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THE INFINITE FRONTIER

LEGAL
SCHOLARSHIP
IS PERPETUAL
PASSION FOR
TULANE LAW
FACULTY

THIS ISSUE

Q&A WITH NEW LAW
DEAN DAVID MEYER •
CONSTITUTIONAL RIGHTS
FOR CORPORATIONS? •
COMMENCEMENT 2010
• 60 YEARS IN LAW



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Communication is the most powerful proof of the *Tulane Lawyer's* value as a vehicle for alumni participation. So why wait? Contact the editor today. Lauren Gavioli welcomes letters, story ideas, alumni news, and original content from graduates and friends of Tulane Law School. Contributors should submit material via e-mail (lvergona@tulane.edu) or the U.S. Postal Service (Tulane Law School, *Tulane Lawyer* magazine, 6329 Freret St., New Orleans, LA 70118).

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ON THE COVER

Tulane faculty research explores frontiers of law, drawing national attention from colleagues and media.
Photograph by JACKSON HILL



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STEPHEN M. GRIFFIN
Interim Dean
July 2009–June 2010

RECAPPING A YEAR OF GROWTH

By now I hope you have heard the exciting news that our 2010 dean search was successful. Effective July 1, David Meyer became the 22nd dean of Tulane Law School. He also holds the Mitchell Franklin Professorship. The law school was very fortunate in hiring Dean Meyer from the University of Illinois College of Law, where he served as professor and associate dean for academic affairs. The hiring of Dean Meyer speaks very well of the extraordinary efforts made over a two-year period by the Dean Search Committee under the steady leadership of Professor Martin Davies.

A bit of history on Dean Meyer, whom I am sure you will meet personally at forthcoming alumni events around the country, as well as in the pages that follow. He is a magna cum laude graduate of the University of Michigan Law School, where he served as Editor-in-Chief of the *Law Review*. He also received his BA in History from the University of Michigan, with highest honors. After his graduation from law school, Dean Meyer clerked for Judge Harry T. Edwards on the US Court of Appeals for the DC Circuit and for Justice Byron T. White on the US Supreme Court. Prior to joining the Illinois faculty in 1996, he served as a Legal Advisor to the Iran-United States Claims Tribunal in The Hague and practiced law in Washington, DC, and Chicago. He is widely known in the academic and legal community as an expert on family law and constitutional law and is a member of the American Law Institute.

When the news of Dean Meyer's hiring was announced, Tulane University President Scott Cowen stated, "David

Meyer's appointment is the result of a national search that brought us a scholar of international renown. He also has vast experience working directly with students and external constituencies, something we feel is vital in shaping the future course of our nationally ranked law program."

In addition to completing the dean search, we had a very active hiring year, which bodes well for the future of the law school. For example, Dean Meyer is joined at Tulane by his wife, Amy Gajda, a former faculty member at the University of Illinois in both journalism and law. A specialist on First Amendment law and privacy issues, Gajda is now an associate professor of law. We hired Adam Feibelman, a commercial law scholar, from the UNC-Chapel Hill School of Law, and Colin Crawford from Georgia State to direct the Payson Center for International Development. In addition, we made two entry level hires. Amy Stein was hired from the Washington, DC, office of Latham and Watkins to teach energy and environmental law. And Saru Matambanadzo, a graduate of Harvard Law School, was hired from the program in Women's Studies at UCLA to teach business law and constitutional law courses. All in all, the post-Katrina rebuilding of the faculty begun under Dean Larry Ponoroff is now complete.

This issue of the *Lawyer* highlights the importance of faculty research and

scholarship, a critical building block of our past and future success. While generous donations of chairs and professorships have laid the groundwork, more needs to be done. This is an area in which the law school is constantly competing with other schools in terms of rankings, retaining current faculty and attracting high-quality faculty in the future.

As we enter the second half of the academic year under the leadership of Dean Meyer, I remind you that this is your law school and our continued success depends largely on the sustained engagement of our alumni. Please keep up in your contacts with the law school, and consider returning to Weinmann Hall to see for yourself how much we have accomplished. After all, the credit goes mostly to each of you. Also, please stand with your colleagues and former classmates and keep Tulane Law School in your charitable giving plans. Under the leadership of Dean Meyer and with your loyal support, I am confident Tulane Law School will continue to excel and advance.

Many of you have asked me whether I am relieved that my role as Interim Dean is complete. In truth, my path was made smooth by the efforts of our excellent faculty and staff, the good wishes of our many friends in Louisiana, and the welcome assistance of our alumni across the nation. Thank you for making my year as dean as easy and successful as it was.

"I REMIND YOU THAT THIS IS YOUR LAW SCHOOL
AND OUR CONTINUED SUCCESS DEPENDS LARGELY
ON THE SUSTAINED ENGAGEMENT OF OUR ALUMNI."



DAVID D. MEYER

Dean and
Mitchell Franklin
Professor of Law

INTRODUCING DEAN MEYER

Why did you decide to attend law school?

I went to elementary school in Tallahassee, Fla., when it was undergoing court-supervised desegregation, and my mother was active locally in the Civil Rights movement. I was deeply impressed with the power of law to change society and to serve as a forum for resolving profoundly important social conflicts. During and after college, I worked in journalism and as an aide to a U.S. Senator, but was always drawn back to law. Many people today may see lawyers in a cynical light, but I've always had great faith in the ability of the profession to solve problems and make society better.

After you graduated from law school, where were you headed?

I decided in law school that I ultimately wanted to teach, but I also knew that I wanted some experience in practice before returning to the classroom. I spent roughly three years as a law clerk and three years in private practice before starting as a professor at the University of Illinois. I worked for Sidley Austin in Washington and Chicago, doing mostly appellate litigation, and loved it. In fact, as much as I enjoyed being a professor, I actually weighed returning to practice early in my career.

When a prospective student approaches you and says, "I'm not sure I want to practice, but I think I want to go to law school," how do you respond?

The practical judgment and analytic skills developed in law school provide an excellent foundation for a wide variety of careers. There is a reason why so many

legislators, corporate CEOs, university presidents, and foundation and non-profit leaders have backgrounds in law. At the same time, given the expense of law school, it makes sense for students to think carefully about what they want out of their careers and how a legal education might fit in their plans.

The job of dean seems to be part fundraiser, part administrator, part cheerleader, part referee. How are you finding it?

In some ways, it reminds me of law practice. One of the things I missed about practice after going into teaching was the collaboration, problem-solving, and strategic thinking. I love my work as a teacher and scholar, but it is often pursued independently. Leading a law school is necessarily a collaborative enterprise: working closely with faculty, students, staff, alumni, and university leaders. And every day presents a new set of challenges and opportunities. Working with others to advance the institution and improve the quality of the experience for students is enormously satisfying. The incredible faculty, staff, and students at Tulane make this especially enjoyable.

You've spent your entire professional life on the East Coast and in the Midwest. What drew you to the opportunity at Tulane?

I can't imagine a more exciting place to be. New Orleans and Tulane have always been special, of course. I remember coming to New Orleans as a child and being completely captivated by it. But this is a particularly exciting time both for the city and for the university. Both have emerged

from the challenges of Katrina with new energy and a powerful sense of purpose. And, partly because of that experience, I am convinced that Tulane Law School now has a unique opportunity in American legal education.

"I AM CONVINCED THAT
TULANE LAW SCHOOL NOW HAS
A UNIQUE OPPORTUNITY IN
AMERICAN LEGAL EDUCATION."

Tulane Law School not only survived Katrina but is in some ways stronger today than it was before the storm. We have built the faculty back up to its pre-storm strength; the student body is smaller and getting stronger; the law school and the university are now returning to their pre-storm financial footing. In other words, the fundamentals of the law school are very strong. What we now need to do is to energetically reassert ourselves so that the rest of the world fully *knows* just how strong we really are.

One of the consequences of Katrina is that Tulane Law School is underappreciated nationally. Because of the challenges of recovery, the law school had to focus internally. With a smaller faculty, professors had to spend more time in the classroom and there were fewer resources to support research and outreach with the rest of the legal academy and the profession. Now, for the first time in five years, we have opportunities to think seriously about building new strength and raising our national and international profile.



Dean Meyer joins more than 1,500 Tulane volunteers to lend helping hands to the New Orleans community in observance of Hurricane Katrina's fifth anniversary. Below: New Orleans Mayor Mitch Landrieu greets Dean Meyer, center; and former Tulane law Dean Paul Verkuil (1978–1985), left. The three connected at a conference co-sponsored by Tulane and the Rockefeller Foundation titled, "New Orleans as a Model City for the 21st Century: New Concepts of Urban Innovation."



Do you foresee any new directions for the law school?

I see opportunities to project our strengths more clearly. Tulane law's longtime signature strengths—international and comparative law, maritime law, environmental law, and clinics—are enormous assets. Right now, law schools across the country are scrambling to build strength in precisely these areas, emphasizing skills training and preparing graduates to practice law in a global context. This is our home turf, and we will maintain our leadership position in these fields.

At the same time, there are new opportunities to build out these strengths and to highlight the true distinctiveness of a Tulane legal education. One of the most powerful and defining features of the Tulane law experience is that it is both global and grounded. It is global in the

sense that it encourages students to think broadly about law and to understand in a sophisticated way how legal systems operate from a comparative perspective. Yet, it is simultaneously closely grounded in its community—encouraging students to develop practical skills through intensive engagement with clients and service organizations throughout New Orleans and the Gulf Coast. In the five years since Katrina, the region has become a magnet for entrepreneurs, artists, community activists and innovators. Our students are involved in a dizzying range of service activities through externships, clinics, and pro bono activities, developing valuable practice skills while contributing to the rebirth of the region.

This makes for a legal education that is powerfully well-rounded—highly ambitious and sophisticated in its engagement with legal theory and global developments, yet immersed in practical skills development and public-spirited service to the community just outside our doors.

*Your first day as dean came on July 1—day 73 of the oil spill disaster in the Gulf of Mexico. What was your initial reaction? What is the law school doing in response to the spill?**

This city and region have had more than their fair share of calamities, that's for sure. And, of course, we're still coming to understand the full scope and extent

of the damage even now. But the oil spill also helped to highlight the truly remarkable strengths of Tulane Law School. The spill raised a range of important and daunting new legal and policy questions, touching on the potential liability of the various players, the adequacy of existing maritime laws and regulatory regimes, innovative mechanisms for compensating victims, the interrelationship of national and international legal standards, and the future of the energy industry. No law school in the country was better situated to answer these questions, not only because of our location but also because of our faculty's strengths in maritime, environmental and international law.

The oil spill disaster highlighted not only Tulane law's signature expertise but also our character. Time and again, our faculty, students and staff stepped up and offered themselves in service to help find solutions. Professors Oliver Houck and Robert Force volunteered to organize a hugely successful, semester-long series of public lectures examining the issues raised by the oil spill from every angle. Other faculty members advised congressional members and staff, reporters and institutional investors to better understand the legal and policy challenges. The law school's Institute on Water Resources Law and Policy helped to craft an innovative framework for a new intergovernmental collaboration in tackling the





Dean Meyer and several alums pose for a photo outside the Jirisan Restaurant in Seoul, South Korea. The dean hosted a dinner for the group in July while in Seoul for a conference on constitutional law.

complex environmental challenges. The law school offered up its facilities and staff to host meetings of White House policy staff, the President's Oil Spill Commission, and other government officials. The law school's Payson Center for International Development helped to develop an oil spill tracking map and disaster leadership training. And these are just a few examples.

As with Katrina before, the Gulf Oil Spill disaster really showed not only the great resilience of the people of this region, but also the extraordinary expertise and character of our law school. It was an early reminder of why I am so proud to be affiliated with this very special place.

You really hit the ground running—or should I say, “... air flying”—when you arrived. I don’t think you were in New Orleans for three weeks before boarding a plane to deliver an address at a constitutional law conference at the Korean National Assembly in Seoul. You also met with Tulane law alums there. What did you take away from your time there?

It was really a powerful demonstration of the reach and impact of Tulane Law School. First, at the conference, I was humbled by the enormous respect expressed by South Korea's top legislative and academic leaders for Tulane's towering reputation in international and comparative law. Later, I had a wonderful dinner with about ten Tulane law alums in Seoul. They are an impressive group, including national leaders in academia, banking, maritime practice, immigration law and international human rights work. And they each related, in personal terms,

what their Tulane experience meant to them and the impact it had had on their lives. I was really quite moved by the affection they expressed for the law school and the ways it had touched their lives.

What role do you see for alumni in the future of Tulane Law School?

Tulane's incredibly accomplished alumni have always been important to the school, but never more so than today. For decades, our alumni have given back and enriched the law school in innumerable ways, teaching our students as adjunct professors or visiting lecturers, hiring and mentoring our graduates, advising the dean and collaborating with faculty, promoting Tulane to potential students and employers, and, of course, providing critically important financial support for the school's essential programs.

It's always been important for professional schools to remain connected with those who are practicing the profession, but recent changes in the legal profession make close ties with alumni even more important to the school's future. The enormous challenges in the job market make it absolutely crucial that our alumni look out for Tulane applicants and ensure they get a fair shake. Likewise, as law firms and other employers scale back their own supplemental training for new lawyers, it becomes more important that law schools find new ways to provide basic skills education for students. This will increasingly require help from our own talented alumni.

Finally, another pressing challenge for our future will be maintaining the high

quality of our student body and, relatedly, the affordability of a Tulane law education. Achieving these goals, too, will require help from our alumni. Alumni play an important role in encouraging applicants to consider Tulane, and alumni support for scholarship funds is increasingly crucial in ensuring that the best and brightest can continue to choose to enroll here.

Since there is no chart explaining the role as dean of Tulane Law School, I presume you have spoken with a few of your predecessors. What advice offered to you has been most advantageous?

Yes, I've benefited greatly from the chance to speak with former Deans Paul Verkuil, Ed Sherman, and Larry Ponoroff, as well as Steve Griffin, who so ably served as interim dean last year. They've all been extremely generous in offering their support and advice. Probably the most striking observation—common to

“ALUMNI SUPPORT FOR SCHOLARSHIP FUNDS IS INCREASINGLY CRUCIAL IN ENSURING THAT THE BEST AND BRIGHTEST CAN CONTINUE TO CHOOSE TO ENROLL HERE.”

each of them—was emphasizing what a truly special place Tulane is. It's not just a great law school in the ways that others commonly try to be, such as by assembling a well-regarded faculty or attracting ambitious students. It is really unique. Some of that has to do with New Orleans and Louisiana, but a lot of it has to do with the remarkable community of people who have been associated with it through the years. Every day I spend getting to know those people better, either here at the law school or out on the road meeting with alumni, makes me all the more excited and honored to be here as dean.

* For more information on Tulane Law School's response to the Deepwater Horizon disaster, see page 18.



Former Dean Edward Sherman's portrait, left, hangs outside Suite 210 in Weinmann Hall. Right: 2007 law alum Nathan Bays says the portrait of Sherman shows him just as his students know him: "diligently working, but also friendly, accessible and excited for the next opportunity outside the classroom."

DEAN'S PORTRAIT TELLS A TALE

The "surface and depth" of former Dean Edward Sherman shines in Weinmann Hall from his long-awaited portrait, unveiled on November 13, 2009. Perhaps no one was more anxious about the unveiling than Sherman himself, because the piece was three years in the making.

In the winter of 2006, Sherman and his wife Alice set out to find the perfect

1996 to June 2001 and a full-time member of the Tulane law faculty, sat with his wife amidst family, friends and colleagues during the official unveiling. When Interim Dean Stephen Griffin pulled down the white cloth that cloaked Professor Sherman's portrait, guests agreed the wait was worth every second.

"There are portraits—and then there are portraits," local journalist D. Eric Bookhardt once wrote. "The best tell us something essential about the subject. The rest are just pictures" [*Gambit Weekly*, "Face to Face," August 13, 2002].

Stolin, based in Madisonville, La., couldn't agree more.

"In the end, you come to realize it's not the person or picture, but the humanness—both its surface and its depth—that the portrait is to represent," said the Ukrainian-born painter. Stolin trained from the age of 9 to serve the Soviet state as an artist. "To distill in my painting even a piece of the subject's life essence, soul and character ... In the end, that is what truly matters."

Most of the guests in attendance knew Sherman personally and several close colleagues delivered remarks in tribute to the former dean. Tulane law graduate Nathan Bays (L '07), a law clerk at the Fifth U.S. Circuit Court of Appeals,

remembered his time as a student of Dean Sherman's.

"What makes him truly remarkable is how committed he is to making sure that his students get the most out of their educations," Bays said of Sherman, who is one of the leading alternative dispute resolution scholars in the field of law. "Whether he's answering a series of complex litigation questions during office hours or just saying 'hi' in the hallway, Dean Sherman genuinely enjoys interacting with students and is extraordinarily generous with his time."

The audience also heard remarks from Leo Jordan, former vice president and counsel of State Farm; Steve Plotkin, former Judge, Louisiana Fourth Circuit Court of Appeal; Jack Ratliff, Professor Emeritus, University of Texas School of Law; Cindy Samuel, Professor, Tulane Law School; and Tom Schornhorst, Professor Emeritus, Indiana University School of Law.

Edward Sherman's portrait now hangs outside Suite 210, just steps from the portrait of Dean John Kramer, Sherman's predecessor, who stepped down in 1996. Individual portraits of more than a dozen past deans hang throughout Weinmann Hall as tributes in honor of each individual's service to Tulane Law School.

"LIKE LAW, HISTORY OFFERS US A LENS THROUGH WHICH TO OBSERVE OURSELVES."

—EDWARD SHERMAN, *TULANE LAW SCHOOL: THE FIRST 150 YEARS*

artist—insightful and skilled, yet sensitive enough—to capture, celebrate and preserve the memories of Tulane University Law School's 20th dean. Months of research and numerous interviews later, the couple commissioned local portrait artist Alexander "Sasha" Stolin, who began work on the piece in the summer of 2007.

More than two years later, Sherman, dean of Tulane Law School from July

ADR SCHOLAR ON AGENDA

BILL PITTS, who holds two degrees from Tulane, is the 2010 Distinguished ADR Scholar in Residence. In March 2009, Pitts spoke to a law class and gave a talk during the day. Giving advice to students who are interested in career opportunities in mediation and arbitration is part of Pitts' law school agenda. In addition to meeting with students, Pitts was honored by the law school at a luncheon marking his 30 years as an adjunct professor, teaching trial advocacy as well as negotiation and mediation advocacy.



When it comes to teaching Tulane law students about alternative dispute resolution (ADR), Bill Pitts (L '69) is the expert. On March 23, he spent the day working with law students.

FIFTH CIRCUIT RETURNS TO TULANE LAW SCHOOL

A three-judge panel of the United States Court of Appeals for the Fifth Circuit heard arguments on February 2, 2010, in Room 110 of the law school's John Giffen Weinmann Hall. Members of the law community heard three pending cases from the 5th Circuit's docket—an unusual opportunity for students to see the real-life practice of law through the lens of an appellate court case.

Because the event has drawn a standing-room-only attendance for the past several years, students and faculty began lining up to get a seat well before judges entered at 9 a.m. Fortunately, thanks to "smart room" technology installed during the 2009 summer break, a live broadcast of the arguments was available in an additional classroom for the overflow crowd.

After the proceedings, several of the judges' law clerks remained to answer



Fifth U.S. Circuit Court of Appeals judges Thomas Morrow Reavley, W. Eugene Davis (L '60) and Carl E. Stewart pose for a photo before court begins.

questions from students about the application process for clerkships and the duties of an appellate law clerk.

The 5th Circuit, which decides appeals from lower federal courts in Texas, Louisiana, and Mississippi, holds most hearings at its 600 Camp St. headquarters in New Orleans but convenes two

to three times a year in cities outside New Orleans and at least once annually at a law school. Arguments presented this year included: *Siegfried v. Greer (Habeas)*; *United States of America v. Casita Enterprises, Inc.* and *Dexter Axle Co.*; and *Wampler v. Southwestern Bell Telephone Company*.

CORPORATE LAW CONFERENCE MAKES WAVES

The second-day agenda for the 22nd annual Tulane Corporate Law Institute ground to a brief halt with the news that the Securities and Exchange Commission (SEC) was filing a fraud complaint against Goldman Sachs. Journalists sought high-profile conference attendees for comment while other participants

relevant topics and updates to corporate and securities law. Last year's event, held April 15 and 16, 2010, at the Roosevelt Waldorf-Astoria New Orleans, included presentations on the current M&A environment, the SEC's proposed approach to shareholder proxy access, managing antitrust risk in M&A transactions, the "distressed M&A" marketplace, and

Accountability by Troy A. Paredes, a commissioner of the U.S. Securities and Exchange Commission, this year's speakers included the following:

- Michele M. Anderson, Chief, Office of Mergers and Acquisitions, Securities and Exchange Commission
- Douglas L. Braunstein, Head of Investment Banking, JP Morgan Chase & Co.
- Hon. Jack B. Jacobs, Justice, Supreme Court of Delaware
- Robert Khuzami, Director, Division of Enforcement, Securities and Exchange Commission
- Robert A. Kindler, Vice Chairman, Morgan Stanley & Co. Incorporated
- Hon. J. Travis Laster, Vice Chancellor, Delaware Court of Chancery
- Barry W. Ridings, Vice Chairman of Investment Banking & Co-Head of Global Restructuring, Lazard Freres & Co. LLC
- Hon. Myron T. Steele, Chief Justice, Delaware Supreme Court
- Hon. Leo E. Strine Jr., Vice Chancellor, Delaware Court of Chancery

David Faber, a market news analyst from CNBC, was also on hand to conduct several 10-minute live interviews with speakers from the conference.

The program qualified for 12.5 CLE credit hours and included one hour of ethics and one hour of professionalism.

"WE NEED TO GET PAST POINT[S] AT WHICH BOARDS PRUDENTLY TAKE INTO ACCOUNT RISK. WE NEED TO GET THEM TO DO IRRATIONAL DEALS. [WHY?] THOSE ARE THE DEALS THAT MAKE THIS CONFERENCE FUN."

—HON. LEO E. STRINE JR.,

VICE CHANCELLOR FOR DELAWARE'S COURT OF CHANCERY

were called briefly back to business.

The news caused an immediate 13 percent drop in Goldman's stock price and a 1.3 percent decline in the market as a whole—and confirmed that the Tulane conference had achieved a goal set long ago.

In the late 1980s, Delaware Supreme Court Justice Andrew G.T. Moore II (L '60) and a group of New Orleans corporate practitioners were among those who undertook an aggressive goal: to establish a new annual platform for a gathering of national leaders in the fields of law and business. Twenty-two years later, the conference remains a critical meeting place for the most high-profile lawyers and bankers from around the United States, as well as judges, journalists, and others who follow the deal-making world.

The two-day M&A and corporate law conference that takes place in downtown New Orleans every spring focuses on

recent case law and statutory developments in Delaware, among other topics.

Approximately 330 attorneys from major firms across the U.S. and Canada, as well as in-house counsel, convened in record attendance at the April 2010 event. Attendees enjoyed the opportunity to network with peers at an evening cocktail reception sponsored by the Delaware Office of the Secretary of State.

In addition to a keynote address on Financial Regulation and Corporate

"DRAWING REGULATORY LINES THAT STRIKE THE PROPER BALANCE IS NOT EASY, BUT IT IS FUNDAMENTAL IF REGULATION AFTER THE FINANCIAL CRISIS IS TO DO MORE GOOD THAN HARM."

—COMMISSIONER TROY PAREDES,
U.S. SECURITIES AND EXCHANGE COMMISSION

RECONCILING CONSTITUTIONALISM AND ORIGINAL INTENT

LAURENCE SOLUM is Associate Dean for Faculty and Research and the John E. Cribbet Professor of Law and Philosophy at the University of Illinois College of Law, but he may be best known as the author of “Legal Theory Blog” (Isolum.typepad.com). He is an internationally recognized expert on Legal Theory, who works on the philosophy of law, civil procedure, constitutional theory, internet governance, and a variety of other topics. His blog is widely recognized as one of the most influential sources of commentary about the world of legal ideas. He gave his lecture at Tulane law on Feb. 8, 2010.

THE McGLINCHEY LECTURE was established in 1996 by the law firm of McGlinchey Stafford, to honor its founder, the late Dermot S. McGlinchey, a distinguished Tulane Law School graduate (L ’57). McGlinchey was a dedicated supporter of the school, and his many charitable contributions included service as the chairman of the school’s building fund. He devoted much of his life to promoting equal access to the courts, and he revitalized the Louisiana Bar Foundation. Because he was an expert in insurance law and civil litigation, the McGlinchey Lecture is broadly dedicated to the fields of litigation practice, judicial adjudication and justice under law.



Professor Lawrence Solum, Associate Dean for Faculty and Research and John E. Cribbet Professor of Law and Philosophy, University of Illinois College of Law, is the 2010 McGlinchey lecturer.

ACLU’S FIGHT FOR LIBERTY

When Anthony Romero was a student in law school, he began fighting for the rights of the underprivileged. During his visit to the law school as the 2010 Dreyfous Lecturer, he shared his story of entering the fray to protect civil liberties during a time of crisis in America. Just four days before the September 11 attacks in 2001, Romero took office as executive director of the American Civil Liberties Union. Soon after the enactment of the Patriot Act, Romero launched the Keep America Safe and Free campaign designed to restore individual freedoms, due-process rights and the government’s system of checks and balances.

DREYFOUS LECTURE ON CIVIL LIBERTIES AND HUMAN RIGHTS



Anthony Romero, left, executive director of the American Civil Liberties Union (ACLU), answers questions after the Dreyfous Lecture, while Jancy C. Hoefel, vice dean of academic affairs, Tulane law, observes.

Almost nine years later, Romero says that pressure from competing ends of the political spectrum continues to get in the way of the country’s ability to make decisions.

Romero cited several current events as examples of the country’s ongoing

internal debate about how to handle alleged terror suspects.

He discussed President Obama’s decision to discontinue the torture of detainees, close the Guantanamo Bay camp and protect the right to representation and fair trials for terror suspects. Romero shared specific examples of concerns relevant to detainees, such as the accuracy of translation services offered in the military courts.

“A defendant might speak for three minutes in his language and the English translation is only one minute. Something isn’t right there,” argued Romero.

Romero’s lecture on March 17, part of the George Abel Dreyfous Lecture Series On Civil Liberties and Human Rights, was titled “Collateral Damage: The War on Terror, Attacks on the Courts, the Effect on Liberty.”

2010 GRADUATE AWARDED FELLOWSHIP, “DREAM JOB”

Christopher Bernhardt (L ’10) received one of two Hunton & Williams Pro Bono Fellowship Awards for 2010–2012. Bernhardt, the 2009–2010 president of the law school’s Public Interest Law Foundation, currently serves as a member of the law firm’s litigation team in Richmond, Va.

“I get to control my own docket ... mainly family law, particularly domestic violence, and housing,” said Bernhardt of his two-year fellowship. “I am planning on doing outreach in the Spanish-speaking community and work with the local wage claim clinic.”

Bernhardt applied for the position in October of 2009 because “it looked like a dream job.”

In response to federal budget cuts and other reductions in funds for Legal Aid Services, Hunton & Williams maintains the two fellowship positions for attorneys whose time is entirely committed to pro bono work. Each Fellow spends significant time in the courtroom and serves as a useful resource for other attorneys seeking assistance on pro bono matters. The fellowships were enhanced in 2004 to provide \$10,000 each year for law school debt repayment.

EQUALITY IN PROGRESS

Tulane Law School co-hosted the fourth Annual Meeting of Law School Diversity Professionals in late April 2010. The event’s central goals—to discuss and implement effective strategies for recruitment, matriculation, retention, and support of students from diverse backgrounds, as well as diversity-related law school policies and practices—have proven to be successful.

“Tulane Law School embraces its institutional commitment to foster a multicultural environment where every member of the law school community is valued,” said Interim Dean Stephen Griffin. “The opportunity to host the 4th Annual Meeting allows us the ability to contribute to our collective diversity initiatives and cross-pollinate ideas.”

RESCUING THE DOGS OF THE NINTH WARD

The abandoned pit bull puppy was hairless, starved and bleeding. Tulane law student Kelly Gaus found the suffering animal as she was walking her own dogs around her Ninth Ward neighborhood of New Orleans.

“I couldn’t leave her and decided to save her,” says Gaus. And so, Dogs of the Ninth Ward or “D9,” Gaus’s dog rescue organization, was born.

“I pull stray or abandoned dogs off the streets of the Ninth Ward and nearby

downtown neighborhoods,” says Gaus, currently in her second year of law school. “The dogs are fully vet-checked, vaccinated, dewormed, microchipped, and spayed or neutered. I then place the dogs or puppies in loving foster homes, where they stay until they are adopted.”

Other Tulane students are assisting the rescue efforts as well. Second-year law student Ellen Forrester is among the community volunteers who provide foster homes for newly rescued animals until they are permanently adopted.

Gaus is not new to community service. After earning an undergraduate degree from Tulane, she worked for two years as a senior program coordinator at the Tulane Center for Public Service.

“We have a remarkably bad stray population,” says Gaus. “People dump dogs from other areas. Most of our dogs are actually abandoned, not stray in the sense that they were born on the street.”

Pet abandonment may have increased since Hurricane Katrina.

“The numbers have definitely increased,” Gaus says. “We’re up to about the 8th or 9th generation post-K. But there was always a severe problem in the Ninth Ward, as well as certain other areas like Central City and New Orleans East. It’s just gotten worse as funding and efforts have shifted to rebuilding.” For more information, visit Gaus’s blog at <http://dogsofthe9thward.blogspot.com>.



Second-year Tulane law student Kelly Gaus cuddles 2009 rescues, German Shepherd puppies Breesie, right, and Vilma, left, affectionately named after New Orleans Saints players.



Child advocacy attorney Richard Ducote, left, talks with Wendy Hadfield, vice president of Tulane Law Women's Association, at a domestic violence conference held at Tulane.

ADVOCATES LOOK AT VIOLENCE ISSUES

More than 100 law students, attorneys, and social workers learned on March 17, 2010, that defending domestic violence victims takes a common language between mental health professionals and attorneys. Presenters at the session included Tulane alumnus Richard Ducote, a nationally recognized child advocacy attorney.

The Tulane Law Women's Association sponsored the continuing education event focusing on custody and divorce cases involving domestic violence, assessing a child custody evaluation, and ethics of representing domestic violence victims. Other speakers were Tania Tetlow, director of the law school's Domestic Violence Clinic (DVC), and Becki Kondkar, a national expert on child custody cases with domestic violence concerns and instructor in the DVC.

"You are literally saving lives when you do this work, but it is not easy," Tetlow said.

Ducote emphasized the importance of the landmark Louisiana legislation that he wrote, the Post-Separation Family Violence Relief Act. "It ties their

hands—judges can't grant custody to abusers because of this act," he said, describing the presumption against custody for litigants who are found to be perpetrators of family violence.

Speaking about preventing visitation with parents who have abused their own children, Ducote says, "You'd think that some of these things are obvious, and I think they are. But the court seems to struggle with these things. I get accused all the time of not wanting fathers to see their children or wanting to create conflict."

Presenters also encouraged professionals to make fully informed decisions for their clients and described the challenges faced in representing domestic violence victims. Ducote criticized family law courts for focusing on reducing conflict above all else, while Tetlow described the stigma victims can carry and how this affects victims' court cases.

While the event focused on the legalities of domestic violence and custody issues, Tetlow said this information has value for social workers as well, to better assist their clients.

PROTECTING WOMEN STEP BY STEP

The Tulane Law School Domestic Violence Clinic has created step-by-step protective order kits for female victims of domestic violence. The kits, which operate as a learning tool for victims who are representing themselves in court for the first time, came together with a joint effort of original research provided by former law students at the clinic and the continued diligent work of undergraduate interns, who have become the current backbone of the project.

"Without the help of undergraduate interns, our students and staff would not have been able to complete this vital project," says Kati Bambrick, director for development and programs for the clinic.

Last year, Lauren Britsch completed the layout and design of the kits, breaking down the dense material. Intern Madeleine Minton continues to edit the project, while developing versions for Jefferson Parish and Spanish language materials.



Tania Tetlow, left, director of Tulane Law Domestic Violence Clinic, and Madeleine Minton, the clinic's undergraduate intern, work to create step-by-step protective order kits for New Orleans women in need.

THE DEBATE: CONSTITUTIONAL RIGHTS FOR CORPORATIONS?

Should corporations have constitutional rights? Last September, the Supreme Court heard oral arguments in the case of *Citizens United v. Federal Election Commission*. The issue was whether the court should overrule one of its own precedents, a case called *Austin v. Michigan Chamber of Commerce*, decided in 1990. In *Austin*, the court assumed that corporations have First Amendment rights, but these rights can be overridden by laws that serve important countervailing interests.

Laws that prohibit corporations from

making independent expenditures from their corporate treasuries to support or defeat candidates do serve an important interest, the court held, namely the interest in eliminating the “corrosive and distorting effects of immense aggregations of wealth” that are accumulated with the help of the corporate form.

In *Citizens United*, Solicitor General Elena Kagan urged the court not to overrule *Austin*, though not because independent corporate expenditures have “corrosive and distorting effects.” Instead, she argued, restrictions on such spending were necessary to prevent the corruption of candidates for federal office. This was a difficult argument to make, since the court has explicitly rejected the idea that independent expenditures have the potential to corrupt candidates. In addition, she argued that the restrictions were necessary to protect shareholders who do not share the corporation’s political views.

Former Solicitor General Ted Olson argued in behalf of *Citizens United*. He stressed that the law at issue restricted the political expenditures of all corporations, not just of the few that have accumulated immense aggregations of wealth.

More importantly, he urged the court to remember that it had long ago recognized that the correct question to ask about restrictions of corporate speech rights is whether such restrictions infringe the kind of speech that the First Amendment was intended to protect, and robust debate about candidates for elective office is precisely that kind of speech. Indeed, it is the most fundamental kind of protected speech.

Several justices during the oral argument wondered whether corporations should even have First Amendment rights. They echoed the views of people who find it anomalous that corporations are protected by the First Amendment in particular and the Constitution in general. After all, as Justice Ginsburg noted, corporations are not “endowed by the creator with inalienable rights.” And at first blush it does seem rather natural to think that constitutional rights belong to real persons and not to artificial ones such as corporations.

But this way of thinking about corporations and the Constitution misses some important realities. Consider just two.

First, corporations are ubiquitous. They serve the very valuable social function of permitting individuals to pool their resources for an endless and unlimited variety of productive and useful pursuits. The corporate form provides a convenient and efficient way for real persons to engage cooperatively in all manner of human activity, from providing goods and services for profit, to worshipping, to conducting scientific research, to educating people, to advocating for causes, to engaging in charitable work in local communities.

The *Times-Picayune* is a corporation—as is Google. So are the ACLU and the NRA. So are nearly all private



PHELPS LECTURE ON FIRST AMENDMENT

JUSTICE GINSBURG NOTED, CORPORATIONS ARE NOT “ENDOWED BY THE CREATOR WITH INALIENABLE RIGHTS.” AND AT FIRST BLUSH IT DOES SEEM RATHER NATURAL TO THINK THAT CONSTITUTIONAL RIGHTS BELONG TO REAL PERSONS AND NOT TO ARTIFICIAL ONES SUCH AS CORPORATIONS.

universities, most nonprofit organizations, most churches and most businesses, from the big multinationals to the neighborhood mom-and-pops. Thus, real people are protected by constitutional rights for corporations.

Second, a principal function of the Constitution is to constrain arbitrary government power. Recognizing that corporations have constitutional rights is an important and perhaps an indispensable means of accomplishing this goal.

The First Amendment prohibits government from suppressing dissent. The Fourth Amendment limits government's ability unfairly to arrest and try alleged wrongdoers. The Fifth Amendment stops government from taking private property for public use without paying

compensation. If these amendments did not apply to corporations, the power of government to act arbitrarily—to suppress dissent, to unfairly arrest and try wrongdoers, to seize private property—would be vastly increased.

So, the answer to the question whether corporations should have constitutional rights seems clear: Since the federal government already is far more powerful than even the very largest private corporation, and since the corporate form facilitates such an endless diversity of productive human enterprises, it would surely be a mistake to yield more power to the government by taking from corporations the protections against government arbitrariness that the Constitution provides.

Lillian R. BeVier is the David and Mary Harrison Distinguished Professor of Law at the University of Virginia School of Law. Professor BeVier delivered the 2009–2010 Ashton Phelps Lecture on the First Amendment on November 17, 2009, at 5 p.m. at Tulane Law School in Room 110. The title of her lecture was “Freedom, Fairness, and the F-Word: Reflections on the Yin and Yang of the First Amendment.”

A *Times-Picayune* guest column,
Saturday, November 14, 2009

By Lillian R. BeVier, Contributing Op-Ed
columnist, Tulane law Phelps lecturer

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HONORING FRIENDS AND FELLOWS

Two Audubon Place, home to Tulane University President Scott Cowen, was the setting for Tulane Law School's Friends and Fellows of the Law School celebration on November 6, 2009. Now in its second year, the annual donor appreciation event recognizes those individuals—alumni, parents, and friends—who enable this institution to operate by giving \$1,500 or more to the Tulane Law Fund.

We would love to see you at next year's event. For more information about the Tulane Law Fund and Fellows program, please contact **Emily Roberts** at **504-247-1384** or via e-mail at **erobert2@tulane.edu**.



Standing, left to right, Interim Dean Steve Griffin, Albert Mintz (L '51), Sylvan J. Steinberg (L '57); seated, left to right, Linda Mintz and Judy Steinberg



Robert C. Hinckley (L '76), Sam Scott Miller (L '64), Hon. Martin L.C. Feldman (L '57) and Sandra Kramer



Lettice and Walter B. Stuart IV (L '73), Sandra M. Feingerts and Hon. Jacques L. Wiener Jr. (L '61)

Left: Susan G. Talley (L '81), Harry Hardin (L '70), Rose LeBreton (L '76) and James C. Gulotta Jr. (L '76)

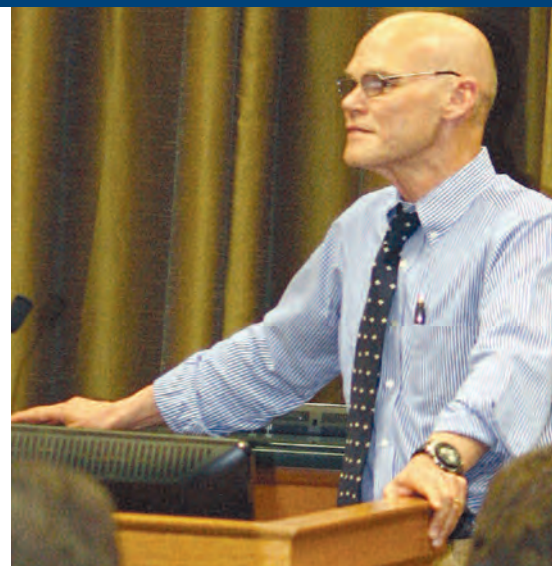
JAMES CARVILLE LOOKS AT AMERICAN POLITICS

The annual Gauthier Lecture lived up to its stated goals in 2010 as national political expert James Carville took the podium to speak about contemporary politics. The event drew a standing room only attendance, filling all 152 seats of the law school's room 110 and an additional 100 in room 257, which welcomed the overflow of guests.

JAMES CARVILLE is an American political consultant, commentator, educator, actor, attorney, media personality and prominent liberal pundit. He gained national attention for his work as the lead strategist of the successful presidential campaign of then-Arkansas governor Bill Clinton. Carville was a co-host of CNN's "Crossfire" until its final broadcast in June 2005. Since its cancellation,

he has appeared on CNN's news program, "The Situation Room." As of 2009, he hosts a weekly program on XM Radio titled "60/20 Sports" with Luke Russert, son of the late Tim Russert who hosted NBC's "Meet The Press." Carville and his wife, Republican political consultant Mary Matalin, relocated their family from Virginia to New Orleans in 2008. In 2009, he began teaching political science at Tulane University.

WENDELL H. GAUTHIER was one of the country's foremost trial attorneys and rose to national prominence representing victims of the 1982 crash of Pan Am Flight 759 in Kenner. He also represented victims of a major hotel fire at the MGM Grand in Las Vegas and at the collapse of a walkway at a Hyatt Regency in Kansas City. One of Gauthier's most



American political consultant, strategist, commentator, attorney and author Chester "James" Carville Jr. takes a look at American politics on March 2, 2010.

controversial cases included the groundbreaking Castano litigation filed against several tobacco companies. During the litigation, he discovered documents exposing a corporate cover-up of nicotine's addictive potential. The revelation paved the way for the industry's landmark \$246 billion settlement with the states in 1998. Gauthier died in December 2001.

GAUTHIER LECTURE ON APPLIED TRIAL ADVOCACY

IN CONJUNCTION with this year's Gauthier Lecture, in return for the Gauthier family's long-standing generosity, Tulane Law School officially renamed Room 110 of Weinmann Hall "The Wendell H. Gauthier Appellate Moot Court Room."

On the continuation and future of the Gauthier Lecture, Interim Dean Stephen Griffin remarked, "We are very happy to have the Gauthier family and friends remain a part of the law school's lecture series, which will be a continuing and exciting addition in Tulane's effort to reach out to a wider public."



Left to right, Trenton Gauthier (son of Celeste Gauthier), Anne Gauthier, James Carville, Celeste, and Cherie Gauthier Lirette.



Members of the 2009–10 Tulane Law School Moot Court team, graduates of the law class of 2010 (left to right, Marcus Edwards, Julia Farinas, Nathan Prihoda and Andrew Miragliotta), pose with 2010 competition finalists from Loyola University Law School (New Orleans) and Southwestern Law School.

AT TULANE, MARDI GRAS MEANS SPORTS LAW

Carnival isn't just about parades and festivities. For Tulane Law School, it's also time for the Mardi Gras Invitational.

Teams from 40 colleges and universities were in New Orleans in February 2010 for the appellate advocacy competition.

The Tulane-sponsored moot court competition is in its 15th year and "our biggest ever," said Nathan Prihoda, a third-year Tulane law student and chief justice of the student-run Moot Court Board.

The Tulane appellate competition previously dealt with problems such as complex intellectual property and licensing issues and federal preemption of state laws, but now it is focused on sports law.

Prihoda said the event is the nation's

preeminent sports law appellate advocacy competition. "Teams travel from all over the country to New Orleans to argue a problem ripped from the headlines of modern sports law news," he explained.

This year's competition surrounded the National Football League (NFL) "StarCaps" case.

Teams from New England to the Pacific coast and from the Deep South to the Midwest competed in several rounds at the Eastern District Courthouse in downtown New Orleans. At the end of the final day, a team from Loyola University New Orleans School of Law won the Moot Court Mardi Gras Invitational, convincing a panel of six legal experts the NFL was right to suspend the Vikings' Kevin and

Pat Williams four games for violating the sport's anti-doping policy.

Tulane sports law professor Gabe Feldman chaired and sat on the panel of judges. Of the Loyola law team, he stated, "If you closed your eyes and didn't know these were students, you would have thought they were lawyers who were practicing 10 or 15 years, their presentation was that good."

Feldman should know. He testified against the NFL at the StarCaps Congressional hearing in November 2009.

In addition to Feldman, judges for the 2010 competition were as follows: Tulane alumnus Joe Ettinger (L '56); Richard House, general counsel for the New Orleans Hornets; Andrew Brandt, former vice president of the Green Bay Packers and founder of the National Football Post newsletter and website; Judge John Grout of the Louisiana Department of Labor; and Tulane law professor Herb Larson.

TULANE LAW HOSTS ACMA TOURNAMENT

TULANE LAW SCHOOL hosted the American Collegiate Moot Court Association's (ACMA) National Tournament on January 14 and 15, 2011. A total of 64 undergraduate teams from around the country came to Tulane to compete after winning competitions in eight regions.

Over the tournament's two days, participating teams engaged in oral argument before three-judge panels composed of more than 100 local judges and lawyers, many of them Tulane law graduates who volunteered to arbitrate the rounds. The fictional tournament case addressed mandatory health care and same-sex marriage.

After seven rounds of hearings, the final championship round took place before the Honorable Fredericka Wicker (L '77) who presided as Chief Justice of the Tulane Supreme

Court, along with Tulane law Professor Onnig Dombalagian and prominent New Orleans attorney Tony DiLeo (L '70), both of whom served as associate justices.

"This was the first time Tulane hosted the ACMA championships," said Tulane Law School Associate Dean Susan Krinsky. "This was a wonderful opportunity for us to showcase Tulane Law School and New Orleans to prospective law students from across the country. In addition, we were able to take advantage of the extraordinary talent pool of our local alumni. I think all of the volunteer judges were impressed by the exceptional quality evidenced by the competitors."

Alex Harris and Brett Harris from Patrick Henry College, a 357-student liberal arts college in Purcellville, Va., won the national tournament.

MOOT COURT TEAM REACHES NATIONAL SEMIFINALS

A team of Tulane University Law School students scored big during the February 2010 National Environmental Law Moot Court Competition at Pace University in White Plains, N.Y.

Then third-year law students Thadeus “Thad” Culley (L ’10) and Joseph Briggett (L ’10) and second-year student Thomas Sharp made up the team that competed against 84 law schools to land a spot among nine universities in the semifinals. Culley was named best oralist in two of the three preliminary rounds.

Moot court competitions simulate courtroom procedures and provide

students with an opportunity to deliver oral arguments before an audience.

The competition called for each team to write an appellate brief and prepare oral arguments based on hypothetical cases seething with environmental infractions. Participants were required to prepare legal arguments for all parties involved, as the persons they represented would alternate each round.

“The students were prepped to the nines having four and five moot sessions per week over many weeks,” said Tulane law professor, Oliver Houck, who observed the students as they prepared in the months prior to the competition. “The

Tulane team was the highest-placed student-coached team, by a wide margin.”

Students are not allowed any coaching in writing their appellate briefs. At Tulane Law School, faculty members do not coach the teams in preparing their oral arguments. Third-year law student Colleen Booth, a veteran of last year’s competition, filled that role.

“It was my job to listen to the team’s arguments, guide them, and push them hard by questioning their logic and facts to make sure their arguments were the best,” says Booth. Tulane was the only Louisiana law school to reach the semifinal level.



Left to right, Joseph P. Briggett, Thadeus Culley and Thomas L. Sharp

LAW STUDENTS GOING GREEN

At 7:30 on a Saturday morning, while much of the city was still asleep, Tulane law students were out getting their hands dirty, cleaning green spaces in a community-wide public service activity. On March 20, students representing every part of the law school—from moot court teams and law societies to journals and the Student Bar Association—came together to work alongside the host volunteer network, HandsOn New Orleans, in the Indian Association Neighborhood of Gentilly, New Orleans.

During the four hours of community service, students and community residents participated in a “block blitz” where they cleaned debris from public lots, tore down a dilapidated shed, land-

scaped, and stripped paint from houses. After the service was complete, students enjoyed a barbeque lunch, a visit from Saints defensive player Will Smith, and a performance by Mardi Gras Indians.

—By Stella Cziment, JD candidate 2011

Participants included Patricia Guzmán, Jacob Merkord, Rose Sher, Marcus Edwards, Homero López, Brandon Winchester, Justin Woodard, Chris Bernhardt, Wolf McGavran, and Stella Cziment.



WATER SUMMIT EXPLORES ENVIRONMENTAL IMPACTS

Tours of the wetlands and the New Orleans toxic waste system were highlights of the 15th annual Tulane Law School Summit on Environmental Law and Policy. The overall agenda reflected shared concerns about the impact of changing climates, dwindling fresh water supplies, and shifting resource demands on water management practices. Titled “Bound by Water,” the summit ran from April 9 to 11, 2010, in Weinmann Hall. Tulane alumna Lisa Jackson, Environmental Protection Agency (EPA) administrator, gave the keynote address.

Water is a vital resource that lies at the intersection of law and policy, science and technology, culture, economics and environmental stewardship. All these issues were put in focus at the summit, which featured nationally recognized experts on water law, policy and management.

The summit included two days of lectures and panel discussions of interest to lawyers, policymakers, planners, resource users, advocates and others concerned

with how water management affects their community, business or future.

Topics included flood protection, coastal restoration, management of fresh-water supplies, commercial aquaculture, the impact of climate change on sea-coasts and more.

Two panels in particular drew high attendance: “Dams, Ditches, and Diversions: The Future of America’s Water Projects,” which looked at the impact of climate change on water policy; and “Beyond Plans and Dreams: Finding the Funds to Save Coastal Louisiana,” which featured key state and federal officials addressing that issue.

Among the summit highlights were addresses by Joseph Sax, professor of law at the University of California, who spoke on “Climate Change and the Migratory Seashore: Old Laws and New Needs,” and Al Armendariz, regional administrator of the Environmental Protection Agency Region Six.

Two field trips also were offered. One was a visit to the Turtle Cove Research Station and Wetlands in Manchac, La.,



EPA administrator and Tulane alum Lisa Jackson delivered the keynote address at the Tulane Law School Summit on Environmental Law and Policy.

several miles from New Orleans. The second was the “New Orleans Toxic Tour,” which focused on New Orleans’ toxic waste system and dumpsites in the metro area. Participants learned about environmental and health problems that arise from toxic waste and the impacts of dump sites on low-income communities.

“A RIVER IS MORE THAN AN AMENITY, IT IS A TREASURE.”
—JUSTICE OLIVER
WENDELL HOLMES JR.





Filling Room 110 at Tulane Law School, community residents and students attend the opening lecture on the Deepwater Horizon environmental disaster in the Gulf of Mexico. While law students could enroll in the course for academic credit, the series was intended equally and free of charge for the general public.

BRIEFS

OIL SPILL DISASTER INSPIRES LECTURE SERIES

Talk about “teachable moments.” Focusing on the deadly explosion of the Deepwater Horizon oil rig and the ensuing environmental disaster in the Gulf of Mexico, Tulane Law School conducted the “Deepwater Horizon Lecture Series” in fall 2010. The course, which was open to all Tulane students as well as members of the general public, examined a diverse array of issues related to the catastrophe then unfolding in the Gulf of Mexico.

“This is not a law course,” said law professor Oliver Houck. “This is a primer on the history, economics and biology of what’s happening out there.”

Houck, who organized the series with adjunct law professor William Goodell, accurately anticipated that students returning to campus from their summer breaks would be hungry to learn about and discuss the disaster.

“The adrenal levels kicks in,” Houck expounded. “The students became vitally interested because it is playing out in front of their eyes.”

Supporting Houck’s prediction, the first lecture (of eight in the series) drew a crowd large enough to require an overflow room from where a video screen displayed the presentation. Undergraduate and graduate students along with residents

of the Gulf Coast gathered for the August 30 series opener. “A Litigator’s Glimpse at the Horizon” was jointly presented by attorneys Scott Bickford, who represents Mike Williams, one of the last crew members to escape the burning rig; Stuart Smith, an environmental plaintiff lawyer; and Joel Waltzer, who represents the Pointe-au-Chien Indian tribe.

Tulane law student Ling Li was among those attending the lecture in Room 110 of Weinmann Hall.

“I’m from a different country so things work differently than they do here,” said Li. “I came today because I want to hear how the private and the public sectors handle this type of disaster. Today was good because we got to hear from actual players involved.”

A variety of experts, including several Tulane law professors, taught subsequent lectures that covered the Gulf’s ecosystem, ongoing containment and cleanup operations, biological and community impacts, and issues related to law and policy. A question and answer period followed each lecture.

SCHOLARS ON CALL FOR ANALYSIS OF OIL SPILL

IN THE WAKE of the Deepwater Horizon explosion and subsequent oil spill disaster in the Gulf of Mexico, Tulane law scholars have fielded questions from congressional aides and reporters, as well as intellectuals and investors, all seeking analysis of the blowout’s multifaceted effects. In the media alone, faculty members have responded to requests for commentary from more than 50 news outlets around the world. Faculty responses in the media included the following:

“Marine life ‘breeds on the edges ... If you lose that area, so much of the marine life we depend upon is compromised.”

—**Mark Davis**, *USA Today*, “Oil-containment effort’s success hard to gauge,” May 7, 2010

“You get traction in these things when there is a compelling tragedy.” —**Robert Force**, *The New York Times*, “Calls to Update Maritime Laws,” July 5, 2010

“You can’t get Congress to pay attention to anything on maritime law ... It’s not a very sexy issue until there’s a disaster.” —**Martin Davies**, CNN, “Little-known law could work in Transocean’s favor,” June 10, 2010

“You won’t find any power center in Louisiana taking a critical stance on oil ...

It’s simply not possible.” —**Oliver Houck**, *Los Angeles Times*, “Louisiana’s love-hate relationship with the oil industry,” Sept. 15, 2010

“This oil spill has brought into focus the limitations of liability that pretty much permeates though the whole of maritime law.” —**Martin Davies**, *The National Law Journal* cover story, “After Oil Spill Disaster, Maritime Law Is All at Sea,” July 30, 2010

“Judge Feldman is a respected judge and he did make a careful opinion ... I would be surprised if that ownership of small amounts of stock would affect him in any way.” —**Edward Sherman**, National Public Radio, “BP Installs Containment Cap After Mishap,” June 23, 2010

EXPLORING INTERNATIONAL LAW FRONTIERS



ZHANDRA
MARÍN (LLM '09)
*Doctor of Juridical
Science (SJD)
candidate, Tulane
Law Class of 2013*

Trading principles, rules and regulations developed by merchants seeking speedy solutions to everyday problems continue to play a role in civilized countries today, argues SJD candidate Zhandra Marín, a Fulbright Scholar who received her Master of Laws from Tulane Law School in 2009.

In her native country of Venezuela, Marín is a professor at the Universidad Central de Venezuela and Universidad Metropolitana, where she teaches two topics she has frequently presented and spoken about—Private International Law and Comparative Law. At Tulane, Marín teaches Spanish at the Freeman School of Business. And when she's not assisting faculty with research, studying for class, or working on her dissertation, there is a good chance she's in the law library continuing her investigation of Law Merchant (Lex Mercatoria).

Law Merchant, as Marín describes it, has developed over time as merchants seek direct and effective solutions to day-to-day issues faced in international commerce. She stresses that these regulations continue to emerge “because the merchants feel the national laws are ‘too slow’ or do not satisfy the needs of their area.”

“Not too long ago, Law Merchant was perceived as the opposite of state law, because it is created by merchants and not by the states,” observes Marín. “However, some countries like Venezuela

realized that the Law Merchant can be a useful tool instead of an enemy and decided to give it a certain degree of recognition in their statutes.”

Marín's curiosity about the middle ages (when Law Merchant was conceived) and her frustration, generated by the lack of knowledge or recognition of the value of Law Merchant in Venezuela and other civil law countries, inspired her to write *Rol de la Lex Mercatoria en la Contratación Internacional Venezolana del Siglo XXI (Role of the Law Merchant in International Contracts: Venezuelan Perspective in the XXI Century)* (2010).

The book explains what Law Merchant is and how it can be applied to determine the applicable laws to international contracts.

According to Marín, everyone—from consumers and transnational companies to judges and legislators—benefits from international contracts. Judges in particular play an important role as initiators of societal norms, she says.

“In this globalized world, there is no escaping it. Nowadays, talking about Lex Mercatoria is unavoidable in that field because merchants often prefer it over state law!”

Lex Mercatoria is only a small part of Marín's scholarship. She jokingly says she has been in school since age 2 and has no desire to stop now.

“Since I can remember, my grandma used to tell me at least once a week that ‘the only thing that nobody can take away from you is your knowledge,’” she says.

Marín is expanding her research to other civil law countries and to the common law system. While many scholars and observers debate the disparities between these systems of law, she says that she is fascinated by the similarities between the two legal traditions.

Accordingly, the objective of Marín's dissertation is to establish a comparison

between the “process per se.”

Marín draws on the challenges faced by civilian judges as an example of the overall challenges created by the rapidly changing nature of international law. She explains that some commentators accuse civil code judges of mechanically determining the applicable law without properly understanding the purpose of the conflict of law rule. Since civilians have their own codes and statutes, she expounds, it is easier for them to make the mistake of becoming “repetition machines of the law.”

In defense of the judges, Marín explains, “When you have 2,000 cases to decide and limited resources, you don't have all the time in the world to think about all these mystical questions that I am wondering about.”

Consequently, part of her project involves the development of a practice guide for Private International Law, intended to serve as a resource for judges.

The recognition of Law Merchant by national law is one area where the judge has a higher level of freedom simultaneously with obligations to society to balance commerce's need for speedy decisions with justice, she says.

As for Marín, she is confident she will walk away from Tulane Law School in 2013 with four hard-earned law degrees, ready to go where life takes her, whether that leads to a role as an educator, an arbitrator, or a mother (or all three and then some).

“I can make many plans, but life tends to have its own ideas about my future,” she says, wryly.

Regardless of what her future holds, one thing is certain: Zhandra Marín will always have her knowledge. And even the wisest merchant knows you can't put a price tag on that.

21ST CENTURY PIRACY

Piracy remains a problem in the 21st century and last year headlined the 2010 William Tetley Lecture on Maritime Law.

Solutions to the problem of piracy will require international cooperation to choke off the flow of money to pirates while bolstering economic prosperity through trade and aid, according to William Tetley, former professor of law at Tulane. Tetley made his comments as part of the 2010 Tetley Lecture.

Tetley's comments introduced the main presentation by Captain Gordan Van Hook, USN (Ret.), who delivered a speech titled "21st Century Piracy and the Taking of the Maersk Alabama."

Capt. Van Hook is Senior Director of Innovation and Concept Development at Maersk Line Ltd. He was the principal Maersk spokesman during the 2009 capture by Somali pirates of the U.S.-flagged containership Maersk Alabama.

Before joining Maersk, Capt. Van Hook had a broad and varied career in the U.S. Navy. Among other things, he acted as operations officer for the Fifth Fleet to launch Operation Enduring Freedom; he commanded Destroyer Squadron 23; and

he served as Sea Combat Commander for the Nimitz Strike Group.

Professor William Tetley, C.M., Q.C., LL.L., taught mini-courses at Tulane for nearly 14 years, covering a wide range of admiralty topics. In 1999, the Tulane Maritime Law Center established the lecture in Tetley's name to honor him for his distinguished service to Tulane Law School's maritime program, his contributions to scholarship, and his service to the international maritime community. Tetley currently serves on the law faculty at McGill Law School in Montreal.

While unable to attend in person for health reasons, Tetley delivered introductory remarks on piracy via satellite in Room 110 of Weinmann Hall. According to Tetley and his associate, Carl Dholandas, the taking of the Maersk Alabama was very significant because "it is rare for a U.S. flag ship to be boarded by pirates."

In introduction to the topic of the day

Tetley wrote, "This incident may serve to increase awareness of the increase in the severity of pirate attacks, and the significant measures required to address the problem. As well, it may provide

clues as to how to go about prosecuting pirate suspects."

Tetley argued that in order to forge a comprehensive and lasting solution to the problem of piracy in the 21st century, ongoing determined and coordinated international efforts are required. State-building and economic and social development are critical, as are coordinated enforcement and prosecution efforts. The flow of money to pirates must be choked off, argued Tetley. The bank accounts of their financiers must be frozen. At the same time, the international community should use trade and aid to bolster the causes of political legitimacy, domestic military capacity, and economic prosperity.

Tetley said the continuation of the Tetley lecture series is a great honor, and he is happy it is a part of "a larger tradition of maritime law scholarship at Tulane."



TETLEY LECTURE
ON MARITIME LAW

DEUTSCH LECTURE ON INTERNATIONAL LAW



International criminal law and human rights scholar Leila Nadya Sadat (L '85) with Tulane law professor Günther Handl.

LEILA NADYA SADAT is the Henry H. Oberschelp Professor of Law and Director of the Whitney R. Harris World Law Institute at Washington University School of Law, St. Louis, MO. Sadat specializes in international criminal and human rights law. As featured speaker for the annual Deutsch Lecture, on March 8, 2010, she gave a presentation titled "International Criminal Justice and the International Criminal Court: Why Should America Care?" Prior to joining Washington University in 1992, she practiced law for several years in Paris, France, having clerked at the Cour de Cassation and the Conseil d'Etat. Sadat graduated summa cum laude and first in her class from Tulane law in 1985.

THE DEUTSCH LECTURE is given annually as a tribute to Eberhard Deutsch. The Eberhard P. Deutsch Chair of Public International Law was established in 1980 through the generosity of the late Colonel Eberhard P. Deutsch and his family. Colonel Deutsch was a distinguished Tulane Law School alumnus (L '25) with a national reputation in international and military law. The current holder of the Chair is Professor Günther Handl.

CHANGE OF COURSE

On March 19, 2010, the *Tulane Journal of International and Comparative Law* hosted a live symposium entitled, "Changing Course: The United States' Evolving Approach to International Law."

The daylong symposium, which began with a panel discussion of whether the Obama administration has changed the country's posture towards international law, sought to analyze areas of U.S. policy that were at odds with international law and are now more aligned with international treaties and norms. Each of the three panels focused on one of the following issues: The Copenhagen Summit on Climate Change; Nuclear Non-Proliferation Treaties; and Human Rights in the War on Terror.

TULANE UNVEILS COMPARATIVE LAW GATEWAY

Tulane's Eason-Weinmann Center for Comparative Law unveiled its new website in February 2010. The new site seeks to provide a forum for the exchange of ideas across cultures, political beliefs, and international borders; to offer research tools for students and academics; and to make the center's expertise more accessible to private individuals, law firms, courts, governments, and international organizations.

According to Jörg Fedtke, the center's co-director and A. N. Yiannopoulos Professor in Comparative Law, "the most important reason [we created this website]

is to show how relevant comparative and international law is in legal practice today—for the commercial and business worlds, law firms, legislators, judges, NGOs and international institutions." Fedtke also says the site will benefit "young lawyers who are interested in challenging job opportunities both within and outside the United States."

The Eason-Weinmann Center's online presence is an exciting new meeting point for all interested in things foreign and international. The website is open to the public and all are encouraged to visit it at <http://www.law.tulane.edu/tlscenters/eason>.

EASON-WEINMANN LECTURE ON COMPARATIVE LAW

THE FATE OF FAMILY TREASURES

The fate of family heirlooms and treasures was the topic of the Eason-Weinmann Lecture on Nov. 11, 2009.

NICHOLAS KASIRER, former dean of the faculty of law, McGill University, recently was named a Justice of the Court of Appeal of Quebec, the province's highest court. A 1985 graduate of McGill's Faculty of Law, Justice Kasirer had been a professor there since 1989 and served as its dean from November 2003 to May 2009. He holds degrees from Toronto University, the McGill Law School, LL.B., B.C.L., and the University of Paris I. From 1996 to

2003, he was the Director of the Quebec Research Centre for Private and Comparative Law, where he was an editor of a critical edition of the Civil Code of Quebec.

THE EASON-WEINMANN LECTURE is funded by the Eason-Weinmann Center for Comparative Law. The center was established in 1981 through the generosity of Virginia Eason Weinmann and John Giffen Weinmann, a distinguished Tulane Law School graduate (L '52). Ambassador Weinmann is the former Chair of Tulane's Board of Administrators, and the law building is named for him.



Justice Nicholas Kasirer, a specialist in Quebec private and comparative law, speaks at Tulane Law School on November 11, 2009.



THE INFINITE FRONTIER.

BY STEPHEN M. GRIFFIN

In THE MOVIE *The Paper Chase*, the formidable Professor Kingsfield (well played by John Houseman) tells his contracts class there is no end to the Socratic questions he will ask. “THERE IS ALWAYS ANOTHER QUESTION AND ANOTHER ANSWER,” he says.

Once students are law professors, however, they have the freedom to strike out on their own and attempt to provide some answers to significant issues of legal doctrine, theory, and policy. Their efforts create the world of legal scholarship highlighted in this issue of the *Tulane Lawyer*.

We focus here on the ongoing creative efforts of six faculty members: Adeno Addis, Claire Dickerson, Onnig Dombalagian, Gabe Feldman, Catherine Hancock, and Keith Werhan. They represent a much larger group of faculty continually engaged in high-quality scholarly endeavors. In truth, as shown by the latest set of faculty accomplishments that accompany this article, we could have quadrupled the number of faculty interviewed about their latest writings without working up a sweat. Tulane Law School not only features professors writing law review articles concerning every conceivable issue under the sun, we are also well represented in terms of books recently published. From Joel William Friedman’s biography of Tulane’s own Judge John Minor Wisdom, *Champion of Civil Rights*, to Oliver Houck’s *Taking Back Eden*, a groundbreaking account of environmental heroes around the globe, Tulane faculty are energetic and active participants in the world of legal scholarship.

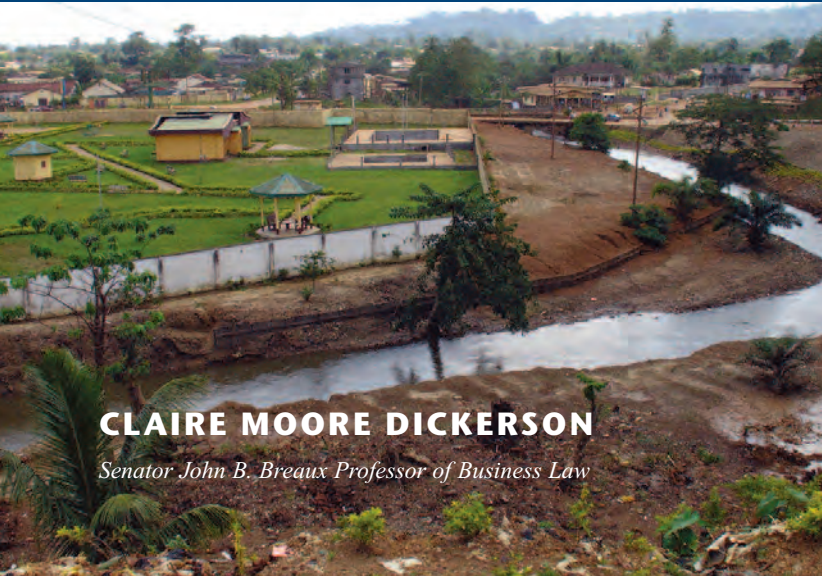
The original work of these faculty members, as each individually describes in his or her own words, belies the occasional charge that legal scholarship lacks relevance to legal practice. In fact, all of these scholars have been inspired to publish by the challenges encountered in the real-life world of the law. Onnig Dombalagian’s work, for example, arises out of his extensive experience at the Securities and Exchange Commission. Gabe Feldman’s concern with the relationship between antitrust law and the sports industry was sparked by his representation of sports leagues at the law firm of Williams & Connolly before he joined the Tulane faculty.

Faculty research involves exploring the necessary and infinite frontier between what is and what could be. And the thought I would like to leave with you is that it deserves your support. Tulane Law School lacks the substantial endowment support for faculty research that is taken for granted at other top law schools. Faculty scholarship can be supercharged by a vigorous intellectual infrastructure provided by external speakers, workshop programs, and conferences that benefit students and the wider public. It takes millions of dollars to get a building project off the ground, but this kind of infrastructure can be provided by more modest gifts that can nonetheless leave faculty in a much better position to pursue their goals and so contribute to the reputation of their school and university.

Tulane University is one of the leading research universities in the United States and the law school can and should lead the way in this continuing endeavor. I know many alumni have the capacity, either individually or through class gift efforts, to provide what would be the first fund for faculty research at Tulane Law School, and I hope you will consider it worthy of your efforts.

Stephen Griffin is former Interim Dean and Rutledge C. Clement Jr. Professor in Constitutional Law.

"AT TIMES YOU MAY FEEL THAT YOU



CLAIRE MOORE DICKERSON

Senator John B. Breaux Professor of Business Law



PROFESSOR DICKERSON is a permanent visiting professor at the University of Buea in Cameroon. She has conducted considerable research in that country and elsewhere in Africa, especially the Ivory Coast and Senegal. Her scholarship is noted for its application of socioeconomic principles to business-related areas and for its focus on the intersection of commerce and human rights. As a student at Columbia Law School, Dickerson was a Stone Scholar. She teaches Business Enterprises, International Business Transactions, Contracts and a Comparative Corporate Governance Seminar.

FOR SOME TIME, the dominant consensus in the development community has been that business is a pro-development tool, and that properly designed and implemented business laws will facilitate business.

In much of Sub-Saharan Africa, and more specifically in Cameroon where most of my research is focused, a significant majority of the economic activity is so difficult for governments to track that it cannot be included in the countries' official Gross Domestic Product. This activity is often attributed to the "informal

sector," but it is of vital practical importance to the many economic actors who depend on it for betterment and even survival.

In an article to be published by the *American Journal of Comparative Law* in early 2011, "Informal-Sector Entrepreneurs and Formal Law: A Functional Understanding of Business Law," I accept the premise that business can be favorable to development and that business law can further business. Based on a literature review and on personal experience in the region, I then argue that formal "business law" for purposes of the informal sector includes much more than commercial law and the law of business organizations. Instead, it is composed of this classic business law, but in addition, of formal law that mimics the myriad pro-business structures that we take for granted in the developed world. These last structures include (among many others) health care, education, and basic physical security. They, or their benefits, are necessary to informal-sector businesses if they are to compete successfully—even in their own country—with Western businesses.

The next project is to flesh out and further test these assertions. With a sociologist from Cameroon's University of Buea, where I am also a permanent visiting professor, last fall I began looking more deeply at informal-sector businesses and the precise formal laws that support or impede their growth. Our aim is to offer informed and practical recommendations for legal reform, and to go beyond the issues of judicial reform and modernization of classic business laws.

This research is designed to help the governments of developing countries, and non-governmental organizations including the international financial institutions, facilitate business in the informal sector. Providing assistance ultimately benefiting informal-sector businesses has intrinsic merit if it does contribute to "human capability," as Nobel-winning economist Amartya Sen calls it. But the research also pays dividends directly to our law school.

Institutionally, the research dovetails neatly not only with the law school's Payson Center for International Development, but also with our law school's expertise in comparative law. Cameroonian economic development involves a triple intersection with comparative law: two Western legal systems (common law and continental) and a traditional system. Business law practiced today in the West is comparative law because business is global.

In addition to substantive knowledge about development, both students in seminars that incorporate this work and research assistants who help me on my projects, gain a rich perspective on law's role in business and a deeper understanding of comparative law's practical importance. Research into the development potential of informal-sector business laws thus helps prepare Tulane law students for the world in which they will practice.

Lectures and Addresses

- North Carolina Journal of International Law and Commercial Regulation Symposium on "A Changing of the Guard: The Future of Law and Development Under Obama," keynote address, "Future of Law and Development: Flying Under the Radar"
- Conference jointly organized by the Union Internationale des Avocats and the Dakar Bar, Dakar, Senegal, keynote address, "L'exemple du « Uniform Commercial Code » aux Etats-Unis: Texte et Contexte"

Publications

Corporate Social Responsibility: Lessons from the South on Law and Business Norms, in (Dana Gold ed.) *Law And Economics: Toward Social Justice* (Elsevier book series, *Research in Law and Economics* (forthcoming))

GORDLEY ELECTED TO THE BRITISH ACADEMY



JAMES GORDLEY, W.R. Irby Chair in Law, has been elected a Corresponding Fellow of the British Academy, the United Kingdom's national body for the humanities and social sciences. Relatively few U.S. law professors have received the distinction, which is reserved for scholars not teaching in the U.K.

"This exceptional honor places Jim in an extraordinarily small group of distinguished American scholars and recognizes his preeminence in the international legal academy," says Dean Meyer.

Gordley, a leading scholar of comparative law and legal history, came to Tulane law in 2007 from Boalt Hall, University of California, Berkeley, where he served on the faculty beginning in 1978. He was a fellow at the Institute of Comparative Law at the University of Florence, an associate with the Boston firm of Foley Hoag & Eliot, and an Ezra Ripley Thayer Fellow at Harvard before beginning his teaching career.

THE FELLOWSHIP OF THE BRITISH ACADEMY

Each year, the British Academy elects to its Fellowship up to 38 outstanding U.K.-based scholars who have achieved distinction in any branch of the humanities and social sciences. Others based overseas also can be elected as Corresponding Fellows, and, in addition, the Academy can elect Honorary Fellows.

CORRESPONDING FELLOWS

Corresponding Fellows are scholars outside the U.K. who have "attained high international standing in any of the branches of study which it is the object of the Academy to promote." Some familiarity with research in the U.K. is valuable, in order to facilitate a contribution to the work of the Academy, e.g. through assessments of candidates for election.

Each year, up to 15 elections are made to the Corresponding Fellowship, comprised of approximately 300 select scholars.

To learn how you or your law class can support faculty research, contact Shannon D. Woodward, senior director of development, at swoodwar@tulane.edu or (504) 862-8559.

MARTIN DAVIES

Admiralty Law Institute Professor of Maritime Law and Director of Tulane's Maritime Law Center

Appointments, Elections and Awards

Appointed rapporteur, CISG Advisory Council Opinion No. 10, "Issues Raised by Documents under the CISG Focusing on the Buyer's Payment Duty"¹

Publications

- *Conflict of Laws in Australia* (with Andrew Bell, Paul Brereton and Peter Nygh, 8th ed.) (LexisNexis)
- *Choice of Law and U.S. Maritime Liens*, 83 Tul. L. Rev. 1435-61 (2009)
- *Warranties and utmost good faith in U.S. marine insurance contracts*, in (ed. D. Rhidian Thomas) *The Modern Law of Marine Insurance*, Vol. 3 (Informa Professional, 2009) 81-100
- *Legal and Practical Aspects of Salvage in the United States*, Lloyd's Mar. & Com. L.Q. 28 (2009)
- *Commentary: Punitive damages and the Exxon Valdez*, 83 Aust. L.J. 23 (2009)

Media Highlights

CNN, "Anderson Cooper 360," *Little-known law could work in Transocean's favor* (June 11, 2010)

MARK DAVIS

Senior Research Fellow and Director of the Institute on Water Resources Law and Policy

Media Highlights

- National Public Radio: "All Things Considered," Interview [5 min 11 sec], "Oil Industry: Integral To Louisiana Culture And Economy For Decades" (June 18, 2010)
- The New York Times, *Efforts to Repel Gulf Oil Spill Are Described as Chaotic* (June 15, 2010)
- USA Today, *Oil-Containment Effort's Success Hard to Gauge* (May 7, 2010)
- ABC News, Interview (1:42/2:05), "Oil Rig Clean up Begins" (Apr. 23, 2010)

JAMES DUGGAN

Director of the Tulane Law Library

Appointments, Elections and Awards

Recipient, "Outstanding Alumnus 2009" award, Louisiana State University School of Library and Information Science, at the LSU SLIS Awards Banquet, Baton Rouge (Feb. 2010)

JÖRG FEDTKE

Yiannopoulos Professor in Comparative Law

Publications

- "German Tort Law" in 2008 (with Florian Wagner-von Papp), in (Helmut Koziol/Barbara Steininger eds.) *European Tort Law 2008* (Springer, Vienna/New York, 2009) 285-323
- *Constitutional Transplants—Returning to the Garden*, in (Jane Holder/Colm O'Cinneide eds.) *Current Legal Problems* (Vol. 61), OUP (Oxford, 2009) 49-93

Professional Highlights

German reporter, annual conference on developments in European tort law, European Center for Tort and Insurance Law, Vienna

I ASSURE YOU THAT THIS IS A

GABRIEL FELDMAN

Associate Professor of Law and Director, Sports Law Program;
Associate Provost for NCAA Compliance

PROFESSOR FELDMAN joined the Tulane Law School faculty in 2005 as an Associate Professor of Law and became Director of the Sports Law Program in 2007. Most recently he was named Associate Provost for NCAA Compliance. Feldman has been interviewed and quoted countless times in the major print, online and broadcast media outlets including The New York Times, USA Today, The Wall Street Journal, Los Angeles Times, The Washington Post, Sports Illustrated, ESPN, MSNBC, CBS Sports, Fox News, and ABC's "Good Morning America" to name a few. He teaches Contracts, Antitrust and Sports Law.

WHILE THE PUBLIC and the media spend countless hours dissecting and analyzing the multi-billion dollar sports world, courts have long struggled to apply antitrust law to the sports industry. Although antitrust litigation is complex in any industry, sports leagues present unique challenges for antitrust jurisprudence. On the most basic level, antitrust law encourages competition and discourages cooperation among competitors. Yet, a professional sports league cannot exist without some cooperation by its competitors (i.e., the teams). Courts have therefore had difficulty applying Section 1's rule of reason and balancing the competitive effects of agreements in the sports industry.

Much of my research focuses on developing a more coherent and predictable mechanism for applying antitrust law to the sports industry. My latest article, "The Puzzling Persistence of the Single Entity Argument for Sports Leagues: *American Needle* and the Supreme Court's Opportunity to Reject a Flawed Defense," 2009 Wis. L. Rev. 835 (2009), analyzes *American Needle v. National Football League (NFL)*, a Supreme Court case decided mid-2010 that had the potential to rewrite much of sports antitrust law and fundamentally change professional sports (the article was published a few months before the Court issued its opinion). The case addressed a fundamental issue in sports law: should a professional sports league be viewed as a single firm or a collaboration of multiple competitors? Section 1 of the Sherman Act explicitly requires an agreement, and an agreement requires the cooperation of at least two entities. In other words, a single entity cannot, as a matter of law, violate Section 1. Leagues have thus long viewed the single entity defense as the antitrust "holy grail," because it shields them from attack under Section 1.

The crux of the NFL's single entity argument in *American Needle* was that the NFL teams and the NFL operate as a single entity, cooperating to create an entertainment product (a season of NFL games) that competes against other entertainment products (for example, a season of NBA games). The NFL's single entity

argument was not novel. Leagues and commentators have been making this precise argument for decades. Yet, until *American Needle*, courts had consistently rejected the single entity argument and held that professional sports leagues were capable—and often guilty—of violating Section 1. In *American Needle*, however, the Seventh Circuit held that the National Football League should be considered a single entity—and thus immune from scrutiny under Section 1 of the Sherman Act—when licensing its intellectual property. In my article, which was cited by the Petitioner's briefs to the Supreme Court, I argued that blanket antitrust immunity and single entity treatment of the National Football League is inconsistent with the basic purpose of the antitrust laws and is theoretically unsupportable.

The crux of my argument is that the Seventh Circuit overstated the significance of the cooperative nature of sports leagues and misconstrues the purpose of the single entity label. In particular, I argue that the Seventh Circuit ignored the fact that interdependent entities that join together to create a new product are still capable of entering into agreements that are fraught with anticompetitive risk. This risk is present when the entities, like professional football teams, have the ability to make decisions and are in actual or



potential competition with each other. I conclude that the National Football League should be subject to scrutiny under Section 1 of the Sherman Act, and offer a few solutions to simplify and improve the Section 1 analysis.

The Supreme Court agreed with my ultimate conclusion, reversed the Seventh Circuit, and held that professional sports leagues and their teams are capable of conspiring in violation of Section 1 of the Sherman Act. Thus, the long—and mostly unsuccessful—reign of the single entity argument for sports leagues finally came to an end.

TOTAL DELUSION ON YOUR PART.

Lectures and Addresses

Sports Law Symposium, University of Florida, presenter (Jan. 2010)

Publications

- Op-ed: *The NFL is Not a Single Entity*, in *National Law Journal* (Feb. 2010)
- Op-ed: *Why Not Let Fans Reunite at the Dome?*, in the *Times-Picayune* (Feb. 2010)
- Op-ed: *Doping: NFL federal exemption for drug rules to trump state laws*, in *World Sports Law Report* (Jan. 2010)
- *The Misuse of the Less Restrictive Alternative Inquiry in Rule of Reason Analysis*, 58 Am. U. L. Rev. 561 (2009)
- *The Puzzling Persistence of the Single Entity Argument for Sports Leagues: American Needle and the Supreme Court's Opportunity to Reject a Flawed Defense*, Wis. L. Rev. 835 (2009)
- *Antitrust Law and Sport: American Needle v. NFL*, in *World Sports Law Report*, as a featured article (Oct. 2009)

Media Highlights

- The Wall Street Journal, *Hats off to team supreme* (May 26, 2010)
- ESPN Radio, Interview re: *American Needle* and the NFL's Single Entity Defense (May 25, 2010)
- The Washington Post, *Supreme Court Denies NFL Increased Antitrust Protection* (May 25, 2010)
- The New York Times, *Selig Widens 'Best Interests' View in Rangers Bid* (May 14, 2010)
- ABC News, "Good Morning America," *Who Owns Saints' Victory Cheer?* (Jan. 30, 2010)
- Los Angeles Times, *Supreme Court to weigh NFL and antitrust laws* (Jan. 4, 2010)
- USA Today, *New Orleans in State of Grace over Saints* (Dec. 21, 2009)



Legal Consultation or Testimony

Testified before the Louisiana State Bond Commission at the State Capitol on the issue of barriers to affordable housing development in the greater New Orleans area (Sept. 2009)

Lectures and Addresses

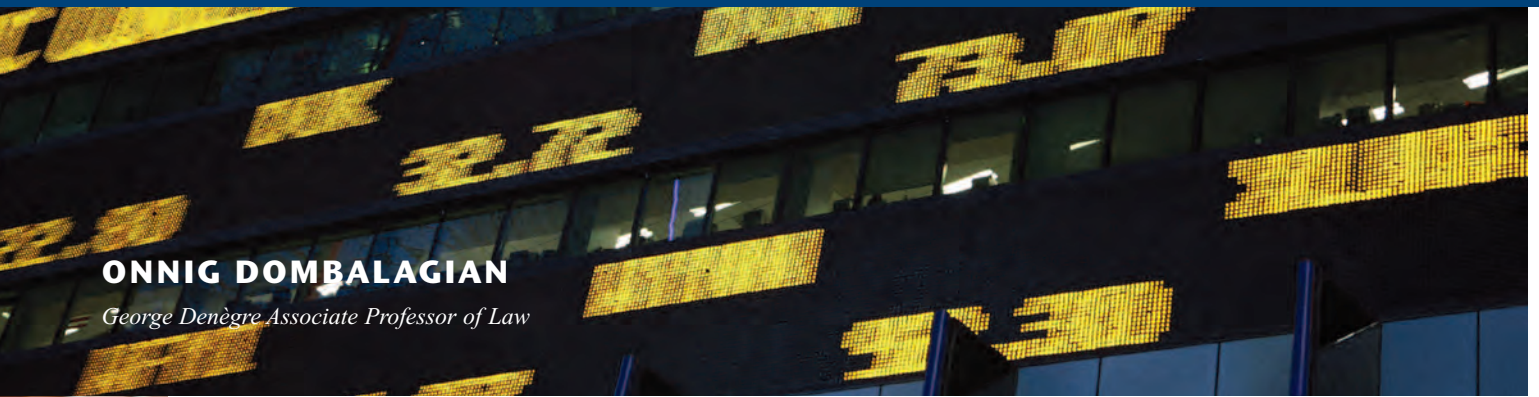
Bryan Bell Metropolitan Leadership Forum (Committee for a Better New Orleans), speaker on the issue of housing equity (Sept. 2009)

SEICSHNAYDRE TESTIFIES BEFORE CONGRESS

TULANE LAW PROFESSOR and housing expert **Stacy Seicshnaydre**, the William K. Christovich Associate Professor of Law and Director of Tulane's Civil Litigation Clinic, in August appeared before a congressional panel to help guide national fair housing reform. Seicshnaydre's testimony was based on her latest research into real estate development and regulation in New Orleans in the years following Hurricane Katrina. Before the U.S. House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties on July 29, 2010, Seicshnaydre discussed and responded to questions relating to her scholarship on the fair housing implications of the post-Katrina housing recovery. In addition to discussing her 2007 essay on post-Katrina public housing redevelopment, published at 81 *Tulane Law Review* 1263, Seicshnaydre discussed a new research paper entitled, "Postcards from Post-Katrina New Orleans: Why Government-Assisted Housing Seems Destined to Perpetuate Racial Segregation and What Can Be Done About It."

Seicshnaydre testified that the housing landscape in New Orleans following Hurricane Katrina, which has included a proliferation of new restrictions on rental housing throughout the metro area, reveals the dynamic in which federally assisted housing programs operate throughout the United States. Her testimony was invited as part of a subcommittee hearing entitled, "American Dream Part III: Advancing and Improving the Fair Housing Act on the 5-Year Anniversary of Hurricane Katrina."

YOU WILL NEVER FIND THE CORRECT,



ONNIG DOMBALAGIAN

George Denègre Associate Professor of Law



PROFESSOR DOMBALAGIAN joined Tulane Law School in the fall of 2003, after several years in private practice and a fellowship with the U.S. Securities and Exchange Commission in Washington, D.C. In 2007, he received the Felix Frankfurter Distinguished Teaching Award from the graduating class, and in 2009, he was named to the George Denègre Endowed Professorship. He is a graduate of Harvard Law School, where he served as editor of the Harvard Law Review. Prof. Dombalagian teaches Corporate Finance and Securities Regulation.

MY CURRENT PROJECT is tentatively titled, “The Essence of Fiduciary Duty in Investment Transactions.” It concerns the extent to which it is appropriate to impose fiduciary duties on financial service providers, such as the duty of loyalty, when they recommend transactions in securities, derivatives, mortgages or other financial products with investment-related objectives.

The duties of financial intermediaries, when providing advice with respect to investment transactions, is one that policymakers have both exhaustively studied and yet unsatisfactorily addressed. On the one hand, financial intermediaries cannot perform the essential risk-spreading function of markets if investors can effectively put back the risk of investment products through the threat of litigation. On the other hand, as financial innovation increases in complexity and investors take on greater responsibility

for their financial security, the law must intervene to ensure that the end-users of such products are not disadvantaged by the imbalance in information and sophistication between financial service providers and their customers. In the paper, I suggest that financial intermediaries have a narrowly focused duty to disclose certain conflicts and certain quantitative information about such transactions, which, if satisfied, should largely exculpate financial intermediaries from further liability for breach of sales practice rules.

This project fits into my overarching interest in the structure of securities and derivatives markets—how government regulation, industry self-regulation, and private ordering among major market participants cooperate to create the system by which financial instruments are created or change hands. As someone who has dealt with these issues from all sides—in private practice representing investment banks, at the SEC drafting regulations and developing policy, and as an arbitrator in disputes involving the business conduct of brokerage firms—I believe there are thoughtful views on all sides of the table.

As an academic, I view it as my role in this field to consider the perspectives presented in public debates over policy and to develop solutions that attempt to accommodate the spectrum of interests involved. My research also focuses on understanding the impact of recent trends in financial regulation: for example, the inevitability of the shift from direct government regulation of financial service providers to government oversight of industry self-regulation, the durability of the current distinctions among classes of regulated entities (e.g., exchanges, broker/dealers, and trading systems, or investment and commercial banks), and the development of new regulatory paradigms that focus on interests and incentives rather than formal regulatory classifications.

In the near term, there is no shortage of issues emanating from the overhaul of financial regulation currently before Congress. I expect scholars of securities and banking law will scrutinize the implementation of the recent Dodd-Frank legislation and any further reform proposals enacted by Congress for years to come.

Publications

- *Requiem for the Bulge Bracket?: Revisiting Investment Bank Regulation*, 85 Ind. L. J. (2010)
- *Can Borrowing Shares Vindicate Shareholder Primacy?*, 42 U.C. Davis L. Rev. 1231 (2009)

Media Highlights

- Bloomberg Businessweek, *Goldman chastened? Don't bet on it* (April 27, 2010)
- CBS News, *Goldman Shifting Spotlight on Fabrice Tourre?* (April 22, 2010)

ABSOLUTE, AND FINAL ANSWER...



CATHERINE HANCOCK

Geoffrey C. Bible & Murray H. Bring
Professor of Constitutional Law

PROFESSOR HANCOCK's First Amendment scholarship focuses on issues related to defamation law and hate speech, and her work in Constitutional Criminal Procedure addresses topics such as police interrogations and searches, privacy rights and the death penalty. Her pro bono activities include eight years of service as co-counsel pursuing federal remedies for a death row inmate whose case she argued in the U.S. Supreme Court in 1990. Hancock is teaching Constitutional Law: Freedoms of Speech & Press and an Advanced Criminal Procedure Seminar.

FREEDOM FROM SURVEILLANCE is a central Fourth Amendment value and the Court's opinions have been filled with debates about the appropriate scope of that freedom for more than 120 years. I like to explore the doctrinal puzzles that appear in particular cases by investigating the history of the litigation that produced the opinions where those puzzles got their start. We can learn so much about how to make arguments in present controversies, when we explore the storehouse of reasoning that is waiting to be discovered in the sources that now inhabit the dusty past, but which used to be very much alive.

For example, Justice Harlan's dissent in *United States v. White* was drafted in 1971, and yet state courts have relied on it as a compass, in cases decided as recently as 2007 and 2008, when crafting new holdings to protect conversational privacy on state constitutional grounds and to require police to obtain warrants for using wires on informants. My most recent article appears in a symposium on great Fourth Amendment dissents: "Warrants for Wearing a Wire: Fourth Amendment Privacy and Justice Harlan's Dissent in *United States v. White*," 79 *Mississippi Law Journal* 33-96 (2009).

I am currently working on another Fourth Amendment article, and this one is about a recent opinion from the Roberts Court about the Exclusionary Rule—*United States v. Herring*, decided in January 2009. Initially, the Court created the "good faith exception" to the Rule in 1984 for situations where police officers seize evidence in reliance on warrants issued by magistrates who made erroneous judgments about probable cause. Later the Court extended this exception to cases where court clerks make errors in record keeping that produce invalid warrants. The *Herring* Court extended this exception to cover errors made by police department clerks, and what is new about *Herring* is that the Court justified the exception on the grounds that the Exclusionary Rule generally



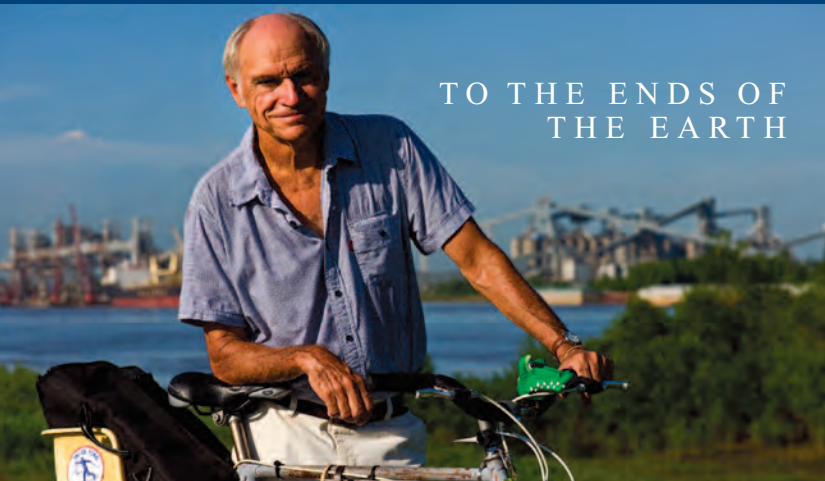
does not deter police negligence. However, the Court does not explain what "negligence" means. So I am investigating the meanings of *Herring* that are reflected in recent state court opinions, and attempting to discover what impact the new "negligence" rationale may have on future Fourth Amendment cases.

Publications

- *Criminal Procedure: Cases, Materials And Exercises* (with Jancy Hoeftel) 4th ed., (Russell L. Weaver, Leslie W. Abramson, Ronald J. Bacigal, and John M. Burkoff eds.) (West 2009)
- *Warrants for Wearing a Wire: Fourth Amendment Privacy and Justice Harlan's Dissent in United States v. White*, 79 *Mississippi Law Journal* 35-96 (2009) ²

THERE IS ALWAYS ANOTHER

TO THE ENDS OF THE EARTH



TO CELEBRATE the release of Tulane law professor and environmentalist **Oliver Houck's** *Taking Back Eden: Eight Environmental Cases That Changed the World*, the law school hosted a book signing for students and guests. A line of attendees encircled the multipurpose room to listen to Houck's brief remarks, have their books autographed and potentially gain a personal moment with the author. Told through "bombshell" lawsuits brought on by environmentally concerned civilians in eight countries, *Taking Back Eden* attests that ordinary people can access their countries' courts to defend and protect their environment.

No sooner had Professor Houck finished *Eden* than he began writing his next book. This time he journeyed back closer to home. Completed in less than four months, *Down on the Batture* was published in April 2010, encompassing a series of 39 essays about an area of land known as the batture. Houck discovered the land,

located between the Mississippi River and the levee, while walking his dog and has frequented it for the past twenty-five years.

Blending fact, personal experience, historic attitudes, and policies that stem from this forgotten piece of the landscape, Houck's stories are diverse—some are first-hand accounts about things he's seen or people he's met, while others add historical context to the oft-ignored swath that blurs the boundary of river and land.

Though Houck contends he has no way to describe the book, his introduction reads:

Here along the lower Mississippi, so close at hand, is a separate world. It has witnessed great ambitions, keelboats and steamers, expressways and casinos, glittering plantations, world-class pollution, and the severed heads of slaves on poles. It has also served as refuge for weekend fishermen, transients, teenagers, wild boars, and remarkable bursts of creativity.... It is a place where human beings come for the very purpose of being beyond the rules of designated places, to be in contact with the trees, the river, and a sky in the late day that is turning from light blue to pink to a violent orange, and a couple of men with cans of beer are looking at it, not talking a great deal, wired to a something that is vanishing before their eyes.

PROFESSOR HOUCK is Professor of Law and Director of Tulane's Environmental Law Program. He received the Distinguished Achievement Award from the Environmental Section of the American Bar Association and was named Louisiana's Conservationist of the Year, among other honors.

Legal Consultation or Testimony

Filed amicus brief in New Orleans Hospitals case on environmental law issues

Lectures and Addresses

The Association of American Law Schools (AALS) law professor gathering (Center for Progressive Reform), Loyola Law School, New Orleans, chair and panelist on Katrina Litigation and on Adaptive Management (Jan. 2010)

Publications

- *Down on the Batture* (University of Mississippi Press, 2010)
- *Taking Back Eden* (Island Press, 2009)
- *From Sacred Places: The Story of Nikko Taro and the Taj Mahal*, 31 *Hawaii Law Review* 369 (Summer 2009)
- *Who Will Pay To Fix Louisiana?*, in *The Nation* (July 2010)

- Book Review, *Oil Over Again: Exxon Valdez, BP and Beyond*, in *The Environmental Forum* (July/Aug. 2010)
- *The Three Katrinas: Hard Cases Make New Law*, in *National Wetlands Newsletter* (July/Aug. 2010)
- Book Review, *The Teapot Dome Scandal*, in *The Environmental Forum* (Nov. 2009)
- *Nature or Nurture: What's Right and What's Wrong with Adaptive Management*, in *Environmental Law Reporter* (Oct. 2009)
- *The Messenger*, in *The Environmental Forum* (Sept. 2009)
- Book Review, *Rules Of The Road*, in *The Environmental Forum* (Aug. 2009)
- Teaching Material, "Environmental Human Rights," "Comparative Criminal Justice"

Public Service

Began reading at WRBH radio for the blind and print handicapped

Media Highlights

- *BusinessWeek*, *BP Spill Cleanup Alone Won't End Gulf's Suffering: Albert Hunt* (June 28, 2010)
- The Associated Press, *Land-building project in Louisiana shuts down* (Jan. 22, 2010)
- ABC News, *Katrina Blame Case Could Bring Billions in Lawsuits: Ruling Corps Was at Fault Could Bring Homeowner Lawsuits or Prompt Other Payouts* (Nov. 24, 2009)
- Los Angeles Times, *Effects of judge's Katrina ruling could be huge: The finding that the U.S. Army Corps of Engineers is liable for much of the New Orleans flooding could change how levees are designed nationwide* (Nov. 20, 2009)
- The New York Times, *In New Orleans, Elation Over Katrina Liability Ruling* (Nov. 20, 2009)

ADENO ADDIS

William Ray Forrester Professor of Public & Constitutional Law



PROFESSOR ADDIS is a native of Ethiopia. He received his undergraduate education from Macquarie University in Australia and did his graduate work in the United States at Yale University. He has published extensively in the areas of constitutional law, communications law, jurisprudence and public international law. Prof. Addis teaches Constitutional Law I and International Human Rights.

JUSTICE ANTHONY KENNEDY of the United States Supreme Court once observed: “We [the people of the United States] have a legal identity, and our self-definition as a nation is bound up with the Constitution.” This project is concerned with the question of what it means to view constitutions as “self-definitions” of political communities or nations and what are the implications of that conception of political identity in a world of globalization, in a world of overlapping communities and loyalties.

To say that the constitution is a “self-definition” of a nation is to view it as an “autobiography” of the people of the particular political community. The project explores in considerable detail the analogy between ordinary autobiographies and constitutions as autobiographies of political communities. The notion of autobiography assumes a number of facts each of which, I argue, applies to constitutions as well. First, autobiographies are or claim to be self-authored. It is no different with constitutions. The constitutions of a large number of countries start with the phrase “we the people” or its variations. Thus, like autobiographies, the claim of self-authorship is central to constitutions. Second, just as autobiographies assume a relatively distinct subject (personality) with a degree of coherence to it, constitutions assume a relatively stable identity of “we the people.” Third, just like autobiographies, constitutions in fact play a dual role: they describe the subject as they also constitute the same subject. No biography is purely or simply descriptive. It also gives an identity to the subject it purports to describe. Constitutions perform a similar function: they are “formative and expressive of national identity.” Constitutions are performative in nature. They claim to be the products of an existing “people” as they also constitute or establish that very people. The project attempts to reconcile or mediate the tension between the descriptive claim and the performative function. Fourth, to write an autobiography is “to presuppose a subsequent act of reading” and the imagined reader is “another manifestation of the otherness with which autobiographies must reckon.” Constitutions, of course, presuppose subsequent acts of reading (by subsequent generations) in the form of interpretation

and enforcement. In this sense, constitutions, like autobiographies, imagine readers and that too is an important part of constitutional autobiographies. A short version of the article is slated to appear in a 2011 book celebrating the 60th anniversary of the Japanese Institute of Comparative Law. The full work will be published in a year or so.

This project fits in well with the larger project in which much of my work has been engaged: how communities and nations imagine and constitute themselves. Whether it is in relation to my work on ethnic minorities, diasporas that imagine home from afar, severely fractured societies, or universal jurisdiction, the issue has always been how and against whom communities define themselves and what the consequences of that are. In this regard, the role of jurisdictions in performing the task of defining communities and peoples has become a central aspect of my work. Often we view jurisdictions simply as vindications of communities of interest, but jurisdictions often help to constitute those communities of interest as well. Just like constitutions, jurisdictions are performative in nature. As someone once observed, law is a signaling system of and for human action and jurisdictional and constitutional norms are part of that signaling system. To be legitimate and even comprehensible, the signaling system must occur in a context of shared interests, values, and expectations. The task is to identify those interests, values and expectations in a world of multiple, overlapping, and transborder (and even virtual) communities. That has been the central concern of my work.

Most of my work occupies the space where the two public law courses that I regularly teach intersect (constitutional law and public international law including international human rights). There is of course a synergy between my teaching and my scholarship.

Publications

- *Community and Jurisdictional Authority, in Beyond Territoriality: Transnational Legal Authority in an Age of Globalization* (Günther Handl & Joachim Zekoll eds. (forthcoming, 2011))
- *Constitutions as Autobiographies of Peoples (Nations)*, as a chapter in a book commemorating the 60th anniversary of the Institute of Comparative Law in Japan (forthcoming, 2011)
- *Law as a Process of Communication; Reisman Meets Habermas, in Looking to the Future: Essays in International Law in Honor of W. Michael Reisman* (Mahnoush H. Arsanjani, Jacob Katz Cogan, Robert D. Sloan & Siegfried Wiessner eds., 2010)
- *Targeted Sanctions as a Counterterrorism Strategy*, ___ Tul. J. Int'l L. & Comp. L. (2010)
- *Authority and Community*, 18 Asia Pac. L. Rev. 63 (Hong Kong, 2010)
- *Torture as a Counterterrorism Strategy*, 44 Comp. L. Rev. ___ (2010)

ANOTHER QUESTION TO FOLLOW

KEITH WERHAN

Ashton Phelps Chair of Constitutional Law



PROFESSOR WERHAN specializes in Constitutional law, including the speech and religion clauses of the First Amendment, federal jurisdiction, and administrative law, and has published widely in those areas. He entered the practice of law in Washington, D.C., first with a private law firm and later with the U.S. Department of Justice. He currently teaches Constitutional Law and Administrative Law.

MY CURRENT WORK is an article tentatively titled, “Popular Constitutionalism, Democracy, and Judicial Review: Lessons from Athens.” The article is part of a book project relating the classical Athenian democracy to American constitutionalism. It also is an entry in the current debate among constitutional law scholars over “popular constitutionalism,” a theory that challenges the democratic legitimacy of judicial review. Advocates of popular constitutionalism have their differences, but they all make a democratic appeal that the people (in some way) replace the courts (at least to some degree) as the day-to-day decision-maker on the meaning and application of the Constitution.

The Athenians managed to institutionalize just such a theory as the culmination of their democracy. They also invented the concept of judicial review, empowering the courts to invalidate legislation and assembly decrees if those enactments were inconsistent with the fundamental law (nomos) of Athens. Athenian judicial review was the apotheosis of popular constitutionalism because the Athenian courts were thoroughly democratic institutions. They essentially were large juries of randomly selected citizens, never fewer than 500 in number, that possessed complete decision-making authority to decide cases.

The Athenian experience proves that popular constitutionalism is possible, and it offers some suggestions of its strengths and weaknesses, but does it fit America’s constitutional democracy? The classical Athenians, which embraced a model of direct democracy that entrusted all government decision-making to

Publications

- Review of Joseph P. Tomain, *Creon’s Ghost: Law, Justice, and the Humanities* (Oxford University Press, 2009), 44 *Law and Society Review* ____ (2010)

mass meetings of ordinary citizens, naturally accommodated popular constitutionalism. By contrast, the framers of the American constitution consciously designed a representative democracy that disabled ordinary citizens from deciding government law and policy on their own. And they entrusted the power to decide cases to the least democratic institution of the government. In this light, the article will examine whether any form of popular constitutionalism worthy of the name makes sense in the American constitutional system.

This topic interests me because it offers a compelling vehicle for exploring my overriding interests in the differing natures of Athenian and American democracy, as well as for the ways in which the institutional design created by the American constitution reflects and reinforces our understanding of democracy. The practice of judicial review is a defining feature of the Athenian and American democracies, and the contrast between Athens and America regarding this practice puts into relief the nature and implications of the democratic choices that our founders made, as well as the options that are available to us as we define and re-define our democracy each day.

Scholarly research is important to me as an academic for the same reason that breathing, eating, and drinking are important to me as a living being. It sustains me intellectually and allows me to grow as a legal thinker and teacher. My teaching has always informed my scholarship, and my scholarship has always informed my teaching. **Active and ongoing scholarship enables me to invite my students to join the constant conversation among legislators, judges, lawyers and our fellow citizens about what our law is and what our law should become.**

ROBERT FORCE

Niels Johnsen Professor of Maritime Law
Lectures and Addresses

- Meeting of the Transportation Law Association, U. of Denver, speaker, “*COGSA v. Carmack*” (Fall 2009)
- Tulane Maritime CLE program, speaker, “Settlement and the Right to Contribution after *McDermott v. AmClyde*” (Dec. 2009)
- Maritime Law Section of the AALS, jointly sponsored by the Sections on Constitutional Law and Federal Courts,

speaker, “Evolution Not Originalism”

- Wuhan University Law School, lecture leader: series of five lectures on maritime law (Oct. 2009)

Publications

- *The Aftermath of Norfolk Southern Railway v. James N. Kirby Pty Ltd.: Jurisdiction and Choice of Law Issues*, 83 *Tul. L. Rev.* 1393-1433 (2009)
- *COGSA v. Carmack*, 36 *Transp. L. J.* 1-20 (U. of Denver, 2009)
- *Settlement and the Right to Contribution*

after *McDermott v. AmClyde*, 7 *Benedict’s Maritime Law Bulletin* 216-220 (2009)

Other Published Scholarship

Edited book on Chinese Maritime Law (written in English by Xianglan Zhang, Wuhan University Law)

JOEL FRIEDMAN

Jack M. Gordon Professor of Procedural Law & Jurisdiction
Lectures and Addresses
Orientation Seminar for Newly Installed



U.S. Magistrate Judges, Federal Judicial Center, Washington, D.C., presented, "Handling Employment Discrimination Litigation" (Oct. 2009)

Publications

- *Evidence* (with Steven L. Emanuel) (Aspen, 2010)
 - *Employment Discrimination: Examples and Explanations* (Aspen, 2010)
 - *The Law of Civil Procedure: Cases and Materials* (with Michael Collins) (3rd ed., 2010)
- ## **Media Highlights**
- The New York Times, *In Cleanup, It's Local Help Wanted, Workers Find* (June 21, 2010)

JANCY C. HOFFEL

Vice Dean for Academic Affairs and Catherine D. Pierson Associate Professor of Law

Publications

- "Our Perfect Constitution": *The Roberts' Court's Struggle with Innocence*, 85 Chicago-Kent L. Rev. 43 (2009)

Media Highlights

AP, *Jury selection begins in bizarre Metairie murder case* (Sept. 21, 2009)

DAVID KATNER

Professor of Clinical Law

Lectures and Addresses

- AALS Conference, New Orleans, presented, "Meeting the Needs of Children During Times of Crisis: Hurricane Katrina and Beyond" (Jan. 2010)
- Eastern District of Louisiana Criminal Justice Act Panel CLE, New Orleans, presented, "Representation of Juveniles—Competency to Stand Trial" (Nov. 2009)

Publications

Delinquency and Daycare, 4 Harvard Law & Policy Review 49 (2010)

BECKI KONDKAR

Deputy Director of Tulane Law School's Domestic Violence Clinic

Appointments, Elections and Awards

Recipient, "Esprit de Femme" award for 'prestigious distinction,' Louisiana State University (Mar. 2010)

DAVID MARCELLO

Executive Director of the Public Law Center

Legal Consultation or Testimony

Co-authored a brief filed with the Louisiana Fifth Circuit Court of Appeals in *Perry v. Nagin*, challenging as a violation of the Home Rule Charter the city's practice of hiring "special counsel" without first securing a 2/3 vote of approval from the City Council

Lectures and Addresses

Annual AALS meeting, panelist and presented, "Rebuilding New Orleans, Transforming America: Role of Nonprofit Organizations in New Orleans and National Recovery" on work of The Public Law Center (Jan. 2010)

Professional Highlights

- Conducted three-day training program on "Legislative Drafting," USAID Kosovo Justice Support Program, Prishtina, Kosovo (Oct. 2009)
- Appointed to Mayor Mitch Landrieu's transition team on Blight (2010)

PAMELA METZGER

Associate Professor of Law

Professional Highlights

Presented at the annual Evidence and Criminal Procedure Training for the Judicial College of Louisiana (Mar. 2010)

SHUYI OEI

Associate Professor of Law

Lectures and Addresses

- Law & Society Annual Meeting, Chicago, presented work-in-progress, "Judicial Approaches to Unrelated Party Participants in Tax Shelter Cases: Proposals for a Uniform Jurisprudence" (May 27–29)
- AALS New Law School Teachers Workshop on "Biggest Triumphs and Mistakes: Junior Faculty Perspectives," Washington, D.C., panelist (June 17–19, 2010)

Professional Highlights

Attended invitational career workshop that trained new researchers in qualitative, quantitative, and historical/textual research methods, Chicago (May 25–26, 2010)

EDWARD SHERMAN

W.R. Irby Chair in Law

Lectures and Addresses

- Conference on Aggregate Litigation: Critical Perspectives, George Washington University Law School, Washington, D.C., presented, "Abandoned or Not-Pursued Claims in Class Actions: Implications for Adequacy of Counsel and Preclusion" (Mar. 12, 2010)
- Tulane-Frankfurt Conference on Extraterritoriality, Tulane Law School, presented, "Extraterritorial Aspects of Aggregate Litigation" (Nov. 21, 2009)
- American Bar Association annual meeting, San Francisco, presented report³

Publications

- Marcus, Sherman & Erichson's *Complex Litigation: Cases and Materials in Advanced Civil Procedure* (Thomson/West Pub. Co., 2010)
- *Judicial Supervision of Attorney Fees in Aggregate Litigation: The American Vioxx Experience as Example for Other Countries*, in *Intercultural Law* (Oscar Chase & Janet Walker eds., 2010)
- *Obama Positions in the Aftermath of Supreme Court's Rejection of Bush Detention Policies at Guantanamo*, Tulane Public Law Research Paper No. 09–13, in *Military Law and the Law of War Review* (Spring 2010)
- *Management Techniques and Devices for Segmenting Aggregate Litigation*, in *A Practitioner's Guide To Class Actions* (ed.

Marcy Greer) (ABA Publications, Spring 2010)

- Marcus, Sherman & Pfander's *Civil Procedure: A Modern Approach*, 5th ed. (American Casebook Series, Thomson/West Pub. Co., 2009)

Media Highlights

- NPR, *BP Installs Containment Cap after Mishap* (June 24, 2010)
- Wall Street Journal, *Chinese Drywall Maker Says it is in Talks with Builders* (Apr. 28, 2010)
- USA Today, *Katrina Negligence Lawsuit has Implications for All Hospitals* (Jan. 10, 2010)

TANIA TETLOW

Felder-Fayard Early Career Associate Professor of Law and Director of Tulane's Domestic Violence Clinic

Professional Highlights

Appointed to Mayor Mitch Landrieu's transition team on Criminal Justice⁴

ELIZABETH TOWNSEND-GARD

Associate Professor of Law and Co-Director, Tulane Center for Intellectual Property Law & Culture

Appointments, Elections and Awards

Intellectual Life Committee award (with Glynn Lunney) (for funds towards The Future of Copyright Speaker Series, 2011)

Lectures and Addresses

Copyright at 300: The Statute of Anne Conference, UC Berkeley, presented, "The Durationator" (Apr. 9–10, 2010)

Publications

The Present (User-Generated Content Crisis) is the Past (the 1909 Copyright Act) (with Ron Gard), accepted for publication in *Cardozo Arts & Entertainment Law Journal*

Professional Highlights

- Recipient, Faculty Fellowship to attend 2010 Curt C. and Else Silberman Seminar for University Faculty: Jewish Responses to the Holocaust: Teaching the Victims' Perspective, United States Holocaust Memorial Museum (June 2–15, 2010)
- Recipient, IDEA grant (in relation to Durationator), Tulane University (Spring–Summer 2010)

1 Prof. Davies drafted the Advisory Council Opinion, which was adopted at a conference in Belgrade, Serbia (Nov. 2010).

2 One of five articles solicited for the symposium on "Great Dissents in Fourth Amendment Cases," National Center for Justice and Rule of Law, University of Mississippi Law School.

3 ABA adopted Prof. Sherman's resolution, which call on Congress and federal agencies to follow certain procedures as to when a federal rule "preempts"—prevents the application of—state law.

4 The Criminal Justice Task Force held an all-day meeting at Tulane Law School on Apr. 12, 2010.

TULANE LAW SCHOOL CLASS OF 2010





“REMEMBER WHAT YOU HAVE LEARNED ON THE STREETS OF THIS CITY.
REMEMBER THE TRIUMPH AND TRAGEDY, THE RICHNESS AND POVERTY, AND
REMEMBER HOW YOU MADE IT BETTER.”

—Anderson Cooper, CNN Anchor and Author, Tulane University Unified Commencement Ceremony, May 15, 2010



CLASS NOTES

1960

The Woman Who Would Be Pharaoh, a second novel by **William Klein**, was published by Kunati Books in May 2009. The novel is based on records in the palace archives of the Hittite King Suppiluliumas (1344–1322 B.C.) and covers the tumultuous period of ancient Egypt's 18th dynasty.

1969

Frank E. Lamothe III, an attorney with the Lamothe Law Firm in Covington, La., has been selected for inclusion in the *2010 Louisiana Super Lawyers* (Corporate Counsel Edition, Business Litigation). Lamothe is the President-Elect for the Louisiana Chapter of American Board of Trial Advocates for 2009–10 and recently was appointed to the 2009–10 Louisiana Association for Justice Board of Governors.

1974

J. Michael Veron, of Veron, Bice, Palermo & Wilson LLC (Lake Charles), was named again to the *Best Lawyers in America* (Commercial Litigation and Personal Injury Law) and to *Louisiana Super Lawyers*. Since publishing his last book, *Shell Game* (2007), Veron has completed two additional books, both about golf.

1975

Sanford "Sandy" V. Teplitzky, a principal in the law firm Ober|Kaler, has been elected to the Board of Directors of Baltimore Reads, Inc. for a three-year term. Now in its twentieth year, Baltimore Reads teaches adults the literacy skills necessary to function in society, achieve goals, and develop individual knowledge and potential. Teplitzky also was recognized

60 YEARS IN LAW

Each year, the Louisiana State Bar Association recognizes its members who have reached half a century and beyond in their professional careers. Following a reception on Jan. 22, 2010, Tulane law alums admitted to the bar in 1950 celebrated their 60-year milestone at a dinner organized by participating classmates.



Seated, left to right, Bernard N. Marcantel, Walter Carroll Jr., M. Joseph C. Hero and standing, left to right, Alfred Smith Landry Sr., Hon. Peter C. Piccione Sr., Jack C. Benjamin Sr., William K. Christovich, Hon. Philip C. Ciaccio, William M. Lucas Jr. and Frank S. Bruno

as a "Client Service All-Star" in the *BTI Client Service All-Stars for Law Firms 2010* survey. Highly regarded by clients and colleagues, Teplitzky joins a group of only 22 attorneys from across the nation who has received this recognition at least two years in a row, and is one of only seven attorneys who have received this recognition for three or more years. Teplitzky chairs Ober|Kaler's Health Law practice, where he represents providers in reimbursement and fraud and abuse matters.

Prior to joining Ober|Kaler, Teplitzky was with the U.S. Department of Health, Education and Welfare, where he served as counsel for the Medicare and Medicaid programs. He is a founding Fellow and former president of the American Health Lawyers Association.



Thomas R. Trotter has been named one of the "2010 Northeast Ohio Leading Lawyers" by *Inside Business* magazine. Trotter is a member of Vorys, Sater, Seymour and Pease LLP's corporate and finance group (Akron). He practices in municipal finance and represents issuers and underwriters of tax-exempt bonds.



Michael A. Florie, a Fellow of the American College of Trial Lawyers and a Senior Litigation Partner with Starnes & Atchison LLP (Birmingham), recently was named by *Best Lawyers* as the "Birmingham Best Lawyers Medical Malpractice Lawyer of the Year" for 2010.

1979

Claiborne Deming, a Jefferson Scholars Selection Committee member, has been named a senior advisor at TPH Partners, the private equity affiliate of energy investment and merchant banking firm Tudor, Pickering, Holt & Co. (Houston). Deming was the Chief Executive Officer, President of Murphy Oil Corp. from October 1994 to Dec. 31, 2008, and currently serves as an Executive Director (since 1993) and as chairman of the executive committee.



J. Kelly Duncan, a partner with Jones Walker (New Orleans), has been elected Vice-President of the International Masters of Gaming Law (IMGL).

Duncan, who leads the firm's gaming practice and is a member of Jones Walker's board of directors, is a member of the International Association of Gaming Attorneys, as well as IMGL. Since the passage of legislation in Louisiana in the early 1990s authorizing video poker, riverboat gaming, the land based casinos and racinos, he has been involved in the representation of major casino companies, manufacturers, suppliers and financial institutions regarding all matters relating to the development, financing, and operation of such facilities.



Patricia A. Fennelly has been promoted to Counsel with Tucker Ellis & West LLP (Denver), where she is a member of the trial department. Her diverse

litigation practice in state and federal courts during the last twenty-eight years has included product liability and employment defense work, as well as intellectual property and commercial cases.

Thomas G. O'Brien, a New Orleans partner with Adams and Reese LLP, has begun a three-year term on the firm's Executive Committee. Comprised of six partners, the committee oversees the strategic operations of Adams and Reese



JIM LETTEN
(L '79)

U.S. Attorney for
the Eastern District
of Louisiana

NEW ORLEANIAN OF THE YEAR JIM LETTEN, TEAM OF UNTOUCHABLES

Every year since Hurricane Katrina, *Gambit* has honored individuals and groups who have helped our city recover from the greatest man-made and natural disaster in U.S. history. This year we again pay tribute to a hero of the recovery, but, for only the second time in our history, we honor someone from the public sector (the first was Lindy Boggs, who received the honor upon her retirement in 1991).

For all the governmental failures during and after Katrina, one branch of the federal government stands out for having risen to the occasion time and again to help the city and the region right itself. From helping local prosecutors when the local criminal justice system fell apart to aggressively pursuing fraudulent FEMA, Road Home and Red Cross claims to ferreting out entrenched political corruption, the U.S. Attorney's Office under Jim Letten has lifted the standards—and the hopes—of post-Katrina New Orleans.

The mere mention of Letten's name sends shivers down the spines of crooked pols and evokes cheers from citizens, but he gives all the credit to his staff, fellow prosecutors, the FBI, Drug Enforcement Administration and other agencies. While his office has amassed an impressive record on many fronts since Katrina, 2009 was a banner year for Letten and his team of modern-day Untouchables: more than a dozen high-profile criminal indictments and trials against political crooks from every corner of southeast Louisiana—and major investigations are, says Letten in his best Eliot Ness game face, "ongoing."

All of which makes U.S. Attorney Jim Letten an easy choice for *Gambit's* 2009 New Orleanian of the Year.

—An excerpt from *Gambit Weekly*

and its attorneys and staff in 12 offices in six states and Washington, D.C.

O'Brien is the group leader of the firm's regional Litigation Practice Group. He has more than 20 years of experience dealing with transactions and litigation arising out of the exploration, development, production, transportation and regulation of oil and gas operations in the Gulf Coast Region.

1980

Lawrence "Larry" B. Brownridge has joined Seyfarth Shaw LLP, as a partner in the firm's Business Services Department (New York). He was previously

with Thelen LLP. Brownridge has extensive experience in representing domestic and foreign developers and institutional lenders in the development, leasing and financing of office buildings, hotels, shopping centers, sports facilities, condominiums, cooperatives, apartment buildings, mixed use complexes, vacant land and warehouses.

1981

Eugene F. Pollingue Jr. is on the board of directors of Catholic Charities of the Diocese of Palm Beach, Fla. He is also chair of Young Friends of the Palm Beach Opera. A certified public accountant and



ZACHARY KUPPERMAN (L '09)
 Founder, PolicyPitch.com
 Attorney, The Steeg Law Firm

KUPPERMAN PITCHES IN TO BETTER POLITICAL PROCESS

In 2009, for his work on PolicyPitch.com, ZACHARY “ZACH” KUPPERMAN was named by *Gambit* as one of New Orleans’ “40 under 40” and selected as an “Innovator of the Year” by New Orleans *CityBusiness*. Kupperman, an attorney for The Steeg Law Firm, founded PolicyPitch in 2008 to engage normal citizens—not just the upper echelon—in the political process. The result is a Web service that allows users to propose ideas, which can be anything from income tax laws to plans for outdoor movie screenings, then rally support for these ideas. PolicyPitch is part of the Open Government movement.

Redesigned in early 2010, PolicyPitch currently allows users to track legislation in Arizona, California, and Kentucky at no cost. Blog posts report that the site eventually will contain legislative tracking for all 50 states and eventually municipal ordinances as well. In addition to the legislative tracking, users can pitch their own ideas for change to their community.

Even further, Kupperman is behind a new free iPhone application that puts the entire field of mayoral and city council candidates into the pockets of New Orleanians. Conceived and designed by Kupperman and Neel Sus, a Tulane graduate with a mechanical engineering degree, the “Election Hub” app provides users with up-to-the-minute facts, statistics and news about New Orleans elections. It also allows users to make comments so they can share ideas and participate in surveys.

Kupperman and Sus contribute no editorial content, but rather compile information provided by the candidates as well as financial disclosure information pulled from the state board of ethics website and regularly updated news articles.

“One of the goals is to generate conversation,” says Kupperman. “It’s not just a way to follow information.”

The two hope to develop Election Hub as a multiplatform application that can be used with other smart phones.

“iPhone users are a very small group of people,” he says. “Eventually we’d like the application to be available for all phones.”

Kupperman is the co-founder (with Alex Glazer, L '09) of the New Orleans Young Urban Rebuilding Professionals, where he served two years as chairman and currently serves on the board. He also sits on the Civil Rights committee of the Anti-Defamation League (South Central Region). He is actively involved in and dedicated to economic development in the New Orleans region, participating in the creation of and contributing to WorkNOLA.com, Destination Broadmoor, and 504ward.



partner with Fox Rothschild in West Palm Beach, Pollingue represents clients in a range of areas from estate planning and tax planning for commercial transactions to tax controversies with the Internal Revenue Service. His practice focuses on probate trusts and estates and tax law.

1982

Linnie W. Causey has joined Morris Manning & Martin LLP (Research Triangle Park, of counsel), as a member of the Real Estate Development, Residential Real Estate and Energy & Infrastructure Finance Practices. Causey primarily devotes her practice to real property and business transactions and represents developers, builders, commercial property owners, and property management companies in a variety of real estate and financing matters. Prior to joining MMM, Causey was in private practice in Chapel Hill, N.C., and with Gulf Oil Corp./Chevron U.S.A.

1983



Gail Agrawal has been named the 17th dean of the University of Iowa College of Law, effective July 1, 2010. Since 2006, Agrawal served as Dean and Professor of Law at the Kansas University School of Law in Lawrence, Kan. Prior to her roles at KU, Agrawal was a faculty member at the University of North Carolina Law School, where she served as Associate Dean for Academic Affairs, Senior Associate Dean and, during the 2005–06 academic year, as Interim Dean. Her primary research interests are in healthcare delivery and financing, and medical ethics.



Patricia A. Krebs, a member at the law firm of King, Krebs & Jurgens PLLC, received the 2009 Distinguished Maritime

CLASS NOTES *We want to hear what's new with you.*

Send your Class Note to Ellen Brierre, law alumni affairs

USPS: Tulane Law School, Alumni Affairs, 6329 Freret St., New Orleans, LA 70118

E-mail: ebrierre@tulane.edu

Fax: (504) 862-8578

Web: <http://tulane.edu/alumni/tellusyournews.cfm>

To update your information, visit <http://tulane.edu/alumni/updateyourinfo.cfm>

Lawyer Award from the New Orleans Bar Association (NOBA) at a luncheon held in her honor on Oct. 23, 2009. The award honors a long-standing member of the Maritime and International Law Committee who is respected highly among peers and contributes significantly to the local admiralty bar. On Nov. 19, 2009, Krebs was installed as NOBA's 85th president at the Audubon Tea Room. Krebs says she looks forward to serving the cause of justice and diversity as president.



Stephen J. Oats chairs the Louisiana Wildlife and Fisheries Commission for 2010. He has served on the commission since April 2007. A Ducks Unlimited

lifetime sponsor, National Rifle Association lifetime member, Coastal Conservation Association member, and an instrument-rated pilot, Oats is a partner with Oats & Hudson law firm, which has offices in New Orleans, Lafayette and Baton Rouge, La. "As a lifelong resident of Louisiana and a trained legal professional, I am interested in conserving and promoting Louisiana's wildlife resources," Oats said. "My education and background has prepared me to assist in supporting the wildlife and fish habitats of Louisiana for future generations."

1984

Andy Taggart has formed the law firm of Taggart, Rimes & Usry, PLLC in Ridgeland, Miss. Prior to joining with partners Jeff Rimes and Lisa Usry, Taggart maintained his own law practice for several years. He was previously a partner in Mississippi's largest law firm, and Chief of Staff to former Gov. Kirk Fordice. Taggart's practice is focused in the areas of business and corporate counsel, transactions and strategies; healthcare; selected litigated matters; and government, elections and political law.

1985

Mark Hanson has joined LaBovick & LaBovick, PA (Fla.). As the firm's Director of Litigation, he will be

involved with prosecuting sophisticated and complex litigation. In addition, his immediate role in the firm will be to bolster the Maritime and Admiralty practice. Hanson has practiced law for more than 20 years and has committed his professional career to fighting for the rights of injury accident victims and people involved in business litigation. He is known in the legal community as "the boating safety lawyer."

1987

Robert J. Egielski took time off from the practice of law last year to produce and record a CD of acoustic guitar instrumentals that he composed. The CD is entitled, "There Goes Yesterday, Here Comes Tomorrow" (Bob E. -*Guitar*).

1988

Richard W. Westling, a principal in the White Collar Defense and Health Law Groups at Ober|Kaler, has been named one of 10 "Outstanding Healthcare Litigators" for 2009 by *Nightingale's Healthcare News*. Westling has more than twenty years of experience, both as a government attorney and in private practice, particularly in matters involving white-collar defense, health care fraud, compliance, and related litigation. Prior to joining Ober|Kaler, Westling practiced in New Orleans, where he defended corporations and individuals in criminal and civil enforcement matters.

1990

Eric McNeil and Melissa Lopez were married on June 27, 2009, in Dallas, Texas. **Andy Szuwalski** (L '90) served as best man, and **Nick Petras** (L '90) and **Guy Valdin** (L '90) were groomsmen. The newlyweds reside in Dallas, where McNeil continues his insurance defense practice at the Dwyer Law Firm and Melissa works in the children's ministry at Park Cities Baptist Church.

McNeil is also a part-time student at Dallas Theological Seminary, where he is pursuing a Master of Theology (Th.M.) degree with the intention of going into full-time pastoral ministry in the future.

1991

Peter M. Newman of the Philadelphia personal injury law firm Feldman Shepherd Wohlgerlenter Tanner Weinstock & Dodig served as a faculty member at the Philadelphia VIP's (Volunteers for the Indigent Program) annual training event, Pro Bono Opportunities Day, on Oct. 27, 2009. The legal services organization's training event focused on preventing homelessness among Philadelphia's low-income population, offering instruction in mortgage foreclosure, quiet title and public housing matters. As part of Philadelphia VIP's Foreclosure Rescue Effort (Philly FReE), Newman provided instruction to attorneys interested in furnishing pro bono representation to low-income individuals facing foreclosure.

David M. Whitaker has joined the Labor and Employment Law practice group of Kean Miller Hawthorne D'Armond McCowan & Jarman LLP, as a partner in the New Orleans office. Whitaker will focus his practice on the defense of employment discrimination and other employment-related claims, advising employers on compliance with state and federal employment laws, drafting non-compete and other employment-related agreements and policies, and obtaining work visas, permitting employers to utilize skilled foreign workers in the United States. Prior to joining the firm, Whitaker was a partner with Lemle & Kelleher LLP.

1993

Manuel A. Garcia-Linares, the Managing Shareholder of the law firm of Richman Greer, P.A. (Miami and West Palm Beach), has been elected President of





(L to R) Vice Dean Jancy Hoeffel, Clinical Instructor Jane Johnson and Susan Hutson gather at the 2010 law school homecoming reception at Weinmann Hall.

SUSAN HUTSON (L '92) New Orleans Police Monitor Former Assistant Inspector General, City of Los Angeles

HUTSON SHEDS LIGHT ON NOPD

After a search through 111 applicants, SUSAN HUTSON was named the new independent police monitor for the city of New Orleans in April. In her new position, which became effective June 1, she is responsible for monitoring internal New Orleans Police Department (NOPD) investigations and conducting audits and assessments of the department.

Hutson has been working for nearly two years as assistant inspector general for the city of Los Angeles, where she managed assessments of the LAPD. Prior to that, she worked as an assistant police monitor in Austin, Texas, and an assistant city attorney in Corpus Christi, Texas.

In a recent interview with *The New Orleans Tribune*, Hutson expounded some of the challenges she expects to face, all of which she said revolve around trust.

"I have nothing to hide in this process, and want the police department to know exactly what we are doing," stated Hutson.

The NOPD agrees it is important for Hutson to win back the faith of the people. According to NOPD Assistant Superintendent Marlon Defillo, "The men and women of the New Orleans Police Department are very excited that we're going to have someone that's going to embrace the community and the police department and work with the department in terms of what we can do better."

"...If I can shine a brighter light on that process," said Hutson, "I will be glad to do it."

the Cuban American Bar Association (CABA). In addition, the 2010 *South Florida Legal Guide* named him one of the "Top Attorneys" of South Florida. Garcia-Linares primarily practices in the areas of commercial and class action litigation, as well as corporate and transactional matters. An active community leader, the Coral Gables resident currently serves as a trustee of the Coral Gables Chamber of Commerce and is a member of the City of Coral Gables Parknership Committee and Retirement Board.

Jonathan M. Gottsegen was named Senior Vice President, General Counsel and Corporate Secretary of United Rentals, Inc., the largest equipment rental

company in the world. Gottsegen has returned to greater New York, following five years in Atlanta as Chief Securities Counsel for The Home Depot, Inc.

Jeffrey W. Kibbey has joined Century Mortgage Company d/b/a Century Lending Company as Vice President and General Counsel, effective November 2009. Kibbey will oversee Century's legal department, including all matters related to regulatory compliance, litigation and loss mitigation.

C. Russell H. Shearer (LLM) has been named the Vice President of New Reactor Programs for ISL, Inc., located in Rockville, Md.

Rod West, President and Chief Executive Officer, Entergy Corporation and Entergy New Orleans, Inc. (ENOI), recently received awards from the National Eagle Leadership Institute for displaying exemplary leadership. West was among 11 business leaders receiving the CareerFOCUS Eagle Award, which honors African-American and Latino professionals who excel in business and community leadership. West is responsible for ENOI's financial and operational performance, customer service, regulatory and governmental relations, economic development programs, external and internal communications, charitable contributions and environmental policy.

1994



Heather R. Boshak, a partner in the Labor & Employment Practice at Fox Rothschild LLP (Roseland), has been selected by the New Jersey Women Lawyers

and the New Jersey Commission on Professionalism in the Law as a recipient of the 2009 Professional Lawyer of the Year Award. The annual awards are given to lawyers who, by virtue of their conduct, competence and demeanor, set a positive example in the profession and are respected by colleagues for their character and exemplary professional behavior.

In her practice at Fox Rothschild, Boshak represents employers throughout the United States in federal and state courts and in various administrative tribunals in cases alleging sexual harassment, race, national origin, gender, disability and age discrimination, breach of contract, violations of public policy and tort claims.

Karen Kirshbom Herman began a six-year term as Judge, Orleans Parish Criminal District Court, on Jan. 1, 2009. Her husband, **Stephen Jay Herman** (L '94), is a partner at Herman, Herman, Katz and Cotlar. The couple resides in Uptown New Orleans with their two young children.

Steven and Michelle Staes live in Atlanta with their three children—Ethan (13), Grace (10) and Holden (6). Michelle is a Gift Planning Officer at her alma mater, Spelman College. Steven is Vice President of Human Resources/Associate Counsel at K&G Fashion Superstore, a division of The Men's Wearhouse.

1995

In September 2009, **Andrea F. Hoeschen** completed Ironman Wisconsin (2.4-mile swim, 112-mile bike, 26.2-mile run). She also has completed the American Birkebeiner and three marathons. According to Hoeschen, who currently resides in Milwaukee, she also "occasionally practices law."

1998

Cindy L. Szabo has been named as the Gubernatorial Appointee to the Board of Directors of the Delaware Community Foundation (DCF), a nonprofit organization that "connects people who care" by managing charitable funds and awarding grants to nonprofit organizations that benefit Delawareans. Szabo, a partner with Ellis & Szabo LLP (Georgetown), concentrates her practice in the areas of estate planning, estate administration, real estate and general corporate law. Before relocating to Delaware in 2005, Szabo practiced law for seven years with Pitney Hardin LLP (predecessor to Day Pitney LLP) in its New York and Morristown, N.J., offices. She currently lives in Rehoboth Beach with her husband, Brian, and daughter, Alexandra.

Sandra Smith Thayer has been elected



to the partnership of Dickstein Shapiro LLP in the firm's Insurance Coverage Practice (Los Angeles). She is also the national co-leader of the firm's Insurance

Coverage Initiatives and chair of the firm's insurance broker, E&O, and political risk initiatives. Thayer conducts an active trial and arbitration practice, representing insureds in complex insurance coverage matters and in disputes and litigation

with insurance brokers. In 2008, Thayer co-tried a lawsuit against an insurance broker in which the jury's \$48.5 million verdict was one of the 50 largest verdicts of the year in the United States and one of the 10 largest in California.

Stephanie Reed Traband has been selected by the *South Florida Legal Guide* as a "Top Up and Comer" for 2010 in the area of Banking Litigation. Traband is a special counsel in the firm's Business & Commercial Litigation Practice Group, with a decade of dispute resolution experience in areas including arbitration, bankruptcy, real estate and international law. She also has significant appellate experience. Traband is the United States national representative in the International Association of Young Lawyers (AIJA) and serves as vice-president of AIJA's litigation commission.

1999

Runako Kumbula Allsopp and her husband, Roderic Allsopp, welcomed a daughter, Thandiwe Allsopp, on Oct. 27, 2009. Thandiwe was born at Sibley Hospital in Washington, D.C., weighing 9 pounds, 10 ounces.



Jana D. Jobes has made partner in the Products Liability practice of Sidley Austin LLP (Chicago). Her practice emphasizes mass tort litigation, including

complex litigation and national coordination, and defense of pharmaceutical product liability cases. Jobes represents manufacturers in multidistrict and related state litigation, involving prescription drugs and medical devices.

2000

Steven J. Fineman has been elected a director of Richards, Layton & Finger (Wilmington). Fineman's diverse practice includes intellectual property litigation, complex commercial litigation, and civil

rights disputes in the Delaware Superior Court, the Delaware Court of Chancery and the United States District Court for the District of Delaware. He has also participated in appeals in the Delaware Supreme Court, the United States Court of Appeals for the Third Circuit, and the United States Court of Appeals for the Federal Circuit.

Shannon S. Frazier, an attorney with Morris James LLP (Del.), has been named secretary of the Corporate Counsel Section of the Delaware State Bar Association for the 2010–11 term. As an attorney with a practice emphasis on transactional matters, Frazier focuses on rendering legal advice to Delaware business entities in the areas of formation, operation and governance of the following: statutory and common law trusts, limited liability companies, partnerships and corporations.

Vladimir Maly has been elected into the partnership of Latham & Watkins LLP (London). Maly is a finance attorney specializing in transactions involving cross-border derivatives.



Josh Norris has been elected into the partnership of Jones, Walker, Waechter, Poitevent, Carrère & Denègre (Business & Commercial Litigation, Houston).

Prior to joining Jones Walker, Norris was with the Houston office of Lemle & Kelleher LLP. His practice ranges from commercial litigation and class actions to environmental and toxic torts, and he has tried more than 40 cases in both federal and district courts.

2001

Thomas C. Bogle has joined the partnership at Dechert LLP. A member of the financial services group (Washington), Bogle regularly advises investment companies, investment management companies, and other financial institutions on a wide variety





DAVID WEIGEL (L '73)

Former County Attorney, Collier County of Florida
and Founder, President, Lighthouse of Collier Inc.

FUTURE LOOKING BRIGHT FOR 1973 GRADUATE

Last spring, DAVID WEIGEL helped found Lighthouse of Collier Inc., a center for blindness and vision loss designed to “promote the development, implementation, and ongoing evaluation of programs ... for the blind, visually impaired, and their caregivers.” Established as a Florida Not For Profit Corporation, the Tulane law alumnus also was crucial in securing the center’s federal tax-exempt status as a nonprofit in August 2009. Moreover, David Weigel most recently has taken over the helm of Lighthouse as president.

Prior to leading the organization’s executive committee, Weigel served as the Collier County Government Attorney for nearly 15 years, before his eyesight completely deteriorated in 2007.

While growing up in Indianapolis, Weigel suffered an accident at 13 that resulted in his losing sight in his left eye. With one eye remaining, however, Weigel explained that adaptation was almost effortless. He played tennis and baseball, attended law school, and worked in Europe for two years and the Indiana Attorney General’s Office for five.

In 2003, Weigel’s right eye started to have hemorrhaging that would temporarily disrupt his vision; in time, surgery compromised his vision to a moderate degree. With his vision declining, he began receiving mobility and orientation training through the Visually Impaired Persons of Southwest Florida Inc. (VIP) in 2007.

“I resisted this early and did not want to come to grips that this would be my life,” said Weigel, whose orientation specialist, Mike Brust, has helped him see through his impairment ever since.

“He has come a long way,” Brust stated, adding that the mobility training is the only way someone visually impaired or blind can gain independence.

Among Weigel’s destination goals is Fifth Avenue South, where he used to enjoy the restaurants but hasn’t been for a while.

Weigel remains optimistic, avowing, “There’s no reason why they can’t be somewhat every day places again.”

of corporate, regulatory, and enforcement matters. He also is engaged in the firm’s anti-money laundering practice.

Stephen Gill was admitted to the partnership of Vinson & Wilkins LLP, effective Jan. 1, 2010. Since 2001, Gill has been an associate in the Houston office of Vinson & Elkins, specializing in mergers and acquisitions and securities offerings. He has been a “Texas Rising Star” in each of the past five years. Gill was one of the lead attorneys representing Huntsman Corp. in the negotiation of a merger agreement with Hexion Specialty Chemicals Inc. and was instrumental in the related litigation in Delaware, which ultimately led to a 10-figure settlement for Huntsman.

Seth A. Levine has joined the New Orleans office of Jones Walker, as a special counsel in the Business & Commercial Transactions Practice Group. Levine also will be an associate member of the firm’s Real Estate Practice Group. Levine joins Jones Walker after working at Baker, Donelson, Bearman, Caldwell & Berkowitz PC (New Orleans).

Malcolm D. Meyer has been elected to partnership in Adams and Reese LLP (New Orleans). Meyer works extensively with clients in the areas of commercial real estate transactions, banking and finance, lease negotiation, and zoning and land use issues. Meyer also is well experienced in the area of Louisiana title issuance issues and is a licensed Louisiana Title Insurance Agent.

Ryan D. Showalter was one of three lawyers promoted to Principal of Miles & Stockbridge PC (Easton, Md.) in 2010.

Chad V. Theriot has been elected into the partnership of Kilpatrick Stockton LLP (Atlanta), where he focuses his litigation practice on construction and government contract law.

2002

William H. Berglund has been promoted to Counsel in the Cleveland office of Tucker Ellis & West LLP. Berglund is a member of the firm’s trial department,



practicing in the area of professional and products liability.



Neely Sharp Griffith has been elected into the partnership of Jones, Walker, Waechter, Poitevent, Carrère & Denègre (Business & Commercial Litigation, New Orleans).



Jennifer Stoller has joined Lemle & Kelleher, LLP as Special Counsel in the Admiralty Section (New Orleans). Her practice focuses on admiralty, transportation, insurance defense, personal injury, and toxic tort litigation.

George R. Tadross (LLM) has joined Dilworth Paxson LLP's International Law Group as an associate. Tadross concentrates his practice in the area of International Trade Law, with an emphasis on export compliance law, import compliance law, customs, admiralty/maritime law, and transportation law. Prior to joining the firm, Tadross was counsel for a leading aerospace and defense contractor.

Amy Vazquez has joined Jones, Walker, Waechter, Poitevent, Carrère & Denègre (Houston). Vazquez practices in the areas of business litigation, class action, energy, oil and gas, and public utility law. Prior to joining the firm, she was with the Houston office of Lemle & Kelleher, L.L.P.

2003

Carney Anne Chester and her husband, **Matt** (L '04), returned to New Orleans in 2008. Carney Anne works in the Career Development Office at Tulane Law School where she counsels students on public interest and sports law opportunities. She recently completed a graduate degree from George Washington University, with a focus on legislative advocacy for animal welfare issues, and has served on the Board of Directors for the Humane Society of Louisiana since 2009. Matt works in the financial crimes

ALLEN AMBROSINO (L '06) Public Defender, West Palm Beach Author, *Walk High... Sleep Low...;* *Learning To Fly*; and *What Now?*

A LLEN AMBROSINO has journeyed around the world through sixty-five countries, more than six continents, trying to experience a sliver of what the world has to offer. Trekking to Everest Base Camp, being the first person of the day to reach the summit of Kilimanjaro, exploring the wonders of Machu Picchu after taking on the famed Inca Trail and wandering up Ayers Rock to appreciate the endless flatlands of the Outback, Ambrosino has been living out the traveler's dream for more than a decade now. In 2003, Ambrosino journeyed a different yet equally challenging route as a 34-year-old first-year law student at Tulane. Meanwhile, he has published three highly regarded novels: *Walk High...Sleep Low...;* *Learning To Fly*; and *What Now?*



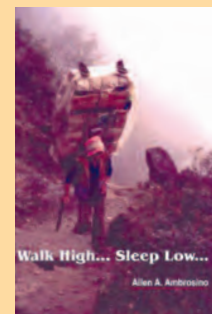
"JUST GOT BACK FROM A THREE-YEAR AROUND THE WORLD TRIP ... ICE CLIMBING IN ARGENTINA, GORILLA TRACKING IN UGANDA, REACHING THE TOP OF KILIMANJARO AND HANGING IN EVEREST BASE CAMP, ALONG WITH NUMEROUS OTHER EXPERIENCES HAVE BEEN VERY FULFILLING ... NOW I AM A 1L IN TULANE LAW SCHOOL..."*

—ALLEN AMBROSINO



Sometimes in life, the system that attempts to integrate us all into the daily grind misses a beat and we are able to break free from its requirements to do something out of the ordinary—something life changing that can bring us places we never would have seen if we followed the safer, well-traveled path. People are confronted with choices like this once or twice in their lives, and sadly most choose to let them go because they fear the unknown. As the saying goes, "fear causes hesitation... [and hesitation causes your worst fears to come true]."

—Editorial Review, *Learning To Fly*



*WritersNet®



DARRYL BERGER (L '72)
President, The Berger Company

BERGER ON BOARD

Tulane University has selected New Orleans businessman and community leader DARRYL BERGER as its representative on the board that will govern the proposed University Medical Center (UMC), an academic medical center that will serve the healthcare needs of the community.

"Now that the governor has announced his proposed slate of non-permanent, independent trustees for the University Medical Center board, Tulane feels it is appropriate and desirable for the permanent members to announce their representatives," Tulane President Scott Cowen said. "Hopefully, the entire governing board will be seated as quickly as possible so this critical community project can move forward expeditiously."

A memorandum of understanding signed by Tulane, Gov. Bobby Jindal, and Louisiana State University in August 2009 gives the governor the right to nominate four non-permanent, independent board members.

Tulane and Xavier universities are allowed to appoint one permanent member each while LSU will have four permanent members and Southern University, Dillard University and Delgado Community College have one permanent member on a rotating

"[DARRYL] IS THE PERFECT CHOICE TO HELP
ENSURE THAT THE UNIVERSITY MEDICAL CENTER
FULFILLS ITS MISSION."

—TULANE UNIVERSITY PRESIDENT SCOTT COWEN

basis. According to the memorandum of understanding, the UMC board has authority for decisions related to the proposed hospital.

A familiar and respected name in the New Orleans community, Berger, a native of the city, has been at the forefront of real estate transactions for nearly three decades. He has been active as a leader in the development of the New Orleans riverfront and as a property owner in the French Quarter. Berger is a member of the Board of Tulane and its executive committee.

"Tulane has benefited for years from Darryl's leadership and wisdom," Cowen said. "He is the perfect choice to help ensure that the University Medical Center fulfills its mission to care for our citizens, educate our medical students, and provide high-paying jobs for years to come while being well-managed and financially sound."

unit of the United States Attorney's Office for the Eastern District of Louisiana and as an adjunct professor of law at Tulane. The couple welcomed their first child, Jackson, on Dec. 30, 2009.



Allen E. Frederic III and Asher J. Friend have been elected into the partnership of Jones, Walker, Waechter, Poitevent, Carrère & Denègre, effective Jan. 1, 2010 (Corporate & Securities, New Orleans).

Margaret Holleman has been promoted to assistant legal officer at the Metropolitan Nashville Airport Authority. In her new role, Holleman provides legal opinions on behalf of the Authority in various areas of business law. In addition, she prepares and assists the authority staff in developing contracts, resolutions, and other legal documents, ensuring compliance with local, state, and federal law and regulations. Prior to joining the Airport Authority, Holleman served as director for Policy Development and Analysis with the Metropolitan Public Health Department of Nashville and Davidson County. Her legal career also includes work for the Metropolitan Government of Nashville and Davidson County's Department of Law and the City of New Orleans' Planning Commission.

She and her husband, **Jason Holleman** (L '98), have a 2 1/2-year-old daughter, Cecilia Charlotte, and welcomed a son, Walter Daniel Carr, on March 24, 2009.

Melissa Montle, an attorney with the Innocence Project (Tallahassee), was part of a team of lawyers that helped exonerate a man who spent 35 years behind bars for a crime he did not commit. Montle has been with Innocence Project

since July 2008. She and her husband reside in Florida.

2004

Nicole Roberts Dillon has been elected into the partnership of Seale & Ross APLC and is practicing in the areas of family law, successions, real estate and commercial transactions.

Maria J. Wing was elected to the Woods Services Foundation Board of Trustees. Based in Langhorne, Pa., since 1913, Woods Services has provided specialized



services to people of all ages who suffer from disabilities. As an associate in the law firm of Stradley Ronan's business practice group,

Wing focuses her practice on real estate, commercial finance, and other general business matters.

2005

Mary-Louise Phelps, a senior associate with R. William Funk and Associates, an executive search firm specializing in higher education, helped lure Professor Jeffrey Talley from Notre Dame to Southern Methodist University. *D Magazine*, out of Dallas/Fort Worth, told the alluring story entitled "General Badass: How God and the Hunt family lured one of the most decorated engineers in the country from Notre Dame to SMU," in their November 2009 issue (McAlley).

John Thomas Shockley has been named shareholder in the Municipal practice at Ohnstad Twichell PC (West Fargo, N.D.). Shockley will focus on Public Finance and Securities Law, Municipal Law, and Municipal Litigation. He also is the City Attorney for several smaller communities surrounding the City of Fargo.

2006

Kinika Young, an associate at the law firm of Bass, Berry & Sims PLC in Nashville, Tenn., has been elected to the board of directors of the Napier-Looby Bar Foundation (NLBF). In 2001, the Napier-Looby Bar Association (NLBA)



authorized the formation of the NLBF, whose purpose is to raise funds for scholarships and charitable donations to deserving individuals and endeavors in the Middle Tennessee community. The NLBA is an affiliate chapter of the National Bar Association and was founded in 1933 to serve many functions in the African-American and the legal communities.

2007

Samuel P. Blatchley has joined Partridge Snow & Hahn LLP (Providence, R.I.), as an associate and member of the firm's Litigation Practice Group. Blatchley focuses on admiralty and maritime law.

Kara J. Bruce joined the University of Toledo College of Law faculty in 2010. As an assistant professor, Bruce teaches commercial law courses, including Secured Transactions and Commercial Paper. Prior to joining Toledo's faculty, Bruce worked as an attorney in the Bankruptcy and Restructuring Group of Locke Lord Bissell & Liddell LLP (Chicago).

Elizabeth R. Carter assumed a new position in June 2010 as law professor at the Louisiana State University Paul M. Hebert Law Center, where she commutes from New Orleans. Carter teaches civil law and estate planning courses at LSU. In August 2009, Carter graduated from the University of Alabama with an LLM in Tax.

Mollye Monceaux Demosthenidy has joined Jones Walker's Health Care practice as an associate (New Orleans). Prior to joining Jones Walker, Demosthenidy worked as an associate attorney at Sullivan, Stoller & Resor in New Orleans as a member of the firm's healthcare practice. She also serves as an adjunct assistant professor at Tulane University School of Public Health and Tropical

Medicine, where she teaches Health Law and Regulation to graduate students in the Master of Public Health and Master of Health Administration programs. Her practice focuses on representing parties in the health care industry with regard to regulatory and compliance matters, including Stark and Anti-Kickback laws, certification, accreditation, and reimbursement issues.

Joseph Hugg has joined Lemle & Kelleher, LLP (New Orleans). Hugg is an associate practicing in the area of Labor and Employment Law.

Thomas Patrick O'Connor married Elizabeth Courtney McLennan on July 10, 2009, in Old Greenwich, N.Y. Thomas is a litigation associate in the New York office of the Chicago law firm Winston & Strawn. Elizabeth teaches sixth-grade social studies and English at the Eastern Middle School in Greenwich.

2008

Abbott M. Jones has joined Christian & Small LLP (Birmingham, Ala.), as an associate in the appellate litigation practice group, after completing her clerkship with the Honorable Karon O. Bowdre, U.S. District Court, Northern District of Alabama.

2009

Shannon Thornhill Brown has joined the New Orleans-based law firm of Galloway, Johnson, Tompkins, Burr & Smith PLC.



Victoria A. Gallo has joined Jones Walker's Business & Commercial Transactions Practice Group and will practice from the firm's New Orleans office.

"To err is human; to forgive, divine." –Alexander Pope

Every effort has been made to proofread the various class notes. If, for any reason, your news lacks accuracy, please accept our sincere apology and convey the correct information to the editor via e-mail, lvergona@tulane.edu, or telephone, (504) 865-5976.

Due to space limitations, notes may be edited for length, content, and style.

In 2010, **305** Tulane Law School alums were selected for inclusion in *Super Lawyers*.

SIX Tulane Law School alums joined New Orleans Mayor Mitch Landrieu's transition team and task forces:

Phyllis Taylor ('66)—member,
NOPD Task Force

David Marcello ('71)—co-chair,
Transition panel on Blight

James M. Lapeyre Jr. ('78)—co-chair,
Transition panel on City Contracting

Rod West ('93)—co-chair,
Transition panel on Recreation

Daniel Davillier ('94)—member,
Economic Development Task Force

Walter Leger III ('03)—member,
Economic Development Task Force

CityBusiness '2010 Leadership in Law' honorees announced:

40% Tulane Law School alums.

Of the 50 honorees named to last year's *CityBusiness* Leadership in Law class, 20 are alums of Tulane Law School. Started in 2005, Leadership in Law recognizes 50 area legal professionals in four categories: firm associated, court associated, in-house counsel, and educators. Honorees are selected based on their professional and community involvement and achievements that have set the pace for the overall community.

Alumni being recognized are as follows:

Rene Curry ('65)

Malcolm A. Meyer ('71)

Edward Poitevent ('74)

Paul Batiza ('75)

Richard Simmons ('75)

Stephen Conroy ('76)

Jim Letten ('79)

William Schwartz ('79)

Walter Becker ('82)

Stephen Bruno ('82)

Leonard Davis ('84)

Martha Curtis ('90)

Rachel Wisdom ('90)

Christopher Beary ('93)

Stephen Herman ('94)

Andrew Lee ('95)

Celeste Coco-Ewing ('97)

Richard Exnicios ('98)

Christopher Ralston ('99)

Monica Sanchez ('03)

All honorees were recognized at a cocktail reception on March 16 at the New Orleans Museum of Art.

IN MEMORIAM

Herbert A. Graf Sr. ('39)

November 29, 2009

Baton Rouge, La.

Yvette Sherman Jackson ('39)

November 15, 2009

Houston, Texas

Fred A. Coon Jr. ('41)

April 18, 2009

Monroe, La.

George W. Liskow ('47)

October 17, 2009

Arcadia, Calif.

John G. Miller Jr. ('47)

October 18, 2009

Metairie, La.

Rep. John Rarick ('49)

September 14, 2009

St. Francisville, La.

Hon. Shirley G. Wimberly Jr. ('50)

September 17, 2009

Stockbridge, Ga.

Guy C. Lyman Jr. ('58)

November 24, 2009

Monteagle, Tenn.

Frank C. Allen Jr. ('64)

September 29, 2009

Pass Christian, Miss.

Edward de la Garza ('64)

December 6, 2009

Miami, Fla.

Hon. James H.C. Thomas Jr. ('64)

October 1, 2010

Hattiesburg, Miss.

Hon. Perrell Fuselier ('68)

May 3, 2010

Oakdale, La.

Joe Henry Hamner Jr. ('69)

August 31, 2009

Washington, D.C.

Toshimitsu Takaesu ('69)

October 8, 2009

Seattle, Wash.

David P. Harper ('70)

March 26, 2009

Fort Pierce, Fla.

Thomas E. Magill ('78)

October 5, 2009

Atlanta, Ga.

James Bryce Wadley ('79)

January 1, 2010

Topeka, Kan.

Jonathon L. Bookman ('81)

December 26, 2009

Pine Bluff, Ark.

William Chapman ('82)

October 20, 2009

Fairlee, Vt.

Terry Allbritton ('86)

December 31, 2009

Monroe, La.

James R. Cox ('93)

September 17, 2009

Madison, Ind.



REUNIONS 2009

LAW CLASS OF 1974

35th REUNION

Friday, October 9

Lunch at Galatoire's



LAW CLASS OF 1964

45th REUNION*

*Frank Courtenay (L '64, right) catches up with fellow alumnus Jim Thomas (L '64)** and former grade school classmate Sheila Manes at a cocktail party honoring the law class's 45th reunion. Richard Currence (L '64) and his wife Rebecca hosted the evening affair at their home in Uptown New Orleans on Friday, October 2, 2009.*

* Editor Lauren Vergona Gavioli extends her sincere regrets to the law class of '64 for a camera malfunction that prevented her from capturing the class photograph on Oct. 2. She invites reunion attendees to e-mail pictures from the weekend for reprint in the next issue of the *Tulane Lawyer*. E-mails should be sent to lvergona@tulane.edu.

** IN MEMORIAM: Judge James H.C. Thomas Jr. of Hattiesburg, Miss., passed away October 1, 2010.

LAW CLASS OF 1969

40th REUNION

Saturday, October 10

Cocktail Buffet at Ralph's on the Park

Below: LAW CLASS OF 1984

25th REUNION

Saturday, October 10

Cocktail Buffet at Galatoire's



TAX TOPICS FOR THE PHILANTHROPIC: AN ATTORNEY'S GUIDE

ENDOWED GIFTS PROVIDE LASTING SUPPORT

by Lizbeth A. Turner (L '85)

Although donors and their advisors often focus on the tax advantages of charitable giving, it also is important to consider how the gift will be used by the charitable donee. An often overlooked topic when planning a charitable gift is whether the gift will create an endowed fund.

An endowed fund is a permanent fund, with only the endowment payout available for the charity to spend. The endowment payout may include not only income such as dividends and interest, but also capital gain and some principal. It is often calculated as a percentage of endowment value averages over a period of time.

The endowment payout is used for the purpose specified by the donor. A donor should discuss the proposed use of any substantial gift—endowed or not—with representatives of the charity before making a gift. By doing so, the donor can clarify any questions about his or her intent. Also, the charity can help the donor match his or her interests with the needs of the charity and provide sample language establishing an endowed fund.

Endowed funds are especially suitable for memorializing the donor or the donor's family and friends through the name of the fund. The donor should clearly state in the gift document his or her intention to create a named endowed fund.

Many charities require a minimum amount to establish a named endowed fund. If a bequest written today is designated for an endowed fund, the

More than 165 endowed funds support Tulane Law School, including the following new funds established in the past fiscal year:

- Paul Barron Professorship in Law Endowed Fund
- James J. Coleman Sr. Visiting Professorship in Law
- Joseph A. Ettinger Endowed Fund in Law
- C. Mark Whitehead Jr. MD Law Scholarship Endowed Fund

required minimum amount may be higher by the time the charity receives the bequest.

Information on Tulane's minimum amounts for endowed funds can be found at <http://tulane.edu/giving/invest>.

Since endowed funds are permanent, it is a good idea for the donor to permit some flexibility if the fund is designated for a particular use. Allowing for an alternative use or granting the charity discretion to change the use if the original purpose is no longer feasible can ensure that the fund will continue to meet the charity's long-term needs and be used in a manner most closely reflecting the donor's wishes.

In Louisiana, endowed funds are

governed by the Uniform Prudent Management of Institutional Funds Act, La. R.S. 9:2337.1–9:2337:10, which became effective July 1, 2010. Most states have adopted a version of this uniform act.

For more information about endowed funds, including sample language, contact Tulane's Office of Planned Gifts at 800-999-0181 or lturner@tulane.edu.

To discuss other ways to support Tulane Law School or simply to make a gift to the law school, contact Shannon D. Woodward, senior director of development, at swoodwar@tulane.edu or (504) 862-8559.

JAMES COLEMAN PROFESSORSHIP



James J. Coleman Sr.

The family of James J. Coleman Sr. (L '37) has established a visiting professorship at Tulane Law School in his memory. The professorship enables the law school to invite a distinguished international legal scholar each year to teach a course in an advanced international subject. Coleman practiced law for 40 years while leading local and international businesses. The law school thanks the Coleman family, especially Dorothy Jurisich Coleman (NC '41) and James Coleman Jr. (L '68) for the gift.



SAVE THE DATES

DATE	TIME	EVENT TITLE	LOCATION
Feb. 17	5 p.m.	Dermot S. McGlinchey Lecture on Federal Litigation “The Tension Between Independence and Accountability in State and Federal Courts” Prof. Sanford Levinson, Univ. of Texas Law School	Tulane Law School (TLS)/Weinmann Hall (WH) Reception to follow in the Multipurpose Room (MPR)
Mar. 18–19	7 a.m.	Income Tax Conference	TLS/WH202
Mar. 21	5:30 p.m.	Eberhard P. Deutsch Lecture on International Law “International Environmental Governance and Access to Environmental Information: The Right to Know” Peter H. Sand, Institute of International Law, Munich	TLS/WH110 Reception to follow in the MPR
Mar. 23–25	TBD	23rd Annual Admiralty Law Institute	McAlister Auditorium at Tulane University
Mar. 25	1:30 p.m.	Admiralty Alumni Reunion	Arnaud’s Restaurant, 813 Bienville St.
Mar. 31 Apr. 1	8:20 a.m.–6 p.m. 8:30 a.m.–2:30 p.m.	23rd Corporate Law Institute	The Roosevelt New Orleans, Waldorf-Astoria, 123 Baronne St.
Apr. 1	TBD	“Future of Copyright” Speaker Series Prof. Siva Vaidhyanathan, media studies, Univ. of Virginia School of Law	TBD
Apr. 9	8–11 p.m.	Law Class of 2006 5th Reunion Cocktail Party	Ritz Carlton New Orleans, Penthouse, 921 Canal St.
Apr. 12	1 p.m.	“Future of Copyright” Speaker Series David Carson, General Counsel, Copyright Office	TLS/WH251
Apr. 14	11:30 a.m.	New Orleans Alumni Luncheon	Ritz Carlton New Orleans, 921 Canal St.
Apr. 18	1 p.m.	“Future of Copyright” Speaker Series Jule Sigall, Microsoft	TLS/WH251
May 12	4 p.m.	Tulane University Unified Commencement Ceremony	Ernest N. Morial Convention Center 900 Convention Center Blvd.
May 13	3 p.m.	Tulane Law School Commencement Ceremony	Tulane Fogelman Arena, Central Building, Uptown Campus

*** PLEASE NOTE THAT ALL EVENTS ARE SUBJECT TO CHANGE. ***

To confirm event details and check for updated information, visit the Tulane Law School website at www.law.tulane.edu.
For more information on Continuing Legal Education (CLE) opportunities, call **504-865-5900** or visit www.law.tulane.edu/cle.
For details regarding class reunions and alumni events, or to confirm times and locations of all the happenings listed above,
please contact **Ellen Brierre, law alumni affairs**, at **504-865-5920** or via e-mail, ebrierre@tulane.edu.



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“What we now need to do
is to energetically reassert
ourselves so that the rest
of the world fully *knows* just
how strong we really are.”

Dean David Meyer

ADDRESS UPDATE / CLASS NOTE

Send class notes to Ellen Brierre, law alumni affairs

Mail: Tulane Law School, Alumni Affairs, 6329 Freret St., New Orleans, LA 70118

E-mail: ebrierre@law.tulane.edu

Fax: 504-862-8578

Web: <http://tulane.edu/alumni/tellusyournews.cfm>

To update your information, visit <http://tulane.edu/alumni/updateyourinfo.cfm>

Name _____ Class Year _____

Home Address _____

City _____ State _____ Zip _____

Phone _____ Is it new? _____

Employer _____

Employer Address _____

City _____ State _____ Zip _____

Phone _____ Is it new? _____

E-mail _____

Comments _____

