how recent legal and market developments are affecting public M&A deals and private equity ventures, including a discussion of MAC clauses, termination provisions, and specific performance remedies. For the first time in many years, one of Tulane Law School's own M&A experts—Professor Elizabeth Nowicki—offered comments (some controversial) on lessons to be learned from failed private equity deals.

"MTV's 'Real World' first introduced the tag line, 'when people stop being polite...and start getting real.' The Tulane conference isn't quite the reality-show level of orchestrated truth-telling, but it is close. In these litigious, deal-breaking, partner-suing times, there might be some frank talk about just what broke in the M&A world, who broke it, how to fix it and who pays for the Crazy Glue to get that done."

—*Deal Journal*

"The M&A crowd will gather at Tulane, as usual, for corporate-law parlay...with a big dose of civic bonhomie...committed to the city's rebirth;...[It's] the industry's main conference...combining fried oyster feasts, spirited debates and late-night crawls down Bourbon Street."

—*Wall Street Journal*



CHANGING FINANCIAL MARKETS REQUIRE REVAMPED RULES



“Like the swallows returning to Capistrano, M&A lawyers will once again head to New Orleans for the...Annual Tulane Corporate Law Institute...M&A Spring Break...the annual springfest at Tulane...is the most important gathering of its kind...the preeminent annual conference for M&A lawyers.”

—*The Deal/Corporate Control Alert*

Paul Atkins, a former commissioner of the U.S. Securities and Exchange Commission, discusses sovereign wealth funds—government-owned investment funds that purchase U.S. assets—with participants at the Tulane Corporate Law Institute.

Paul Atkins, a former commissioner of the U.S. Securities and Exchange Commission, gave the corporate law institute’s keynote speech, telling participants in a way that changing times call for changing rules.

“In a free market economy driven by innovation, our regulatory structure cannot remain static,” said Atkins, to the group which included some of Wall Street’s biggest dealmakers. “We’re in need of constant adjustment so that our markets can remain attractive and competitive.”

Atkins’ comments come on the heels of the Bush administration’s far-ranging proposal to overhaul the financial regulatory system by giving the Federal Reserve more power, combining several banking oversight agencies into one and merging the U.S. Commodity Futures Trading Commission into the SEC, among others. Atkins endorsed the plan, saying that the regulatory environment must adapt as markets change.

He cautioned against enacting protectionist measures restricting foreign investment funds. Atkins said the recently strengthened Committee on Foreign

Investment in the United States already monitors foreign investments to make sure they don’t harm national security.

The long-term solution is for the United States to work with other countries to come up with a comprehensive regulatory approach for these funds to certify that each country has a compatible regulatory jurisdiction. Each country would have to have adequate protections against misappropriation of assets, fraudulent sales practices and fiscal irresponsibility, in addition to licensing standards for brokers, among other safeguards.

“It is important that we not treat sovereign wealth funds any differently than other investors merely because the principals are foreign entities,” he said. “The United States should welcome the vote of confidence the investment represents in the U.S., particularly at the current time.”

FAST FORWARD

Professor Elizabeth Nowicki reflected upon Atkins’ comments six months later, as financial markets dipped further into crisis. “Commissioner Atkins’ comments can best be described as prescient,” she said. “His call for flexible readjustment

of market-based regulation rings more true now, given our economy’s recent dramatic downturns, than when he made his comments in April. There is no good solution to the ills currently plaguing our markets, and while, in theory, an ideal might be to avoid further regulatory interference, I think that opportunity evaporated when investor confidence showed signs of evaporating of late. The recent bail-outs by the government and SEC action were necessary although perhaps not optimal.”

According to Professor Nowicki, the current economy creates a bevy of challenges for dealmakers. “I can only imagine that the next Corporate Law Institute will be more fascinating than most. Doing deals in strong markets is straightforward; doing deals in severely depressed markets is straightforward; doing deals in uncertain and rocky markets, however, is neither straightforward nor for those with a weak stomach.”

The 21st Corporate Law Institute will take place in April 2009. It is sponsored by the Continuing Legal Education Office of Tulane Law School.

LECTURE SERIES

CAPITAL
PUNISHMENT
PERSPECTIVES

Paul Marcus, Haynes Professor of Law at the College of William and Mary, delivered this year's Dreyfous Lecture entitled "Capital Punishment, a Comparative Perspective." The event took place March 31 at Weinmann Hall.

Internationally known for his work in criminal law and criminal procedure, Marcus addressed the legal, ethical and moral questions raised by the death penalty in the United States and in other nations such as China, Singapore and Japan. He also explored national attitudes toward the penalty, questioning why some countries such as Australia and the United Kingdom so strongly resist capital punishment, while others such as Japan and the United States seem—at least at first analysis—to embrace it.

Marcus recently was named the college's first Kelly Chair for Teaching Excellence. He writes and teaches in the fields of criminal justice and intellectual property. Formerly the law dean at the University of Arizona and the acting dean at William and Mary, he has lectured throughout the U.S. and in many other nations, and has been a visiting professor in Brazil, Australia and Switzerland. For several years Marcus served as co-reporter to the National

DREYFOUS LECTURE

"ON A DAILY BASIS WE CONFRONT A HOST OF PROBLEMS RELATING TO CRIME, THE TRIAL PROCESS, AND THE ROLE OF LAW ENFORCEMENT IN A FREE SOCIETY.... THE QUESTIONS ARE TOUGH; THE ANSWERS CAN BE QUITE TROUBLING."

—Professor Paul Marcus



Right to Counsel Committee. He also is interviewed frequently by the media (*Wall Street Journal*, *New York Times*, *Washington Post*, *Los Angeles Times*, CBS, NPR, ABC) as an expert in criminal law and procedure.

Tulane Law School's lecture series on civil liberties originally was established in 1965 in the memory of George Abel Dreyfous, founder of the Louisiana Affiliate of the American Civil Liberties Union. In 2003 the title of the lecture-series was changed to honor both Mr. Dreyfous and his wife, Mathilde Schwab Dreyfous.

THE CASE AGAINST
INTERNATIONAL
HUMAN RIGHTS
LITIGATION

International human rights litigation violates international law according to Harvard University Professor **Jack L. Goldsmith**, who delivered the 13th annual McGlinchey Lecture last spring.

Goldsmith explored the history of human rights litigation, which, he explained, grew out of the Judiciary Act of 1789, a statute that established the federal courts and regulated their jurisdiction and structure. Human rights litigation in United States courts didn't take off, however, until around 1980 when cases such as *Sosa v. Alvarez-Machain* and *Filartiga v. Pena-Irala* spawned gigantic waves of suits surrounding the Alien Tort Statute (ATS).

The ATS has become the primary vehicle for injecting international norms and human rights into U.S. courts. It has resulted in suits against nation-states, state actors and even private individuals or corporations alleged to have been responsible for supposed violations of international law.

"The United States is the only coun-

try in the world that permits lawsuits for civil rights abuses committed abroad,” said Goldsmith. He explained why this violates international law by starting from the principle that a sovereign state can’t interfere in the internal affairs of another sovereign state.

Goldsmith acknowledged that limitations on this freedom are widely accepted. If the nations of the world have consented to universal jurisdiction and derogations from sovereignty, then interference would be acceptable. Goldsmith argued a nexis is needed to confer universal jurisdiction. Under that theory, “the U.S. could bar smoking of a Cuban cigar in France.” In point of fact, however, Goldsmith believes the nations of the world have consented to universal jurisdiction only in a criminal context, not for civil suits.

Additionally, according to Goldsmith, sovereign immunity is a serious hurdle to suit, at least in the U.S., and litigants must find a way to get around the Foreign Sovereignty Immunity Act, such as private acts by an official. “But official acts aren’t official if they violate international law,” stated Goldsmith.

In conclusion, Goldsmith answered the question of why the U.S. ended up as the forum of choice for litigating international human rights abuses. First, he explained, most of the arguments against this type of litigation have never been presented because the first wave of cases resulted almost entirely in default

judgments. Therefore, the Supreme Court has never addressed the issues of extraterritoriality or immunity.

Second, Goldsmith contended that there has been confusion over the proper role of U.S. courts in this process. “Congress has the authority to violate international law, not the U.S. courts.” Consequently, because Congress has not acted to clear up confusion in the U.S. courts, either in favor of or against international human rights litigation, the political branch with greatest responsi-

bility in this area has left the U.S. courts rudderless.

Goldsmith is the Henry L. Shattuck Professor of Law at Harvard, where he specializes in international law, foreign affairs law, conflicts of law and national security law.

Established in 1996 by the law firm of McGlinchey Stafford to honor its founder, the late Dermot S. McGlinchey (L ’57), the lecture is dedicated to the fields of litigation practice and judicial adjudication.



From left: Judge Jacques L. Wiener Jr.; Fionuala Monsted (N ’90), daughter of the late Dermot S. McGlinchey; Jack L. Goldsmith; Ellen Murphy McGlinchey, wife of the late Dermot McGlinchey; and Dean Ponoroff

McGLINCHEY LECTURE

“IF THE NATIONS OF THE WORLD HAVE CONSENTED TO UNIVERSAL JURISDICTION AND DEROGATIONS FROM SOVEREIGNTY, THEN INTERFERENCE WOULD BE ACCEPTABLE. UNDER THAT THEORY, ‘THE U.S. COULD BAR SMOKING OF A CUBAN CIGAR IN FRANCE.’”

—Professor Jack L. Goldsmith

NEW INTERNATIONAL AND COMPARATIVE LAW CERTIFICATE

THE TULANE LAW SCHOOL faculty approved the creation of a new certificate in International & Comparative Law for JD students, to be awarded for the first time to students in the class of 2009. Students eligible to receive the certificate will use 15 of their

elective hours to take such courses as Comparative Law, Public International Law, Transnational Litigation and others from a list of 15 or more comparative and international courses offered each year. This new certificate, which was approved in March, joins the existing certificate programs at Tulane Law School: Environmental Law, European Legal Studies, Maritime Law, Sports Law, and Civil Law. About one-third of each JD class receives one of Tulane Law School’s certificates of specialization at graduation.

SCHOOL INTEGRATION THREATENS APPEALS COURT

AN EXCERPT FROM PROFESSOR JOEL FRIEDMAN'S
AUTHORIZED BIOGRAPHY OF JOHN MINOR WISDOM



Joel Wm. Friedman is the Jack M. Gordon Professor of Procedural Law & Jurisdiction and Director of Tulane-ITESM PhD Program. He teaches in the areas of employment discrimination law, labor law, mediation, and civil procedure. Friedman's book, entitled "Champion of Civil Rights", will be published by LSU Press in January 2009.

Not every member of the Fifth Circuit shared the zeal with which John Wisdom and some of his colleagues strove to combat and overcome the unwavering obstructionist tactics employed by state officials and federal trial judges hell-bent on thwarting the U.S. Supreme Court's will and preserving the segregationist status quo. To the contrary, the legal reasoning and procedural tactics employed by a majority of the court's members in the early 1960's to compel adherence to the Supreme Court's 1954 constitutional decree in *Brown v. Board of Education* became an increasing source of internal discord, irritation, and conflict that soon escalated to a point that threatened the court's continued ability to function and to retain any semblance of public confidence.

The most celebrated, though not the first, instance of the Fifth Circuit's use of a controversial procedural device designed expressly to accelerate the

theretofore languid pace of public school integration occurred in *Armstrong v. Board of Education of the City of Birmingham*.¹ It, along with other stratagems, was designed to thwart the techniques that many district court judges in the circuit's six-state jurisdiction had devised and utilized solely to frustrate and delay compliance with the Supreme Court's edict in *Brown* that school boards begin the process of dismantling racially segregated public schools "with all deliberate speed."

Authority for invoking the procedural tool that the Fifth Circuit used in *Armstrong* to expedite the standard appellate time frame was predicated on the All Writs Act.² This federal statute, dating back to the Judiciary Act of 1789, was designed, among other things, to provide federal appellate courts with authority to deviate from the general rule that review is only available from either "final" judgments or a finite category of interlocutory (mid-case) orders. The Fifth Circuit, under Chief Judge Tuttle's leadership, construed the language of the All Writs Act (which authorized federal appellate courts to issue "all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law") to permit it to issue a "temporary" order compelling certain action by the district court pending the circuit court's final disposition of the appeal. The use of this "injunction pending appeal" enabled Tuttle and some of his colleagues

quickly and efficiently to circumvent the attempts by recalcitrant district judges to adhere to the spirit of the Supreme Court's ruling in *Brown*.

On June 17, 1960, Dwight Armstrong and other African-American students sued the Birmingham, Alabama Board of Education to enjoin it from continuing to operate its public school system on an admittedly racially segregated basis. District Judge Seybourne H. Lynne ruled in the school board's favor, but his opinion was not released until May 23, 1963, barely three months before the opening of the fall school term. So any meaningful desegregation of the Birmingham schools prior to the beginning of the new academic year would require the nearly immediate intercession of the court of appeals. The appeal was assigned to a panel composed of Chief Judge Tuttle and Judges Rives and Gewin. Loathe to countenance Judge Lynne's more-than-willing acquiescence to the school board's inaction, Tuttle and Rives wanted to ensure, at a minimum, that the board would make a good faith start towards desegregating its schools. In an opinion authored by Rives, the majority issued an injunction pending the panel's ruling on the merits of the appeal from Judge Lynne's decision. The injunction required the school board to submit a desegregation plan directly to their court, rather than to Judge Lynne, by August 19.³

Judge Gewin, the third member of the panel, wrote a withering dissent in



John Minor Wisdom graduated from Tulane Law School in 1929 and practiced law for almost 30 years before being appointed to the United States Court of Appeals for the Fifth Circuit in 1957. He died in New Orleans in 1999 at the age of 93.

which he not only set forth his disagreement with the majority's ruling, but also accused Tuttle and Rives of intentionally perverting the normal appellate process. By this time, another of Gewin's colleagues, Judge Warren Jones, also had become concerned, if not perturbed, by the lengths to which some of his colleagues would go in civil rights cases. Known for his dry wit and good naturedly called "our poet laureate" by his colleagues, Gewin indulged his penchant for doggerel to defuse the brewing controversy over what he and others deemed

an overly aggressive approach towards civil rights cases by some of their brethren.⁴ In a gentle attempt to voice his concerns to his ideological antagonists, Jones composed the following verse, which he dispatched to Rives, Brown, and Wisdom.

Quickly my brother
Gather you down
Assemble the panel
Of Rives, Wisdom and Brown.
The troops we will muster
And cancel all leaves

Report ye for duty
Brown, Wisdom and Rives.
There is a rebellion
In old Chatham Town
We quell it instanter
By Rives, Wisdom and Brown.
We'll follow the pattern
That gave us renown
Remember the Meredith
Rives, Wisdom and Brown.
If this shall be treason
Upon it please frown
And may I be shriven
By Rives, Wisdom and Brown.⁵

*The Fifth Circuit Court of Appeals
blazed new trails in civil rights
cases in the 1960s.*



On July 22, ten days after the release of the panel opinion in *Armstrong*, the Fifth Circuit voted 5–4 to deny Walter Gewin’s request for rehearing.⁶ Ordinarily, that would have been the end of the matter, at least as far as the Fifth Circuit was concerned. But this was no ordinary situation. Like Walter Gewin, Judge Ben Cameron had been outraged by the deployment of what Cameron viewed as manipulative strategies by a group of his colleagues. The decision by Tuttle and Rives to issue an injunction pending appeal in *Armstrong* simply pushed Cameron over the edge. But unlike Gewin, who had restricted his objections to internal communications, Cameron chose to air his concerns publicly by taking the exceptional step of issuing a detailed dissenting opinion to the court’s decision denying the request for *en banc* rehearing. And though three other judges—Gewin, Jones, and Griffin Bell—had voted with Cameron to grant the request for rehearing, none of them signed on to his dissenting opinion.

Cameron released his dissent to the denial of *en banc* rehearing in *Armstrong* on July 30, 1963. He charged that the panel’s issuance of temporary injunctive relief reflected a disturbing pattern by a majority of his deeply divided court to misuse the judicial process by “inventing special procedures” in order to achieve preordained results in civil rights cases

with which he and much of the public disagreed.⁷ In support of this general observation, Cameron inserted a footnote in which he quoted from a recent article in a Birmingham newspaper which had praised the Fifth Circuit for having blazed new trails in civil rights cases over the past decade. The article credited a “hard core” majority of four members—Tuttle, Rives, Wisdom, and Brown—with having “stood together consistently in decision on civil rights cases.”⁸ Cameron took a significantly less appreciative view of the quartet, ending this footnote with what was destined to become his most famous judicial utterance. “These four Judges,” Cameron cynically added, “will hereafter sometimes be referred to as The Four.”⁹

Cameron charged Chief Judge Tuttle with stacking the composition of the panels assigned to civil rights cases with members of the court’s liberal bloc in order to promote Tuttle’s desegregation agenda. And he also accused Tuttle of “gerrymandering” the composition of three-judge district courts in cases filed in Mississippi. The federal statute providing for the empanelling of three-judge district courts authorizes the Chief Judge of each circuit to designate the two other judges who will sit on the panel with the district judge that initially was assigned to hear the case. Until Tuttle became its Chief Judge, Cameron insisted, the

practice in the Fifth (and every other) Circuit had been to appoint one circuit judge and one district judge who resided in the state in which the suit had been filed. Yet though Mississippi had one resident circuit judge (Cameron) and three active district judges, in each of the three Mississippi-filed cases involving three-judge district courts, Cameron reported, “a member of The Four was substituted for the resident Circuit Judge . . . and another member of The Four was substituted for the additional District Judge.”¹⁰

Predictably, Cameron’s frontal and public assault on Chief Judge Tuttle’s integrity contained in his *Armstrong* dissent, as well as his allegations of acts of complicity by Rives, Brown, and Wisdom, sent shock waves through the court and mobilized the members of each of its two factions. Judges Griffin Bell and Warren Jones, along with Walter Gewin, emboldened by Cameron’s documentation, demanded an explanation if not some remedial response from Tuttle.

The unrest generated by Ben Cameron’s denunciation of “The Four” and his indictment of Tuttle’s alleged panel-rigging maneuvers had pushed an already disgruntled quartet of the court’s nine active members into a state of total exasperation, if not near rebellion. Chief Judge Tuttle felt compelled to convene a meeting of the entire court to respond to the discord that threatened to tear his court apart.¹¹ The historic meeting was set for August 22 and 23, 1963, in Houston. Ironically, Ben Cameron, the person singularly responsible for igniting the controversy, was unable to attend because of his own poor health.

Although members of the news media uncovered the fact of the meeting, its precise location was a carefully guarded secret. The *Houston Press* reported that “[t]he judges were huddled somewhere in the new Federal Building. But officials would not say exactly

where the judicial council was being held. Said one obviously nervous official of the court: 'I don't even want to be quoted as saying no comment'.¹² And when queried as to the reason for the meeting, Circuit Clerk Ed Wadsworth responded: "I have no comment and that's off the record."¹³

In keeping with tradition, Griffin Bell, the court's junior member, served as Secretary of the Judicial Council and kept the official minutes. But Bell's minutes are not the only source of information about what transpired during the secret conclave. John Wisdom kept a record of the meeting with his own extensive set of holographic notes. For the entirety of the two-day session, Wisdom produced a nearly verbatim account of the proceedings on one standard yellow legal pad. For the better part of the next four decades, Wisdom kept the original and only copy of this unique record of the historic occasion in a plain, unmarked manila folder locked in the top drawer of a wooden credenza located to the side of his desk in his judicial chambers. These detailed notes, however, provide a birds-eye view of what turned out to be an extremely confrontational and contentious gathering.¹⁴

The Council met on Thursday, August 22 in chambers assigned to Judge Tuttle in Houston's federal courthouse.¹⁵ The proceedings began innocently enough at 9:30 a.m. with a prayer offered, at Judge Tuttle's request, by Dick Rives.¹⁶ Elbert Tuttle then opened the discussion with an impassioned declaration that he "did not consciously do anything improper."¹⁷ Tuttle explained that he had delegated all panel and three-judge court assignments to Judge Brown. Brown had been appointed assignment judge during the latter part of Joseph Hutcheson's tenure as Chief Judge and both Elbert Tuttle and his immediate predecessor, Dick Rives, had chosen to retain Brown in that position when they assumed the post of Chief

Judge. Warren Jones then turned to John Brown and insisted that the Fifth Circuit's Clerk of Court, Ed Wadsworth, had informed Jones that Brown had directed Wadsworth to exclude certain judges from sitting on certain cases. Brown coldly replied, "He is in error." Bell shot back, "He says you did."¹⁸

Elbert Tuttle did admit, however, that *he* had instructed Wadsworth not to assign Judges Gewin and Bell to civil rights cases, but only until their recess appointments by President Kennedy became permanent upon being confirmed by the U.S. Senate. Tuttle insisted that he had decided upon that course solely as a well-intentioned attempt to protect the pair from being involved in decisions that might cause them to fall out of favor with ardent segregationist and Senate Judiciary Chairman James Eastland of Mississippi. But, he also emphasized, he reversed these instructions once the Senate confirmed the pair's permanent appointment. Tuttle's admission, however, enraged Griffin Bell. "You mean you could not trust us until we made a record?" he shouted at Tuttle. After a few moments of awkward silence, Tuttle replied, "What actuated [this] was consideration."¹⁹ Bell, however, wasn't placated by that reply. "Tuttle and Brown set themselves up as judges of the judges' honesty," Bell complained.²⁰ "I object to a guardianship. Brown has seized the Clerk's office like a Central American country; we can't have an Assistant Chief Judge."²¹

With tempers flaring, former Chief Judge Hutcheson sought to defuse the escalating conflagration. "I won't say John Brown has sinned," Hutcheson suggested, "but I say go in peace and sin no more." However, the usually unflappable and stern Texan could not resist launching a couple of grenades of his own. "There is not a man on this court I do not have the highest respect for, except Ben Cameron." And in response to

Walter Gewin's reference to Cameron's participation in the cases involving James Meredith, Hutcheson blurted: "I can't help it if a man's a damn fool!"²² Finally, turning to Griffin Bell, an exasperated Hutcheson asked, "Would you piss on the whole court because you are mad with one judge? Ben disappointed me. Bad bird to befoul his own nest."²³

Tuttle then offered a series of responses to Judge Cameron's charge that Tuttle intentionally had shut Cameron out from sitting on three-judge court cases filed in Mississippi. First, Tuttle stated, "Cameron was trapped by what he has written." The unambiguous text of Cameron's dissenting opinion in the

JOHN WISDOM KEPT A RECORD
OF THE MEETING WITH HIS
OWN EXTENSIVE SET OF
HOLOGRAPHIC NOTES.

Birmingham bus and other comparable cases, while honestly reflecting his convictions, demonstrated, in Tuttle's view, a manifest unwillingness to impartially consider and evaluate Fourteenth Amendment civil rights claims.²⁴ Such an unbending predisposition, Tuttle maintained, disqualified Cameron from sitting on other race discrimination cases. But anticipating that Tuttle would offer this explanation at the Council meeting, Cameron had sent a letter to his colleagues one week prior to the Houston conclave in which he tendered a very different perspective on his voting record. Cameron denied that "I have disavowed neither the Fourteenth Amendment nor the decisions of the Supreme Court," insisting that none of his dissents was "justly susceptible of such a conclusion." These opinions, he maintained, "only pleaded for understanding of the

enormity of the undertaking with which Mississippi and other portions of the South are confronted; that patience and understanding are needed, and that gradualism is absolutely required in some instances. I have not sought to offend, and I have not taken any offense.”²⁵

Tuttle, however, did not limit his remarks to his concern over Cameron’s close-mindedness. He further explained to his colleagues that in staffing three-judge courts in Mississippi-filed cases, his hands also had been tied by a variety of other factors. First among them was Cameron’s own request not to sit on the same panel with Tuttle. Plus, Warren Jones had asked Tuttle not to pair him with Cameron on any cases because of the delays caused by Cameron’s demand for a lengthy siesta between morning arguments and afternoon conferences. And on top of all that, aging Judge Hutcheson’s frail condition prevented him from sitting anywhere outside of Houston, thereby several restricting his availability for assignment. With Bell and Gewin admittedly kept off of all civil rights cases pending Senate confirmation of their recess appointments, this left Tuttle with only four of the nine members—himself, Rives, Brown and Wisdom—available for unrestricted duty.

At 5:30 p.m., after hours of vigorous discussion on these and other matters, the meeting was adjourned. But the evening’s respite didn’t dampen either the emotions or the rhetoric that flowed freely at the following day’s meeting. Elbert Tuttle opened the Friday session at 9:30 a.m. with a blistering attack on his colleague from Mississippi. “It is a caricature of justice,” Tuttle professed, “to have Cameron sit on the civil rights cases. Judge Cameron is the thing that caused this turmoil. I have studied the facts and conclude that there has been no case assigned to a judge for a prejudiced decision.” Tuttle was deeply hurt and offended by Cameron and Senator

Eastland’s challenge to his honor and integrity. According to notes taken during the meeting by Warren Jones, Tuttle offered, for the good of the court, to resign as Chief Judge in favor of the next most senior member, Judge Jones. His colleagues quickly and uniformly rejected that gesture.²⁶

Walter Gewin admitted that Ben Cameron’s thinking was “difficult,” but asked his colleagues to remember that Cameron was ill and characterized Cameron’s decisions as the product of “a lonesome and disappointed man.”²⁷ Warren Jones then predicted that if Tuttle would agree to put Cameron back on the regular rotation for assignment to three-judge cases, Cameron would agree to “realign” with the Fourteenth Amendment. In that same vein, Judge Hutcheson proposed that “If I were Tuttle, I would go to Cameron and say, ‘You’ve been a s.o.b.; now if you’re sincere about changing [your refusal to adhere to and enforce the Supreme Court’s Fourteenth Amendment decisions], I’ll appoint you.’” Tuttle, however, refused to budge. “I read Cameron’s dissents,” he replied, “as meaning that he intends to make Mississippi an island of resistance.”²⁸

After prolonged discussion, Dick Rives recommended that the group issue a short press release, the first public statement concerning internal court matters in Fifth Circuit history. Wisdom, who had been noticeably silent throughout the two days session save for a few comments in support of Judges Tuttle and Brown, and Walter Gewin joined forces to confect language that the group eventually and unanimously approved just before adjourning.²⁹ The sparsely worded statement announced that “[t]he problems alleged to exist in this Court have been considered by the Court. The Court believes that in no given case has there been a conscious assignment for the purpose of accomplishing a desired result. Action has been taken to avoid

any appearance of inconsistency in the assignment of judges or the arrangement of the docket.”³⁰

This tepid pronouncement (Warren Jones called it “a conglomerate of meaningless phrasing”) intentionally omitted any reference to the details of the new assignment policy approved at the Houston meeting.³¹ Judges Gewin, Bell, and Jones, despite their outrage at what they repeatedly and emphatically characterized as John Brown’s abuse of authority as assignments judge, ultimately agreed to acquiesce to their colleagues’ readiness to retain Brown in that position. During a lunch break, Warren Jones had convinced Griffin Bell and Walter Gewin that for the good of the order it would be best to let bygones be bygones.³²

As a result of this conversation, the group voted to authorize Judge Tuttle to continue to allow John Brown to fashion the panel assignments, but subject to a distinct set of condition. Assignments could not be made until after Brown and Tuttle had determined the site of each sitting. In addition, Brown’s panel assignments could not be released to the Clerk’s office until after the Clerk had scheduled all the cases to be heard at each sitting. Finally, requests to be relieved from sitting with another member no longer would be honored.³³ At 2:30 p.m., the Judicial Counsel meeting ended. The court had survived this threat to its ability to function in a reasonably civil, if not harmonious, fashion.

But the passage of more than forty years after this rancorous, tumultuous thirty-hour session, has not yielded a definitive resolution to the controversy over whether Elbert Tuttle, with or without John Brown, had stacked the panel assignments to ensure pro-integration results. Tuttle and Brown remained forever steadfast in their position that although Judges Gewin and Bell were sheltered from these controversial cases for the short period preceding their Senate

confirmation, no member of the court was banished from sitting on race cases on ideological grounds. John Wisdom consistently supported the actions of his Chief Judge; publicly declaring that panels generally had been assigned by “pure chance,” with the temporally limited exception carved out for Gewin and Bell, which he characterized as “benign distortions.”³⁴ And although he acknowledged privately his concurrence in Tuttle’s judgment that Ben Cameron was irrevocably opposed to integration and therefore should be banished from cases involving this issue, he insisted that such a stratagem did not rise to the level of panel-rigging. He explained that “it would have been a mockery of justice to have a three-judge court composed of Cameron, Mize, and Cox. That is just like deciding the case in advance against the plaintiffs in a civil rights case.” Wisdom believed that Tuttle had decided that replacing such a panel with a trio that included Wisdom and John Brown “would be in the interest

of upholding the law.” Consequently, Wisdom “oppose[d] the use of the word ‘stacked’ to characterize what Tuttle did. I mean, when you say stacking or loading, you are implying that he wanted a particular result. I don’t think he wanted a particular result, but he thought that we would be much more objective than Cameron.”³⁵

On April 3, 1964, less than eight months after the Houston Council meeting, Ben Cameron passed away. The aged and fragile Mississippian had become an alienated, embittered, and ineffectual voice on the court; continually disposed to writing increasingly vituperative dissenting opinions. His degree of detachment was such that only two of his colleagues attended the funeral in Meridian. The presence of Walter Gewin, Cameron’s most ideologically compatible colleague, was to be expected. And though the identity of the other member of the court might have astonished some of the attendees, it came as no surprise to those who knew him. It was John Wisdom.



1. 323 F.2d 333 (5th Cir.1963)

2. 28 U.S.C. §1651.

3. Judge Tuttle would have preferred to go even further and require the complete desegregation of at least one grade. But he acquiesced to Rives’ proposal in order to constitute a majority to overturn Judge Lynne’s total denial of relief. 323 F.2d 339 (Tuttle, C.J., concurring specially). See also Burke Marshall, *Southern Judges In The Desegregation Struggle*, 95 Harvard L.Rev. 1509, 1512 (1982).

4. Letter to All Fifth Circuit Judges from John R. Brown, July 17, 1963 (document on file with author).

5. Letter to John R. Brown, Richard T. Rives, and John M. Wisdom, from Warren L. Jones May 17, 1963.

6. *Armstrong v. Bd. Of Education of City of Birmingham*, 323 F.2d 333 (5th Cir.1963), cert. denied sub nom *Gibson v. Harris*, 376 U.S. 908, 84 S.Ct. 66, 11 L.Ed.2d 606 (1964).

7. 323 F.2d 352, 354 (Cameron, J., dissenting).

8. Jack Steele, *5th Circuit Has Major Part In Civil Rights Conflicts*, *Birmingham Post-Herald*, July 20, 1963, at 10, cols. 3, 4.

9. 323 F.2d 352, 353n.1 (Cameron, J., dissenting).

10. 323 F.2d 352, 359 (Cameron, J., dissenting).

11. Since Tuttle was still in Colorado at the time, he authorized acting Chief Judge Rives to send out the call for the meeting in a letter to all judges under Rives’ signature but on Tuttle’s stationery. J. Robert Brown, Jr. & Allison Herren Lee, *Neutral Assignment of Judges At The Court Of Appeals*, 78 Texas L.Rev. 1037, 1056n.109 (2000). The letter tersely announced that the Judicial Council would meet on August 22 at the Federal Courthouse in Houston “to consider rules of

Court and any other appropriate matters.” Letter to All Active Fifth Circuit Judges from Richard T. Rives, August 13, 1963.

12. John Russell, *Eight U.S. Judges Huddle Secretly*, *Houston Press*, August 22, 1963, at 1, col. 1.

13. Bob Tutt, *Appeals Justices Weigh Pro-Integration Charges*, *Houston Chronicle*, August 22, 1963, at 1, col.3.

14. Warren Jones also took contemporaneous notes of the conference. These notes, which are included in his diary, are significantly less detailed than those produced by Judge Wisdom and, on occasion, refer to matters not contained in Wisdom’s contemporaneous account. See e.g., note 26, *infra*.

15. Wisdom Minutes of the Meeting of En Banc Court, U.S. Court of Appeals For the Fifth Circuit, August 22 and 23, 1963, Houston, Texas, at 1 (hereinafter “Wisdom Minutes”).

16. Diary Memorandum prepared by Judge Warren Jones, August 22, 1963, at 1.

17. Wisdom Minutes, at 1.

18. Wisdom Minutes, at 7.

19. Wisdom Minutes, at 8.

20. Wisdom Minutes, at 9.

21. Wisdom Minutes, at 13.

22. Wisdom Minutes, at 12.

23. Wisdom Minutes, at 13.

24. See, e.g., *United States v. Wood*, 295 F.2d 772,785 (5th Cir.1961)(Cameron, J., dissenting), where Cameron refused to join Judges Rives and Brown in a ruling that ordered District Judge Harold Cox of Mississippi to issue a temporary restraining order against a disturbing the peace prosecution that the Walthall County authorities had brought against an African-American male for helping other African-Americans

to register to vote.

25. Letter to All Active Judges of the Fifth Circuit from Ben F. Cameron, August 19, 1963, at 4.

26. Diary Memorandum prepared by Judge Warren Jones, August 23, 1963, at 1; Allison Herren Lee, William W. Shakeley, & J. Robert Brown, Jr., *Judge Warren L. Jones and the Supreme Court of Dixie*, 59 L.A.L.Rev. 209, 249 (1998). Judge Wisdom’s handwritten notes of the meeting, unlike those taken by Judge Jones, make no mention of Tuttle’s offer to resign.

27. Wisdom Minutes, at 15.

28. Wisdom Minutes, at 16.

29. Diary Memorandum prepared by Judge Warren Jones, August 23, 1963, at 4; Wisdom Minutes, at 3.

30. Wisdom Minutes, at 3.

31. Diary Memorandum prepared by Judge Warren Jones, August 23, 1963, at 4.

32. J. Robert Brown, Jr. & Allison Herren Lee, *Neutral Assignment of Judges At The Court Of Appeals*, 78 Texas L.Rev. 1037, 1063 (2000); Allison Herren Lee, William W. Shakeley, & J. Robert Brown, Jr., *Judge Warren L. Jones and the Supreme Court of Dixie*, 59 L.A.L.Rev. 209, 250 (1998).

33. Wisdom Minutes, at 3-8.

34. Feud Over Racial Cases Flares In U.S. Appeals Court in South, *New York Times*, July 31, 1963, at 12, col. 6; Transcript of interview of Judge John M. Wisdom by Fred Graham, New Orleans, La., March 7, 1981, at 43.

35. Transcript of interview of Judge John M. Wisdom by Fred Graham, New Orleans, La., March 7, 1981, at 38.

NEW TO OUR FACULTY



JAMES E. DUGGAN

*Law library director and associate professor of law
BA, Virginia Polytechnic Institute and State University; JD, University of Mississippi; MLIS, Louisiana State University*

James Duggan joined Tulane Law School in July as director of the law library. Before arriving at Tulane, Duggan held a number of positions at the School of Law Library at Southern Illinois University, where he also taught Advanced Electronic Legal Research, Computers and the Law, Legal Research, and Lawyering Skills. He has been very active in the American Association of Law Libraries and is currently president of that organization. He has had articles published on topics including legal research, legal issues related to computers, the Internet, and technology.

JÖRG FEDTKE

*A.D. Freeman Professor in Civil Law
1st German State Exam, 1995; 2nd
German State Exam, 2000; Dr iuris,
1999, University of Hamburg*

Jörg Fedtke will join the law school faculty at the beginning of the spring 2009 semester. Fedtke currently teaches at University College London, which he joined in 2001 as DAAD/Clifford Chance Lecturer in German Law. He received a Lectureship in 2002, a Readership in 2004 and was promoted to Professor of Comparative Law in 2007. In addition to his academic impact at UCL, Fedtke has served as visiting professor at the University of Texas at Austin since 2003. He is also a Fellow of the European Centre of Tort and Insurance Law (ECTIL) in Vienna, Austria. Before joining UCL, Fedtke was a full-time researcher at the University of Hamburg/Germany.

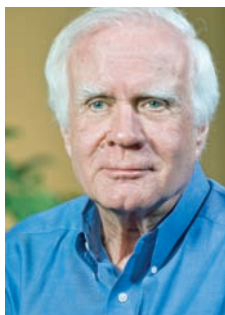
Though he will travel far to join the Tulane community, Fedtke is no stranger to the law school. Jointly with Sir Basil Markesinis, Fedtke was awarded the John Minor Wisdom Award for Academic Excellence in Legal Scholarship of the Tulane Law School in 2005 for a contribution to Volume 80 of the *Tulane Law Review* ("The Judge as Comparatist," 80 TUL. L. REV. 11-167 [2005]).





of a conference entitled “An Exploration of the Recognition and Eradication of Evolving Slavery-Like Law-Framed Conditions of our Time,” sponsored by the Institute of Criminology and Sociology of Law at the University of Oslo Faculty of Law; and “Defining Slavery in the Modern World—an Interdisciplinary Perspective,” a presentation to the board of directors of the Antirasistisk Senter of Norway. Diamond also delivered the keynote address entitled “Everything Old Is New Again: Black Rage, Black Power and Black Lawyers” to the Black Law Students Association 3L Sending-Off Ceremony at the LSU Law Center in April and moderated the New Scholars Workshop on Property Law at the annual meeting of the Southeast Association of Law Schools.

Onnig Dombalagian’s article, “Can Borrowing Shares Vindicate Shareholder Primacy?” has been accepted for publication by the *U.C. Davis Law Review* (forthcoming 2009).



Harvey Couch received the Felix Frankfurter Distinguished Teaching Award at this year’s law diploma ceremony. The award is given each year to a full-time faculty member honored by the third-year class for distinguished teaching.

Ray Diamond made two presentations in Oslo, Norway, in March including, “Modern World, Ancient Evil: Toward a Workable Definition of Slavery,” as part





Gabe Feldman moderated one panel and spoke on another at the annual Sports Lawyers Association conference held in San Francisco in May. He presented his article, “The Misuse of the Less Restrictive Alternative Analysis in the Rule of Reason,” at the Southeastern Association of Law Schools (SEALS) Conference in Palm Beach, Fla.



On May 6, **Julie Jackson** was invited to serve as moderator and presenter for a panel at the 2008 ABA/NLADA Equal Justice Conference (EJC) in Minneapolis. The topic for her panel was “Practical Strategies for Motivating Difficult Students.” Jackson also was asked to serve on the 2008 EJC Law School Pro Bono Planning Committee.

Law Handbook,” which reprints important contributions to the literature.

Lawrence Ponoroff was recently appointed by Chief Justice John Roberts to the Bankruptcy Judges Education Committee of the Federal Judicial Center.

Stacy Seicshnaydre has become the inaugural William K. Christovich Professor of Law.

Tania Tetlow spoke on a panel at a conference on “The Legality of GPS Monitoring of Batterers” sponsored by the *Harvard CRCL Journal* in March.

Joel Friedman has written the first full-length biography of Judge Wisdom, “Champion of Civil Rights: Judge John Minor Wisdom” (LSU Press, January 2009). An excerpt from the book appears on pages 14–19 of this issue of the *Tulane Lawyer*. Friedman also gave a three-hour presentation on “Handling Employment Discrimination Claims” at the Orientation Program for Newly Installed U.S. District Judges in Washington, D.C.

David A. Marcello’s article, “Community Benefit Agreements: New Vehicle for Investment in America’s Neighborhoods,” previously published in the *Urban Lawyer*, will be reprinted in this year’s “Zoning and Planning



HEADLINERS

TULANE LAW SCHOOL IN THE NEWS



WALL STREET JOURNAL

“The timing is interesting. To recap: Late Sunday night, Citigroup agrees to buy some of Wachovia’s dogged assets. Wells Fargo had been in the game, but backed out at the last minute. Citigroup ‘saved’ Wachovia, only to have the bailout bill that could have helped Citigroup fail on Monday. Despite that, Citigroup bolstered Wachovia through this week, keeping Wachovia out of [bankruptcy], only to have Wells Fargo swoop in after having time for more due diligence and after waiting long enough to see if it is likely a deal jumper bill amendment had the chance to see the light of day. Yes, I can understand Citigroup being annoyed.”

—Mergers and acquisitions professor **Elizabeth Nowicki** on the Citigroup and Wells Fargo fight over acquiring Wachovia. October 2008

CHICAGO TRIBUNE

“When it comes to charities, bad publicity is the worst thing that can happen. They have to be very cognizant of how other donors will react. The ultimate goal is to get the money without looking bad or greedy.”

—Professor **John Eason**, who has written about recourse for charities when a donor’s reputation sours, comments on how to handle the awkward situation of a ‘donor gone bad.’ April 2008



HOUMA TODAY

“They haven’t proven that the corps and the state are necessary parties that need to be involved in the case for the issue of whether the levee district needed a permit to be resolved. The



Keith Werhan's book, tentatively titled "The Classical Athenian Democracy and the American Constitution," has been accepted for publication by Oxford University Press.



Mark Wessman has assumed the Thomas J. André Jr. Professorship, previously held by Lloyd Bonfield.



lawsuit claims that work on the first three-mile section of the Morganza, which recently wrapped construction near Pointe-aux-Chenes, was built without the permits required under the U.S. Clean Water Act."

—**Jill Witkowski**, attorney for the Tulane Environmental Law Clinic, which is representing Save Our Wetlands, on why she does not see that it is necessary for the environmental group suing the entity to include the U.S. Corps of Engineers, the state Department of Transportation and Development, and the Levee District. June 2008

LEGAL PROFESSION BLOG

"Handwritten thank-you notes and other traditional communications are becoming even rarer in light of technology—and will surely catch the recipient's eye a lot more than they used to, given the effort that seems to be required compared to e-mails and mass digital means."

—Professor **Alan Childress** blogs about the power of personal contact, noting a truth he says that 'seems to be lost' on law school students and younger lawyers. April 2008

NEW ORLEANS CITYBUSINESS

"I don't know what the policing justification is for such an action. But on a fundamental human level, it smacks of a meanness, a pettiness, a spitefulness that has no place in a city as broken as this one. It's a way of manufacturing offenses that may not have otherwise existed."

—Professor **Pamela Metzger** on the New Orleans Police Department baiting the homeless and other perpetrators with beer, candy and cigarettes to net burglary arrests. July 2008



THE NATIONAL LAW JOURNAL

"I have serious problems about ranking law schools and the methodology, but it's a fact of life."

—Dean **Lawrence Ponoroff** on the *U.S. News & World Report* rankings. July 2008

RECESS FOR REFLECTION





BE NOT AFRAID OF GOING
SLOWLY, BE AFRAID ONLY OF
STANDING STILL.—*Chinese proverb*

OPENING DOORS

BY MARY MOUTON (L '90)



TEACHING, MENTORING, HIRING, LISTENING. ALUMNI ARE EAGER TO HELP THEIR ALMA MATER'S LAW STUDENTS IN A MYRIAD OF WAYS. SOME RETURN TO THE LAW SCHOOL TO LEND A HAND. OTHERS ASSIST STUDENTS FROM ALL AROUND THE WORLD. OVER THE YEARS THEY HAVE FORMED A WIDE-RANGING NETWORK WITH ONE COMMON BOND: TULANE.

Please Knock
at Scheduled
Interview Time



JIM LETTEN SPEAKS WITH 2L JAMES PALACIOS ABOUT OPPORTUNITIES IN THE U.S. ATTORNEY'S OFFICE.



W

HEN IT COMES TO THE job search, Tulane Law School's Career Development Office (CDO) doesn't waste any time. From the moment they arrive on campus, students are introduced to career strategy: a half-day session that first week sets the tone for 1Ls, who will be interviewing for summer associate positions in a matter of months.

"Each one of you has his or her own path and it starts now," advised **Carlos Dávila-Caballero** (L '97), assistant dean for Career Development & Diversity Initiatives. Students then listened intently to a panel of Tulane law alumni, who described experiences they had as fledgling lawyers that led to their success today.

Christine Changho Bruneau (L '98) told students about the irony that can befall one in law school. "When I came to law school," she said, "the two things I knew I didn't want to do were criminal law and litigation." As it turned out, Bruneau became involved in Tulane's Environmental Law Clinic and became a public defender out of law school. Today, she is a toxic tort litigator.

Jim Letten (L '79), U.S. Attorney for the Eastern District of Louisiana, urged 1Ls contemplating trial work to stick to the basics for a successful legal education, recommending moot

court competitions, clinics and anything else that leads to hands-on experience in the courtroom.

Over an hour later, this glimpse of reality was over for the 242 students in this year's entering class. "It was helpful," 1L **Jeffrey Sallot** said afterwards. "We're beginning with the end in mind. The panelists put some good road markers out there."

Introducing first-years to the rigors of the job market isn't new for Tulane Law School, which has held similar sessions during orientation for the last five years.

"We think it is critical to introduce our incoming students to



Carlos Dávila-Caballero, Annie Goldman, Megan Aikman, and Lilia Valdez-Lindsley of the CDO staff

THE PROS AT CDO

THE LAW SCHOOL'S Career Development Office could staff a small law firm. Of the five career counselors, four are attorneys admitted to practice in California, Louisiana, Michigan and New York with a combined twenty years of legal experience. The fifth has a master's degree in social work and is trained in career counseling theory.

"It starts with the professionalism of the staff, who set an important example for our students," says Krinsky. "The programs that have been designed—on job search skills and strategies and on practice areas—get better every year. The relationships that have been developed between staff and students and between staff and alumni and employers have helped to bring us to a new level."

JOIN THE TEAM

AT THE HEART of all of this activity are alumni, many of whom joined *Team Tulane*, a program that links alums with students in an effort to help them land a job or simply offer advice about the practice of law.

Over 1,300 law school grads have signed up to volunteer their time to be available to enrolled students or other alumni. The database is managed by the Career Development Office, which then links students with alumni.

"If a student expresses an interest in an area, we find an alum that students can reach out to," explains Dávila-Caballero. "It's not meant to be a mentoring program, but instead another way alums can assist or advise our students, whether it's about their practice area, geographic market, or other career advice that may relate to their practice."

To volunteer, contact **Carlos Dávila-Caballero** via e-mail at cdavila@tulane.edu.

the concept of career development even before they walk in the door of Weinmann Hall," explains associate dean **Susan Krinsky**, who oversees the department. "It's about educating them to understand that finding a job isn't an event—it's a long process that starts with defining their own values. During orientation, we're not talking about the nuts and bolts—that starts in November—but we are laying the groundwork so that they will understand how we can help them negotiate their way through the process."

In a competitive job market, the CDO pulls out all the stops early for law students, offering advice in their first semester on career orientation. They cover important topics, urging students to start thinking about what they want to do with their law degree, preparing résumés, writing samples, and perfecting general professional etiquette.

"We also hold three mini-courses in November and three more during the spring semester that help students with résumés, cover letters, writing samples, mock interviewing, developing networking skills, and other tools and resources they need to land a summer clerkship or other position," says Dávila-Caballero.

Tulane law grads are stepping up to help students in the marketplace in ways big and small. There are countless ways in which Tulane alumni have lent a hand to students during their job search. "Certainly recruiting on campus is a tremendous contribution but it is not the only type of assistance," adds Dávila-Caballero. "Some alums serve as mentors to students, offering advice on an area of law they might be interested in. Others return to campus to participate in panels or one-on-one candid discussions with students about their personal practices."

More than 150 law firms recruit on campus in a typical year, including Louisiana lawyers and those from all over the



THE PANEL CONSISTED OF (L TO R) CHRISTINE BRUNEAU, BERNADETTE D'SOUZA (L '92), ANDREW S. DEKLERK (LLM '80), AND JIM LETTEN



TULANE GRADS FROM HUNTON & WILLIAMS GATHERED AT THE LAW SCHOOL BEFORE HOSTING STUDENTS AT A RECEPTION. FROM LEFT: DARRELL SMELCER, JARRETT HALE (L '00), ERIC HANSON (L '98), C. KING MALLORY III, AND ALAN MARCUIS, HIRING PARTNER.



RIGHT: CHRISTINE BRUNEAU. BELOW: IL JEFFREY SALLOT



LEFT: BERNADETTE D'SOUZA

United States. Case in point: **C. King Mallory III** (L '61), a partner in the Washington, D.C. office of Hunton & Williams. Mallory has been interviewing Tulane law students for decades and many have joined his firm over the years. Last spring, seven attorneys from the firm—many of them Tulane alums—conducted mock interviews on campus, offering tips and advice for students afterwards. Mallory, who still considers himself a New Orleanian, says Tulane alums in his firm enjoy the trip. “Lawyers love to go down to New Orleans and talk to interesting law students and have something good to eat. It’s not a tough sell and we’ve had very good luck with the law students we’ve recruited.”

Just days before Hurricane Gustav’s landfall in Louisiana, four attorneys from Hunton & Williams, including **Darrell Smelcer** (L '82), were back in New Orleans hosting a reception for students. Mallory interviewed Smelcer as a 2L at the law school in the early 80s. The Hunton firm now employs nine attorneys with law degrees from Tulane. “We have been recruiting at Tulane since before I attended there,” Smelcer says. “Tulane has consistently provided a high caliber of students, in part because of its broad geographic draw. Those going to Tulane have typically always been the more adventurous type of person—something that can definitely be an asset in the legal profession.”

ABOVE: PHOTOGRAPH BY RICK OLIVIER

RIGHT PLACE, RIGHT TIME

A STUDENT AND AN ALUM CONNECT ON CAMPUS

ATTENDING A LAW LECTURE last fall on “Transitional Justice” by **Clint Williamson** (L ’86), U.S. Ambassador-at-Large for War Crimes Issues, was a good move for 2L **Marcus Edwards**; he never dreamed it would result in a summer internship at the State Department.

Both during the lecture and afterwards at a reception, Edwards posed a few questions of the ambassador, who was impressed. “Marcus asked some probing questions—tough ones, particularly in relation to Darfur,” the ambassador recalled. “I just thought he had very sharp observations and we had a good exchange.”

Williamson encouraged Tulane’s Career Development Office to advise Tulane law students to apply for internships at the State Department and the Presidential Management Fellows program. Several did and Edwards was selected for one of two internships in the Office of War Crimes Issues.

“I really had no idea it would lead to this,” Edwards commented while working in the State Department’s Washington, D.C. office last July. “The office deals with the most important international and constitutional law issues taking place right now.”

On the day before Edwards was interviewed for this article, he attended the hearing on a *habeas corpus* petition filed by Salim Ahmed Hamdan, reputedly the driver for Osama Bin Laden. “His was the test case for the military commissions at Guantanamo Bay,” says Edwards. “It’s in the constitutional law textbook I just finished using second semester.”

The benefits of an internship at the State Department cannot be understated. It offers students the opportunity to witness

how the U.S. government functions at the most senior level. As Ambassador-at-Large, Williamson reports directly to Secretary of State Condoleezza Rice. “My office has a global portfolio,” the ambassador explained. “We deal with war crimes issues all over the world. So on a given day, people in my office are focusing on Cambodia, Sierra Leone, Rwanda, Zimbabwe, Sudan, Balkans—we’re literally jumping all over the globe. You get exposure to real-time events happening in all of these places and how government policy is being formulated to deal with it.”

Tulane’s strength in international and civil law has offered an advantage for both the ambassador and Edwards, since the laws of many foreign countries are based on a civil law system. Both Williamson and Edwards are from Louisiana, where civil law predominates.

Now a 2L back in New Orleans, Edwards is energized by his experience, which he says has broadened his range of opportunities. After graduation, he hopes to work in the international law field.

While Ambassador Williamson hopes to receive more applications from Tulane law students in the future, he also urges practicing lawyers to consider stepping out of their routine as well. “The value of this is that it opens people’s eyes to other opportunities that may not be a conventional post-law school path.”

Williamson tells the story of practicing lawyers who left their jobs temporarily to work with him in Kosovo in the Department of Justice. Some enjoyed it so much they left their traditional law firm jobs and switched to government and policy work.

“It’s never too late to try different things,” he advises. “It doesn’t apply just to law students. It can apply to people in mid-career.”

CLINT WILLIAMSON, U.S. AMBASSADOR-AT-LARGE FOR WAR CRIMES ISSUES, HIRED 2L MARCUS EDWARDS AS A SUMMER INTERN.



DAWN MYERS O'CONNELL,
CHIEF OF STAFF FOR U.S. REP.
JOHN SPRATT (D-SOUTH CAROLINA),
GAVE HELPFUL CAREER ADVICE
TO NEESHA KULKARNI.



CLIMBING THE HILL

TAPPING INTO THE TULANE NETWORK

FINDING WORK ON Capitol Hill is a job in itself. Government offices are inundated with résumés all year long. There are hundreds more qualified candidates than there are openings. It takes more than a strong résumé. It takes a strategy.

That's what **Neesha Kulkarni** (L '06) learned when she set her sights on Washington, D.C. after graduation from Tulane Law School. The Maryland native wanted to return home to start a career and the legislative sector seemed like a good fit for her Environmental Law Clinic experience.

Dávila-Caballero suggested Kulkarni contact Tulane alum **Dawn Myers O'Connell** (L '97), Chief of Staff for U.S. Rep. John Spratt (D-South Carolina). Myers has been a frequent point of contact for many Tulanians looking for advice about how to land a job on the Hill.

Neesha was delighted when O'Connell returned her call. "Dawn invited me to come into her office and chat," she recalls. "She was very helpful—she basically told me about her own experiences, how she ended up on the Hill and gave me suggestions for what I should do and how to go about it."

O'Connell should know. It took a lot of determination to get to where she is today—a top staffer in a congressman's office with eleven years of experience working on the Hill.

"Finding a job here is so different than in a law firm," O'Connell explains. "As I recall, if you worked at a law firm as a law clerk your first or second summer, very often they will have a job waiting for you when you graduate. That doesn't happen here. Jobs open up as the congressmembers need workers. It's unpredictable. They aren't going to hold a job for you here."

O'Connell gave Kulkarni a valuable tip reserved only for

those who know the ropes on Capitol Hill—the résumé drop. Often, after mid-term elections, elected officials accept résumés to staff their new offices.

"I never would have known about the résumé drop on my own," Kulkarni admits. She also heeded O'Connell's advice to hit the ground running, literally. "Dawn told me I needed to be persistent, call [congress and senate] offices, even show up in person and be willing to volunteer as an intern. Do whatever it takes to get my foot in the door."

It worked.

Kulkarni was hired as an intern in the office of Maryland Congressman Albert R. Wynn. Two weeks later she was hired as a legislative assistant, where she was able to put her environmental law training to good use. Late last year, she joined Friends of the Earth as a legislative associate, where she now works to develop legislation and standards to reduce emissions from cruise and commercial shipping.

As she reflects on the experience, Kulkarni is grateful for Tulane's alumni network in Washington. "Tulane alumni were extremely helpful," she reminisces. "Far and away they were my best source."



“MAKING A DIFFERENCE FOR ONE STUDENT MAKES A DIFFERENCE FOR THE ENTIRE FIRM.” —JUDY PERRY MARTINEZ



20 YEARS & COUNTING

TULANE ALUMS CELEBRATE THE GROWTH OF THE MINORITY JOB FAIR

IT WAS 1985 and **Judy Perry Martinez** (L '82) volunteered to co-chair the Louisiana State Bar Association's first minority job fair. At that time, minority law students were seldom interviewed by law firms, corporations or even government agencies. Her mission was to help “make it right.”

More than 20 years later, Martinez is beaming as she is introduced as keynote speaker at the bar association's minority job fair. The annual event, which went on hiatus following Hurricane Katrina in 2005, returned this year in full force to Tulane Law School. (It rotates among the state's four law schools.)

Martinez told a packed audience of employers and students from across Louisiana that while the ultimate measure of success is job placement, each time the minority job fair causes a résumé to be

exchanged, an interview conducted, summer clerkship offered or even a phone call from a hiring partner placed, the event proves its worth. This year, more than 150 students submitted résumés for consideration by more than 50 employers.

Luis A. Leitzelar (L '91) chaired this year's event, understandably impressed that after a three-year break, employers have embraced the job fair as strongly as ever. “Employers understand the need to have students that are women or are in the minority ranks to join their place of employment,” Leitzelar said. “I expect we'll be able to continue the job fair and have this and a greater level of interest for years to come.”

Luis Leitzelar welcomed attendees at the minority job fair.



Jay Augustine (L '01) is a minority job fair success story. He participated in the event as a Tulane law student, and interviewed with leading law firms, corporations, and public sector offices. Most importantly, Augustine says, the job fair allowed him to form professional relationships and friendships that continue today.

“I try to live life from an altruistic perspective,” Augustine states. “I am always interested in mentoring other law school students, just as many caring lawyers and judges mentored and continue to mentor me. I

want to see Tulane continue to provide others the same kind of wonderful opportunities it provided me.”

Augustine met Chief Judge **U. Gene Thibodeaux** (L '75) of the Louisiana Third Circuit Court of Appeal while a student at Tulane. Through later involvement with the Louisiana Bar Association's minority involvement section, the pair have become colleagues and friends. They co-authored a 2006 Voting Rights Act article published in the *Louisiana Law Review* and are currently working on an article on appellate practice.

Judge Thibodeaux finds their friendship rewarding: “I was blessed with a superb law school education at Tulane and have always been motivated by excellence,” Thibodeaux says. “Mentoring is a way of extending that culture of excellence to others.”

Hon. U. Gene Thibodeaux and attorney Jay Augustine



CIVIL LAW IN COMMON

CIVILIAN LAWYERS HELP STUDENTS BREAK INTO THE BUSINESS

CIVIL LAW SOCIETY,
SEATED: WHITNEY
DUESMAN (2L), JONATHAN
BELAGA (2L), JULIA
FARINAS, SPENCER CRYDER,
ELIZABETH CARTER.
STANDING: STAVROS
PANAGOULOPOULOS (2L),
LARRY CENTOLA,
CHRISTOPHER RALSTON
(L '99), JAMES PALACIOS
(2L), AND BENJAMIN
KADDEN (L '05)



RIGHT AFTER HURRICANE KATRINA ravaged New Orleans, it seemed to some students that local law firms were skeptical about making a hiring investment in out-of-towners. “Why would anybody want to stay in this broken city?” several employers inquired of Memphis native **Elizabeth Carter** (L '07) despite the fact she was on law review. “I came back to Tulane after Katrina because I love this city,” Carter would reply.

With the city of New Orleans drying out in late 2005, all of her fall job interviews were cancelled. She returned second semester, fingers crossed, looking for a full-time position. She found one at the law firm of Lugenbuhl, Wheaton, Peck, Rankin & Hubbard. “A significant number of our attorneys [at Lugenbuhl] are not from New Orleans,” explains the young alum. “A lot of them came to Tulane, fell in love with the city, and have been here ever since. That is exactly what happened to me and it is a natural fit.”

So when Carter heard about the Civil Law Society’s Attorney Mentor Program, designed to link law students with

the local legal community, she was more than happy to help. She volunteered as an alumni representative and helped round up attorneys to serve as mentors.

Second-year law student **Julia Farinas**, president of the Civil Law Society, was one of the mentors Carter mustered. “It worked really well,” Farinas said of last year’s inaugural run. “We felt like a lot of students who weren’t from New Orleans had a hard time breaking into the local market and we wanted to expose more students to what this market has to offer.”

Alumni advised law students in different ways. Some took them to court, while others gave them research assignments on real cases. Others approached it from a more social perspective, treating students to lunch or coffee. The experiences were invaluable, because it exposed law students to the real-life practice of law in New Orleans.

The program is underway again this year. The society is always looking for more mentors. Interested? Contact **Sarka Cerna-Fagan** at scfagan@tulane.edu.

CLASS NOTES

1944

John F. Caraway has published a book, “Coming Back to Life.” According to Caraway, “The primary purpose of this book is to have a general reference to Hurricane Katrina—its cause, damages, loss, upheaval, evacuation, rebuilding, all by this horrible catastrophe.” One of Caraway’s objectives is to send as many copies as possible to all public and private schools as a reference guide in their libraries.

1959

John M. McCollam was listed in *Best Lawyers in America*, *Chambers USA*, and named a Louisiana “Super Lawyer”—all for 2008.

1966

Phyllis Taylor, chief executive officer for Taylor Energy Co., was one of four women honored in March by the Louisiana Center for Women and Government at Nicholls State University. Taylor has served as a law clerk for both the Supreme Court of Louisiana and Orleans Parish Civil District Court. In the past 20 years, she has served on such boards as the New Orleans Business Council, the Congressional Medal of Honor Foundation and the New Orleans Museum of Art. In addition, she has actively supported the reconstruction of New Orleans since Hurricane Katrina. She and her late husband were named Philanthropists of the Year by the *National Philanthropist*. She is also chairwoman and president of the Patrick F. Taylor Foundation, which has

offered millions of American children financial assistance for college, providing tuition for all students who meet the standards. This program led to what is known as TOPS, Louisiana’s Tuition Opportunity Program for students.

1969

John H. Musser IV was recently elected to a three-year term on the Board of Governors of the Louisiana State Bar Association.

1970

Harry S. Hardin III, a partner with the law firm of Jones, Walker, Waechter, Poitevent, Carrère & Denègre LLP, was selected by the Louisiana Bar Foundation as a recipient of the 2007 Louisiana Distinguished Attorney award.



1971

Robert R. Casey was recognized in *Louisiana Super Lawyers* in the field of tax law.

1972

Lawrence E. Abbott, the managing shareholder of Abbott, Simses & Kuchler, has been named a Louisiana “Super Lawyer” for 2008. Abbott also was selected as a member of the Outstanding Lawyers in America for the fourth consecutive year.

Colvin G. Norwood, an attorney with McGlinchey Stafford in New Orleans, was recognized by *Chambers USA* in the field of products liability.

1975

George J. Fowler III, who serves on the executive committee of the Fowler Rodriguez Valdes-Fauli law firm, received the World Trade Center’s Thomas F. Cunningham award at a luncheon held in June. The award is presented in recognition of outstanding service toward better social, educational, economic, cultural and political relationships between the United States and the countries of Latin America and the promotion of better understanding and friendly relations between them.

Fowler is the founder and chairman of the Tulane Law School Latin American Law Institute. He also served as chairman of the International Section of the Louisiana State Bar Association. He is general counsel, vice president and board member of the Cuban American National Foundation, where he has been active in the field of human rights. Fowler also serves on the board of the New Orleans Hispanic Heritage Foundation and is a board member of the New Orleans World Trade Center.

Sanford V. Teplitzky, group chair of Ober|Kaler’s Health Law Group, was named a 2008 top health attorney in *Chambers USA*.

1976

Michael A. Florie, a fellow of the American College of Trial Lawyers and a senior litigation partner with Starnes & Atchison LLP in Birmingham, is listed in *Best Lawyers in America* (2008) for personal injury litigation and medical



malpractice defense. He was also named a “Litigation Star” for the State of Alabama in the 2008 edition of *Benchmark: America’s Leading Litigation Firms and Attorneys*, and is listed in the inaugural 2008 edition of *Alabama Super Lawyers. Chambers USA* (2008) recently named Florie as one of Alabama’s “Leading Individuals” in medical malpractice defense and described his litigation skills as “utterly outstanding.”

William A. Sherwood was named a Louisiana “Super Lawyer” for 2008.

1977

Sherry Leventhal, an attorney specializing in commercial and industrial real estate, has been appointed to Tulane University’s Board of Administrators. Leventhal currently lives in Chestnut Hill, Mass.

1978

Jim Cobb accepted the position of executive vice president and general counsel of Crosby Tugs, a marine transportation company. He also has accepted the invitation of Harvard Law School to teach in its trial advocacy workshop (a three-week intensive program) in the fall of 2008.

Cobb is the recipient of this year’s Monte M. Lemann Distinguished Teaching Award from the 2008 Tulane Law School graduating class. The award is given every year by the third-year class to a member of the part-time adjunct faculty who has demonstrated distinguished teaching.

After 14 years as the public face of Louisiana’s judicial discipline system, lawyer **Steven R. Scheckman** has moved back to the Northeast, where he grew up, to become deputy administrator of the New York State Commission on Judicial Conduct. The New Jersey native will be

in charge of the commission’s New York City office, which fields complaints against judges in the city’s five boroughs and several surrounding counties. After earning his law degree, Scheckman worked for three years for the New Orleans Legal Assistance Corp. and several more years in private practice, much of it involving civil liberties issues, before he became the Louisiana Judiciary Commission’s Special Counsel.

1979

Michael Daigle has joined Cheng Cohen LLC as partner. Cheng Cohen is a Chicago-based law firm focusing in corporate, franchise, and commercial litigation. With nearly 30 years as a practicing attorney, 20 of which were spent as in-house counsel and as a senior business executive with global brands, Daigle most recently served as Quizno’s executive vice president of international development which played a key role in growing Quizno’s overseas. Prior to Quizno’s, Daigle worked in both legal and executive level business positions with brands such as Popeye’s Fried Chicken, Church’s Chicken, Blockbuster, Boston Market, Einstein Bagels and Bernie’s Coffee and Tea. Before working as in-house counsel, Daigle was a partner at the New Orleans law firm of Simon, Peragine, Smith and Redfean.

A. Gregory Grimsal was listed in the *Best Lawyers in America* for 2008.

1981

Michael P. Maslanka, managing partner of Ford & Harrison LLP’s Dallas office, was honored by the State Bar of Texas for his contribution to the bar’s continuing legal education program. He and eight other Texas attorneys received the “Standing Ovation Award” for their extraordinary commitment of time and leadership and for the inspirations and

insight they provided in 2007.

This past year, Maslanka served as a planning committee member and speaker for the 2008 Advanced Employment Law Course, the 2008 Representing Small Business Seminar and the 2008 Bar/College Summer School CLE Program. In February, he was elected to the executive council of the labor employment section of the State Bar of Texas. Maslanka has more than 20 years of experience in litigation and trial of employment law cases, including defending several multi-party cases under the Age Discrimination in Employment Act, the Fair Labor Standards Act, and the Civil Rights Act of 1991.

1982

Kerry John Anzalone (LLM) has been appointed an administrative law judge with the Social Security Administration. Previously, Anzalone was counsel for the Longshore Program and Defense Base Act Program at the Office of Administrative Law Judges for the U.S. Department of Labor.



Brigid Hagerty Farley has joined the New Jersey law firm of Stein McGuire Pantages & Gigl LLP as a senior attorney in the defense litigation

department. Farley practiced as an in-house attorney for more than 20 years with the Hartford Financial Services Group, serving over the years as senior staff attorney, litigation manager, and managing attorney of the East Hanover, N.J., office. She lives in Long Valley, N.J., with her husband, Anthony.

1983

Lt. Col. Michael E. Guillory, the lead Air Operations Center judge advocate officer at Tyndall Air Force Base in Florida, was named Outstanding Reserve Judge Advocate for 2007 by Air Combat Command. Guillory was nominated for his exceptional leadership as Staff Judge Advocate while performing state and national duties above and beyond his assigned duties for the 601st Air Operations Center since November 2006. Guillory wears multiple hats as the Florida Air National Guard State Headquarters judge advocate, the Air National Guard judge advocate for Total Force Integration on the National Council Committee, and the principal judge advocate for the Air Operations Center. He has served as counsel on 22 courts, boards and actions. Guillory provides legal consult for local, state and national leaders on air defense of the U.S. and is the primary legal consult to joint force commanders and combat operations chiefs in the AOC. During Hurricane Katrina, Guillory was the head of legal operations.

1984

Tatiana Desjobert (LLM) serves as group legal counsel at the retailer Habitat. She focuses primarily on license agreements with designers and negotiating with the celebrities who are endorsing or designing Habitat's popular "very important product" range, which includes Daniel Radcliffe's "magic chair bed" and Manolo Blahnik's stylized shoehorn, one of the top sellers.

Desjobert leads the global legal team at Habitat, including retail outlets in the UK, France, Germany and Spain, employing around 2,050 staff members. Franchises operate in more than a dozen other countries, including most of Europe, as well as Indonesia, Thailand,

Turkey and New Zealand. Many products are manufactured overseas in places such as China, which requires supplier agreements and due diligence.

1985



Peter H. Levy was elected the 106th president of the Nassau County Bar Association, the largest suburban bar association in the country. A

resident of Jericho for more than 20 years, Levy has been a private attorney concentrating in the areas of commercial litigation, personal injury, real estate, wills and estates. In addition to his leadership positions at the Nassau Bar as an officer and member of the board of directors, Levy served as development chair of the WE CARE Fund, the charitable arm of the bar, from 2003 to 2006. He has served as a mentor and lecturer for the Nassau Academy of Law, which provides all educational and CLE programs at the Bar; a member of the Grievance Committee; and as a coach for high school teams competing in mock trial. He has authored numerous task force reports for the NCBA. In addition, since 1994 Levy has served on the board of directors of Nassau/Suffolk Law Services Committee, which provides pro bono legal services to lower income Long Island residents. On the state level, Levy is serving his third term in the House of Delegates of the New York State Bar Association, and he serves on the NYSBA Nominating Committee.

Leila Sadat, the Henry H. Oberschelp Professor of Law at the Washington University School of Law and the director of the Whitney R. Harris World Law Institute, will be the next president of the

International Law Students Association. ILSA is the group responsible for, among other activities, running the Jessup moot court competitions. Sadat will be the first woman to hold the position at ILSA.

1987

Marjorie R. Esman has been named executive director of the American Civil Liberties Union of Louisiana. Esman was a member of the ACLU of Louisiana Board of Directors and served as representative to the ACLU National Board for 10 years.

1988



Richard W. Westling has joined Ober|Kaler's Health Law and White Collar Criminal Defense Groups as a principal in the Washington,

D.C., office. Prior to joining Ober|Kaler, Westling served as general counsel of Peoples Health Network, a Louisiana-based physician-hospital organization that administers a Medicare Advantage HMO serving more than 40,000 members. Before that position, he founded and managed the Law Offices of Richard W. Westling LLC, a firm specializing in the defense of complex criminal and civil enforcement matters. Earlier in his career, Westling spent seven years as a federal prosecutor, serving as a trial attorney in the criminal section of the Justice Department's Tax Division in Washington, D.C., and later, as an assistant U.S. attorney for the Eastern District of Louisiana in New Orleans.

1989

Donna Phillips Currault was named a Louisiana “Super Lawyer” for 2008.

Frederick Michael Goodbee of Westminster, Colo., was appointed District Court Judge to the 17th Judicial District in July. At the time, Goodbee served as the 17th Judicial District assistant district attorney, a position he had held since 2005. Prior to that, Goodbee supervised the Criminal Justice Section of the Colorado Attorney General’s Office (2003–2005).

Pauline E. Higgins, formerly a partner and chief diversity officer of Thomson & Knight LLP, will return to a general counsel position as senior vice president, general counsel and corporate secretary, Metropolitan Transit Authority of Harris County, Houston, Texas. Prior to her career change, Higgins received the DiversityFIRST™ Leadership Award by the Texas Diversity Council for her leadership, achievements and commitment to diversity and inclusion. Higgins is a regular columnist on diversity and inclusion topics for *Texas Lawyer*, is the president of the Association of Law Firm Diversity Professionals (ALFDP), was appointed to the 2008 Texas Diversity Council board of directors, and currently serves on the State Bar of Texas Diversity Task Force.

1990

Kenichi Nakayama (LLM) recently made partner at Baker & McKenzie. Kenichi, who practices out of the firm’s Tokyo office, represents both foreign and Japanese corporate clients in procurement and enforcement of intellectual property rights with emphasis on trademarks and unfair competition matters in Japan and foreign jurisdictions.



New Orleans area Pro Bono Award recipients: Bernadette D’Souza, John F. Shreves, Charles P. Adams Jr. of Adams and Reese, Rachel Piercey, Christopher K. Ralston, and Shane May



Suzan N. Richardson joined McGlinchey Stafford’s health-care team in March. Richardson is of counsel and practices in the

health care section of the firm’s New Orleans office. She brings to the firm more than 15 years of experience handling general litigation and insurance defense litigation. Prior to entering private practice, Richardson worked for five years as an assistant district attorney for Orleans Parish. She was an assistant attorney general with the Louisiana Department of Justice for three years.

1991

David F. Waguespack, an attorney with Lemle & Kelleher LLP in New Orleans, was recently ranked in *Chambers USA*.



1992

Bernadette D’Souza, managing attorney of the New Orleans Legal Assistance Corporation, was honored by the Louisiana State Bar Association and the Louisiana Supreme Court during the groups’ 22nd Annual Pro Bono Awards ceremony on May 20. D’Souza received a career public interest award for devoting more than 10 years of excellent work and leadership to providing significant service on behalf of the poor.

Federico Gonzalez-Denton joined Royal Caribbean Cruises as director of government relations in the company’s headquarters in Miami. Gonzales-Denton is responsible for directing the company’s policies and objectives in matters of government and regulations in the Caribbean and Latin American regions.

Michael C. Li has joined the Dallas-based Ryan tax services firm as associate general counsel, where he provides counsel for corporate and technology transactions. Prior to joining Ryan, he practiced at Baker Botts for 10 years. Most recently, Li was associate general counsel at Wal-Mart stores in Bentonville, Ark., where his chief responsibilities included managing the company's IP litigation portfolio. A native Texan, he says he is thrilled to be back in the Lone Star state.

Mark Nosacka has been named the new CEO at Good Samaritan Medical Center in West Palm Beach, Fla. The 333-bed hospital is one of five Palm Beach County hospitals owned by Dallas-based Tenet Healthcare Corp. He most recently served as president and chief executive officer of Community Health Partners, an integrated healthcare delivery system in Loraine, Ohio.

Mercedes M. Sellek was named a senior associate by Adorno & Yoss LLP, the nation's largest, certified minority-owned law firm. Prior to joining Adorno & Yoss, she was an associate with Katz Barron Squitiero and Faust in Miami. A resident of East Kendall, Sellek has more than 15 years experience with established Miami law firms and practices primarily in the areas of real property law, banking law, environmental law, governmental law and land use law.

1993

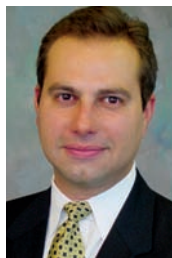


tions and public and private equity funds

Rafael Anchía was named a partner in the financial transactions practice group of Haynes and Boone LLP. Anchía represents

financial institu-

in a variety of transactions including senior and subordinated debt and equity, domestic and international syndications, and distressed debt acquisitions and sales. In addition to his work at Haynes and Boone, Anchía twice has been elected Texas State Representative for District 103, which includes parts of Dallas, Irving, Carrollton and Farmers Branch. He is actively involved in community affairs and public service with a strong focus on education.



Charles S. Blatteis, partner in the Bogatin Law Firm PLC in Memphis, has been reappointed to a three-year term on the board of directors of the

Memphis Branch of the Federal Reserve Bank of St. Louis. He also is a member of the boards of directors of Hispanic Business Alliance Inc., United Way of the Mid-South, Leadership Memphis and the Memphis Regional Chamber of Commerce.

Brian Chase is engaged to Douglas Martin Champion. Champion is an associate with the Los Angeles office of Gibson, Dunn & Crutcher. Chase is a senior staff attorney with the Los Angeles office of Lambda Legal Defense and Education Fund.

Stacey A. Garrett is the first African-American female founding member of Bone McAllester Norton PLLC in Tennessee. Garrett is the chair of the firm's board of directors. Formerly she was deputy chief of staff for Congressman Harold Ford Jr. of Memphis. She has also served as associate general counsel for Background America Inc. and director of legal affairs for Corrections Partners Inc. In 2003, Tennessee Gov. Phil Bredesen appointed her to serve as

a commissioner on the Tennessee Human Rights Commission through 2009. She is serving a three-year term, through 2010, on the board of directors for the Nashville Bar Association.

Carlos A. Gavilondo is an attorney with Hiscock & Barclay in New York. In July, Gavilondo was a featured presenter at the "Sustainably Energizing New York's Creative Core" energy seminar, which focused on the growth of renewable energy technologies in Central New York. Gavilondo, who is of counsel with the firm, moderated the panel discussion entitled "New York Business."

Gavilondo focuses his practice in the areas of energy and utilities and environmental law. As former general counsel for Niagara Mohawk, a National Grid company, he possesses extensive experience in northeast regional electric and gas utility operations and regulatory matters.

Jonathan M. Gottsegen is the director of the corporate and securities practice group at The Home Depot Inc. He serves as assistant corporate secretary and as secretary to the Audit Committee and Nominating and Corporate Governance Committee of the Home Depot board of directors. Gottsegen leads in-house support for multiple corporate functions including financial reporting and treasury and has overall lead for Securities Act and Exchange Act compliance.



David F. Lewis has joined the Nashville office of Wyatt, Tarrant & Combs LLP as a partner in its corporate and real estate practice areas. Formerly a

partner in the firm of Corbett Crockett & Lewis, he also has served in the Civil Rights and Claims Division of the Tennessee Attorney General's Office.

Michael D. Rubenstein was selected by Law & Politics for its list of 2007 “Texas Super Lawyers” in the October issue of *Texas Monthly* and *Texas Super Lawyers* magazine. Rubenstein, a shareholder with Liskow & Lewis in the firm’s Houston office, was selected for his bankruptcy and creditor’s rights practice.

1994



Cleveland attorney **Darrell A. Clay** has joined the Ohio State Bar Foundation’s 2008 Fellows Class, which will work together over the

next year to produce a community service project to advance the foundation’s mission. Judges, law professors, magistrates, government attorneys and law firm practitioners make up the 41 members who were invited to join the 2008 Fellows Class. Clay practices in the law firm of Walter & Haverfield LLP.



Lora M. Foley was promoted to shareholder at the law firm of Parker McCay, based in Marlton, N.J.

Foley concentrates her practice in the

areas of medical malpractice, insurance defense and commercial litigation.

Karen J. Senich has been appointed executive director of the Connecticut Commission on Culture & Tourism (CCT) by Gov. M. Jodi Rell. She has served as the commission’s acting director since January 2007. Senich practiced law for over nine years prior to working at CCT.

1995

Louisiana State Rep. **Karen Carter Peterson** was honored by the Louisiana Human Rights Campaign at its annual gala in May.

Nimrod “Rod” Chapel Jr. and his wife, Denise, celebrated the birth of their son, Nimrod T. Chapel III, on April 14, 2008, at a weight of 6 pounds, 15 ounces and length of 19.25 inches. All are doing well.

1996

G. Roth Kehoe II has joined Hunton & Williams LLP as a partner in the firm’s global capital markets and mergers and acquisitions practice. Kehoe, who will practice out of the firm’s Atlanta office, concentrates on international and domestic public and private mergers and acquisitions, dispositions, going private transactions, investments and strategic transactions. A member of the Georgia and Louisiana State Bars, Kehoe serves on the Finance Council of Our Lady of the Assumption Church and School, Atlanta, and the Financial Review Committee of the United Way of Metro Atlanta.

1997

Ali Abazari (LLM), a senior counsel in the regulatory and legislative section of Jackson Walker’s Austin office, was named a “Rising Star” for 2008. The award is based on a three-part system that determines the top 2.5 percent of the state’s up-and-coming lawyers.

Laurie M. Chess, a labor and employment partner at the Miami office of Jones Walker, received a defense verdict in February on behalf of AutoZone following a seven-day jury trial in a retaliation case in Wilmington, Del.



In July 2008, **Keva Landrum** became the criminal district judge for division E in Orleans Parish. She became district attorney for Orleans Parish in October 2007. She is the first woman to serve as the parish’s top prosecutor. Landrum has worked in the district attorney’s office for nine years and was chief of the juvenile division and deputy chief of trials before being named chief of screening in July 2007.



Nicole L. Mesard became a partner of Debevoise & Plimpton LLP in July. Based in the firm’s New York office, she is a

member of the firm’s corporate department, where her practice focuses on all aspects of real estate law. Mesard joined Debevoise in 2001.

Mona Stone has been recognized as one of 2008’s “40 Illinois Attorneys Under 40 to Watch” by the Law Bulletin Publishing Co. The award honors



Illinois attorneys who are dedicated to their profession, have had a series of successful outcomes and portray a strong commitment to the legal profession.

Stone, the first Indian partner at Locke Lord Bissell & Liddell LLP, focuses her practice on commercial litigation and labor and employment matters. She represents both public and private entities throughout the country, ranging from individuals and small businesses to multibillion-dollar companies. Stone also recently published a chapter entitled “Securing Adequate Protections in Employment Contracts: Understanding your Client’s Objectives and Concerns” for a book on negotiating and drafting employment agreements.



Laura Yearout Traynham gave birth to Elizabeth Victoria Rose Vargas on May 22, 2008. A director at Emory Law School's Office of Career Services, Traynham lives in Decatur, GA.

1998

Jason Holleman was named the city attorney in Mt. Juliet, Tenn., in February. He represents all boards and commissions within the Mt. Juliet municipal government, including the Board of Commissioners and the Municipal Regional Planning Commission. He also provides legal advice to all city departments and manages all litigation on behalf of Mt. Juliet.

1999

Mark A. Johnston was promoted to member of the law firm of Eckert Seamans Cherin and Mellott LLC in April. Johnston, who works in the firm's D.C. office, focuses his practice on complex civil litigation.

Michael H. Joseph, an attorney with Osorio & Associates LLC in White Plains, N.Y., won a high-profile trial in July resulting in a \$1.5 million verdict against the city of Bronx. The \$1.5 million awarded to a Bronx security guard at the time of the trial was for compensatory damages only. Punitive damages, to be determined at a later date, could triple the award.

Runako T. Kumbula was sworn in as a Special Assistant U.S. Attorney for the District of Columbia in January. Although she will continue in her responsibilities as the fraud prosecutor for the Office of the Attorney General for the District of Columbia, her new appointment will allow her to jointly prosecute fraud cases with the U.S. Attorney's Office in instances where the two offices have overlapping jurisdiction. Kumbula joined the Office of the Attorney General for the District of Columbia in October 2005.

Jason Lamb has been selected "Prosecutor of the Year" by the Missouri chapter of MADD (Mothers Against Drunk Driving). Lamb is the elected prosecuting attorney for Audrain County, Mo. He was named in the past year by *Missouri Lawyer's Weekly* as one of Missouri's "up-and-coming" lawyers. Lamb was recognized for his prosecution policies relating to domestic violence and child abuse and his leadership in the formation of a drug court in his county. He and his wife, Vanessa, live in Mexico, Mo., with their 3-year-old son, Jackson.



Christian Mollitor, manager of Maritime Investigations & Policy for Seattle-based Holland America Line, recently was elected to the board of directors of Reef Relief. As a board member, Mollitor will also serve as chairman of the Reef Relief 2020 Vision Committee, to facilitate the long-term vision and growth strategy for the year 2020 and beyond. Reef Relief

is a global nonprofit grass-roots membership organization dedicated to preserving and protecting living coral reef ecosystems.

Christopher K. Ralston, a partner in Phelps Dunbar's commercial litigation regional practice group in New Orleans, has been recognized as the recipient of the Louisiana State Bar Association's 2008 Pro Bono Publico Award. Ralston currently serves as the 2007–2008 chair of the Young Lawyers Section of the New Orleans Bar Association. He is also a two-time winner of the Distinguished Service Award from the New Orleans Pro Bono Project, in 2007 and 2002.

Jeffrey S. Tibbals has been named a partner at Nexsen Pruet in Charleston, S.C. Tibbals concentrates his practice in the area of real estate litigation.



He is a member of the board of trustees of Charleston Stage Company Inc. and chairs the firm's pro bono committee.

2000

Tulin D. Açikalin, managing attorney for the Bay Area Legal Aid, was appointed in May to the Elkins Family Law Task Force, a new statewide panel that will strive to improve efficiency and fairness in family law proceedings. The California task force will conduct a comprehensive review of family law proceedings and recommend changes to increase access to justice, ensure due process, and provide for more effective and consistent rules, policies and procedures.

Kwame A. Benjamin was invited to join the partnership of Seyfarth Shaw LLP in January. Benjamin is based in the Atlanta office, where his practice focuses on real estate and bankruptcy matters including the representation of both secured and unsecured creditors and the defense of their rights in bankruptcy proceedings.



Vivian de las Cuevas-Diaz was named one of 12 honorees among the 2008 Hispanic Women of Distinction, presented by Bank of America

and *Latina Style* magazine, the nation's leading publication for Hispanic women. The honorees are recognized for their significant contributions to the tri-county community while maintaining their culture and traditions. de las Cuevas-Diaz is a partner in the Miami office of the statewide law firm Broad and Cassel, where she heads up the Miami real estate practice for the firm. Most recently named to the Enterprise Florida board of directors, she is active in a number of civic and community organizations. She serves on the board of directors of the Cuban American Bar Association (CABA) as treasurer and on the board of directors for the Latin Builders Association.



Steven J. Fineman was elected counsel of Richards, Layton & Finger in Wilmington, Del., effective July 1. A member of the firm's litigation

department, Fineman represents major companies in intellectual property litigation, contract disputes, product liability and toxic tort defense, civil rights, construction claims and complex commercial litigation.

2001



Joshua R. Carver has joined Preti Flaherty as an associate. Carver will practice with the litigation practice group from

the firm's Portland, Maine, office. Prior to joining Preti Flaherty, Carver practiced with the litigation groups at WilmerHale in Boston, Mass., and Paul Frank + Collins in Burlington, Vt.

Daniel Scardino, an associate in the IP/litigation, media, telecommunications, transactions, entertainment and sports, corporate and securities sections of



Jackson Walker's Austin office, was named a "Rising Star" for 2008. The award is based on a three-part system that determines the top 2.5 percent of the state's up-and-coming lawyers.



Marty Solomon, an attorney at Carlton Fields in Tampa, Fla., was elected to shareholder in February. Solomon's practice focuses on real

property litigation, class action defense and commercial litigation, principally for title insurance underwriters.

2003

La'Keitha J. Daniels joined Harland Clarke as corporate counsel.

Alison Kirshner has joined the New York office of Paul, Hastings, Janofsky and Walker. Kirshner is an associate practicing employment litigation. She recently achieved a victory in a pro bono case that she had worked on for more than three years. Kirshner was successful in preventing the deportation of her client, a victim of human trafficking and domestic violence. She is engaged to marry Jonathan Kalinski, a tax attorney, in November.

Susan Quist joined Habitat for Humanity International as staff attorney for field operations.

Heather Singleton and Hardeep S. Rekhi were married in Seattle on June 2, 2007. Wedding attendees from the Tulane law class of '03 included Alan Gruber, Andy Sockol, Josh Fershee, Kendra Huard Fershee, Beth Fanous, Andrea Kang Wooster, Dan Wooster and Stephen Mish. The couple has opened the doors of Rekhi Law Firm in Seattle.

"They say that nobody is perfect. Then they tell you practice makes perfect. I wish they'd make up their minds."

Winston Churchill

Every effort has been made to proofread the various Class Notes. If, for any reason, you submitted information and it is not included, your name has been omitted or misspelled, or there is an error related to your latest news, please accept our sincere apology.*

**Class Notes for this issue of the Tulane Lawyer were received between Feb. 1 and July 31, 2008. If we received your information after that date, we will publish it in our next issue.*



Lauren Duvernay Sonnier, of Rushing & Guice PLLC, was selected as the Harrison County Bar Association's "Young Lawyer of the Year" for 2007. This is the first time in several years that the association has given the award. A native of Ocean Springs, Miss., Sonnier joined the law firm of Rushing & Guice in 2001. She is also a real estate closing attorney for Renaissance Title LLC, which is a subsidiary of Rushing & Guice. Sonnier enjoys a practice in the area of general civil litigation. She also handles environmental matters, both civil and criminal, and has additional experience in real estate and business transactions.

Jennifer Walton-Faifer and her husband, Justin Faifer, welcomed their first child, a daughter, on March 14. Walton-Faifer is employed with the Chicago office of Ernst & Young LLP. Her practice includes tax compliance for ERISA employee benefit plans, fringe benefits and executive compensation.

Abney H. Whitehead and David Whitehead announce the birth of Smith on Oct. 22, 2007. He is preceded by sisters Tess in 2003 and Kate in 2005. The family resides in St. Simons, Ga.

2004

Ivo Djambov recently joined the Houston office of the Stinemetz Law Firm PLLC. He concentrates his practice on international corporate transactions and securities matters. Prior to joining the firm, Djambov practiced as in-house

corporate counsel for a major U.S. infrastructure company and was in private practice with the Houston office of a large national law firm.

2005

Melissa Marie Thornton married Michael David Lonegrass on May 26, 2007, in Birmingham, Ala. Thornton-Lonegrass has accepted a position at the Paul M. Herbert Law Center at Louisiana State University. She will be teaching successions and a course called western legal traditions and systems in the fall, and sales and lease in the spring.

2006

Alexa Bolanis is an associate with Primmer Piper Eggleston & Cramer's litigation practice group, with a focus on commercial matters and class actions.



Michael P. Maxwell has been admitted to the Delaware Bar. As an associate at Richards, Layton & Finger in Wilmington, Del., Maxwell works in the firm's business department.

SEND US YOUR NEWS!

To publish your latest news, contact **Ellen Brierre**, director of Alumni Relations, via e-mail at ebriere@tulane.edu, or fill out the box on the back cover and return it by mail. Due to print and publication guidelines, Class Notes for the spring 2009 issue must be submitted no later than Jan. 31, 2009.

2007

Brett A. Buchheit is an attorney at the Frankl Law Firm in Denver, Colo. Since leaving Tulane, he has published the following: "The American Southwest Water Crisis: Impending Disaster and the Road to Collapse," in *Appalachian School of Law Natural Resources Journal*; "The Economics of Renewable Energy," in *State Bar of Texas Environmental Law Review*; and "Australia Turns to the Sea: A Comparison of Water Emergencies," *Macquarie Journal of International and Comparative Environmental Law*.

Jessika Johnson has been named an associate at Seltzer Caplan McMahon Vitek, one of San Diego's oldest business and trial practice law firms. Johnson focuses her practice in the areas of land use and real property law. A resident of downtown San Diego, she is a member of the San Diego Lawyers Club, the

Junior League of San Diego, and the Environmental Law/Land Use Law and Real Property Law sections of the San Diego County Bar Association.

Adam C. Kimball was recognized by the Louisiana State Bar Association in conjunction with the Louisiana Supreme Court, for his outstanding pro bono accomplishments. Kimball was presented the Law Student Pro Bono Award at the 22nd annual Pro Bono Awards ceremony, which took place in May.

In March, **Avery B. Pardee** and a colleague successfully defended the New Orleans Public Belt Railroad in a personal injury suit. Pardee is a business and commercial litigation associate with Jones Walker in New Orleans.

J. Ben Winburn has been appointed as a senior advisor in the Washington, D.C.,

office of McKenna Long & Aldridge LLP. As a member of the government affairs team, Winburn will focus his practice on climate change, energy and renewable resources. Winburn has been focused on energy issues for a number of years and has served as a professional staff member of the House Subcommittee on Energy and Mineral Resources. During his tenure with the committee, he worked extensively with alternative energy groups, including wind, geothermal, solar, hydropower and biomass.

2008

Lena D. Giangrosso has joined the firm of Provosty & Gankendorff LLC as an associate, where she focuses her practice primarily in the fields of insurance defense, environmental law, corporate law, commercial litigation, toxic tort litigation, maritime law and intellectual property.

IN MEMORIAM

Fontaine Martin '34
New Orleans, La.
Dec. 1, 2007

Fernando Mendigutia '37
Miami, Fla.
May 26, 2008

René Himel Jr. '47
Paris, France
June 6, 2007

William Tete '47
Lake Charles, La.
Sept. 8, 2006

George Denègre '48
New Orleans, La.
March 19, 2008

John Dargo '50
Leesburg, Va.
Oct. 26, 2007

Joseph Gowan '52
New Orleans, La.
Sept. 2, 2007

John Grenier '53
Birmingham, Ala.
Nov. 6, 2007

George Hayes Jr. '54
Shreveport, La.
Feb. 8, 2006

Edwin McGlasson Jr. '58
Lafayette, La.
Nov. 27, 2007

Jerry Moize Sr. '60
Ridgeland, Miss.
Aug. 3, 2007

William Martin '63
New Orleans, La.
Dec. 16, 2006

J. Bruce Hagan '66
Wayne, Pa.
March 23, 2008

Robert Leininger '67
New Orleans, La.
Sept. 30, 2006

Emile Hebert III '69
New Orleans, La.
Oct. 9, 2007

Grey Flowers Ferris '71
Vicksburg, Miss.
June 13, 2008

Joseph Rauls '73
New Orleans, La.
Feb. 28, 2008

Stephen Ritterbush Jr. '75
Harvey, La.
Sept. 22, 2007

Leon Sanders III '76
San Diego, Calif.
March 17, 2008

Brad Blocker '86
Portola Valley, Calif.
Feb. 22, 2008

Aaron Marcus '87
New Orleans, La.
July 19, 2008

Trina Bellak Bronfman '88
Bethesda, Md.
Nov. 1, 2007

REUNIONS 2008



LAW CLASS OF 1958
50th Reunion
Saturday, May 17, 2008
Dinner at Arnaud's



LAW CLASS OF 1973
35th Reunion
Friday, April 11, 2008
Lunch at Galatoire's



LAW CLASS OF 1993
15th Reunion
Saturday, April 12, 2008
Dinner at Restaurant August

Below:
LAW CLASS
OF 1998
10th Reunion
Saturday, April 12,
2008; Dinner at
Galatoire's



LAW CLASS OF 2003 *5th Reunion; Saturday, April 12, 2008; Dinner at Bourbon Vieux*



COMMENCEMENT 2008



IT WOULD HAVE BEEN VERY EASY FOR THEM TO FOLD THEIR TENT, SOME DID, BUT THE REMARKABLE INDIVIDUALS IN THE GOWNS AND FUNNY-LOOKING CAPS IN THIS AUDITORIUM TODAY DID NOT. THEY ESCHEWED THE EASY WAY OUT AND WITH A FIERCE DETERMINATION AND UNCOMMON COURAGE COMPLETED WHAT THEY SET OUT TO DO, NOTWITHSTANDING THE OVERWHELMING OBSTACLES PLACED IN THEIR WAY. IT'S FREQUENTLY SAID THAT DEALING WITH TRAGIC EXPERIENCES *BUILDS* CHARACTER. I THINK THAT'S WRONG; WHAT IT DOES IS *REVEAL* CHARACTER, AND THE MEN AND WOMEN RECEIVING THEIR DEGREES TODAY HAVE SHOWN THEIR RESOURCEFULNESS, THEIR RESILIENCE, THEIR METTLE, AND THEIR CHARACTER. FOR THAT, WE SALUTE YOU.

—Excerpted from the 2008 commencement address by Dean Lawrence Ponoroff

Right: Beach balls, balloons and confetti cascade from the Superdome ceiling and onto surprised graduates.



The talent and memories of Tulane law alum Sayde Finkel (L '08) are portrayed on canvas in this gift from the Class of 2008.



Left to right: T. Haller Jackson III, Edie Jackson, T. Haller Jackson IV, Robin Jackson and Sue Jackson



Dubbed by President Scott Cowen as the 'Calm Before the Storm' Class, graduates listen intently to commencement speeches.

AWARDS & HONORS

The **Tulane 34 Award**, presented to 34 graduates from Tulane's 11 schools and colleges, recognizes students for their exemplary leadership, service and academic excellence. Named for the year in which the university was founded, the Tulane 34 Award is among the most coveted university-wide honors bestowed upon students. The ceremony, held on May 13, recognized four Tulane law graduates.

The **Student Crest Awards** are a unified campus recognition of the efforts and achievements of students outside the classroom. These awards are sponsored annually by the Division of Student Affairs and recognize students for demonstrating excellence in leadership, scholarship and community service, as well as initiative and promise in campus leadership. Nominations are made by students, faculty and staff. Three Tulane law students were recognized for the 2007–2008 academic year.

Nathaniel Kenneth Bays



Tulane 34 Award

Nathan Bays served as technology editor for the *Tulane Law Review* since 2006 and as a Legal Research and Writing Senior Fellow

since August 2007. He also volunteered with the Tulane University Legal Assistance Program, serving as co-director, as well as interned with the Louisiana Capital Assistance Center and the Public Defender Service for the District of Columbia. In his third year of law school, Bays was a student attorney with the Tulane Law School Criminal Law Clinic. Bays graduated magna cum laude and was inducted into the Order of the Coif.

Jodie Meade Michalski



Tulane 34 Award Student Crest Award

Jodie Michalski, a cum laude graduate and newly inducted member to the Order of the Barristers,

served as chief justice of the Tulane Moot Court, overseeing a 70-member board and judicial council and more than 200 law students who compete throughout the country. She was also notes-and-comments editor of the *Tulane Journal of International and Comparative Law*, as well as a volunteer with VITA, the Volunteer Income Tax student organization.

In addition to being named a Tulane 34, Michalski received the Gary Lawton Fretwell Student Crest Award. The award recognizes one graduate and one undergraduate student who served in leadership roles within a student organization and through this involvement has contributed to the growth and success of the organization, as well as to the development of other students.

Mary Kathryn Nagle



Tulane 34 Award Student Crest Award

As symposium editor for the *Tulane Law Review* and president of the board of directors for the Louisiana

Bucket Brigade, an environmental action community group, Mary Nagle was named one of Tulane's top 34. She also served on the Dean's Advisory Committee as chair for the 12th Annual Tulane Environmental Law Conference, and authored and produced two plays, "Welcome to Chalmette" (2007), about Hurricane Katrina, and "To the 7th Degree" (2008), about climate change. In addition to being inducted into the Order of the Coif, Nagle was one of only 12 graduates this year to graduate summa cum laude.

Nagle also was awarded the James F. Kilroy Provost's Award, which is associated with the Student Crest Awards. The award recognizes one outstanding graduate student and one outstanding undergraduate senior who have excelled scholastically and in the area of student leadership on campus, and who have distinguished records of involvement.



Raymond Fritz Niswanger Tulane 34 Award

In addition to graduating magna cum laude from the law school and being inducted into the

Order of the Coif, Fritz Niswanger earned his MBA from the A.B. Freeman School of Business in May. Niswanger served as a volunteer construction worker for the Musicians' Village, sponsored by Habitat for Humanity, and as an ambassador for the Burkenroad Institute Symposium on Business and Society. He also has been the managing editor of the



Tulane Law School's Annual Awards and Honors Ceremony was held Friday, May 16, 2008, at Weinmann Hall.

The following students were recognized:

Faculty Medal

Thomas Haller Jackson IV

Dean's Medal

Nathaniel Kenneth Bays
Thomas Haller Jackson IV
Mary Judith Reichert

Civil Law Studies Award

Raymond Fritz Niswanger

George Dewey Nelson Memorial Award

Thomas Haller Jackson IV

John Minor Wisdom Award

Mary Kathryn Nagle

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Jamie Elaine Mills

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Mary Judith Reichert

Louisiana State Bar Association Corporate and Business Law Section Award

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Jeffrey Thomas Ragsdale

Student Bar Association President Award

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Adeola Oluremilkaun Ogunkeyede

Louisiana State Bar Association Law Student Pro Bono Award

Adam Carl Kimball

Brian McSherry Community Service Award

Andrew Karl Jacoby

James A. Wysocki Trial Advocacy Awards

Tanvir Aziz Anis
Stephen Andrew Aslett

Association for Women Attorneys Award

Nora Elizabeth Mahoney

Tulane Law Review and president of the Christian Legal Society.

Adeola Oluremilakun Ogunkeyede Student Crest Award

Recognized as the top graduate who made significant contributions to the New Orleans community through the combination of outstanding community service and leadership, Adeola Ogunkeyede was this year's recipient of the Service and Leadership Student Crest Award. As the 2007–2008 president

of the Tulane Law School Public Interest Law Foundation (PILF), Ogunkeyede led more than 120 active members through events such as the Summer Grant Program, Equal Justice Works Career Fair Sponsorship and the PILF Auction. She was also a volunteer intern with the Greater New Orleans Fair Housing Action Center (GNO FHAC), and led the law school's Street Law Program, creating a partnership between the school organization and the nonprofit Communities in Schools New Orleans (CISNO).

TULANE LAW SCHOOL

HONOR ROLL



TULANE LAWYER FALL 2008



OF DONORS

JULY 1, 2007–JUNE 30, 2008



FALL 2008 TULANE LAWYER



TULANE LAW SCHOOL is pleased to present its annual report on fund raising and the Honor Roll of Donors, a special way for us to recognize and thank the many alumni, friends, firms, foundations, and others that have supported the law school during the past fiscal year (July 1, 2007 through June 30, 2008). This issue of the Honor Roll of Donors marks our first since 2004 and is therefore an especially meaningful one for those of us working hard to make Tulane Law School the very best it can be. Without the support of those listed here, our efforts might fall far short of the great tradition and promise of excellence that characterizes Tulane Law School. Each and every name listed here has helped to ensure our success, and we thank you.

The 2007–08 fiscal year began with a return to our model of the Tulane Law Fund—a change from the university’s post-Katrina policy in which all annual fund gifts were directed to a critical (and highly effective) Rebuilding Fund. Once again, every gift to the fund is reinvested in the law school, its students and the law faculty. This return to normalcy seems to have been warmly received by our community of donors, as we saw a marked increase in gifts to the law fund in 2007–08. A total of 1,121 individuals and institutions donated more than \$755,000 to the Tulane Law Fund this year. This represents a new record for the total amount given to the law fund in one year—a record that will set a new benchmark for our growth in the years ahead.

The law school received a total of more than \$2,450,000 in gifts and contributions last year, including several new gifts of endowment to support scholarships for law students. While we are pleased with this progress, we anticipate even greater results over the next few years as our development and outreach efforts resume their pre-Katrina momentum.

As you read through the following pages, we hope you share our pride in the many ways our community of alumni and friends have chosen to support the law school, and we know you will be impressed by the impacts of these philanthropic investments on the educational mission of the institution. If you are not yet a supporter of the Tulane Law Fund, then we hope you may be inspired to start giving by using the envelope enclosed in this issue. No gift is too small and we are pleased to list all donors in these pages. Thank you, one and all.

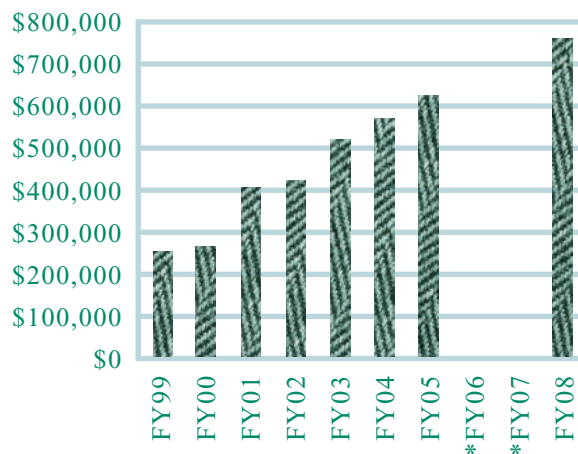
TULANE LAW FUND REBOUNDS TO SET RECORD

THE TULANE LAW FUND serves as one of our most important engines of growth for the law school. Think of it as a mutual fund for your investment in the excellence of the institution. In any given year, it helps to bridge the gap between tuition and our annual operating expenses—a gap which has grown to more than \$10,000 per student, partly as a result of our post-Katrina strategic plan. Our decision to sharply downsize the class (while preserving budgets for student services, financial aid, and the curriculum) was important and necessary, and it makes the Tulane Law Fund all the more important to ensuring our success.

We often stress the importance of the Tulane Law Fund as the best way for alumni and friends to support the law school. The chart at the right demonstrates how gifts to the law fund were invested in the law school this year. Virtually every aspect of the law school's operations and student services—from faculty research and teaching, to student financial aid scholarships, to the law library and technology services—are significantly impacted by donations to the law fund. There is no easier, better way to give back to your law school than to invest in the Tulane Law Fund today.

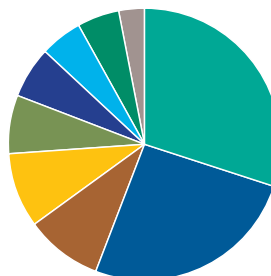
The Tulane Law Fund received a record total of more than \$755,000 in gifts and pledges during the 2007–08 fiscal year, representing a new benchmark in annual giving to the law school. Please consider adding your support today.

GROWTH IN TULANE LAW FUND



*Indicates period of Katrina Rebuilding Fund

TULANE LAW FUND: MAKING A DIFFERENCE



- SCHOLARSHIPS AND FINANCIAL AID 30%
- FACULTY RECRUITMENT AND RETENTION 26%
- STUDENT ORGANIZATIONS AND SUPPORT 9%
- LIBRARY 9%
- FACULTY DEVELOPMENT, RESEARCH SUPPORT 7%
- CLINICAL SKILLS AND TRAINING 6%
- BUILDINGS AND FACILITIES 5%
- RECURRING OPERATIONAL EXPENSES 5%
- TECHNOLOGY 3%

THE FOUNDERS SOCIETY

The Founders Society recognizes those benefactors—individuals, families, and institutions—that have committed \$1 million or more to the law school in their lifetime.

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ENDOWED FUNDS

The following endowments were established at the law school between July 1, 2007 and June 30, 2008. We thank the individuals listed below for their generous commitment to the perpetual strength of the law school and its programs.

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Established by Mr. Robert C. Hinckley

TULANE LAW SCHOOL
CLASS OF 1986 ENDOWED
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Established by members of the class
of 1986

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RESTRICTED GIFTS

Tulane Law School expresses its appreciation to the following individuals and institutions who donated to the law school in the most recent fiscal year and who chose to designate their gift in support of specific programs and endowments. (Amounts indicated may represent new pledges and/or gifts toward previous pledges.)

\$50,000 or more

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Mr. Frederick S. Kullman*



This year's entering class had the highest median LSAT (162) and highest median undergraduate GPA (3.6) in the law school's history.

FELLOWS OF THE LAW SCHOOL

Tulane Law School thanks and recognizes the generous commitment of our fellows of the law school. Donors recognized as Tulane Law Fellows are those individuals and institutions who donate unrestricted gifts of \$1,500 or more annually to the Tulane Law Fund, which provides for the most pressing needs of the school and the dean throughout the academic year. Tulane Law Fellows comprise an important part of our alumni leadership and contribute to the strength and future of the school. (Donors giving at the lower gift thresholds established for recent graduates are included in these categories. If you have graduated in the past decade and would like to learn more about being listed as a Fellow, please contact the law school development office.)

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DEAN JOHN KRAMER MEMORIAL SCHOLARSHIP ESTABLISHED

In honor of the late Dean John R. Kramer, friends and family recently established the John R. Kramer Law Scholarship as an endowed fund to support scholarships for law students pursuing the study and practice of public interest law. John Kramer passed away in 2006 after serving on the Tulane law faculty for two decades, including service as the law school's 19th dean, from 1986 to 1996. His lifelong, steadfast commitment to equal justice for all motivated his leadership at Tulane, and his vision fundamentally transformed the law school's programs in clinical education.

Under his watch, Dean Kramer expanded the number of clinics to eight, moved the law school into a new facility, enhanced the school's growing national reputation, diversified the student body, and added several new journals, just to name a few accomplishments. He also established a loan forgiveness program to help defray the burden of educational debt for graduates pursuing public interest careers, and implemented the country's first mandatory community service program as a graduation requirement for JD students.

"John Kramer was truly one of a kind," commented Dean Lawrence Ponoroff. "He approached life with a broad sword, not a rapier. Through his indomitable spirit and relentless energy, he fundamentally transformed Tulane Law School, leaving an indelible mark on the institution for many generations to come."

The law school invites former students of Dean Kramer, as well as other alumni and friends, to support our goal of growing the Kramer Scholarship to the level of a full-tuition scholarship. For information on how to give, please contact **Andy Romero**, senior director of development, at 504-862-8559 or via e-mail at aromero@tulane.edu.

ALUM LEAVES LASTING LEGACY TO BELOVED LAW SCHOOL

By Rebecca Leonard



FONTAINE MARTIN (A&S '34, L '36)

wore his pride for Tulane on his sleeve, and his enthusiasm for Tulane Law School was a motivating factor behind his years of service and giving to the institution.

"My father was ever grateful for the education he got at Tulane Law School," said Ted Martin (L '67) on a recent visit with Dean Lawrence Ponoroff. Ted and Dean Ponoroff were celebrating the naming of a Weinmann Hall faculty suite that bears the elder Mr. Martin's name. Fontaine Martin passed away in December 2007 at the age of 93.

The Martin family's relationship with Tulane runs long and deep. Fontaine's wife Lillian was also a graduate of Tulane, receiving her Newcomb College degree in 1938 and a graduate degree in 1940; two of their three children graduated from Tulane, as did two of their grandchildren. As a student at Tulane, Fontaine Martin excelled: as an undergraduate, he was elected Phi Beta Kappa, and as a JD candidate he finished at the top of his class while serving as editor of the *Tulane Law Review*.

After graduating from the law school in 1936, Fontaine never let work or distance from New Orleans disrupt his support of Tulane. He served as president of the Tulane Alumni Club of New York, president of the Tulane Alumni Association, and later as a member of the Planned Gifts Advisory Committee for the university.

For all his hard work and devotion, he was honored as Distinguished Law Alumnus in 1992.

Beyond their years of service for Tulane, Fontaine and Lillian were regular and generous supporters of the university and in particular Tulane Law School. After Lillian's death in 1993, Fontaine was inspired to leave a lasting legacy to honor Tulane and his family's relationship to the university through the establishment of several gift annuities to benefit Tulane. These annuities created the Lillian Galt Martin and Fontaine Martin Endowed Fund.

"As my father got older," says Ted, "he was concerned about having enough income, and was very pleased to make use of Tulane Gift Annuities. As a tax attorney, I

explained that he could give away appreciated stock without immediate tax on the gain, while greatly increasing the income he was getting from the stock, even getting a partial income tax deduction, and provide a benefit for Tulane. The gift annuity does it all." When Fontaine died, he further provided for part of his estate to pass to a charitable remainder trust also to benefit Tulane, subject to a life annuity for one of his children. Tulane also administers this trust.

Through their vision and generous commitment to ensuring excellence at Tulane, the Martins' legacy gift will support the faculty and students of Fontaine's beloved law school well into the future. Thank you, Mr. Martin.



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*deceased

In 2007, approximately \$800,000 of a bequest from the estate of Milton I. Rosenson (L '48) went to the Tulane Law School Library to purchase books, journals, software and other educational material.



PLANNED GIFTS

The law school received gifts of matured bequests or other irrevocable planned gifts in the period July 1, 2007 through June 30, 2008, and we thank these individuals and their families.

Mr. Joseph A. Gowan*
 Mr. Fontaine Martin*
 Mr. Jimmy T. Rooks*
 Mr. Milton Rosenson*
 Mr. David R. Schwarz*
 Ambassador & Mrs. John G. Weinmann

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WILLIAM PRESTON JOHNSTON SOCIETY

The William Preston Johnston Society recognizes those donors who have included the university or one of its schools, colleges, or programs in their wills or other planned giving arrangements. Tulane University says "thank you" to the following Tulane Law School alumni who are members of the society.

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...and 60 other law school alumni who wish to remain anonymous.

**new member in FY '08

If you think your name should be included on this list, please call the Office of Planned Gifts at 800-999-0181.

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The law school wishes to recognize and thank the following alumni (listed by class year) for their contributions in support of Tulane Law School in Fiscal Year 2008. (Amounts may include gifts, pledges, pledge payments, and credits from matching gift programs.)

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TAX TOPICS FOR THE PHILANTHROPIC: AN ATTORNEY'S GUIDE

Some planned gifts help charities sooner rather than later

BY LIZBETH TURNER (L'85)

Many think of planned gifts as providing benefits to a charity far into the future. Although that may be true for bequests, other planned gifts can provide more immediate charitable support. When advising clients who want to experience the satisfaction of their philanthropy during their lifetimes, consider the following ways of giving:

IRA CHARITABLE GIFTS

In October Congress passed new legislation extending the popular IRA charitable rollover for 2008 and 2009. Donors 70 or older can make tax-free contributions to a charity of up to \$100,000 each year from traditional and Roth IRAs. These gifts count toward the minimum required distribution and are excluded from gross income. Distributions must be made directly from the IRA to the charity and completed before December 31st of each year.

Although gifts of publicly traded securities are the most common funding asset for charitable gifts of appreciated property, gifts of real estate and tangible personal property may also result in the dual tax benefits described above. With gifts of tangible personal property, though, special rules may limit the deduction to cost basis.

SHORT-TERM CHARITABLE REMAINDER TRUSTS

Charitable remainder trusts (CRTs) are structured to make fixed or variable payments to one or more individual beneficiaries before benefiting charity. A CRT usually provides income for life, but CRTs can be established for a term of years—up to 20 years is permissible. Donors who want to help family members with immediate cash flow needs can accomplish this goal and benefit charity through a short-term CRT.

EXAMPLE

Jane is helping her grandson with expenses of college and law school. She contributes \$200,000 to a charitable remainder annuity trust that will pay her grandson \$20,000 each year for five years. When the trust ends, its remaining assets will go the law school to establish an endowed fund for faculty support in her name. Jane's gift entitles her to a charitable income-tax deduction of \$108,748* and her grandson will receive \$100,000 over the term of the trust.

A short-term CRT can provide family members with cash to start a business, build a house, or aid in a variety of other ways.

**Note: This amount is an estimate and depends on the IRS discount rate in effect when the gift is made. CRTs for beneficiaries other than a donor may result in a taxable gift.*

TIP: For more information on these and other planned gifts, visit Tulane's updated planned giving website at www.plannedgiving.tulane.edu. Use the gift calculator to create customized illustrations of charitable remainder trusts and other planned giving vehicles for your clients.

OUTRIGHT GIFTS OF APPRECIATED PROPERTY

Gifts of appreciated property held long-term (more than one year) to public charities like Tulane generally result in double income-tax benefits for taxpayers who itemize. First, the donor is eligible for a charitable deduction equal to the value of the property. Second, the donor avoids capital gains tax on the appreciation.

EXAMPLE

Mike makes a gift to the Law School Annual Fund using stock with a value of \$3,000 and a cost basis of \$500. He claims an income tax deduction of \$3,000 and pays no capital gains tax on the appreciation.

**Contact Tulane's Office of Planned Gifts at
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