

TULANE

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## THIS ISSUE

GOOD SPORTS

THE APOLITICAL CLINIC

COMMENCEMENT 2004



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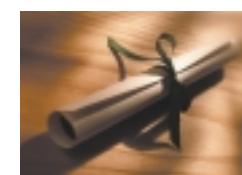
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*On the cover — Tulane lawyers stack the deck of the sport law biz. Illustration by Michael Krider.*

“ ... to be a good sports lawyer, you have to be a good broad-based lawyer. You have sports clients, but you are dealing with business enterprises, income tax, antitrust issues, labor law, and intellectual property.”





# GROWTH AND RENEWAL

BY DEAN LAWRENCE PONOROFF

It's a little difficult for me to believe that I am now beginning my fourth year as dean of our law school, but I guess that just proves the old adage of how time flies when you're having a good time.

There have been many challenges and I am pleased with the progress we have enjoyed. As you know, the academic credentials of our student body are the best they've ever been. During the past three years, we have made seven new faculty appointments—all bright, talented and energetic teachers and scholars. Our programs are as strong or stronger than they've ever been and we are enjoying unprecedented levels of alumni involvement and support.

So there is much to be proud of. And yet, amidst all these positives, we were very surprised and disappointed to see a drop in our *U.S. News* ranking to 56th. You might fairly question how this could occur at a time when, based on every metric that matters, the school is healthier, more vibrant than ever. Other rankings (albeit less public rankings) that focus on qualitative rather than quantitative factors place Tulane much higher.

A close examination of the *U.S. News* numbers shows that Tulane's performance

in categories such as reputation, GPA and LSAT scores remains strong. The quality of our student body has risen in recent years and our reputation among peers and professionals is solid. (Our reputation internationally is exceptional but unfortunately that isn't factored in the survey.) Tulane's drop in rank was due in large part to our scores in graduates employed within nine months of graduation and our faculty/student ratio.

It would be a grave mistake to alter fundamentally the unique character of this institution just to improve *U.S. News* rankings. However, we believe there are a number of actions we can take, and plan to take over the next 12 months, that address these issues and are consistent with our strategic goals.

Like any other great institution, Tulane Law School must continually seek to renew itself in order to keep pace with evolving trends in the practice, deliver the highest quality education to our students, and look for new ways to build on the strength of our extraordinary reputation in international and comparative law. I can assure you that this is something we are doing. On the JD level, we have added several upper-level applied and skills-oriented courses and introduced a rigorous upper-level writing requirement for all students.

Like any other great institution, Tulane Law School must continually seek to renew itself in order to keep pace with evolving trends in the practice, deliver the highest quality education to our students, and look for new ways to build on the strength of our extraordinary reputation in international and comparative law.

On the graduate level, this coming academic year we will launch two new programs: an LLM in American business law and the first PhD program in law in the country. On the international front, in 2005,

we will begin operation of two new summer-abroad programs: one in London associated with Queen Mary College focused on international business transactions, and the other in Barbados affiliated with the University of the West Indies.

But why wait for the future to report good news? A look through this issue of the *Lawyer* will give you a good indication of some of the exciting things that are taking place right now.

The first item bearing mention is the outstanding performance of the Tulane team in the Willem C. Vis Arbitration Competition in Vienna, Austria. The team, consisting of Allison Caire, Allison Cook, Lorien Golaski, Warren Burns, Anne Herrmann, and coached by Professors Martin Davies and Lloyd Bonfield, made it to the final eight among a field of nearly 140 teams from more than 30 countries around the world. They all deserve our congratulations. In April, David Boies, most recently of *Bush v. Gore* fame, delivered the inaugural Gauthier Lecture on Trial Advocacy to a packed house. The title of his thought-provoking talk was "The Rule of Law and Its Limitations."

Our faculty continues to be remarkably productive and engaged professionally—as you can see by just a quick perusal of the "Faculty Publications and Presentations" section of the *Lawyer*. And in "Faculty Notebook," Professor Adam

Babich sets the record straight in a revealing article about the Environmental Law Clinic.

Finally, on May 22, we celebrated the commencement of the class of 2004 and you'll see some photos of that special event on the pages that follow.

It is with mixed emotions that I tell you that, after 32 years of service, distinguished by uncompromising quality in teaching and research, Professor Luther McDougal has retired. The faculty joined together for a luncheon in Luther's honor just before finals and presented him with the 21st century equivalent of a gold watch, i.e., a laptop computer and multifunction printer, so that Luther can continue to work on his books and other scholarship at the same time that he and Mary Anne make the most of his new-found free time.

On the external relations front, looking back at the 2003-04 year, we sponsored 52 events for alumni and friends in New Orleans and 14 other cities. They ranged from reunions and receptions, to faculty presentations, to send-off parties for incoming students from the New York, D.C., Houston and Baton Rouge/Acadiana areas. We also hosted our first annual New Orleans alumni lunch where our distinguished graduate, Maj. Gen. William K. Suter, clerk of the Supreme Court of the United States, was the featured speaker. In July, I will host a dinner honoring Chief

Dean Lawrence Ponoroff with Rose LeBreton (L '76), chair of the New Orleans alumni chapter, and Maj. Gen. William K. Suter (L '62), clerk of the Supreme Court of the United States, at the New Orleans alumni luncheon.



Justice Rehnquist, who is teaching in our Cambridge program, for our senior UK and UK-based alumni. I personally look forward to even more events next year.

While the challenges ahead are not inconsiderable, I can't help but reflect with pride and satisfaction on how far we've come and how bright the prospects are for us to attain our ambitious goals in the future. I know without a doubt that we could not have come as far as we have without the support and loyalty of so many of you, for which we are deeply appreciative. I also know that achieving our aspirations will hinge critically on your continuing support and assistance, but I am as confident as ever that our alumni will be there for us as they have always been in the past. I hope you enjoy this issue of the *Lawyer*, which features a number of highly successful sports lawyers who have benefited from our Sports Law program that continues to grow in stature under Dean Gary Roberts' strong leadership.

As always, if there are ways in which the Law School or I can be of service to you, I hope you won't hesitate to let us know. I look forward to seeing many of you in the next year and to continuing our partnership to make Tulane Law School the best that it can be. Have a wonderful summer.

# KRAMER, UNVEILED

THE FORMER DEAN GETS HIS DUE

*Sandra and John Kramer stand beside the newly unveiled portrait, along with Dean Lawrence Ponoroff and artist Jason Bouldin.*



It was a night of heartfelt sentiment and waggish merriment, an evening that hit the appropriate tone in honoring former law school dean John Kramer. The event was the unveiling of Dean Kramer's portrait, which will take its place of distinction in Weinmann Hall along with the portraits of his predecessors. Dean Kramer has remained on the faculty since stepping down as dean in 1996.

The unveiling, which took place on March 5, drew an overflow crowd to the spacious lecture room on the first floor. On hand were law alums, law school faculty and staff, current students, and a who's-who registry of friends. Organized with the help of Dean Kramer's wife, Sandra, the event's guest list included out-of-town guests such as Ambassador Tom Foley, former speaker of the House of Representatives; Ken Bode, a journalist who has worked for NBC, CNN and National Public Radio; Curtis Wilke, a nationally acclaimed

political journalist; and Robert Greenstein, executive director of the Center on Budget and Policy Priorities.

Local dignitaries included former Louisiana Congresswoman and U.S. Ambassador to the Vatican Lindy Boggs and Ambassador and Mrs. John Weinmann.

Dean Lawrence Ponoroff set the tone for the evening with an opening address that acknowledged Dean Kramer's accomplishments, which included nothing less than transforming Tulane from a primarily regional law school into a nationally recognized and respected institution. He spiced his remarks with allusions to Dean Kramer's well-known tendency to agitate the status quo. Also, he noted Dean Kramer's infamous orientation speech and cited a former student's simile that listening to a lecture by Kramer is like trying to take a sip from a gushing fire hydrant.

The audience also heard remarks from Gary Roberts, who was vice dean during

the Kramer years, Dean Kramer's sons, Andrew and Gladstone, and portrait artist Jason Bouldin. Perhaps the most poignant moment of the evening came from alumnus Roderick West, who looked the former dean straight in the eye while sharing with the audience how he and his fellow minority classmates benefited from Dean Kramer's tenacious demand that social justice be incorporated in all facets of the school, including curriculum, student admission and faculty hiring.

When his time to speak arrived, Dean Kramer opened by mischievously clarifying the exact verbiage of his bawdy orientation presentation (you'd remember it if you'd heard it) and then generously devoted most of his remarks to the accomplishments of his wife.

After the unveiling, the audience was treated to a sumptuous reception that, in the words of Dean Ponoroff, would be a banquet of Krameresque proportions. Everyone knew what he meant.

## BOIES DELIVERS GAUTHIER LECTURE

Never mind the fact that a jury in New York was still out, deliberating the fate of his client's multibillion dollar, high-profile insurance coverage dispute. Or that he owed his publisher another chapter in the book he's writing. Attorney David Boies still managed to find time to deliver the inaugural Wendell H. Gauthier Lecture at Tulane Law School. All in a day's work for Boies, the lawyer best known as former Vice President Al Gore's lead counsel during the recount of the Florida vote in the 2000 presidential race. He spoke eloquently on "The Rule of Law and its Limitations," outlining several reforms he says are needed to make the justice system more effective.

Boies has family ties to Tulane. Daughter Caryl (L'87) and son Jonathan (L'97) both graduated from Tulane Law School. He flew in the afternoon of April 21, delivered the lecture, attended a dinner with the Gauthier family, several law school faculty and alums, then boarded a private plane back to New York that night.

In his lecture, Boies noted that skyrocketing litigation costs impede the quality of justice when opposing parties have vastly different resources. If either party has a disproportionate war chest to litigate, he says, it gives them an increased advantage and "degrades the quality of the justice system."

The remedy, Boies suggests, comes down to each attorney as an individual. "As a profession, we want to have standards that don't rely on people getting caught. I think if we really want to aspire to the rule of law what we all have to do is discipline ourselves and discipline each other in terms of the extent we will go in advocacy. That's very hard."

Boies was relaxed yet deliberate in his hour-long speech. "Our own interests are at stake," he urged. "We are all terribly competitive people. We wouldn't be trial lawyers if we weren't competitive. We want to win."

And he did. A week later, the jury came back with a favorable verdict.



*David Boies with Anne Gauthier at the Wendell H. Gauthier Lecture, during which Boies shared his views on how to reform the justice system.*

## THE IMPEACHMENT OF THOMAS JEFFERSON

They didn't wear frock coats or arrive on horseback, but student members of Tulane's American Inns of Court chapter managed to evoke a real sense of American history during their most recent event, held on March 1 at the Law School. The program depicted the hypothetical impeachment of Thomas Jefferson for alleged "high crimes and misdemeanors" stemming from the purchase of the Louisiana Territory.

"It just seemed topical, with the recent anniversary of the Louisiana Purchase," said A. Brooke Bennett, second-year law student and a participant in the program. Bennett, along with fellow law students Kevin Norman and Frederic Gilles Sourgens, played the roles of "house impeachment managers," making the case for impeachment, while Phyllis E. Glazer and Heather Matthews, also law students, played the role of White House counsel. Hon. Stanwood R. Duval Jr., United States District Judge for the Eastern District of Louisiana, presided in the role of Chief Justice John Marshall, and the audience acted as members of the Senate.

The house managers made a spirited case for impeachment, with accomplished orator Sourgens urging the audi-

ence to concede that Jefferson exceeded his treaty power by undertaking the Purchase, unfairly favored the new territory with regard to import tariffs, and committed treason by grossly exceeding his authority as president. President Jefferson was, however, ably defended and, after several probing questions from the assembled "senators," the impeachment was defeated. Bennett and Sourgens, members of Tulane's Phillip C. Jessup Moot Court team, were fresh from their impressive showing at the Jessup regional competition, where both placed in the category of "Best Oralist" – Sourgens was first overall, and Bennett was fourth overall.

The American Inns of Court are loosely modeled after the apprenticeship system of the British Inns of Court. Participation is voluntary, and brings together judges, lawyers and law students in a collegial atmosphere to foster legal skills, professionalism, civility and the highest standards of ethical conduct. There are 16 Inns in Louisiana, many affiliated with law schools and local bar associations. The Inns typically meet about once a month, giving members the opportunity to participate in programs and discussions on practice issues as well as to socialize.

## MOOT COURT TEAM VISITS VIENNA FOR VIS COMPETITION

Tulane Law School students have a long and illustrious history in moot court competitions across the United States, performing with distinction and frequently bringing home awards. For the past several years, a group of students from the law school has represented Tulane even farther afield, traveling to Vienna, Austria for the Willem C. Vis Moot Court Competition in international commercial arbitration.

This year's competition, the 11th year of the "Vis Moot," was held in Vienna from April 2 to 8. Tulane's team joined a field of 135 teams from law schools representing 42 countries. The students on this year's team were Warren Burns (3L), Allison Cook (2L), Lorien Golaski (2L) and Anne Herrmann (LLM). Third-year law student Allison Caire coached the team. Joining them were two Tulane alumni who acted as arbitrators, Melissa Elwyn (L '03) and Christian Alberti (LLM '02).

The Tulane team began their work last fall, preparing briefs and practicing for oral argument with the help of Professors Lloyd Bonfield and Martin Davies. A stated goal of the Vis Moot is to "foster the study of international commercial law and arbitration for resolving international business disputes," so the problem for each competition is framed as the arbitration of a transaction for the sale or purchase of goods under the United Nations Convention on Contracts for the International Sale of Goods. This year's problem concerned conformity of goods to the contract terms and fundamental breach of the contract. Typically, each year's problem also poses a procedural arbitration issue, and this year's revolved around the posting of security for legal costs of arbitration and the confidentiality of the arbitration proceedings.



*The moot court team, from left to right: Allison Cook, Allison Caire Aucoin, Anne Herrmann, Warren Burns (in the back), Lorien Golaski, and Professor Martin Davies.*

The hectic schedule of the competition left little time for sightseeing. The teams first competed in a general round, in which Tulane met teams from Brazil, China, Latvia and Germany. At the end of those rounds, the top 32 teams moved on to the elimination rounds, and Tulane was in that number. In the Round of 32, Tulane defeated the University of Singapore, the 2002 winner of the Vis Moot. Tulane then advanced to the Round of 16, where the team met McGill University from Canada. Tulane won again, and the team moved on to the quarterfinals, where it met the University of Freiburg. Although the team was defeated in the Round of 8, its showing was impressive, given the breadth and excellence of the competition. Warren Burns was awarded an honorable mention in the Best Oralist category.

Alumna Melissa Elwyn has participated in Tulane's Vis team in every capacity—she started out as the team's briefwriter as a 2L, then assumed the role of student coach the next year. This year she returned to the Vis as an arbitrator—and a cheerleader for the Tulane team. Although she came to law school with an interest in international law, the Vis experience was something she came upon almost by accident. Yet, she says, "it ended up being my most important experience at Tulane." In addition to the

white-collar defense work she sees in her practice, Elwyn devotes a great deal of time to work at the United Nations. And in the fall, she begins an LLM program in international trade at Fordham Law School. "My experiences through the Vis, the people I've met, the advocacy skills and the experience of working with different laws, have really helped me. The Vis experience gave me confidence that this is what I want to do."

Professor Elizabeth Calderon also traveled to Vienna to host an alumni event and meet LLM alumni and potential future LLMs. She attended the team's arguments and practices while in Vienna.

The Vis Moot team took a break from competition to attend a dinner for law school alumni in Vienna. Held on April 5, the event was held at a "heuringen," a traditional Viennese restaurant serving local cuisine and regional wines. Almost 20 people attended altogether, reports Horst Lukanec (LLM '99), who organized the event. Lukanec notes that this was an excellent turnout, since there are about a dozen Tulane Law School alums in Austria. Lukanec is in regular contact with a couple of Tulanians who practice law with him at the Binder Grosswang firm in Vienna. Lukanec's colleagues Thomas Schirmer and Hellmut Buchroithner completed Tulane's LLM program in 1993 and 1999, respectively.

## A SON'S TRIBUTE

Sitting in his home office, retired Orleans Parish District Attorney Harry Connick Sr. (L'61) is surrounded by photographs, campaign posters and memorabilia that chronicle his 30 years as New Orleans' top prosecutor.

Public service has been a way of life for the prominent attorney who graduated from Tulane Law School with his wife, the late Anita Connick (L'65). Both went on to successful careers in the public sector. Anita Connick became a First City Court Judge in Orleans Parish, one of the first female judges in the city, before losing a battle with cancer in 1981. Harry Connick retired last year.

Their lifetime devotion to public service was one of the reasons their son, musician, singer, composer, actor, and three-time Grammy award winner Harry Connick Jr. established a scholarship fund at Tulane Law School in their names.

"My parents devoted their lives to public service which, in my opinion, is one of the most honorable callings one can have as a profession," Harry Connick Jr. explained. "By making this gift to Tulane Law School, I'm able to honor my parents and at the same time pave the way for law students to pursue careers in the public sector."

"I know Anita would share my feeling that a scholarship fund for law students who want to pursue public service was long overdue," added Harry Sr. "Anita devoted so much of her life to making the judicial system better and some of the best judges today begin their careers in the public sector. I know from experience—many judges on the bench here in New Orleans worked in my office as assistant district attorneys where they gained experience and a fuller understanding of the workings and meaning of the criminal justice system. Those are some of the key attributes of a great judge."

Harry Connick had just finished a stint in the U.S. Navy when he joined the U.S. Army Corps of Engineers, a job that took him to Morocco. It was there



*Left: Judge Anita Connick swears in husband Harry as New Orleans district attorney in 1979. Far left: The Connicks at home, with Suzanna and Harry Jr.*

he met Anita Livingston who was pursuing a lifelong love of travel. After a brief courtship, they married in Tangiers and the young couple savored their Mediterranean lifestyle, taking frequent trips to Spain. Harry studied bull fighting and ran with the bulls in Pamplona. They eventually returned to New Orleans and went into business, opening a successful record store. The ambitious couple was intrigued by the law and decided to pursue their JD degrees. They took turns. Harry went to law school first, while Anita minded the store. She then earned her law degree, graduating from Tulane four years later. It was during law school that the Connick's first child, Suzanna, was born. The Connicks partnered in business yet again, opening Connick and Connick, a private law practice.

In 1979, Anita Connick ran to fill an unexpired term on the First City Court in New Orleans. At the time, Louisiana was nationally criticized for not yet ratifying the Equal Rights Amendment, yet gender was no obstacle for Anita, who, according to the Times-Picayune, "swamped her four male opponents." Anita sought re-election while undergoing chemotherapy for treatment of leukemia. She died a year later.

Harry spent 29 years as the Orleans

Parish District Attorney, a public service career that began in 1973 with the defeat of the late Jim Garrison (L '49). During Connick's tenure as district attorney, the office became nationally praised for its honest and efficient approach to screening cases, the theory being that Connick's stricter screening policies resulted in fewer plea bargains and more "as charged" convictions. These practices gained national recognition in the October 2002 Stanford Law Review article, "The Screening/Plea Bargaining Trade Off." A fitting honor for Connick, who did not seek re-election in 2002.

Today, Harry Connick and wife Londa are enjoying retirement in New Orleans and spending time with their four grandchildren. Son Harry and daughter Suzanna continue the Connick tradition of outstanding achievement. Harry Jr. is one of the world's most acclaimed performers and Suzanna recently graduated from Louisiana State University School of Medicine, after obtaining two nursing degrees from the University of Virginia. Meanwhile, Harry Sr. devotes more time to his second career as a talented singer and band leader, performing regularly with the Nelson Riddle Orchestra—a gig that plays well with Anita Connick's favorite saying, "the best way to proceed is to start at the top."

ON THE RETIREMENT  
OF MY COLLEAGUE,  
LUTHER L.  
MCDUGAL III

BY ROBERT FORCE

*Niels F. Johnsen Professor of Maritime Law and co-director, Tulane Maritime Law Center*

*(Editor's note: We are deeply sorry to have to report that Luther McDougal passed away in June, only weeks after teaching his final class for Tulane. Professor Force wrote this tribute when Professor McDougal was still alive and well, and looking forward to retirement. We think it stands as a fitting memorial to a man so well loved by his colleagues and students.)*

A person's resume, or curriculum vitae, as we academics prefer to call it, can tell us a lot about a person. But as we all know, it never tells the full story. Luther McDougal's paper record is no exception to the general rule. It tells us that he earned his BA and LLB degrees from the University of Mississippi. Upon graduation from law school, he was admitted to practice in the State of Mississippi and engaged in private practice in Tupelo for several years. Unfortunately, Elvis was not one of his clients. In 1965 he joined the faculty at University of Mississippi Law School. He promptly was granted a leave of absence to attend Yale Law School as a Sterling Fellow and was awarded an LLM degree in 1966. In 1970, he left Ole Miss and became a member of the law faculty at the University of Arizona. The Tulane Law School faculty had the good judgment to lure him back to the South, and he joined our faculty as professor of law in 1974. For the past 30 years, he has served continuously on the Tulane Law School faculty except for a visit to the University of Hawaii Law School in 1978. His academic achievements and contributions to the law school were recognized by his appoint-



Professor  
Luther McDougal

ment as W.R. Irby Professor of Law, a chair he has held since 1981.

The paper record reflects that he has authored or co-authored eight books, 19 law review articles, and seven miscellaneous publications, including book reviews and a major piece of Louisiana legislation on local government law. We conclude that he is a scholar, a hard worker, and consistent in his productivity.

In his long career Luther has taught: Oil and Gas, Conflict of Laws, Land-Use Planning, Introduction to Common Law Property, International Commercial Arbitration, Civil Procedure, Land Finance, International Law, Trusts and Estates, Insurance, Debtor and Creditor Rights and Constitutional Law.

He has served on every major law school committee and, at some point, as chair of virtually every one. He never shirked from a committee assignment; he never asked for relief from administrative duties to meet publication deadlines. Furthermore, for the past 13 years he has directed the Tulane Summer Program in Cambridge, England. His excellence as a teacher is evidenced by his receiving the Felix Frankfurter Distinguished Teaching Award and the SBA Best Professor Award. His excellence as a scholar is evidenced by his designation as the first annual C.J. Morrow Research Professor. Also, he is a member of the prestigious American Law Institute.

With the exception of the details, that is the paper record. Does it accurately portray the man? Yes, to the extent it reveals his commitment to scholarship, his accomplishments as a teacher and his broad background in law. But like all paper records, it doesn't tell the whole story. It simply doesn't do Luther justice. In our experiences we all have met

some people who are boastful self-promoters, others with overly inflated egos, and some enthralled with their own voices. Some people have no sense of honor. Some people have no sense of institutional commitment. Some people can't make difficult decisions. For some people, expediency always trumps integrity. Some people are cruelly judgmental, and some people are so wrapped up in their own projects that they never have time to help others.

Not a single one of those character flaws applies to Luther. In fact, he has just the opposite traits.

Luther McDougal has been a stalwart of the Tulane Law School faculty for the past 30 years. He is a leader—the strong, silent type, speaking only when he has something to say and only when something needs to be said. His judgment and opinions are respected by his colleagues. When Luther speaks, his colleagues listen. We know that he is a man of honor, integrity, high standards and common sense. With Luther's plain speaking, we know where he is coming from. There is no hidden agenda. There is no "what's in it for me." Luther also understands the meaning and importance of institutional commitment. Even as one of the most senior faculty, he agrees to teach where he is needed. He has been courteous and collegial to his colleagues and has set an excellent example for all to follow. At one point in our history there was some concern that the senior faculty was not being sensitive and supportive of the junior faculty, and Luther was asked to head a small group to narrow the gulf. "Luther's List" became a byword and part of the process whereby he personally advised non-tenured faculty how to get published in the best law review possible.

For me, Luther's retirement will be especially difficult. For almost 30 years we have been suitemates with offices across from one another first in Jones Hall and now in Weinmann Hall. He has been a constant supporter and sage advisor. His sense of humor, his availability to discuss difficult issues of law and his general affability have made Tulane a better place for me. We will all miss him, but I, perhaps, a little more than most.

I close with a story that tells a lot about my colleague Luther. When he was hired as a faculty member by Ole Miss Law School, his job description included serving as the director of the North Mississippi Rural Legal Services Clinic, a clinic operated by the law school. The law school had received federal funds to provide legal services to people who could not afford them. The office was staffed by several full-time lawyers. The clinic filed suit to desegregate the schools in Lafayette County, Miss., which included Oxford, the home of Old Miss. Those were the days of the Civil Rights struggle, and various state officials and legislators were displeased. As a result the law school terminated its relationship with the clinic and sent termination letters to the lawyers. When Luther was informed that he, too, was terminated, he responded: "You can't fire me, I have tenure. What do you want me to teach?" He was correct—the law school could not and did not fire him. Thus, a great career in academia was launched.



Dean Lawrence Ponoroff,  
with John Barrett, chair  
of the board of regents,  
American College of  
Bankruptcy.

#### PONOROFF HONORED

Dean Lawrence Ponoroff was inducted as a Fellow into the prestigious American College of Bankruptcy. The honor recognizes Dean Ponoroff's many years of practice in the area of bankruptcy law and his many contributions to the law of bankruptcy and insolvency since entering legal academia.

The American College of Bankruptcy's Class of 2004, the fifteenth class admitted to the College, was inducted in the Great Hall of the United States Supreme Court in Washington, D.C., on March 18.

The American College of Bankruptcy was formed to honor and recognize bankruptcy professionals who have distinguished themselves in the practice of their profession and through their efforts to enhance the insolvency and bankruptcy process.

The College utilizes the talents and resources of the Fellows for projects that promote the highest quality of bankruptcy practice, including pro bono bankruptcy projects, education programs at law schools and the establishment of the National Bankruptcy Archives.

#### HEADLINERS

**"Crazy...The labor exemption is just about as clear as can be on this point."** —Professor Gary Roberts' reaction to a federal judge's ruling that NFL rules restricting younger players from entering the draft violated antitrust laws in the February 6, 2004 edition of the *New York Times*.

**"Its primary purpose is to provide access to the courts for individuals who have a claim that is relatively small, so small that it is not economically feasible for them to hire an attorney."** —Former dean Edward Sherman explaining the use of class actions in the March 8, 2004 edition of the *Chicago Tribune*.

**"Clearly once you add the word 'marriage,' instead of civil union, you get a crisp, clear challenge to the full faith and credit issue."** —Professor David Gelfand on the looming

constitutional battle related to varying state laws governing same sex marriage, in the February 16, 2004, issue of *USA Today*.

**"And this business of the management of the household-can you get a court order requiring someone to take out the garbage?"** —Professor Jeanne Carriere quoted in an April Associated Press article about proposed Louisiana legislation that would tighten "covenant marriage" laws by writing into the law that spouses "owe each other love and respect."

**"This was a response to the two large spills—one from a ship called the Erika, off the coast of Brittany, and the other called the Prestige, off the coast of northern Spain."** —Professor Martin Davies, explaining to Earth Watch Radio Network why the European Union imposed strict rules on the age and condition of tankers in European waters.

# THE APOLITICAL CLINIC

BY ADAM BABICH



*An associate professor at Tulane Law School, Adam Babich directs the Tulane Environmental Law Clinic. Before joining Tulane, Babich was a Chicago-based litigator whose practice emphasized environmental and insurance-related disputes. He also has served as an environmental enforcement lawyer for the Colorado attorney general, adjunct attorney for the Environmental Defense Fund, editor-in-chief of the Environmental Law Reporter, and judicial law clerk for the Colorado Supreme Court. He has taught at Georgetown University Law Center, American University and the University of Denver. He received his JD from Yale Law School in 1983. He can be reached at [ababich@law.tulane.edu](mailto:ababich@law.tulane.edu).*

Not so many years ago, controversy about the Tulane Environmental Law Clinic was front-page news. At the time, I was in a private law practice far from Louisiana and did not pay close attention. But as the clinic's director since May 2000, I find those events still shape many people's perceptions about the clinic—both positively and negatively. Some approach the clinic as if it were part of an environmentalist crusade to stop economic growth. Others believe that the clinic's crusade is to protect Louisiana residents' health and welfare.

The clinic, however, is not on a crusade at all. Its real mission is more mundane, if not by much. Every year, the clinic's attorneys and staff have the privilege of helping 26 third-year law students find their voices as advocates under the stressful—but exhilarating—conditions of complex litigation. And along the way, the clinic serves the larger community by helping Louisiana lawyers meet their obligation to ensure that access to the courts on environmental issues is not denied to “people who are unable to afford legal services, or whose cause is controversial or the subject of popular disapproval.”<sup>1</sup>

It may seem odd for an environmental law clinic to deny that its purpose is to protect health and welfare. But as a program of Tulane Law School, our job is to train environmental lawyers, not environmentalists. Granted, most professionals who devote their careers to environmental issues—whether working on

behalf of regulated companies, government, or non-profits—believe in environmental protection. And by making legal expertise available on environmental issues to people who could not otherwise afford it, the clinic helps improve the regulatory system and, thus, advance environmental protection. But questions about how to balance environmental protection with other goals, or how to protect the environment in any specific situation, raise issues of policy. And clients, not clinic lawyers or student attorneys, decide policy issues. The clinic's mission is therefore best expressed as one of training students, and making the legal system accessible to all, rather than in terms of substantive objectives. As lawyers and student attorneys, we focus on developing and implementing legal strategies to achieve our clients' lawful goals—not on selecting those goals.<sup>2</sup>

Why not make policy decisions? The short answer is that our clients are fully capable of making their own decisions. And aside from our clients, on whose behalf would we make policy? Every organization, of course, has constituents. For organizations built around specific issues—such as environmental protection—those constituents' shared interests can provide a specific policy-making agenda. Tulane Law School, however, has a constituency as diverse as the legal profession itself. The views of Law School alumni and supporters about how to reconcile commerce and environmen-

tal protection—to the extent these issues are on their radar at all—are probably all over the map.

There are, however, a few things our constituents do agree about. Those areas of agreement encompass things fundamental to our training as professionals and our shared values as members of the bar. As lawyers, we all agree that law students should be trained to be strong, ethical advocates. Further, a basic tenet of our profession is that access to the courts should not be rationed on the basis of ability to pay or viewpoint. And finally, it is a fundamental principle of our legal system that nobody is above the law. These are the principles that animate an apolitical clinic.

An apolitical clinic is not, of course, the only possible model. One could run an environmental clinic more along the lines of a public-interest law firm such as Earthjustice or Defenders of Property Rights—organizations that make no bones about advancing specific agendas. The director of such a clinic could fairly invoke academic freedom to justify whatever value judgments were implicit in that director's choice of political

viewpoints to advance, and students would have a similar educational experience of learning by doing. Most of our students, however, are headed for employment with organizations that put a premium on representing clients, rather than their lawyers' views. For this reason, an apolitical clinic offers an experience that is arguably more relevant to most Tulane law students' future careers.

There is a flip side, however, to the fact that most clinic students go on to work for law firms or government after graduation. This means that, other than pro bono work, the clinic may provide many students with their only exposure to public interest litigation. It might be fairly argued, therefore, that we should run a “progressive” clinic to sensitize those students to the importance of environmental protection before economic forces shape them into apologists for the status quo. Law students, however, are generally fully formed adults. They look to law professors to help them develop their legal knowledge, professionalism, and appreciation of legal ethics—but not necessarily for political, philosophical or

moral guidance. Also, because the clinic exposes its students to real-world environmental disputes, the clinical experience helps students develop and refine their philosophies more effectively than could any professorial force-feeding of “progressive” ideas.

In addition, to put it bluntly, the apolitical model appeals to my own biases. My training is as an advocate, not as an activist or policy expert. I am as full of opinions as the next person, but the discipline of my chosen profession is to empower clients to set their own objectives and then figure out how to accomplish those objectives, within the law, as efficiently and reliably as possible. Like many lawyers with a background in private practice, my view is that advocates can best serve their clients by maintaining a professional objectivity about the underlying dispute. A core of objectivity helps lawyers find the flexibility to explore settlement possibilities, foster collegial relationships with opposing counsel, and give clients advice that reflects the risks, as well as the potential benefits, of particular positions. This is not to say that lawyers do not believe in



*Justice Pascal Calogero swears in student attorneys.*



*Clinic clients announce an effort to reform Louisiana's Clean Water Act program.*

their clients' positions. Although successful advocates preserve their ability to see both sides of disputes, they also develop and refine theories of their cases that they can present with conviction.

But why should you believe me when I say the clinic has no political agenda? Anyone who has ever taught a class knows how attuned students are to hypocrisy. It rarely escapes students' notice when teachers fall short of their own standards. It would be madness for me to tell the world that Tulane Law School was running a 26 law-student clinic along the lines of a professional law firm while trying to secretly run an environmentalist political advocacy group. Those 26 law students would notice! This does not mean, by the way, that I never express a political or policy opinion in front of a student attorney. My policy opinions may be largely irrelevant to my role as an educator, but I interact with my students as adults—I do not walk on eggs in their presence. The key to running an apolitical clinic does not lie in having no opinions, but in adopting no agenda other than to advance the lawful goals of clients.

In 1991, Tulane Lawyer published an impolitic, albeit ironic, statement that the clinic had hired a staff member "to commit barratry," i.e., to stir up litigation. In 1962, "barratry" was how South Carolina Senator Olin Johnston described Thurgood Marshall's efforts to help African-Americans defend their civil rights.<sup>3</sup> The next year, the Supreme Court found that Virginia's barratry law imposed unlawful restraints on advocacy.<sup>4</sup> Some critics of the clinic tout the 1991 Tulane Lawyer article as a confession of wrongdoing. But that interpretation is belied by the same article, which quotes a clinic spokesperson as follows: "There's no need for me to seek out cases . . . they come to us." So regardless of whether the term "barratry" is used to compare the clinic to the heroes of the civil rights movement or to suggest that the clinic somehow stirs up litigation, it misses the mark. The clinic has never engaged in barratry and does not solicit clients.

Some people have expressed the concern that providing legal help to clients who would otherwise go unrepresented can delay the issuance of environmental

permits. And it cannot be denied that public participation in the regulatory process, like the democratic safeguards in our political system, sometimes can cause delay. For this reason, legal scholars and politicians have long debated and experimented with reforms to streamline legal processes without sacrificing fairness. But denying justice to people who cannot afford lawyers, or whose views are controversial, would not be a responsible way to speed things up. Although most lawyers and clients would like to see disputes resolved more efficiently, the U.S. legal system remains the envy of other nations. By emphasizing the rule of law, the system preserves a balance between vibrant economic activity, strong health and safety standards, and individual rights. Whatever the legal system's faults, clinic lawyers and student attorneys take their obligation seriously to make it work as efficiently as possible for their clients.

Some readers might ask whether political pressure has played a role in my decision to leave environmentalism out of the clinic's curriculum. First, aside from a shared expectation of an ethical, professional and pedagogically sound approach, neither Tulane Law School nor university administrators have pressured me to run the clinic one way or another. But if the question were cast as whether feedback from alumni, the business and legal communities, and the courts has helped sharpen the clinic's mission, I would have to answer "yes."

Because I had never run a clinic



*Student attorneys and staff of the 2003-04 Environmental Law Clinic.*

before coming to Louisiana, my selection of an approach was necessarily influenced by the voices—some well-informed, some perhaps less so—of Tulane Law School's constituents. Moreover, I knew the clinic would be under scrutiny and one of my goals in developing an approach has been to make the clinic as widely respected as practical, regardless of whether our con-

stituents agreed with every one of our clients' positions. A major advantage of the apolitical model is that the more fully people understand the clinic, the less controversial it becomes—without becoming any less effective on behalf of clients.

Over the last year, the clinic has won important victories for its clients. For example, in a Fifth Circuit case, the

court vacated EPA's approval of a state plan to allow increased air emissions of volatile organic compounds (many of which can cause cancer) in return for reductions in less dangerous nitrogen oxides. The 19th Judicial District vacated a state decision that gave the go-ahead for destruction of wetlands without a full assessment of effects on flooding and water quality. And the Eastern District of Louisiana confirmed that federal hazardous waste law can provide a remedy for citizens concerned about the Army Corps' plans to dredge and dispose of contaminated sediments in the Lake Pontchartrain eco-system.

In light of the clinic's record of success, one might fairly ask how the clinic—no matter how apolitical—can hope to avoid controversy. We can point to the credit the clinic brings to Tulane University and the State of Louisiana as part of a top-five ranked environmental law program. But ultimately, we are counting on people to remember and appreciate how the American legal system works. It operates from the premise that when all sides to a dispute are well represented, justice will prevail in settlement or trial. A "lawyer's representation of a client... does not constitute an

As lawyers, we all agree that law students should be trained to be strong, ethical advocates. Further, a basic tenet of our profession is that access to the courts should not be rationed on the basis of ability to pay or viewpoint. And finally, it is a fundamental principle of our legal system that nobody is above the law.





Student attorney  
Casey Youn meets  
with Gov. Mike  
Foster about  
Louisiana's Clean  
Water Act program.

endorsement of the client's political, economic, social or moral views or activities."<sup>5</sup>

Indeed, under court rules, clinic student attorneys must promise not to place their own interests or those of the clinic above the interests of their clients. Denying service to clients for fear of controversy would cause much deeper offense to the values of law school constituents than could any lawful position the clinic might advance on behalf of a client.

The clinic, therefore, is built on three principles: (1) that law students should be trained to be capable, civil, and ethical advocates; (2) that legal representation should not be denied on the basis of ability to pay or point of view; and (3) that nobody is so rich or powerful as to be above the law. When I recently discussed these guiding principles with an attorney representing one of our client's opponents, he responded that his father

had gone to war to defend those very values. The fictional lawyer in the novel *To Kill a Mockingbird* embodies these principles. As a result, that character is so popular among Louisiana lawyers that when bar applicants select "fictional names" to preserve anonymity on the bar exam, the Louisiana Supreme Court has had to forbid applicants from using "Atticus Finch." As long as the clinic charts its course by values that are this central to the training of all U.S. lawyers, we serve the law school's entire constituency, the legal system, society at large, and our clients.

If you are part of the legal or environmental community, we consider you to be among the Tulane Environmental Law Clinic's constituents. So this is your environmental law clinic and—whether you agree with all, some, or none of our clients' positions—we want it to make you proud.

Denying service to clients for fear of controversy would cause much deeper offense to the values of law school constituents than could any lawful position the clinic might advance on behalf of a client.

## NOTES

- 1 ABA Model Rules of Prof'l Conduct, R. 1.2 cmt. 5.
- 2 Restatement (Third) of the Law Governing Lawyers § 16(1) (2000) (A lawyer must "proceed in a manner reasonably calculated to advance a client's lawful objectives, as defined by the client after consultation.")
- 3 Richard L. Revesz, "Thurgood Marshall's Struggle," 68 *N.Y.U. L. Rev.* 237, 248 (1993) (describing the 1962 confirmation battle over Justice Marshall's appointment to the Second Circuit).
- 4 *NAACP v. Button*, 371 U.S. 415 (1963).
- 5 ABA Model Rules of Prof'l Conduct, R. 1.2(b).

## FACULTY PUBLICATIONS AND PRESENTATIONS



**Adeno Addis'** article "The Thin State in Thick Globalism: Sovereignty in the Information Age" was published in 36 *Vand. J. Transnat'l L.* 1. He also participated in a panel discussion on "The Kurdish Issue and Beyond: Territorial Communities Rivaling the State," at the annual meeting of the American Society of International Law.

**Adam Babich** has published the following articles: "Too Much Science in Environmental Law," 28 *Colum. J. Env. L.* 119; "Environmental Justice in Louisiana," 51 *La. Bar J.* 90; "The Sting: How Louisiana's Emission Credit Trading System Dirties the Air," *Second Generation Issues Comm. Newsl.*, May 2003; "The Wages of Sin: The Violator-Pays Rule for Environmental Citizen Suits," 10 *Widener L. Rev.* 219. Babich also made the following presentations: "Legal Initiatives of the Tulane Environmental Law Clinic," Louisiana State Bar Association Environmental Section Seminar, New Orleans, November 2003; "Environmental Justice," Society of Environmental Journalists, 13th annual conference, New Orleans, September 2003; luncheon speaker, National Petrochemical and Refiners Association National Environmental and Safety Conference, New Orleans, April 2003; "Environmental Justice in Louisiana," Women for a Better Louisiana, New Orleans, April 2003; "New Source Review Issues and Clean Air Act Title V," EPA Clean Air Act Title V Advanced Training, San Francisco, March 2003; panelist, "Effective Environmental Justice Policy," American Anthropological Association, Chicago, November 2003; "The Role of the Tulane

Environmental Law Clinic," Air and Waste Management Association, New Orleans, January 2004.

**Paul Barron** (with Mark Wessman) published *Secured Transactions—Problems and Materials* (West) last fall.

**Jeanne Carriere's** "Cold Comfort: Law and Community in Ethan and Joel Coen's *Fargo*," is the lead article in 2003 *Utah L. Rev.* 563. Carriere also addressed the local chapter of the National Association of Social Workers on the topic "The Proposed Revision of the Civil Code Articles on Establishing Parenthood," February 2004.

**Christopher Cotropia** presented "Claim Interpretation and the Patent Disclosure" at the Intellectual Property and Communications Law Scholars Roundtable hosted at Michigan State University—Detroit College of Law in February 2004.

**Harvey Couch** published "Is Significant Contacts a Choice-of-Law Methodology?" 56 *Arkansas Law Review* 745.

**Eric Dannenmaier** has published "Civil Society Participation in the FTAA" in the volume *Hacia un Derecho de Participación en las Americas*, and edited "Environmental Sustainability in Trade: Evaluating the Potential Impacts of the FTAA, the Case of Argentina," North-South Press. Dannenmaier also made the following presentations: "Environment and Trade Linkages in Trade Integration," annual meeting of the Inter-American Bar Association, Committee XI, New Orleans; "Environmental Degradation and Conflict Vulnerability: The Next Global War,"

Society of Environmental Journalists, 13th annual conference, New Orleans; "Environmental Assessments in Trade Agreements," Inter-American Development Bank, symposium on Trade Capacity Building, Washington, DC; "Access to Regional Cooperative Institutions," Americas Forum for Trade and Sustainable Development, Miami; and "Public Access to the Presidential Summit Process," citizens forum of the Fourth Summit of the Americas, Monterrey, Mexico.

**Martin Davies** published an article entitled "Forum Selection Clauses in Maritime Cases," 27 *Tulane Maritime Law Journal* 367; a book chapter entitled "Taking Evidence by Video Link in International Litigation" in *Intercontinental Cooperation Through Private International Law: Essays in Memory of Peter Nygh*, published by Kluwer Law International; and an annual review (co-authored with Robert Force) of U.S. maritime law decisions, published in *Lloyd's Maritime and Commercial Law Quarterly*. The second edition of his Australian casebook *International Trade Law* (with Michael Pryles and Jeff Waincymer) has just been published by Thomson. He was invited by Intertanko (the International Association of Independent Tanker Owners) to give presentations on "'Charterers' Liability for Oil Pollution" and "Ship and Port Security Initiatives" in Singapore and Hong Kong in November 2003.

**Ray Diamond's** co-authored book, *Brown v. Board of Education: Caste, Culture, and the Constitution*, was selected for the David J. Langum Sr. Prize for 2003, for the best book in "legal history and legal biography

that is accessible to the general, educated public, rooted in sound scholarship, and with themes that touch upon matters of general concern to the American public, past or present." Diamond also made the following presentations: keynote speaker, University of Missouri-Columbia Black Law Students Association annual banquet, February 2004; "The Enduring Legacy of the *Brown* Decision," Eastern Kentucky University, February 2004; "Diversity in Higher Education," Louisiana State University Agricultural Center, February 2004; "Regulation under the Federal Trade Commission," l'École Nationale d'Administration, January 2004; keynote speaker, Louisiana State University Black Law Students Association annual scholarship banquet, October 2003; panelist, "*Brown v. Board of Education*," National Archives, October 2003; commentator and chair, "Deconstructing *Grutter* and *Gratz*: Constitutional Analysis," "From *Brown* to *Grutter* symposium, Tulane Law School, October 2003; panelist, "*Grutter* and *Gratz*," annual meeting of the Southeast Association of Law Schools, July 2003, "Hidden Hands, Unanimous Voices: The Decisional Background to *Brown v. Board*," Lewis A. Martinet Society of New Orleans CLE, March 2004, "*Brown v. Board of Education*, Law and Politics," "Overcoming Inequality: A Look at *Brown v. Board of Education* Fifty Years Later," Southern University Law Center, March 2004. Also, Diamond has been named chair for the American Association of Law Schools section on legal history.

**Onnig Dombalagian** was invited by the Freeman Consulting Group, a student organization at the Freeman School of Business, to speak on the implications of Sarbanes-Oxley for the consulting industry.

**Robert Force** published *The Law of Seamen* (3 volumes) (with M. Norris), the 2002 supplement for *The Law of Maritime Personal Injuries, Handbook on Louisiana Evidence Law* (with G. Pugh, G. Rault, and K. Triche), and "U.S. Maritime Law Decisions 2001, 2002," *Int'l Mar. & Com. L. Y.B.* 117 (with M. Davies). Also, he delivered the inaugural lecture, entitled "United States Implementation of the International Code of Security for Ships and Port Facilities," in a series sponsored by the Maritime Port Authority of Singapore. He also lectured on "Admiralty Jurisdiction, Choice of Law and Forum Selection Clauses, and *Forum Non Conveniens*" to the Maritime Law Association of Singapore, November 2003. Force also submitted a report to the Law Faculty of the National University of Singapore on expanding its Maritime Law program, moderated a panel that discussed legal issues in cruise ship and recreational boating at the Tulane Maritime Seminar, Fall 2003, joined a discussion with two other law professors on "Key Issues in Maritime Law," 19th Tulane Admiralty Law Institute, March 2003, and presented a paper on "Recent Developments in Admiralty and Maritime Law" at the Fifth Circuit Judicial Conference, spring 2003.

**Joel Wm. Friedman** has signed a contract from Foundation Press to be the editor of the *Employment Discrimination Stories* volume of Foundation's "Stories" series. His recent presentations are as follows: "Using Technology in the Classroom," to the faculty of the West Virginia University Law School, January 2004; "Integrating the Web Into Law School Instruction" to the faculties of the University of Pittsburgh Law School and Duquesne University law School in April; "Litigating

Employment Discrimination Cases," orientation seminar for newly appointed U.S. magistrate judges, Washington, D.C., October 2003; "Employment Discrimination Law Update," annual conference of U.S. Seventh Circuit Court of Appeals, Lake Geneva, Wi., October 2003; "Recent Developments in Employment Discrimination Law," annual conference of the U.S. 11th Circuit Court of Appeals, Sea Island, Ga., October 2003; "Employment Discrimination Law Update," orientation seminar for newly appointed district judges, Washington, D.C., March 2004. "Recent Developments in Employment Discrimination Law" at a workshop for judges of the U.S. Second and Third Circuit Courts of Appeals in New Paltz, N.Y., April 2004. In March 2004, Friedman conducted a three-day mediation skills-training program for U.S. district and magistrate judges under the auspices of the Federal Judicial Center in Redondo Beach, Calif.

**M. David Gelfand** published complete revisions of Chapter 1 ("Elections and Voting Rights") and Chapter 2 ("Public Employment Relations") of *Suing and Defending Cities for Federal Constitutional Violations* (LexisNexis); annual supplements for State and Local Government Debt Financing (West Group). Also, Gelfand made the following presentations: "Diversity in State and Local Government Employment, Education, and Elections," ABA State and Local Government Section, New Orleans, March 2004; "The Future of Municipal Liability Litigation: *Monell* Sails into the Next Quarter Century," Albany Law School, October 2003; "Demystifying Substantive Due Process: Common Threads and Disparate Strands," Hastings

College of Law, San Francisco, October 2003. Gelfand was a panelist at these New Orleans programs: "Judicial Independence and Accountability Seminar," March 2004; "Marriage Laws: The Effect of Recent Judicial Intervention Regarding Liberty and Marital Legislation," Federalist Society, January 2004; "From *Brown* to *Grutter*: Affirmative Action and Higher Education in the South," *Tulane Law Review*, September 2003. Also, Gelfand has been appointed program chair for the AALS Civil Rights Section.

**Stephen Griffin** was on a panel at the 2004 American Association of Law Schools meeting in Atlanta, joining a co-sponsored program of the sections on constitutional law and jurisprudence entitled "Restoring the Lost Constitution: The Presumption of Liberty."

**Catherine Hancock's** treatise on *Principles of Criminal Procedure* (co-authored with Russell Weaver, Leslie Abramson and John Burkoff) was published by Thomson/West in April 2004. Her casebook, *Constitutional Criminal Procedure Cases, Problems, and Exercises* (2nd edition), Thomson/West, (with Russell Weaver, Leslie Abramson, Ronald Bacigal, John Burkoff and Donald Lively), was published in March.

**Günther Handl** authored "The IAEA Nuclear Safety Conventions: An Example of Successful 'Treaty Management'?" *72 Nuclear Law Bulletin* 7. He also gave the following presentations: "Die gesellschaftliche Verantwortung von wirtschaftlichen Unternehmen als globale rechtliche Herausforderung," Humboldt Universität, Faculty of Law, Berlin, February 2004; "Corporate Environmental Responsibility Under the Alien Tort Claims Act," University of Houston Law Center, March 2004; "Command-and-Control vs. Market-Based Environmental Management

Approaches," University of Salzburg, September 2003; "Haiti's International Legal Claim for Restitution for Post-Independence Indemnity Payments to France," Port-au-Prince, Haiti, October 2003. "Environmental Human Rights Claims Under the Alien Tort Statute: Understanding Recent Setbacks," American Branch of the International Law Association, New York City, October 2003; "Conferences of the Parties and Other Politically Mandated Bodies," Max-Planck-Institute of Public International Law, Heidelberg, November 2003; "The International Legality of the Use of Force Against Iraq," University of Utrecht, Faculty of Law, May 2003; and "Corporate Environmental Responsibility and the Alien Tort Claims Act," annual meeting of the Inter-American Bar Association, New Orleans, June 2003. Handl also was appointed to the editorial board of *Indian Journal of International Law*, and as Special Master, U.S. District Court for the Western District of Louisiana, 2004.

**Oliver Houck's** article "Tales from a Troubled Marriage: Science and Law in Environmental Policy" appeared in *Science* December 2003, published by the American Association for the Advancement of Science. Other articles include "On the Limits of Charity: Lobbying, Litigation and Electoral Politics under the Internal Revenue Code and Related Laws," *Brooklyn Law Review*; "Tres Reflexiones Sobre el Derecho Ambiental en Estados Unidos: Hermanos en Armas, El Motor del Derecho Ambiental, La Desconstitucionalizacion del Derecho Ambiental," *Andalucia Review of Public Administration* and "Thinking About Tomorrow, Cuba's 'Alternative Model' for Sustainable Development," *Tulane Environmental Law Journal*.

The New Orleans Chapter of the Association of Women Attorneys presented **Jane Johnson** with its Michaele Pitard Wynne

Professionalism Award. The award is presented to a member of the greater New Orleans legal community who exemplifies the ideals and professionalism of Magistrate Judge Wynne.

**David Katner's** article, "Confidentiality and Juvenile Mental Health Records in Dependency Proceedings," was published in *12 William and Mary Bill of Rights Journal* (2004). In addition, the director general of the Japan Federation of Bar Associations announced that Katner's chapter, "Raising the Insanity Defense," in *Ethical Problems Facing the Criminal Defense Lawyer* (America Bar Association, 1995), has been selected for translation into Japanese. In September 2004, Katner will be co-presenting a paper on the implications of the MacArthur Juvenile Competence Study at the 27th annual National Children's Law Conference in Las Vegas, Nev.

**Marjorie Kornhauser** spoke on two panels at the annual conference of the American Association of Law Schools. She delivered one address on "The Uses of the Past: Doing Tax History" at the tax section and another on "Occupational Segregation by Sex in the Legal Academy" at the section on women in legal education (at which she presented the findings from her "Rooms of Their Own" article). She also spoke in April at Boston College on "The State of the Federal Income Tax." Kornhauser also published "Anti-Tax Rhetoric in America: Tinderbox or Safety Valve?" *23 ABA Section of Taxation, NewsQuarterly* 16, "Why a Duck: Are Feminist Legal Journals an Endangered Species, and If So, Are They Worth Saving?" *12 Columbia J. Gender & L.* 478.

**Susan Krinsky** has been named to the Board of Trustees of the Law School Admissions Counsel. In March, Krinsky spoke at the the neuroethics symposium at Tulane School of Medicine. Her topic was

legal issues raised by advances in brain research and related technology.

**Bill Lovett** published “*Exxon Valdez, Punitive Damages, and Tort Reform*,” 38 *Tort & Insurance Law Journal* 1071 (ABA, Summer, No. 4, 2003), as well as the second edition of *U.S. Trade Policy: History, Theory, and the WTO* with Alfred Eckes and Richard Brinkman. This fall and spring he has given 13 lectures. “Grand Bargain or Grand Illusions; Great Strains in International Trade, Finance, and Security” at nine universities: Dalhousie University, University of Maine–Orono, University of Maine Law School, Boston University Banking Law Center, Dickinson Law School at Penn State, University of Richmond Law School, Marshall Wythe School of Law at William & Mary, University of Alabama School of Law, and Wake Forest Law School. In addition, he arranged four lectures on “*Exxon Valdez, Punitive Damages, and Tort Reform*,” at University of Maine Law School, Tulane Law School, University of South Carolina School of Law, and the Insurance Law Institute at University of Connecticut Law School.

**Glynn S. Lunney Jr.’s** article, “Patents, the Federal Circuit, and the Supreme Court: A Quiet Revolution,” has been published as the lead article in volume 11 of the *Supreme Court Economic Review*. He has also presented a paper entitled “Copyright Preemption of Viral Contracts” at the Joint Session of the Sections on Intellectual Property and Law and Computers at the American Association of Law Schools Annual meeting, and a paper entitled, “Patents and Growth: Empirical Evidence from the States,” at George Mason University

School of Law, as well as at the Works-in-Progress Intellectual Property Colloquium he organized at Tulane University School of Law in October 2003. Lunney also has been named chair-elect for the American Association of Law Schools section on intellectual property.

**Pamela Metzger** spoke at three sessions at a January conference sponsored by the Battered Women’s Justice Project, which is a designated technical assistance center for the Violence Against Women Office of the Department of Justice. Her topics were “After a Conviction: Sentencing Considerations for Women Who Use Violence,” “Gathering Information About a Woman’s Experience of Being Battered,” and “Coordinating the Criminal Justice System Response to Battered Women Arrested for Crimes.” She also made the following presentations: “Representing Battered Women Charged With Crimes,” Tulane Law School, Continuing Legal Education Program, December 2003; “Carrie Mae Weems and the Louisiana Project: Legislating and Litigating Racial Identity in Louisiana,” Woldenberg Art Gallery, Newcomb College, November 2003; “The Defense Bar: Inclusive or Exclusive,” National College of District Attorneys, September 2003; “Tulane Law Clinic: A Comprehensive Approach to Domestic Violence,” National College of District Attorneys September 2003; “Recent Supreme Court and Legislative Developments,” Southeastern Association of American Law Schools, July 2003. Metzger has also authored the following publications: *Carrie Mae Weems and the Louisiana Project: Legislating and Litigating Racial Identity in Louisiana, Exhibit Catalogue,*

Woldenberg Art Gallery, March 2004; “Beyond the Bright Line: A Contemporary Right to Counsel Doctrine,” 97 *Northwestern Law Review* 1635.

**Jonathan Nash’s** article, “Examining the Power of Federal Courts to Certify Questions of State Law,” was published at 88 *Cornell L. Rev.* 1672, and his article, “A Context-Sensitive Voting Protocol Paradigm for Multimember Courts,” appeared at 56 *Stan. L. Rev.* 75. Nash also co-authored a book chapter (with Ricky Revesz of New York University) entitled “The Design of Marketable Permit Schemes to Control Local and Regional Pollutants,” in *An Introduction to the Law and Economics of Environmental Policy: Issues in Institutional Design* (Timothy Swanson, ed.). Nash also presented a paper on “Ecosystems, Endangered Species, Markets, and Geography: A New Direction for Habitat Trading Programs” at the annual meeting of the American Law and Economics Association at the University of Toronto Faculty of Law in September, and a paper on “Induced Travel and the Case for New Capacity Peak Charging Regimes as a Response to Traffic Congestion” at the annual meeting of the Midwestern Law and Economics Association at the Indiana University Law School at Indianapolis in October. He also spoke in March on First Amendment restraints on speech during campaigns for judicial office as part of a panel at the conference on Judicial Excellence and Accountability co-hosted by Tulane Law School and the Judicial Excellence Foundation. In May, two papers by Nash will be presented at the annual meeting of the American Law and Economic Association. Nash will present “Framing Effects and Regulatory Choice: The Case

of Environmental Regulation,” and co-author Samuel Estreicher will present “The Law of Economics of Tipping: The Laborer’s Perspective.”

**Brooke Overby** published an article entitled “Our New Commercial Law Federalism” in 76 *Temple Law Review* 2003.

**Rafael Pardo’s** article, “On Proof of Preferential Effect,” has been published in 55 *Alabama Law Review* 281.

**Vernon Palmer** signed a contract with Carolina Academic Press to publish *The Louisiana Civilian Experience: Critiques of Codification in a Mixed Jurisdiction* in spring 2004. An earlier book, *Pure Economic Loss in Europe* (Cambridge Univ. Press) (with Bussani), has been chosen for translation into Chinese. Another book, *The Boundaries of Strict Liability in European Tort Law* (with Werro) was published by Carolina, Staempfli and Bruylant in spring 2004. Also, Palmer published two articles in the law reviews of Loyola and Louisiana State University: “The Recent Discovery of Moreau Lislet’s System of Omissions and Its Importance to the Debate Over the Sources of the Digest of 1808” and “The French Connection and the Spanish Perception: Historical Debates and Contemporary Evaluation of French Influence on Louisiana Civil Law.” He delivered a lecture based on the first paper to the Round Table Club in New Orleans. Palmer also authored an essay (in French) appearing in the *Livre du Bicentenaire* on the historic influence of the French Civil Code in Louisiana and attended the March colloquium in Paris celebrating the French Civil Code (1804-2004). In February he participated in conferences in Puerto Rico, along with colleagues from Tulane, regarding code reform and civil law methods for a mixed jurisdiction.

Dean **Lawrence Ponoroff’s** casebook (co-authored with Dolan and Markell), *Core Principles of Commercial Law: Past, Present and Future* (Thompson/West), was published last fall. The text is a rewritten, updated, and expanded version of Dolan and Ponoroff’s *Basic Concepts in Commercial Law*.

**Dan Posin** published the sixth edition of his *Hornbook on Federal Income Taxation* (co-authored with Tobin) in fall 2003. Posin also published “Medicare, Medicaid, ERISA and Other Medical Liens Against Plaintiffs’ Personal Injury Recoveries: Congress’s 2003 Christmas Gift to Medicare” (co-authored with Larue), 51 *Louisiana Bar Journal* 334.

**Cynthia Samuel** produced new editions of Reppy and Samuel, *Community Property in the United States* (Carolina Academic Press) and Spaht and Samuel, *Successions, Donations and Trusts, Cases and Readings* (LSU Law School Press).

**Stacy Seischnaydre** was a panel speaker at an American Bar Association AIDS Coordination Project symposium entitled “HIV/AIDS Law and Practice 2004: From Nuts and Bolts to Cutting Edge” held in New Orleans in January. The month before, Seischnaydre served as a speaker for a Louisiana Commission on Human Rights-sponsored CLE on the topic of financial transactions and housing discrimination litigation.

**Judith Schafer** received the Garnie McGinty Distinguished Career Award at a spring meeting of the Louisiana Historical Association.

As the Godfrey Distinguished Visiting Professor of Law at the University of Maine School of Law this past semester, **Ed Sherman** gave the Godfrey Lecture on Nov. 12, 2003, on “Consumer Class Actions: Who Are the Real Winners?”

Sherman also presented “Legislative Developments in Class Actions” at the American Bar Association conference on “The Future of Class Action Litigation in America” on October 2003. Sherman also published the following: “American Class Actions: Significant Features and Developing Alternatives in Foreign Legal Systems,” 215 *Federal Rules Decisions* 130; “Report on Mediation: Skills Development and Professionalization in a Growing Innovative Field of Employment” for the German Department of Education; “Analysis and Draft of a New Code of Civil Procedure for the Republic of Vietnam” for the Supreme Peoples’ Court of Vietnam; “Report and Recommendations of the ABA Task Force on Class Action Legislation” by the chair and reporter, to the ABA House of Delegates.

**Keith Werhan** published the article “Navigating the New Neutrality: School Vouchers, The Pledge, and the Limits of a Purposive Establishment Clause,” in 41 *Brandeis Law Journal*. He also addressed the annual meeting of the National Conference of Bar Examiners on the current state of legal education.

**Mark Wessman** (with Paul Barron) published *Secured Transactions—Problems and Materials* (West) last fall.

**Joachim Zekoll’s** publications include “System Changes in European Conflicts Law” [Systemwechsel im Europäischen Kollisionsrecht], by Jürgen F. Baur (Ed.), *Zeitschrift für Europäisches Privatrecht* 256, and “New Standards for the Service of Process under the Hague Service Convention?” [Neue Maßstäbe für Zustellungen nach dem Haager Zustellungsübereinkommen?], 40 *Neue Juristische Wochenschrift* 2722. His presentations include “Is there a Procedural *Lex Mercatoria*?” a paper presented at the Frankfurt Arbitration Circle Symposium on International Arbitration.

# THEY GOT GAME

BY SUZANNE JOHNSON  
AND NICK MARINELLO



Mention sports law to most people and the infamous line from the movie *Jerry Maguire* comes to mind: “Show me the money.”

Sports law brings to mind big-money contracts, star athletes, endorsement deals, and marketing strategies.

But the field is much broader, encompassing amateur and international sports as well as the pros—and much more complex, as athletes become more marketing savvy and more money is at stake.

Since 1993, the Tulane Law School Sports Law certificate program has provided students with the background necessary to understand and handle problems unique to the sports industry. Directed by professor Gary Roberts, who himself is an officer and director of the Sports Lawyers Association, the program attracts students from around the country interested in pursuing careers in a sports-related field.

“You come away from the program learning about the industry and cutting-edge issues affecting the industry,” Roberts says. “But, basically, to be a good sports lawyer you have to be a good broad-based lawyer. You have sports clients, but you are dealing with business enterprises, income tax, antitrust issues, labor law, and intellectual property.”

A goal of the program—and one Roberts believes it has achieved—is to send graduates into the field armed with a certificate from a program that is recognized in the industry as one of the best.

“The vast majority of people in the industry are aware of and respect our program,” he says. “Our people come out with instant credibility.”

Following are a few of the many Tulane lawyers involved in various aspects of the broad and growing field of sports law.

## IT'S ALL ABOUT THE GAME



Mary K. Fitzgerald (L '01) began her sports law experience as an intern in the National Hockey League, cut her teeth clerking for the National Football League Management Council and then moved on to FOX Entertainment.

Now the Tulane JD and MBA, and 2001 editor of *The Sports Lawyers Journal* at Tulane, is chief operating officer of what is arguably the world's largest sports organization, with more than 5,000 football teams and 300,000 participants.

And the Superbowl quarterback was a girl.

Fitzgerald is chief operating officer of Pop Warner Little Scholars, the juvenile sports program incorporated in 1959 that sponsors both football teams for kids ages 5-16 and such “sideline teams” as cheerleading and dance.

The lack of paid players and the dependence on donors, sponsors and volunteers—38,000 of them—in key positions puts Fitzgerald in what is undoubtedly one of the most unusual sports law positions around.

“It's unique from a labor standpoint,” she acknowledges. “There are no typical unionized workers. If our players go on strike, there's no one to replace them.”

Instead, Fitzgerald brokers deals and contracts with sponsors and handles marketing for the organization. She works with the NFL to get the pros

“Pop Warner provides kids with valuable experience, especially kids who don't have the family support they need.”



involved with the kids. She finds donors and sponsors for travel, equipment and uniforms. And she gets to work in a field she believes in.

“Pop Warner is the only youth sports organization that stresses academic excellence,” she said. “It provides kids with valuable experience, especially kids who don't have the family support they need. It's definitely a great cause.”

A recent “cause” for Fitzgerald has been lobbying the federal government to require mandatory background checks for volunteers who will be working with youths. This year, for the second consecutive season, Pop Warner programs nationwide will be required to annually conduct a background check of coaches, board members and any other persons who provide regular service to the league or have repetitive access to the children.

The program also is growing internationally, most recently starting up in Scotland, and has ongoing programs and competitions culminating in the

“Super Bowl” held at Disney World in Orlando, Fla.

Despite the numbers, however, it's still all about kids and families—and about the game. “Sports has changed a lot,” says Fitzgerald, a longtime fan of the New York Giants and Mets who came to Tulane for its sports law program. “Sports can become a cultural phenomenon and can get larger than the game. The NFL and NHL are trying to go back to that.”

Another thing that has changed is the steady growth of opportunities in the field of sports law. “In the early years of the sports law program, the numbers were low and it was hard to get a job. But we were all there and knew that was what we wanted to do. It was a wonderful experience.”

“There is an audience out there [in the Middle East] that watches American sports—football, major league baseball, hockey.”

#### FLY BALLS IN KUWAIT



The vision of a Major League Baseball game being broadcast to an avid audience of television viewers is nothing new.

But put the TV in Kuwait or the United Arab Emirates, and it's a scene with more than a touch of surrealism.

It's also a scene that would warm the heart of David Wisnia, a 1999 Tulane Law graduate now working as director of business and legal affairs for Fox Sports International, working to expand viewership for Fox Network offerings outside the U.S. borders.

Unlike many who seek out sports law, Wisnia was a sports fan who had plans to go into entertainment law and found the perfect job to blend the two. A Los Angeles native, he was job hunting at the same time Fox was in the market for an attorney who spoke Spanish.

Now, in addition to providing support for key business units including international television licensing and distribution, production marketing, affiliate relations, new media and talent, Wisnia has turned his focus to what seems an unlikely market, the Middle East. “There is an audience out there that watches American sports—football, major league baseball, hockey,” he says. “We also show a lot of European sports—cricket and rugby and soccer. We are trying to find a mix of programming that will sell advertising—what we should show, when we should show it, what to acquire and what not to acquire.”

Such decisions use a broad range of legal skills. “We do a little of everything,” Wisnia says. Negotiating broadcast rights with the different leagues, from NFL to NASCAR, requires a complex set of considerations. “There are always tax ramifications for



international deals, for example,” Wisnia says. “Holding back tax, value-added tax, payment schedules and assignments.”

The job also requires staying on top of potential problems. “If the National Hockey League goes on strike, you need to have very strong language in your agreements. You don't want to make a huge payment if they are on strike. Or maybe they don't go on strike but use scab players.”

Not surprisingly, international politics and economics also make a huge difference in outcome. “Politics affects everything,” Wisnia says. “It is always a very sensitive matter. When the Argentine peso devalued we had trouble getting paid. Now that the dollar is weak, people are paying us. In Argentina a few years ago they had a different president every two weeks and they were paying us in pesos.”

In today's political climate, Wisner acknowledges that the Middle East is a hard sell. “It's obviously a tough territory,” he says. “I'm trying to find something where there is nothing.”

#### TAKING A CHANCE



When Exxon closed its New Orleans office in 1996, Vicky Gerl Neumeyer established her own law firm specializing in corporate defense work. With the ability to establish her own hours, the 1998 Tulane LLM also indulged in a personal dream. The avid Green Bay Packers fan who grew up in a Wisconsin town near the team's headquarters volunteered as an unpaid intern in 2000 for the New Orleans Saints' marketing department.

Within a year, her life had taken a dramatic turn as she was hired as general counsel for the Saints in March 2001. The only attorney employed by the organization, Neumeyer has her hand in just about all aspects of the club except for player contracts, which are determined through collective bargaining.

“The internship was a way to get my foot in the door,” she says. “From day one, I was interested in sports and I took all the intellectual property and sports law courses I could.”

Now she handles everything from sponsorship contracts, issues concerning facilities, marks and logos, to suite leases, broadcast agreements and entertainment contracts. Working with players and coaches on a daily basis, she even will try to help them out with referrals or personal issues when needed.

Each area has its own set of complex angles and issues. “Good will is always a consideration in marks and logos,” she said. “How recognizable are the black and gold fleur de lis of the Saints and the NFL shield, and how do you police their use?”

People all the time want to put a picture of Michael Lewis or a logo in an ad. You can't do that. The rights [to the image] belong to the player, not the club. And you have sponsors who pay a premium to use those marks. You don't want to have a negative effect on a fan but you have to do what is right for your sponsors.”

A “whole new thing” this season, she says, is taking a look at all the entertainment plans following the now-infamous Janet Jackson episode during halftime of the Super Bowl. “We are re-evaluating all our entertainment,” she says. “And there are free speech issues out there.”

Like others in the field, Neumeyer says the business of sports law is growing more complex. When she began working with the Saints, only half of all NFL franchises had on-staff counsel. Now, almost



all of them do. “Players are becoming more popular and more savvy in protecting their rights, which creates a new set of issues,” she says. “Who owns the number, the color, the logo, the name?”

One thing hasn't changed, and that is Neumeyer's love for football, which was nurtured on fall afternoons in Wisconsin. Except now, she pulls for the black and gold. “I'm a Saints fan through and through,” she says. “There's no question.”

“Players are becoming more popular and more savvy in protecting their rights, which creates a new set of issues.”

## A MASTER OF THE GAME



Mike Tannenbaum (L '95) knows football. As assistant general manager and director of pro personnel for the New York Jets, he has to—maneuvering the slippery slope of salary caps, player contract negotiations and financial forecasting for a National Football League franchise is not for the faint of heart, or the football novice.

Now in his seventh year with the Jets (he was promoted to his current position in 2001), Tannenbaum sees the field of sports law growing more complex, particularly in terms of collective bargaining and salary caps. "Every day you learn something different," he says. "My biggest learning curve is keeping track of the market and what's going on in the market."

As Tannenbaum talks, he ticks off a growing list of areas in which he's currently working. "We are signing players from other teams. Trying to see what is going on in the marketplace and keeping track of it all. Being more creative. Managing the salary cap and staying underneath it each year."

Springtime is contract-negotiation time. "If I do my job well, I will help the team be more competitive," he says. Tannenbaum has been responsible for signing all the player contracts for the Jets since arriving in 1997 and has restructured the contracts of numerous players to help the club remain in compliance with the NFL's Collective Bargaining Agreement.

And most would agree he has been successful. Coming on the job near the same time as then-coach Bill Parcells, Tannenbaum successfully negotiated a number of key contracts and acquisitions for the team. The team went from the league's worst record in football at the time, with back-to-back seasons of 3-13 and 1-15, to a 9-7 record in Parcells'—and Tannenbaum's—first year. The following year, the Jets went 12-4 and advanced to the AFC Championship game against the eventual Super Bowl champion Denver Broncos.

A native of Boston and a high school football player himself, Tannenbaum came to Tulane for the sports law program and calls it an "excellent foundation on the intricacies of the industry." While in law school, he interned for the New Orleans Saints, then went to work



for the Cleveland Browns in 1995 before heading for New York two years later. He also has published three articles on sports management for the *Sports Lawyers Newsletter* and the *Sports Lawyers Annual Journal*.

But writing time is hard to come by. "Every move [on the job] has significant ramifications," he says. "My primary job is to understand the goals of what we are trying to accomplish, assess our needs and see what we have to do to build a team. Our decisions are made jointly as an organization.

"You have to know football."

"Every day you learn something different. My biggest learning curve is keeping track of the market and what's going on in the market."

"I don't know if the field [of sports law] is becoming bigger, but it is becoming more complicated."

## STRIKING GOLD ON ICE



Jaime Wolf (L '01) grew up in a sports-minded family that included professional athletes, former Olympians, collegiate standouts. "I ran track, but I realized I was not going to earn a living running the 400," he says.

Instead, he headed to Tulane to study sports law and merge his academic and athletic interests. After a brief stint as a clerk in the Department of Labor, Wolf, a New York native, landed his dream job, working as assistant general counsel for the National Hockey League's New York Islanders as well as for the New York Dragons arena football team.

Saying "everything I learned in law school comes into play," Wolf works primarily with sponsorship contracts. "We actively seek out sponsors to see if they are interested in a sponsorship in the stadium," he says, referring to Nassau County (N.Y.) Veterans Memorial Coliseum, where both the Islanders and the Dragons play.

Lest it all sound too corporate and far-removed from the playing field—or ice, as it might be—consider that Wolf is negotiating his sponsorship contracts with the threat of a potential NHL lockout next season. "We have to factor that into the sponsorship deals," he says. "We don't want to reach an agreement and then go into the season with deals unmet."



Factoring in refund provisions or alternatives becomes part of the negotiations, which involves working not only with potential sponsors but also with the vice president of operations and the chief financial officer.

If it sounds complex, it is indicative of what Wolf sees in the field of sports law as a whole. "I don't know if the field is becoming bigger, but it *is* becoming more complicated," he says. "Previously, you had large corporate entities investing in sports. Now, you are seeing groups of individuals buying back into it and corporations are selling their interests. You see a lot of turnover. Whether that will open up more opportunities I don't know."

What he does know is that the kid who went to the Stanley Cup parades with his family back in the '80s when the Islanders were winning the titles is happy to be where he is.

"I struck gold with this job."



*This year's inductees to the Order of the Barristers pose for a photo during the awards ceremony held the night before commencement.*



*Happy not to have to take notes, JD candidates give their full attention to the diploma ceremony.*



*(far left) Dean Lawrence Ponoroff with Dean's Medal recipients Elizabeth Piercy and Daniel Charest, who held the highest average during the third year. (left) Dean Ponoroff congratulates Faculty Medal winner Laura Butte, who earned the highest average over all three years.*



*(from left) Adjunct faculty member Lawrence Fabacher offers remarks after receiving the Monte M. Lemann Distinguished Teaching Award, and Professor Hoffman Fuller receives the Felix Frankfurter Distinguished Teaching Award from Dean Lawrence Ponoroff.*

*(right) Dean Lawrence Ponoroff stands with Judge Edith Brown Clement (L '73), who delivered the alumni welcome. (far right) Law faculty peruse commencement brochures before the ceremony begins.*



*(right) Graduate students savor the moment. (far right) "Where do I go, what do I do!?" Asking the academic services staff for help one last time.*



*(from left) Helynn Stephens, 3L president, addresses her classmates; Daniel Fort, Student Bar Association president, does the same; JD candidate Sara Jacob opens commencement with the National Anthem; "I'll call you back later, I'm graduating!"*



*Members of the class of 1954 gather before commencement.*

## CLASS NOTES

1937

**JAMES J. COLEMAN SR.** (A&S '34) has been reappointed by the Louisiana Bar Association as its representative on the 32-member Louisiana Judicial Compensation Commission. He has been elected chairman of the commission, which researches and studies—and then recommends to the legislature—the salaries of all the judges in Louisiana.

1958

**ALLAIN C. ANDRY III** received the 2003 Arceneaux Professionalism Award at the 79th annual dinner meeting of the New Orleans Bar Association in November 2003. The award is bestowed on a member whose practice has exemplified the highest levels of integrity, honor and civility. Andry, senior partner in the law firm Andry, Andry & Williamson, has served the bar in many facets. He served as chairman for the Louisiana State Bar Association's Section on Trusts and Estates and Probate and Immoveable Property Law from 1975–1976, and was a member of the House of Delegates from 1974–1984. Andry served as president of the American College of Mortgage Attorneys from 1982–1983, and as president of the New Orleans Bar Association from 1986–1987. Among other writings, Andry produced two articles for the Louisiana State Bar Journal, "The Interaction of State and Federal Usury Laws on Immoveable Property Transactions" in 1981 and "Marital Status Declarations: A Trap for the Unwary" in 1988. In 1987, Andry assumed chairmanship of Fidelity Homestead Association and maintains that post today.

1960

**TERRY O. TROWBRIDGE**, director of the Center for Reduction of Religious-Based Conflict ([www.Center2000.org](http://www.Center2000.org)), recently published a new book, *Beyond Tolerance*, breaking fresh ground in the battle against religious-based conflict and violence in the world. Trowbridge, who practiced international law in Europe and the Middle East for more than 25 years working with NATO and acting as arbiter for international organizations, brings his experience in conflict resolution to the fore in this book about a disturbing and growing problem. *Beyond Tolerance* discusses religious-based conflict, its causes and costs, and offers a proposal toward its reduction. The book is available in local and online bookstores or from the publisher at [www.1stBooks.com](http://www.1stBooks.com).

1961

**PHILLIP A. WITTMANN** was installed as president of the New Orleans Bar Association at the association's 79th annual dinner meeting on Nov. 20, 2003. He is senior name partner of Stone Pigman Wittmann LLC and is chair of the firm's management committee. Wittmann practices in the area of antitrust, class actions and complex litigation, commercial litigation, products liability and toxic tort litigation. He represented R.J. Reynolds Tobacco Co. in the long-running litigation involving federal and state class actions. Wittmann has served as a member of the Civil Rules Advisory Committee of the Judicial Conference of the United States and a member of the House of Delegates of the American Bar Association. He has

## ALUMNI CHAPTERS ON-LINE

One way that the network of Tulane Law School alumni is being established is through the use of listservs, electronic mailing lists that facilitate easy communication among alumni within chapter cities. More than 500 alums are currently subscribed to listservs in their communities. To join the listserv in your area, look up "Alumni Chapters" on the Alumni Affairs section of the law school website, [www.law.tulane.edu](http://www.law.tulane.edu).

chaired the Louisiana State Board of Legal Specialization and is a member of the House of Delegates, the Continuing Legal Education Committee and the Antitrust Section of the Louisiana State Bar Association. He is a Fellow of the American College of Trial Lawyers, the American Academy of Appellate Lawyers and the International Society of Barristers. Wittmann also was the 2000 recipient of the G. Duffield Smith Outstanding Publication Award from the Defense Research Institute.

1964

**SAM MILLER**, a partner in Orrick, Herrington, Sutcliffe, New York, traveled to Northern Ireland in May 2003 with the Committee on International Human Rights of the Association of the Bar of the City of New York. Miller was chair of the committee's mission to assess Northern Ireland's progress in reforming its criminal justice system. A report on the findings from that mission was recently released. "We were pleased with the remarkable progress made in many aspects of Northern Ireland

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ALUMNI COMMITTEES  
MAKING GREAT  
PROGRESS

The Tulane Law School alumni community continues to move in exciting new directions. A renewed focus on alumni outreach has resulted in a groundswell of interest among alums around the country and even the world.

The most significant progress has come in four cities where local chapter committees have formed to assist in generating an active network of graduates: New Orleans, New York City, Washington, D.C. and Houston.

Alumni chapters connect and involve alumni with the law school and its current students. Alumni involvement not only creates a useful network for alums themselves, it also helps advance the law school recruiting efforts and can result in better job placement for our law grads who benefit from alumni involvement with the Career Development Office.

Critical to the success of the burgeoning alumni chapters is the leadership of each local committee chair. The groups are led by Rose McCabe LeBreton (L'76) in New Orleans, Michael Littenberg (L'90) in New York, Brian Kilmer (L'98) in Houston, and Bryant Gardner (L'00) in Washington, D.C., who has received significant help in the D.C. area from Heather Hodges (L'01) and Kevin MacMillan (L'00).

## NEW ORLEANS

Rose LeBreton's volunteer work for the law school began when she served as a class agent for law school reunions and continues today with her service as the first chair of the New Orleans Alumni Committee. She hopes the committee's work will organize and motivate local alums to take advantage of opportunities available at the Law School, which will enhance their practices and professionalism. LeBreton recently rallied local graduates to attend the New Orleans Alumni Luncheon where Maj. Gen.



(from left) Jody Gardner, Bryant Gardner (L '00), Rep. David Vitter (L '88), Kevin MacMillan (L '00) at a recent reception for Rep. Vitter and Dean Lawrence Ponoroff held at the U.S. Capitol.

William K. Suter (L'62), clerk of the U.S. Supreme Court, addressed a crowd of more than 150 alums. She can be reached at [rlebreton@tulanealumni.net](mailto:rlebreton@tulanealumni.net) or 504-582-1199.

## NEW YORK

New York City has more Tulane Law School alumni than any other city except New Orleans itself. Michael Littenberg responded to a call from the alumni office with energy and enthusiasm because he saw an opportunity to foster a sense of community among law school alums in the New York area and to build a network of relationships within its professional ranks. Littenberg encourages alumni to contact someone on the committee about getting involved. He and his committee have been instrumental in hosting several local alumni events, including the recent visit by Dean Ponoroff at The University Club in late April. He can be reached at [michael.littenberg@srz.com](mailto:michael.littenberg@srz.com) or 212-756-2524.

## HOUSTON

Brian Kilmer heard whisperings of a committee in the Houston area through his work with the National Firm Initiative and soon found himself nominated to head the new group. Kilmer says he wouldn't be where he is today if not for his experience at Tulane, and he says that a top priority of the committee is to let current students and recent graduates know that there is a community in Houston that supports Tulane Law School. Kilmer also realizes that alums

have a lot to learn from one another, and his hope is that the committee can help its constituents use the resources that exist within the Houston alumni community. He can be reached at [bkilmer@akingump.com](mailto:bkilmer@akingump.com) or 713-220-5810.

## WASHINGTON, D.C.

Bryant Gardner and his committee live in a relationship-oriented town. In D.C., it's all about who you know. Tulane Law School connections run very deep in the nation's capital and Gardner, along with the help of Heather Hodges and Kevin MacMillan, is working to make the most of those relationships. The D.C. committee recently scored a huge success when they hosted a reception for Dean Ponoroff with Rep. David Vitter (L '88), at the U.S. Capitol. The standing-room-only crowd was a sure sign that the event was well-received and that the local community is ready to put their Tulane connections to work for one another. Gardner can be reached at [bgardner@winston.com](mailto:bgardner@winston.com) or 202-371-5893.

The Law Alumni and Law Development offices are constantly striving to reach out to the Tulane law alumni base around the world. The work of local alumni chapters are important to the ongoing success of these efforts. Please contact your local alumni chapter committee about getting involved and attending the next Tulane Law School event in your area.



Jane Johnson (left) receives the Wynn Professionalism Award.



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society but dismayed that agreed reforms in the criminal justice system have not yet been implemented, as well as by the reported lack of transparency in the process,” Miller said. The Committee on International Human Rights has periodically monitored adherence to international human rights standards in Northern Ireland. The report on the most recent mission can be found at <http://www.abcny.org>.

**JAMES H. ROUSSEL**, a partner in the firm of Phelps Dunbar, was the 2003 recipient of the Distinguished Maritime Lawyer Award from the New Orleans Bar Association’s Maritime and International Law Committee. The award is presented annually to a member who is a highly respected maritime attorney and contributes significantly to the local admiralty bar. Roussel focuses his practice in the areas of marine insurance coverage disputes, cargo damage claims, maritime allisions and collisions, commercial transactions including financing (conventional, leveraged lease and Title XI), ship construction contracts, salvage contracts, sales contracts, and ocean and inland chartering agreements. He is a member of the Maritime Law Association of the United States, is an associate member of the Association of Average Adjusters in the United States and a subscriber of the Association of Adjusters in London, as well as an associate editor of *American Maritime Cases*.

1971

**ALAN B. BOOKMAN** (A&S ’69) has been named president-elect of the Florida Bar Association. A partner in the law firm Emmanuel, Sheppard & Condon of Pensacola, Fla., Bookman was first elected to represent the First Judicial Circuit on the Florida Bar’s board of governors in 1996, and he has held numerous leadership positions, including chairing the communications and legislation committees. Bookman will be sworn in as president-elect at the Bar’s June 2004 annual meeting in Boca Raton, Fla., and will assume the presidency in June 2005. Board-certified in real estate law, Bookman focuses his practice in the areas of commercial and real property litigation, real estate law and probate and guardianship. Among his primary clients are real estate developers, bankers and investors. He also is certified as a civil trial mediator by the Florida Supreme Court.

1974

**JANE JOHNSON** was awarded the Michaelle Pitard Wynne Professionalism Award for 2004 by the New Orleans Chapter of the Association of Women Attorneys. In addition to her duties as the director and supervising attorney of the Tulane Law School Civil Litigation Clinic, Johnson and her students are often appointed to represent civil rights plaintiffs in the U.S. District Court. In acknowledgment of her long history of

advocacy on behalf of civil liberties, Johnson also received the 2002 Benjamin E. Smith Civil Liberties Award from the ACLU of Louisiana and was honored by the Louisiana State Bar Association in 1989 and 2000 for her lifetime commitment to Louisiana’s indigent through pro bono service.

1975

**ULYSSES GENE THIBODEAUX** was installed as chief judge of the Louisiana Third Circuit Court of Appeal on April 16, 2004. Thibodeaux, the first chief judge from the Lake Charles, La., area, is also the first African-American to hold the position and is the youngest chief judge in the state. The Third Circuit Court of Appeal is one of five appellate courts in the state and represents the largest geographical area, consisting of 21 parishes with a population of 1.2 million. It handles all appeals from the city, juvenile, family and district courts from the 21-parish area. Approximately 95 percent of the opinions from the Third Court are final and not reviewed by the Louisiana Supreme Court.

**SANFORD TEPLITZKY** has been listed in *Chambers USA, America’s Leading Lawyers for Business 2004 The Client’s Guide*, a ranking of the country’s most widely-recommended lawyers and law firms. He is the chair of the health law department of Ober-Kaler.

1976

**ROSE McCABE LeBRETON** has been made a member of The Steeg Law Firm, LLC, effective Jan. 1, 2004.

1980

**CHERYL AYLWARD WITSESEL** published her second historical novel for young adults, *Blue Fingers: A Ninja’s Tale*, in March. Her first book was *Rebel: A Tibetan Odyssey*.

1982

**KATE MORROW** has been nominated by Pennsylvania Gov. Ed Rendell to replace retired judge Keith B. Quigley on the Perry/Juniata County, Pa., bench. A resident of New Bloomfield, Pa., Morrow is a general practitioner who has lived in Perry County since 1989. She and her husband, Lewis, have three children, ages 17, 14 and 10.

1983

**GAIL AGRAWAL** is a professor of law and was recently appointed the associate dean for academic affairs at the University of North Carolina Law School in Chapel Hill.

**PATRICIA A. KREBS** (G ’76, ’80), a partner at King, LeBlanc & Bland in New Orleans, recently made a presentation for young women entitled “Finding Future: Goal Setting for Teens.” Once a

teen mother and high school dropout, Krebs worked toward a high school diploma through correspondence study. She went on to earn a bachelor of history with highest honors, then a master of arts and doctorate in European history from Tulane. She also earned a Fulbright scholarship and studied in Madrid, Spain, before graduating from Tulane Law School.

1984

**HON. ROLAND L. BELSOME** has been elected to the Louisiana Fourth Circuit Court of Appeal after serving as a District Court Judge in Orleans Parish for the past seven years.

**NOEL THOMAS JOHNSON** is a magistrate judge in the District of Columbia Superior Court, where he handles family law, primarily child abuse and neglect.

1986

**JOHN McCABE** is a magistrate judge in the District of Columbia Superior Court, where he does family law, primarily child abuse and neglect. This news was sent in by another Tulane law alum, **NOEL THOMAS JOHNSON** ’84, who holds the same position.

1987

**JOHN G. ALLELO** of the Baton Rouge, La., law firm of McGlynn, Glisson & Koch, has been selected to work with the Central European and Eurasian Law Initiative, a public service project of the American Bar Association, in its office in Sofia, Bulgaria. He will serve as a Rule of Law Liaison in Sofia, working with an existing team of Bulgarian and American legal professionals for at least one year. His work will focus primarily on three areas: 1) the development of an alternate

— continued page 32

Robert Shulman and Alan Fisch won big-time verdicts for their clients last year.



#### ALUMS SNAG TOP-RATED VERDICTS

Tulane has a reputation for turning out top-shelf litigators, and two cases in 2003 reaffirm this point. In statistics published by The National Law Journal regarding last year’s jury verdicts, Tulane lawyers appear in the top 10 in both the state court and federal court jury verdicts, at Nos. 4 and 8 respectively.

The nation’s fourth largest state court jury verdict last year came in *International Paper v. Affiliated FM Insurance Co.* (San Francisco County, Calif.). On July 14, 2003, the jury returned a verdict of \$383 million.

The primary allegation was that insurers failed to indemnify settlements paid out in class action. The winning trial team was led by Robert H. Shulman (L’79) of Howrey Simon Arnold & White of Washington, D.C.

The nation’s eighth largest 2003 federal court jury verdict came in *Imagexpo, LLC v. Microsoft Corporation* (United States District Court for the Eastern District of Virginia, Richmond Division). On Nov. 14, 2003, the jury returned a verdict of \$62.3 million. The primary allegation was that Microsoft infringed a patent for

Web-conferencing software. Lead trial counsel for the winning team was Alan M. Fisch (L’94) of Howrey Simon Arnold & White of Washington, D.C.

You may have noticed that both alums are partners in the same firm. While their law school careers are separated by 15 years, both recall that they were also taught by Catherine Hancock, Shael Herman, and a few other of the same Tulane law professors—speaking well not only of the pupils, but of the stability and longevity of a great law faculty.

— continued from page 31

dispute resolution program as a component of the country's judicial system; 2) the implementation of law school clinical programs that address practical skills training for law students and provide essential pro bono legal services to minority communities; and 3) the development of a centralized bar services network.

**WILLIAM S. HELFAND** has joined the firm of Chamberlain Hrdlicka as director of the labor and employment section in the firm's Houston office. He has a wide range of significant trial experience, having tried more than 150 jury trials concentrating mostly in federal civil rights cases and litigation of local governmental liability and public interest cases in both state and federal courts.

**M. ISABEL MEDINA** taught American constitutional law to Greek law students while on a Fulbright to the University of Athens in 2003. Upon her return last fall, she was endowed as the Ferris Family Professor of Law at Loyola University New Orleans School of Law, established in 2001 with a gift from one of her former students, David Ferris, and his parents, Cornelius and Maureen Ferris. Medina has been teaching at Loyola since 1991, prior to which she practiced law with Arnold & Porter.

1988

**CHRISTOPHER BRUNO** has been appointed by the Louisiana Supreme Court to serve as a judge pro tempore in Civil District Court, Parish of Orleans. He will temporarily fill a vacancy created by the recent election of Judge Roland Belsome to the Fourth Circuit Court of Appeal. The appointment is effective through Oct. 31, 2004, or until the vacancy is filled. Bruno has practiced civil litigation for more than 15 years and is a partner in the law firm of Bruno and Bruno.

**A. ELIZABETH PATRICK** has joined Kilpatrick Stockton as partner in the firm's Atlanta office, practicing in the

construction law and public contracts group. Patrick currently serves as chair of the board of directors for the Atlanta Bar Association, Construction Law Section and is division chair of the owners and lenders divisions of American Bar Association's Forum on the Construction Industry.

**GARY F. SEITZ** has been named of counsel to The Bayard Firm in Wilmington, Del. He also has been named Chapter 7 or Chapter 11 trustee for several entities in both Philadelphia and Wilmington.

**LISA C. WINTER** joined McGlinchey Stafford's General Litigation Section as an associate in the New Orleans office, where she concentrates on product liability defense. Her practice also encompasses insurance defense and toxic tort defense.

1989

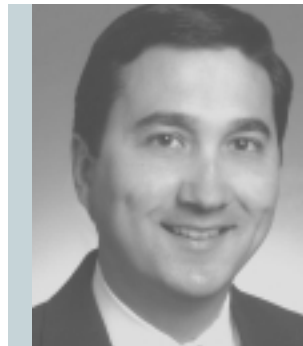
**MARK R. BEEBE** (A&S '86), a partner with the law firm of Adams and Reese LLP in the New Orleans office, has been named Litigation Practice Group Leader by the firm. In this capacity, he joins fellow partners **THOMAS G. O'BRIEN** (L '79 A&S '76) and Stephen A. Rowe to lead the firm's Litigation Practice Group and practice teams including those in alternative dispute resolution, appellate advocacy, business litigation, class action, environmental litigation and toxic tort, health-care litigation, marine and energy, pharmaceuticals/products liability and torts and insurance. Beebe has experience in commercial litigation and corporate counseling, including securities litigation, antitrust and fair competition, corporate governance and professional liability. He has been involved in multidistrict litigation, class action litigation and has appeared before various federal district courts of Louisiana, Mississippi and Pennsylvania, the state courts of Louisiana and courts of the District of Columbia.

**SHEILA MARZONI BOSSIER** and former Madison and Rankin counties, Miss., Circuit Court Judge John T. Kitchens recently announced the formation of Bossier & Kitchens, PLLC. The firm is located in Jackson, Miss., and engages in a practice that includes general civil and commercial litigation as well as white-collar criminal defense.

**KELVIN SANDERS** has been appointed a city attorney in Alexandria, Va. He previously worked for Deutsch, Kerrigan and Stiles in New Orleans. Sanders is Alexandria's first black city attorney.

1990

**ROBERT S. EITEL** and his wife, Nan Roberts Eitel, announce the birth of their first child, Makin James, on Feb. 6, 2004. The family lives in Slidell, La.



Mark Beebe

**ERIC McNEIL** has joined the Dwyer Law Firm in Rockwall, Texas. He continues to specialize in construction and insurance law, and also teaches trial advocacy at the Southern Methodist University Dedman School of Law.

1991

**SCOTT BLANKENSHIP** of The Blankenship Law Firm of Seattle, Wash., was lead counsel in winning a major discrimination case, *Wei Zhang v. American Gem Seafoods, et al.*, in U.S. District Court, Western District of Washington. The \$3.1 million jury verdict, believed to be the largest individual race discrimination verdict in the Northwest, involved

#### HOMETOWN MAYOR

Last January, Heather McTeer-Hudson made history. She's just been a tad too busy to give it much thought.

McTeer-Hudson (L '01) was sworn in as mayor of Greenville, Miss. on Jan. 5, breaking the barriers of both race and gender to that office and launching what looks to be an energetic administration.

"I'm having a wonderful time," she says. "I love my job. It's an opportunity to serve and work with the people who have been part of my life since I was born."

McTeer-Hudson says that the fact that she is a native of Greenville who has been active in the community played a large part in her election. "I think the people saw that I was a true child of Greenville. The community believed I could do this because the community raised me. It's that aspect that gave me the footing and foundation to sit in this office and do what I have to do."

And as she sees it, she has to do a lot. "We have a major crime issue," she says. "Any city's first priority is the protection of its citizens."

"Along with that," she continues, "comes economic development."

With a population of 42,000,



Heather McTeer-Hudson leads Greenville, Miss., into the 21st century.

Greenville is the largest city in the Delta region of Mississippi and enjoys being a small town with a big-town feel. Over the last eight years, however, the city has suffered the loss of almost 900 jobs, says McTeer-Hudson. "But we're just starting to come back. We have a great labor force and a lot of skilled workers."

She points to the relocation of Textron Fastening Systems, an international provider of engineered fastening systems, as a sign to good things to come. "We are a region that includes everything from national retail chains to small mom and pop businesses."

McTeer-Hudson says she has an intimate understanding of what those small business owners have to deal with because she is one of them. She and her husband, Abe, own three locations of Lenny's Sub Shop in the Delta region.

Although her husband handles most of the day-to-day chores of operating the business, she is amazed by "all of the behind-the-scenes work the two of us have to collaborate on."

Both in business and politics, McTeer-Hudson says she has benefited from her Tulane legal education. "We came out of law school with the understanding that as an attorney, you had a role to play in the service of other people," she says. "I was given not only a fine legal education but also learned how to deal with people."

"At the forefront was the notion of change. We were given the message that we could be community changers and that message filtered through the air of the courses, the air of the faculty, the air of the staff and became part of the air of the students."

Chinese businessman Wei Zhang's 1999 suit against American Gem Seafoods and its Texas-based parent corporation, charging the company with discriminatory treatment after he was demoted from senior vice president and eventually pub-

licly fired following American Gem's sale to parent corporation MCM Food Co. The case was appealed and the decision upheld by the Ninth Circuit Court of Appeals, and on March 9, the U.S. Supreme Court announced its decision that it would not review the case further.

**MICHAEL D. PEGUES** has been appointed section head for the Litigation Section of Munsch Hardt Kopf & Harr PC, Dallas. Pegues concentrates his practice on intellectual property litigation in federal and state courts, as well as before the U.S. Patent and Trademark Office. He handles cases involving all

aspects of intellectual property, including patent, trademark, copyright and trade secrets.

**JOSH ROMANOW** is a partner at the Washington, D.C., firm of Pillsbury Winthrop, focusing on travel law. His clients include major airlines, cruise lines, hotels and resorts, casinos, professional sports teams, trucking companies, large travel agencies and online travel companies.

**JOHN T. WOOLDRIDGE**, a commander in the Judge Advocate General's Corps of the U.S. Naval Reserve, has

Michael Pegues



been selected to be a Military Judge. He and his wife have four children and live in Houston.

1992

**JULIET YACKEL** was recognized by Amnesty International as the "Abolitionist of the Year" for her work on behalf of Indiana death-row inmate Darnell Williams. She obtained a reprieve and DNA testing for Williams, who was scheduled for an Aug. 1, 2003, execution. The case ignited intense public debate over the imposition of capital punishment in Indiana.

1993

**STEPHEN G. CHARBONNET** has been elected partner of KPMG LLP in the firm's Washington, D.C., office. He provides tax services to corporate clients and joined the firm in 2001. He and his family live in McLean, Va.

**CHRISTOPHER R. GRAHAM** has been named senior counsel, Environment and Litigation, with Koch Industries in Wichita, Kansas. He previously was a partner at Hunton & Williams in Richmond, Va.

**KENT A. LAMBERT** has joined the 350-lawyer Memphis-based law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz as a shareholder in its New Orleans office. His practice includes representation of a number of financial institutions throughout the Gulf South in a wide variety of litigation matters including lender liability suits, bank deposit and collection claims, and officer and director liability disputes. His practice includes both trial and appellate work including all phases of class action practice.

1994

**THERESA MARIE BOLD** married Robert Justin Law on March 27, 2004, at the Hubbard Mansion on St. Charles Avenue in New Orleans. Bold has moved to Baltimore, Md., to live with her husband and is the director of major

gifts and grants for the Greater Baltimore Medical Center Foundation.

**STEVEN S. HEINRICHS** has moved to Atlanta, where he has taken a position leading the corporate and securities practice at Mariner Health Care Inc., a leading nursing home provider. He and his wife, LINDA T. HEINRICHS (G '93), have three children: Tyler, 7; Ryan, 5; and Olivia, 2.

**LAURA McNALLY** has been named a principal in the Chicago litigation law firm of Grippo & Elden, LLC.

**PATRICK S. MENASCO** has been elected of counsel at Steptoe & Johnson LLP in Washington, D.C., where he practices employee benefits investment law.

**MARY KATHRYN HOGAN MOSS** and Parks Moss announce the birth of their son, Henry Parks Moss IV, on Dec. 5, 2003. He joins a big sister, Sarah, 2. The family lives in Savannah, Ga.

**DAVID ZEIGLER** and his wife, Janet, welcomed the birth of a son, Patrick James, on Nov. 14, 2003. Patrick joins a big sister, Annie. The Zeiglers live in the Chicago area.

1995

**BOI CARPENTER-MELLADY** has been appointed director of development for the Department of Surgery at the Fund for Johns Hopkins Medicine, having served since 2000 as a senior associate director of development for the School of Medicine.

**ROBERT R. HEARN** has been elected a partner of Zuckerman Spaeder LLP in the firm's Tampa, Fla., office. Hearn focuses his practice on complex civil litigation, which has included the representation of clients in Securities and Exchange Commission enforcement actions, the defense of complicated legal malpractice claims, the prosecution and defense of claims arising from the

malfeasance of corporate officers and directors, and the representation of multiple investors in a successful suit to recover money stolen by a mutual fund adviser. Hearn is a member of the National Association of Criminal Defense Lawyers and the Federal Bar Association. He is the co-author of "RCRA: An Update on Regulatory and Legislative Reforms and Recent Judicial Actions" (*Environmental Management Review*, spring 1996) and "CERCLA: Update on Recent Administrative and Legislative Reforms" (*Environmental Management Review*, Spring 1996).

**SHANNAN L. HICKS** has been appointed to serve as the District 8 Representative of the Louisiana State Bar Association Young Lawyers Section Council, as well as being appointed to participate in Leadership LSBA 2003-2004. Leadership LSBA identifies future bar leaders and provides opportunities to witness and participate in the activities of the state bar at all levels. Hicks is an attorney with the Shreveport, La., firm of Davidson, Jones and Summers, where she practices in the areas of corporate, employment and probate.

**CRAIG D. PIERSON** started his own firm with partner Chris M. Kennedy on March 1, 2004. They have offices in Chicago and Lake Forest, Ill. Pierson and Kennedy met while working in the Lake County State's Attorney's Office, prosecuting felonies and honing their trial skills, then the two worked together at a litigation firm in Chicago, winning a 2002 defense verdict in a \$30 million products liability case on behalf of a well-known boat manufacturer. Their firm ([www.kennedypierson.com](http://www.kennedypierson.com)) specializes in litigation on behalf of construction and insurance companies.

1996

**STACY PATTON ANDERSON** and **ROD ANDERSON** '97 live in Los Angeles and will celebrate their sixth wedding anniversary in July 2004. They

SAVE THE DATE!

## HOMECOMING 2004

will take place Oct. 22-23 and will feature class reunions for the years 1959, 1969, 1974, 1979 and 1984.

write that they have a spunky 4-year-old, Meena, and a mellow 10-month-old, Oliver. Stacy left law-firm life last year and started a maternity clothing website ([funkymomma.com](http://funkymomma.com)). Rod manages Thomson West's Southern California government accounts and is back in school at the University of California—Los Angeles pursuing his MBA.

**PHILLIP BUDWICK** co-authored a book entitled *The Option Trader Handbook: Strategies and Trade Adjustments*, which was published in May.

**L. SCOTT BROWN** has joined the Richardson, Texas, office of Jackson Walker LLP as senior counsel in the Business Transactions Section. His expertise is in assisting entrepreneurs and emerging growth companies with formation, financing and the establishment of strategic alliances and joint ventures, as well as commercial contracts. He also advises clients on mergers and acquisitions matters.

**UGO COLELLA** was elected to partnership in Patton Boggs LLP in Washington, D.C., one year earlier than anticipated.

**ROBERT M. FINEMAN** was elected partner at Hancock Rothert & Bunshoft LLP's home office in San Francisco, where he has been practicing since 1996. Fineman's practice focuses on commercial and insurance litigation, with an emphasis on complex insurance coverage matters. He has trial and appellate experience with matters in California and Washington courts. He is a member

of the firm's business litigation and insurance practice groups and is a member of the Association of Business Trial Lawyers.

**PAUL FRIEDMAN** and his wife, Toni, welcomed their first child, Taylor Harris, on Feb. 25, 2004. Paul is executive director of business affairs in the Music Group at Sony Pictures Entertainment in Culver City, Calif.

**VOLKER SCHAFFER** practices litigation, bankruptcy and restructuring law and was admitted to the bar in Germany in 1997. He has been elected to partner with the firm of Latham & Watkins, a global law firm with more than 1,500 attorneys and 21 offices. Schaffer is in the firm's office in Frankfurt, Germany.

**BOTHO STEINVORTH** has been appointed secretary-general for the ICC Costa Rican Committee.

**TIM WIDMAN** lives in Mountain View, Calif., with his wife, Kami, and their two dogs. He writes that he joined his father, Jeffrey Widman, in private practice in San Jose, Calif., two years ago, which has given him "the advantage of learning from a wise and patient teacher and has reaffirmed my belief that legal education must be more student-centered and not take the learning of any student for granted."

1997

**ROD ANDERSON** and **STACY PATTON ANDERSON** '96 live in Los Angeles and will celebrate their sixth wedding anniversary in July 2004. They

write that they have a spunky 4-year-old, Meena, and a mellow 10-month-old, Oliver. Stacy left law-firm life last year and started a maternity clothing website ([funkymomma.com](http://funkymomma.com)). Rod manages Thomson West's Southern California government accounts and is back in school at the University of California—Los Angeles pursuing his MBA.

**ALI NOVAK HAWTHORNE** and her husband, David, announce the birth of their daughter, Tess, on Aug. 14, 2003. They live in Mt. Kisco, N.Y., where Ali is senior staff counsel for Fujifilm.

**CLAIRE JENKINS PORTER** and her husband, Stephen Robert Porter, announce the birth of their first child, Grace McMahon Porter, on Dec. 20, 2003. Claire planned a year of maternity leave but will continue a part-time mediation practice from her home. The family lives in Connecticut. She writes that she was in **KATIE WOLF MAHONEY**'s wedding last September, along with **TRACEY WINGATE** and **DAVID CONDRA**. She invites any law alums to get in touch if they are passing through Connecticut.

**DAVID VUKADINOVICH** and his wife, Elaine, announce the birth of a daughter, Sophia Maria, on March 11, 2004. The family lives in Santa Monica, Calif.

1998

**MARCIA L. HANNEWALD** has joined The Auto Club Group in Dearborn, Mich., as counsel for the Office of the Corporate Secretary. Her experience includes work for Masco

Corp., Ford Motor Co., Michigan Consolidated Gas Co., and Johnson Controls Inc., where her practice areas were general corporate and business law, corporate governance, mergers, acquisitions and divestitures, as well as international law. At ACG, she assists the vice president and assistant corporate secretary by providing support to the boards of directors of ACG and its affiliated entities and advising on corporate governance matters.

**LEON J. JACKLER** (UC '92) has been named legal adviser to the chief of the Consumer & Governmental Affairs Bureau of the Federal Communications Commission. In that capacity, he provides legal and policy counsel to the bureau chief and senior staff on wireless technology and international matters. He also is responsible for coordination with other bureaus and offices at the commission. Jackler previously served as a staff attorney in the Wireless Telecommunications Bureau of the FCC, first in the Commercial Wireless Division and subsequently in the Broadband Division.

**DEBORAH CLARK TREJO** announces the birth of a son, Joaquin Andres Trejo, on Sept. 2, 2003. He joins a big brother, Alejandro Cruz Trejo. The family lives in Austin, Texas.

1999

**RICHARD BRUCE GANTT** and **LYNN ANNE GANTT** (E '92) announce the birth of their second son, Graeme, on Dec. 21, 2003. They recently bought a house in Western Springs, in suburban Chicago. Their first son, Jackson, is now 19 months old. Richard is in litigation practice in Chicago after spending several years in investment banking.

**CARLA PENALBA** was married to Alejandro Chamorro in 1999, and now has a 1-year-old boy, Alejandro, who

was born in March 2003. She worked for the presidency of Nicaragua in the presidential advisors offices until last year, and is now planning to begin work in the private sector.

**JASON THELEN** is a captain with the U.S. Army, serving in Baghdad, Iraq. Since April 2003 he has been deployed as the international law officer of the 490th Civil Affairs Battalion, which is charged with the post-war rebuilding of the government and infrastructure of Iraq.

**ETHAN YALE** has accepted a tenure-track faculty position at George Washington University.

2000

**VIVIAN DE LAS CUEVAS-DIAZ** practices real estate law with the firm of Weiss Serota Helfman Pastoriza Guedes Cole & Boniske with home offices in Miami. She is also expanding her work in the areas of land use, zoning and municipal law.

**TERI GREMILLION** married John Gordon on Sept. 6, 2003, at St. Louis Cathedral in New Orleans. Teri, a former associate at Frilot, Partridge, Kohnke and Clements LC (New Orleans), now lives in London, where her husband is an MBA candidate at London Business School.

**ADAM W. HELLER** has joined the Columbus, Ohio-based firm of Buckingham, Doolittle & Burroughs, LLP, as vice president of a new subsidiary, BDB Sports & Entertainment, LLC. Heller is a certified contract adviser with the National Football League Players Association and has assisted in the negotiation of more than \$200 million in NFL contracts. While at Tulane, Heller was vice president of the Sports Law Society and managing editor of *The Sports Lawyers Journal*, where he later published "Creating a Win/Win Situation

in Collective Bargaining—the NFL Salary Cap.”

**KEVIN McMILLAN** has been named senior counsel to the House of Representatives Committee on Financial Services, Washington, D.C. He also received an LLM in banking and securities regulation from Georgetown Law Center in May 2003.

2001

**JAY AUGUSTINE** was elected executive vice president of the Young Democrats of America at the organization's 2003 national convention. He also has joined the newly opened Baton Rouge, La., office of Middleberg Riddle & Gianna. The firm has other offices in Dallas and New Orleans. Augustine previously practiced with Adams and Reese LLP.

**ANTONIO BAYON** has joined alumni **LUIS N. SALDANA** '92, **IAN P. CARVAJAL** '95 and **MANUEL SOSA** '01 in the admiralty practice of Saldana & Carvajal, PSC, in San Juan, Puerto Rico.

**JOELLE BOWERS** has been hired as an associate at Beahm & Green in New Orleans.

**LISA BETH CHESSIN** (MBA '01) married Alfonso Lentini (MBA '01) at St. Mary Assumption Church in New Orleans on Feb. 7, 2004. The couple plans to continue residing in Virginia. Lisa Beth currently works for the U.S. Securities and Exchange Commission as an attorney advisor in the Office of Small Business Policy.

2002

**CLARKE D. BELJEAN** has joined the firm of Laurie A. White & Associates LLC as an associate. The New Orleans-based firm practices primarily criminal defense at the trial, appellate and post-conviction levels, in both state and federal courts.

MARK YOUR CALENDARS FOR APRIL 8-10, 2005—FRENCH QUARTER FESTIVAL!

## SPRING REUNION WEEKEND

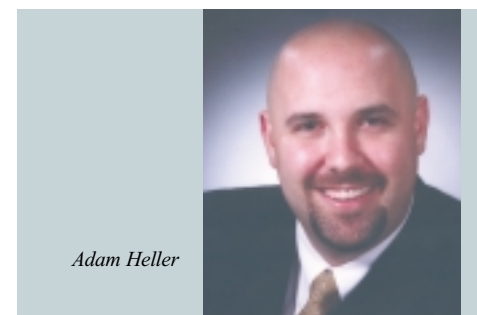
### Law Classes of 1990, 1995, and 2000

Attention all 5, 10 and 15 year reunion classes! The law school will hold its Spring Reunion Weekend during the French Quarter Festival, an increasingly popular event that offers the best of local food and music without the high-priced airfare and hotel package rates of Jazz Fest. Make plans to join your classmates in New Orleans.

**SARAH MATHESON**, an associate in the Health Section of Brown McCarroll LLP, recently married Noah Fink. They live in Austin, Texas.

**LAUREN E. WILLIAMS** has joined the firm of Laurie A. White & Associates LLC as an associate. The New Orleans-based firm practices primarily criminal defense at the trial, appellate and post-conviction levels, in both state and federal courts.

**J. DAVID YARBROUGH JR.** has joined the Greensboro, N.C., law firm of Adams Kleemeier Hagan Hannah & Fouts PLLC as an associate. He is concentrating his practice in bankruptcy law.



Adam Heller

2003

**RYAN BEASLEY** married Lauren Kenning in New Orleans on Oct. 4, 2003. The wedding party included fellow law alums **DAN ANGEL**, **NICK VLAHOS** and **BRIAN DeVOSS**. Beasley practices law in the New Orleans area and is an associate at Spyridon, Koch, Palermo & Dornan in Metairie, La. Kenning is a dental hygienist with the offices of Lawrence Norton and Edward Vela in Algiers, La.

**PALANDA BROWNLOW** has been selected a Senate Committee Aide for the 2004 Georgia Assembly legislative session. She works directly with Sen. Rene Kemp of District Three and handles specific legislation assigned to the Special Judiciary Committee.

**GREGORY C. FAHRENHOLT** has joined the firm of Shields Mott Lund LLP as an associate.

**ANGIE CHRISTINA** is an associate with Leake & Andersson in New Orleans.

**E. STEWART SPIELMAN** has joined McGlinchey Stafford's Commercial Litigation Section as an associate in the firm's office in Baton Rouge, La. He focuses his practice on bankruptcy and commercial finance.

**AUTUMN TOWN** has joined the firm of Laurie A. White & Associates LLC as an associate. The New Orleans-based firm practices primarily criminal defense at the trial, appellate and post-conviction levels, in both state and federal courts.

### IN MEMORIAM

Bat Sullivan '38, of New Orleans  
 Andrew Bucaro '49, of New Orleans  
 Lucien Bertrand Jr. '49, of Lafayette, La.  
 Samuel C. Gainsburgh '49, of New Orleans  
 Nathan A. Levy Jr. '52, of Morgan City, La.  
 Carol Nesler '74, of Portland, Ore.  
 Charles S. McKendrick Jr. '60, of New Orleans  
 Barbara Brice Brown '89, of Biloxi, Miss.  
 Loren Letner '01, of Jonesboro, Ark.

# CLASS REUNIONS



*LLM class of '99*



*Class of '94*



*Class of '89*



*Class of '99*

## TAX TOPICS FOR THE PHILANTHROPIC: AN ATTORNEY'S GUIDE

Endowed Gifts Provide Lasting Support

BY LIZBETH TURNER (L'85)

Although donors and their advisers often focus on the tax advantages of charitable giving, it also is important to consider how the gift will be used and administered by the charitable donee. The donor should decide whether the gift will create an **endowed fund** or a **nonendowed fund**.

An endowed fund exists in perpetuity, with only the income available for the charity to spend as directed by the donor. The payout from an endowed fund may include not only income such as dividends and interest, but also capital gain.

Donors interested in establishing an endowed fund should obtain from the charity information about its management of endowed funds, its endowment payout policy, and past performance of its endowed funds. Many charities require a minimum amount to establish a named endowed fund. (Please see chart).

**TIP:** A DONOR SHOULD DISCUSS THE PROPOSED USE OF ANY SUBSTANTIAL GIFT—ENDOWED OR NONENDOWED—WITH REPRESENTATIVES OF THE CHARITY BEFORE MAKING A GIFT. BY DOING SO, THE DONOR CAN CLARIFY ANY QUESTIONS ABOUT HIS OR HER INTENT.

### ENDOWED FUNDING GUIDELINES

Tulane recently adopted new endowment funding guidelines. Here are a few examples of the minimum amounts required for various purposes:

Named partial scholarship or fellowship	\$20,000
Early career professorship	\$100,000
Professorship	\$500,000 *
Named honor scholarship or fellowship	\$600,000
Chair	\$1,500,000 *
University Chair	\$3,000,000 *
Deanship	\$5,000,000

- \* Because a chair established for less than \$3 million does not generate the annual income required for a new position at the Law School, it will ordinarily be awarded to an existing faculty member. Other schools and colleges of Tulane may require a higher minimum amount for a chair or professorship in a particular discipline.
- In some cases, it may be possible to apply for matching funds from the Louisiana State Board of Regents for chairs and professorships. Such matching funds are not included in these minimums, but would be in addition to the amounts shown.
- If a bequest written today is designated for an endowed fund, the required minimum may be higher by the time Tulane actually receives the bequest.

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

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 approximating the donor's wishes.

A **nonendowed fund** may be estab-

lished for any amount. Nonendowed funds are not permanent and are spent until they are depleted.

A donor should discuss the proposed use of any substantial gift—endowed or nonendowed—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.

*For more information about endowed funds and planned gifts, contact Tulane's Office of Planned Gifts at 800-999-0181 or at [plangift@tulane.edu](mailto:plangift@tulane.edu).*

DATE	EVENT TITLE	LOCATION
<b>2004</b>		
June 10 7-9 p.m.	<b>ALUMNI RECEPTION</b> in conjunction with the LSBA annual meeting in Sandestin, Fla.	Acme Oyster House in Baytowne Wharf Village
June 13 Noon-4 p.m.	<b>NORTH CALIFORNIA ALUMNI</b> Barrel Tasting and BBQ Picnic	Hanna Winery Santa Rosa, CA
June 29 7-9 p.m.	<b>GULF COAST ALUMNI RECEPTION</b>	23633 Montebella Rd., Pass Christian, MS (Home of Topper (L'68) and Susan Thompson)
July 13 Time 6-7:30 p.m.	<b>WASHINGTON, D.C. STUDENT SEND-OFF PARTY</b>	Harry's Saloon 436 11th St., NW
July 15 Time TBA	<b>NEW YORK CITY STUDENT SEND-OFF PARTY</b>	Location TBA
July 20 Time TBA	<b>BATON ROUGE/ACADIANA STUDENT SEND-OFF PARTY</b>	Location TBA
July 21	<b>HOUSTON STUDENT SEND-OFF PARTY</b>	Akin Gump, et al 111 Louisiana, 44 <sup>th</sup> floor
July 22 5:30 p.m.	<b>NEW ORLEANS ALUMNI RECEPTION</b> for entering New Orleans students	Mother's Next Door 400 Poydras St.
Sept. 15-17	<b>LATIN AMERICAN LAW INSTITUTE</b>	Hyatt Hotel
Oct. 9 Time TBA	<b>JAPAN ALUMNI LUNCHEON</b>	The Tokyo Dome Hotel Tokyo
Oct. 13 6 p.m.	<b>EASON-WEINMANN LECTURE:</b> "The Common Laws of Europe and Louisiana" by Prof. Patrick Glenn of McGill University Law School. (Reception to follow.)	Weinmann Hall
Oct. 20-22	<b>54<sup>TH</sup> TULANE TAX INSTITUTE</b>	Sheraton New Orleans Hotel
Oct. 22 5-6:30 p.m.	<b>LAW SCHOOL HOMECOMING COCKTAIL PARTY</b>	Weinmann Hall
Oct. 23 Time TBA	<b>LAW SCHOOL TENT IN HOMECOMING VILLAGE</b>	City Park (outside of Tad Gormley Stadium)
Oct. 22-23	<b>REUNIONS</b> for Law Classes of 1959, 1969, 1974, 1979 and 1984	
<b>2005</b>		
January 5	<b>SAN FRANCISCO ALUMNI RECEPTION</b> in conjunction with the Association of American Law School's annual conference	Location TBA
March 16-18	<b>ADMIRALTY LAW INSTITUTE</b>	
March 18 1:30 p.m.	<b>ADMIRALTY ALUMNI REUNION</b>	Location TBA
April 1	<b>LAW REVIEW BANQUET</b>	
April 7-10	<b>REUNIONS</b> for Law Classes of 1990, 1995 and 2000 In conjunction with French Quarter Festival	Locations TBA
May 20-21 Time TBA	<b>LAW CLASS OF 1955 50<sup>TH</sup> REUNION</b>	Location TBA
May 21 Time TBA	<b>UNIFIED COMMENCEMENT</b>	Louisiana Superdome
May 21 Time TBA	<b>LAW SCHOOL DIPLOMA CEREMONY</b>	Morris F. X. Jeff Municipal Auditorium
<b>Questions? Contact Ellen Brierre, Director of Law Alumni Affairs at (504) 865-5920 or <a href="mailto:ebrierre@law.tulane.edu">ebrierre@law.tulane.edu</a>.</b>		



TULANE UNIVERSITY LAW SCHOOL  
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“While the challenges ahead are not inconsiderable, I can’t help but reflect with pride and satisfaction on how far we’ve come and how bright the prospects are for us to attain our ambitious goals in the future.”

— Dean Lawrence Ponoroff

### ONLINE ALUMNI DIRECTORY/CLASS NOTE

Tulane Law School is compiling an online alumni directory, which can be accessed from the law school’s home page on the World Wide Web (<http://www.law.tulane.edu>). The directory is an entirely voluntary effort, and by adding your listing you can reconnect with former classmates, share business leads and establish new friendships. If you would like to be included on the list, go to the law school’s website, click on “Alumni,” and follow the directions.

Send to Ellen Brierre, Director of Alumni Relations  
 Tulane Law School, Tulane University  
 6329 Freret St.  
 New Orleans, LA 70118  
 Fax 504-862-8578

Or fill out the online form at <http://www.law.tulane.edu/alumni/alumni/noteschangeform.cfm>.

Name \_\_\_\_\_ Class Year \_\_\_\_\_

Home Address \_\_\_\_\_

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

Phone \_\_\_\_\_ Is it new? \_\_\_\_\_

Company Address \_\_\_\_\_

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

Phone \_\_\_\_\_ Is it new? \_\_\_\_\_

Email \_\_\_\_\_

Comments \_\_\_\_\_

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