

TULANE UNIVERSITY LAW SCHOOL

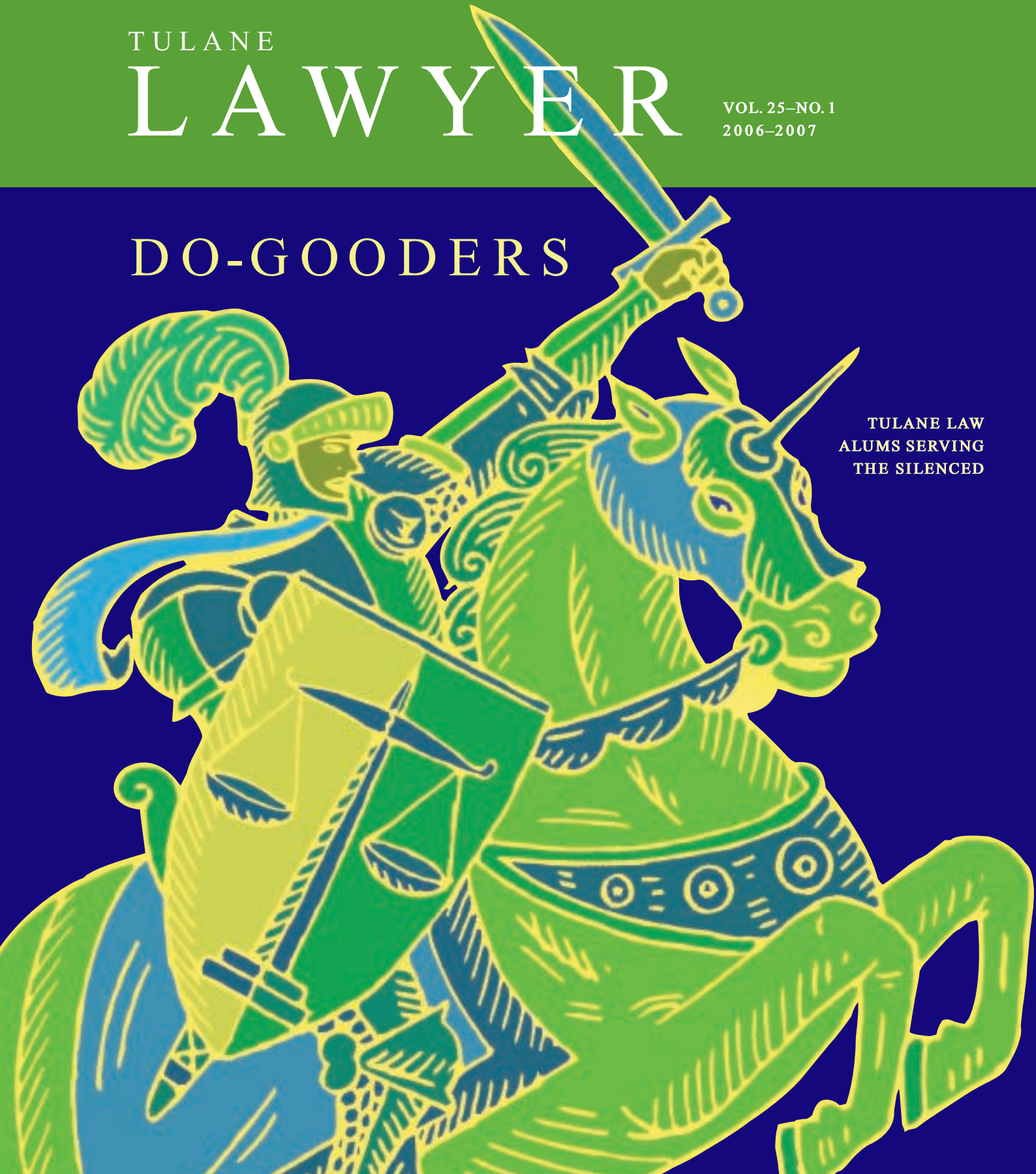
TULANE

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DO-GOODERS

TULANE LAW
ALUMS SERVING
THE SILENCED





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LEAP OF FAITH

BY DEAN LAWRENCE PONOROFF



I AM PLEASED
AND PROUD TO SAY
THAT WE ARE NOT ONLY
BACK, BUT STRONGER
AND MORE FOCUSED
THAN BEFORE WE WERE
PAID THAT UNWELCOME
VISIT BY A SHREW
NAMED KATRINA.

They say you should live in interesting times. Well, we *have* been living in interesting times of late at the Law

School, and there is no doubt it has been an enormous challenge. But I am pleased and proud to say we have measured up to that challenge and that we are not only back, but stronger and more focused than before we were paid that unwelcome visit by a shrew named Katrina.

Where's the evidence, you ask? It's all around us. Let's begin with this year's entering class. We reduced the target for the incoming class from 320 to 275 1L students, and we ended up at 277, largely due to the highest yield (percentage of accepted students who enrolled) that we have ever enjoyed. Yes, we found out that law students wanted to be at Tulane and in New Orleans. And, who are these law students? They come from five countries, 40 states, plus the District of Columbia and Puerto Rico. They boast a median LSAT of 161 (roughly the 85th percentile nationally among all takers) and a median undergraduate GPA of over 3.5. They come from over 150 undergraduate institutions, and 20 percent are members of protected-class minority groups. In short, as a group, they represent among the most talented and diverse group of entering law students that have crossed our threshold in our long and distinguished 160-year history.

But a great law school is made up not only of highly qualified students, but also of a world-class faculty. Frankly, we entered this year's faculty appointments season with some trepidation over



THE INCOMING CLASS REPRESENTS AMONG THE MOST TALENTED AND DIVERSE GROUP OF ENTERING LAW STUDENTS THAT HAVE CROSSED OUR THRESHOLD IN OUR LONG AND DISTINGUISHED 160-YEAR HISTORY.

whether we would be able to attract the best and brightest teachers and scholars to a still very-damaged New Orleans. The concerns were unfounded. We are enjoying one of the strongest faculty-recruiting seasons in memory. We have made four permanent and three visiting appointments for next academic year, including two new chairholders. How reassuring and gratifying it has been to see such a talented group of both entry-level and experienced faculty who want to be in New Orleans right now because of the opportunity it presents to make a difference in the rebuilding of a healthy urban community and because of the opportunity to join the vibrant intellectual life at Tulane Law School. You will meet these new Tulanians in the next issue of the *Tulane Lawyer*.

Is there other evidence? Sure. Consider two new endowed chairs: The John B. Breaux Chair in Business Law and the David Boies Distinguished Chair in Law. These major investments in the Law School represent a huge vote of

confidence and an undeniable signal that our alumni and other constituencies are solidly behind us. New endowed professorships, such as The George Denégre Professorship in Law, and new endowed scholarships, such as the The Senator John J. Hainkel Jr. Scholarship Fund, underscore the point.

And we are affirmatively and proactively out in the community lending a hand and making a difference. The class that graduated in 2006 set a record for pro bono community service hours. This year's entering class will be facing a 50-percent increase in the required number of pro bono hours they must volunteer in order to graduate and they will easily meet and exceed the new standard. From our clinics to the Student Hurricane Network, we are assisting the neediest and most helpless of our citizens in dealing with issues from housing, to domestic abuse, to taxes, to navigating the Road Home program, to ensuring a right to counsel and more. Our students and faculty are in the community with

their briefcases and sometimes with their hard hats and hammers. What an extraordinary educational environment for our students, and what a difference they are making.

Is there yet more evidence?

Absolutely—just read the pages that follow and consider the professional and scholarly contributions of our faculty and the whirlwind of activities at the Law School as we serve our dual roles of (1) providing a neutral, apolitical forum for divergent views on the key issues affecting the recovery to be respectfully aired and debated and (2) offering a critical resource to the recovery effort in terms of research and the creation of new knowledge that enriches the capacity of individuals, organizations and governmental entities to learn as well as to act and lead with integrity and wisdom.

Recognizing that external events have had and will continue to have a profound impact on Tulane Law School, the faculty is also in the final stages of completing a comprehensive strategic plan. The

plan will set our priorities and define our identity going forward in a fashion that will ensure not only continued academic excellence and a first-class legal education, but also a strengthened position in a highly competitive market and an enhanced reputation across the country and around the world.

So, we're doing fine and there's really nothing you can do to help? Well, yes and no. We are doing fine—better than any of us dared even hope a year ago—but there are major challenges ahead.

of achieving a balanced budget. I have always said that academic institutions are not businesses, but nonetheless must be run in a businesslike manner. We have received consistent support from the central university for what we are trying to accomplish, but cannot realistically expect further help as Tulane University manages its own post-Katrina issues. Likewise, if there is a financial problem to be managed, we cannot do so on the backs of our students. In the cuts we have made, we have held harmless

wrong. Participation rates are vital. Moreover, the gift of \$100 from a recent graduate who is still struggling with the weight of educational loans is appreciated no less, and is no less valuable, than the gift of \$10,000 or more from the alumna or alumnus who has achieved great professional success in part because of the education he or she received at Tulane Law School. Working together, the opportunity we now have to take this institution to the next level is enticing. We are already on our way, and I hope you will embrace this invitation to become part of that exciting future.

In the year following Katrina, my focus was necessarily internal. As of the first of the year, however, I returned to the road and have been moved by the warm reception I have received at alumni visits and events around the country, as well as the intensity of your interest in and affinity toward Tulane. As always, I take great pride and vicarious satisfaction in the professional accomplishments of our alumni and the enormous public service they provide to their communities. The credit goes mostly to each of you, but if you believe the education you received at the Law School also has played a role at some level, then I ask you to give back now so that future generations of Tulane law students can enjoy the same—and, indeed, more—educational advantages and opportunities than you did.

I look forward, as always, to seeing as many of you as possible in your communities as I resume my travels. But please don't wait for me to come to you. Come to us. See for yourself what we've accomplished and the character and resolve of our students and faculty that made those accomplishments possible.

Monica and I wish you and your families continued health, success, and joy in your lives and thank you for enriching ours.

I ASK YOU TO GIVE BACK NOW SO THAT FUTURE GENERATIONS OF TULANE LAW STUDENTS CAN ENJOY THE SAME—AND, INDEED, MORE—EDUCATIONAL ADVANTAGES AND OPPORTUNITIES THAN YOU DID.

You can help us meet these challenges by encouraging talented, prospective law students you encounter to consider and apply to Tulane, and by opening doors to ensure appropriate professional opportunities for our students and graduates who are interested in returning or relocating to your communities. And that's not all. If you consider carefully what I've described above, you'll see we've taken a leap of faith. To ensure the long-term health and viability of this institution, we have reduced our student body considerably—but maintained the infrastructure of teaching and related student-service resources. We believe the effect on the quality of this institution will be significant.

The transition beginning on July 1 of this year back into a decentralized model for structuring the financial relationship between the Law School and the central university leaves us vulnerable in terms

student services, financial aid, and the instructional program generally. That's the leap of faith, and that also is where you can make the difference. This is your Law School, and we can be as good as you want us to be.

The universitywide Promise & Distinction campaign has been reinstated. The centralized Katrina Rebuilding Fund has run its course and the Law Fund has been reinstated. Once again, as of July 1, every incremental dollar that comes into the Law School will stay at the Law School to support our students, faculty, and programs. I think you see where I'm headed. We need your support, and I hope I have convinced you that I believe we have earned your support with the incredible progress that we have made and the huge opportunities we now have to be even better.

If you believe your contribution is too small to make a difference, you're





RENO'S 'RISKY PATH' ENTHRALLS CROWD

It was standing-room-only at the law school and a hush went through the room as **former U.S. Attorney General Janet Reno** entered the amphitheater-style classroom. Students, faculty, community members and media hung on her carefully chosen words about domestic violence.

In introducing Reno, associate professor **Tania Tetlow**, director of the Tulane Law School Domestic Violence Clinic, lauded the former attorney general for championing the Violence Against Women Act of 1994 that made certain domestic and sexual violence crimes federal offenses. Tetlow also praised Reno for her risky career path promoting crime prevention rather than a “lock ’em up and throw away the key” approach.

Tetlow remarked on Reno’s bravery in “looking for cracks in the system,” noting that Reno is on the board of the Innocence Project, an organization that works to exonerate the wrongfully convicted through DNA testing and to implement reform to prevent wrongful convictions.

Reno elicited rousing applause when she declared that 12 years after the Violence Against Women Act was signed into law, “violence between intimates has been reduced almost 50 percent.”

“However,” Reno cautioned, “we need to be careful not to get caught up in a numbers race. We need hard-nosed, careful evaluation of figures to analyze what communities are doing to reduce crime.”

In outlining her ideas about designing a program to reduce domestic violence, Reno emphasized a public health approach that would ensure that the first three years of a child’s life provide the structure that would have impact on crime as a whole.

“From 0 to the age of 3 is the most formative time in a person’s life, when consciousness is developed,” Reno said. “You can’t go about it piecemeal. A child who sees his father kill his mother accepts violence.”

A colleague of Donna Shalala, secretary of the U.S. Department of Health and Human Services during the Clinton administration when she was attorney general, Reno advocated as deterrents to domestic violence a panoply of public health and social welfare measures, including prenatal care and parenting skills; school systems that would ensure each kindergartener could read and write as well as engage the minds of each 12-year-old child; drug and alcohol treatment programs; affordable, safe housing; and appropriate mental health care.

A looming issue about which Reno expressed concern is abuse of the elderly, as a growing contingent of baby boomers reach old age while financially strapped younger generations struggle to care for their elders. In 1995, Reno herself announced she had Parkinson’s disease, a degenerative illness that causes muscular rigidity and involuntary tremors.

Addressing the room filled with budding young lawyers, Reno encouraged them to consider public service by taking part in programs such as the Tulane Law School Domestic Violence Clinic.

“I believe it’s possible, if we work together, to see further reduction in domestic violence and crime overall,” Reno said. “We have to believe in ourselves.”

Reno’s appearance was sponsored by the Tulane Law School Domestic Violence Clinic, a recipient of funds from the Violence Against Women Act.



“WE NEED
HARD-NOSED,
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EVALUATION

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WHAT COMMUNITIES
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CRIME.” —Janet Reno

OYEZ!
OYEZ!
OYEZ!

“JOHN MARSHALL HAS
MADE HIS DECISION; NOW
LET HIM ENFORCE IT!”



All rose Feb. 6 when three judges of the **United States Fifth Circuit Court of Appeals** convened at Weinmann Hall to hear oral arguments concerning three current cases: *Collin County Texas v. Siemens Business Services, Inc.*; *Davis v. United States*; and *Community Care-Bossier, Inc. v. Foti*. Students took advantage of the standing-room-only court session, as they watched judges **Edith Brown Clement** (L '72), **William Lockhart**

Garwood and **Jacques Loeb Wiener Jr.** (L '61) hear arguments from opposing parties in each case.

Later that day, **Supreme Court Justice Stephen Breyer** took the spotlight and spoke on “Life, Work and the Constitution at the Supreme Court.” In a straight-forward manner he explained workings of the Court, how it reached decisions and issued final opinions. Breyer then described how he and his colleagues select the cases they hear.

Breyer argued that the genius of the

Constitution rests not in any static meaning, but in the adaptability of its great principles to cope with current tribulations. Further, he outlined his judicial philosophy of questioning the purpose of the law and the likely outcome of a ruling rather than strictly interpreting words, logic and precedent.

Because it cannot directly enforce its rulings, the Court relies on respect for the Constitution and for the law for adherence to its judgments, said Breyer. He reminded attendees of *Worcester v. Georgia* (1832), when the state of Georgia ignored the Supreme Court’s decision and President Andrew Jackson, who sided with the Georgia courts, supposedly remarked, “John Marshall has made his decision; now let him enforce it!”

In closing, Breyer expressed his hope that Tulane law students would incorporate personal integrity and public service into their personal lives by saying, “I hope, too, that you will be ambitious, for yourselves, for your profession, for the communities in which you live, and for the country of which you are a citizen.”

Supreme Court Justice Breyer poses before a standing-room-only audience.



Professors Ed Sherman and Oliver Houck find the only available seats to hear Justice Stephen Breyer.

ONE CITY, ONE PLAN



Walter Isaacson delivers the keynote address at a Tulane Law Review symposium focused on rebuilding the legal landscape of the Gulf South.

The *Tulane Law Review* engaged a number of important topics this past fall at its successful symposium “Hurricane Katrina: Reshaping the Legal Landscape of the Gulf South.” The symposium, which took place at Weinmann Hall, consisted of three panel discussions that focused on metropolitan policy and urban planning, civil rights and environmental law.

As New Orleans and the surrounding area continue the long process of rebuilding, state and federal courts are

beginning to feel the inevitable pressure brought about by the emergence of hurricane-related legal issues. Tulane Law School and the *Tulane Law Review* assembled talented legal minds from across the country to provide input on Katrina’s legal ramifications and offer scholarly insight into the legal problems raised by the storm and the long-term legal aspects involved in rebuilding.

Walter Isaacson, vice chair of the Louisiana Recovery Authority, president and chief executive officer of the Aspen Institute, and a member of the Board of

“LIKE A PENTIMENTO, NEW ORLEANS HAS LONG BEEN A CANVAS REPEATEDLY REPAINTED. PAINT WELL, MY ARTISTIC HOMEBOYS AND GIRLS, AND CAREFULLY. PRESERVE THE PREVIOUS LAYERS, AND LET THEM GUIDE YOUR BRUSHWORK. ONE FALSE STROKE, AND THE MAGIC COULD DISAPPEAR.” —*Walter Isaacson*





Tulane, delivered the keynote address. Isaacson also initiated the idea for the “Rebirth: People, Places and Culture in New Orleans” conference held on Tulane’s campus last summer.

“Mr. Isaacson’s experience is unmatched, so we were delighted he agreed to present,” said Kyle J. Wilson, symposium editor for *Tulane Law Review*. “We had no doubt that his unique insight would be enlightening and informative, to say the very least.”

Conference panelists boiled down discussions of the preservation and promotion of New Orleans’ unique culture post-Hurricane Katrina to one optimistic idea: Have a plan and make it happen.

“Like a pentimento, New Orleans has long been a canvas repeatedly repainted,” said Isaacson in his address. “Paint well, my artistic homeboys and girls, and carefully. Preserve the previous layers and let them guide your brushwork. One false stroke, and the magic could disappear.”

“These are issues that are not going to be resolved in a month or even a year,” said Dean Lawrence Ponoroff. “It’s important that the university—in addition to being involved in the rebuilding effort—also provide forums where there can be meaningful dialogue about these issues with the view toward ultimately advancing recovery and rebuilding a healthy urban community.”



Top: Walter Isaacson sits before a room full of Tulane law students who wait to hear his much anticipated address on the recovery of New Orleans. Above: Brian Williams, NBC Nightly News anchor and managing editor, interviews Isaacson during his initial trip to New Orleans following Hurricane Katrina. Isaacson was on campus for a conference he initiated entitled, “Rebirth: People, Places & Culture in New Orleans” which took place in summer 2006.



THE NEW TULANE INSTITUTE ON WATER RESOURCES LAW AND POLICY WILL HELP SORT OUT THE COMPLEX LAWS AND POLICIES REGARDING USE OF THE NATION'S COAST AND WATERWAYS, INCLUDING THE MISSISSIPPI RIVER.

INSTITUTE TO FOCUS ON COASTAL LAWS AND POLICIES



Mark S. Davis, JD, MLT, serves as director of the Institute on Water Resources Law and Policy at the Law School. He comes to the Institute after 14 years as the executive director of the Coalition to Restore Coastal Louisiana. Mr. Davis also serves as a member of the Louisiana Recovery Authority's Environmental Task Force.

Taking the reins of Tulane's new Institute on Water Resources Law and Policy is **Mark Davis**, a lawyer who has served as executive director of the Coalition to Restore Coastal Louisiana for 14 years. According to Davis, the challenges Louisiana and New Orleans are facing in the wake of Hurricanes Katrina and Rita, as well as decades of coastal collapse, have made clear the need to better understand and improve the ways we govern water resource and coastal management. "We need to have laws, policies, and decision-making

processes that allow the best science and engineering to be put to work for us. The Tulane Center on Water Resources Law and Policy will advance that goal," he says.

To Davis, Hurricanes Katrina and Rita comprised the "most transformative moment since the 1927 flood." The fragility of coastal areas exposed by the storms, however, does not mean that change—in the way society views and protects these areas—is a given.

Bureaucracies tend to create programs that are self-perpetuating, even when they outlive their usefulness. "They march forward and hopefully do what they are intended to do, but things programmed in the 1920s through the '60s are still out there, though they may not be the things we need today," he explains.

Davis points to the Mississippi River Gulf Outlet, the New Orleans Hurricane Protection System and Louisiana's coastal mineral rights laws as results of outdated policy that need to be dealt with

quickly and effectively but are tangled in decades of accrued legal mandates and agency jurisdictions.

"From the institute's point of view, we will be helping to frame the boundaries between law, science and politics so that, for example, you are not asking a scientist to do what a lawyer should do," says Davis.

Davis, who also is joining the law faculty as a senior research fellow, says the new Institute is not intended to be an "advocacy shop" but will provide a solid legal and policy foundation from which advocates may work.

The challenges facing Louisiana in the aftermath of hurricanes Katrina and Rita are a presage for coastal communities nationwide, says Davis. "Many people feel that for something this big, that Congress or their state legislature must have already made it someone's responsibility to deal with. It is an assumption that is tragically wrong."

SOMETHING TO TALK ABOUT

LOOK WHO'S LECTURING IN LAW

Luzius Wildhaber, former judge and president of the European Court of Human Rights, delivered the annual Deutsch Lecture on March 26. He spoke on "The European Court of Human Rights—Reflections of a Past President."

DEUTSCH



EASON-WEINMANN



John Giffen Weinmann (L '52) expresses amusement as he talks with law students at the reception following the Eason-Weinmann Lecture.



From left: Günter Frankenberg of J.W. Goethe University, who delivered the Eason-Weinmann Lecture on March 7, with Dean Lawrence Ponoroff and Professor Joachim Zekoll.

GAUTHIER

Ian Forrester (center) stands with members of the Gauthier family at the Wendell Gauthier Lecture, which Forrester delivered on Sept. 29, 2006. Forrester (L '69) spoke on "The Judicial Function and Trial Practice in Law." Pictured with him are (from left) Trenton Gauthier-Balluff, Anne Gauthier, Cherie Gauthier Lirette and Celeste Gauthier.



FREEDOM OF THE PRESS AFTER 9/11

In his first presentation as holder of the Ashton Phelps Chair of Constitutional Law, Tulane law professor **Keith Werhan** addressed contemporary issues that strike at the heart of America's identity as a free nation. "Freedom of the Press After 9/11" was the title of the 2007 Phelps Lecture, which Werhan delivered on April 18 at John Giffen Weinmann Hall.

"Many Americans assume that we may sacrifice a fair measure of expressive freedom during times of societal stress in order to protect the nation's interest in preserving order and security," said Werhan. "This mindset, which has been commonly expressed since 9/11, is mistaken. Strong constitutional protection of expressive freedoms is a surprisingly recent development, and it has not been tested in the circumstances presented by 9/11."

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THIS MINDSET IS MISTAKEN.

Werhan, who was invested in the Ashton Phelps Chair of Constitutional Law on the same evening as the lecture, is the second holder of the Chair, which was established in 1983. M. David Gelfand, the first holder of the Chair and longtime member of the law faculty, died in 2005.

"I am honored to succeed my late friend and colleague, M. David Gelfand, as holder of the Phelps Chair," said Werhan. "David and I collaborated often on a variety of projects over the years, and I always have been inspired by his energy and insight. David lived his professional life well, devoting his considerable legal talents to the service of others, securing rights that otherwise would have been denied them."

The Phelps Lecture Series was inaugurated in 1993 to honor Ashton Phelps Sr., a 1937 graduate of Tulane Law

School, who practiced law at Phelps Dunbar and served as publisher of *The Times-Picayune* and as vice chair of the Tulane University Board of Administrators.

Dean Lawrence Ponoroff said he was happy to endorse the selection of Werhan as holder of the Chair. "I am delighted to know that the rich tradition of this important chair honoring one of our most distinguished alumni will continue and also will be in such good hands for many years."

Keith Werhan was the Geoffrey C. Bible & Murray H. Bring Professor of Constitutional Law from 2000 until he assumed the Phelps Chair in 2006. He specializes in Constitutional Law, the First Amendment, and Administrative Law, and has written widely in those areas. The award of this chair recognizes and com-



mends the recipient's scholarly contributions to the fields of constitutional law, including free speech, religious freedom, separation of powers, administrative law and federal jurisdiction.

EXERCISING RESTRAINT

“AMERICANS ARE MORE, NOT LESS, LIKELY TO RESPECT JUDICIAL INDEPENDENCE WHEN THEY KNOW THAT THE LAW CAN BE CRITICIZED AND CHANGED BY ORDINARY POLITICAL PROCESSES. I AM REMINDED OF THE ADAGE OUR MOTHERS TAUGHT US, ‘STICKS AND STONES MAY BREAK MY BONES BUT WORDS WILL NEVER HURT ME.’” —*Judge William Pryor*



In delivering the 12th annual McGlinchey Lecture on Feb. 26, **Hon. William H. Pryor Jr.** (L '87) spoke on judicial independence.

Pryor, a judge on the 11th U.S. Circuit Court of Appeal, said he believed that the independence of the federal judiciary is safe, contrary to the sentiment of a number of leaders in the legal community who have voiced concern that public criticism, threats and legislation designed to constrain the judiciary could constrain or bias judges.

Pryor admitted that America's courts are not above public criticism and cited cases such as *Korematsu v. United States* and *Plessy v. Ferguson*, where poor judgments were worthy of public scorn. Criticism of judicial decisions is essential to the progress of our constitutional republic, said Pryor.

Pryor concluded by quoting Justice John Marshall Harlan, who in a scathing dissent of the *Plessy* ruling, wrote, “The

courts best discharge their duty by executing the will of the lawmaking power, constitutionally expressed, leaving the results of legislation to be dealt with by the people through their representatives.”

Judges must do more than respond to criticisms; they must exercise restraint, said Pryor, who also noted Alexander Hamilton's famous mandate in “Federalist No. 78” essay that judges exercise “neither force nor will, but merely judgment.”

Established in 1996 by the law firm of McGlinchey Stafford to honor its founder, the late Dermot S. McGlinchey, the lecture is dedicated to the fields of litigation practice and judicial adjudication. In addition to members of the Tulane law faculty and student body, McGlinchey Stafford attorneys were present in the audience. Dermot McGlinchey's wife, Ellen Murphy McGlinchey, and daughter, Fionuala Monsted (N '90), were joined front-and-center by Ann Stafford (L '72), wife of the late Graham Stafford.



From left to right: Fionuala Monsted (N '90), Dermot McGlinchey's daughter; Ann Stafford (L '72), wife of the late Graham Stafford; and Ellen Murphy McGlinchey, wife of the late Dermot McGlinchey

DEPETRILLO DELIVERS KEYNOTE ADDRESS IN ECUADOR

Michael DePetrillo, a third-year student at Tulane Law School and current chair of the American Bar Association Law Student Division, traveled to Ecuador in early November to deliver the keynote address at a student conference on human trafficking. In addition, he had the opportunity to visit anti-human trafficking facilities and meet with local high school and law students. The trip was part of larger initiative of the American Bar Association's Latin America and Caribbean Law Initiative.

DePetrillo began the trip in Quito and joined a delegation led by ABA

“I WAS ABLE TO DEMONSTRATE SOME WAYS IN WHICH ECUADORIAN LAW STUDENTS CAN JOIN TOGETHER AND HAVE A POSITIVE IMPACT ON ISSUES SUCH AS HUMAN TRAFFICKING.” —*Michael DePetrillo*

President Karen Mathis to visit an anti-human trafficking facility, Hogar de la Madre Jóven. During the visit, the delegation met with Silvia Barragán, president of Fundación Nuestros Jóvenes and Elena Carrión, victims assistance program director. “This shelter exists to help rescue young girls out of the cycle of human trafficking,” says DePetrillo. “They work essentially to provide basic needs and life skills to the victims with the goal of helping them transition back into society. Their stories and courage are absolutely remarkable.”

DePetrillo later traveled to Guayaquil for a student conference on human trafficking. There he had the opportunity to meet with local high school and law students and participate in discussions on the issue of human trafficking. His keynote address to Ecuadorian law students focused on the positive impact of student leaders and the importance of working collaboratively.

“I focused on the power of student leaders to bring about change and help unify students for common purposes,” says DePetrillo. “The response of law students following Hurricane Katrina, in particular, is a perfect example of what can be accomplished. I hope that through examples like this, along with highlighting how student organizations are set

up in the United States, I was able to demonstrate some ways in which Ecuadorian law students can join together and have a positive impact on issues such as human trafficking.”

DePetrillo added that one of the primary purposes of the conference was to initiate dialogue between U.S. students and their Ecuadorian student counterparts. “I feel that starting this discussion was a critical step in getting students mobilized around the issue of human trafficking and talking on a global level,” he says. “The issue permeates international borders and is a growing problem in many parts of the world, including the United States. Eradicating this problem will require the cooperation of the international community and increased awareness of the public. Law students have a tremendous opportunity to take a leadership role on this issue and I hope this conference has started that process.”

The student conference on human trafficking is part of the ABA/LACLIA's Project to Combat Trafficking in Persons-Ecuador. The project seeks to establish a partnership between key government and non-government organizations that will create a strong and focused national movement for the eradication of trafficking in persons.

Tulane law student Mike DePetrillo meets with two teenagers and their children, all of whom are living at the Hogar de la Madre Joven women's shelter in Ecuador. The shelter is devoted to rescuing and protecting victims of human trafficking.



Tulane Law School professor Vernon Palmer, left, is a "chevalier" in the French Legion of Honor, the country's highest civilian award. He received the accolade recently from Hon. Pierre Lebovics, right, consul general of France, at a ceremony in the home of Tulane President Scott Cowen. The award recognizes Palmer's work in developing stronger ties between France, the United States and Louisiana.



PALMER KNIGHTED BY FRANCE

What do Gen. George S. Patton Jr., author Norman Mailer, former Secretary of State Colin Powell and Tulane law professor Vernon Palmer have in common?

All are among a select group of Americans knighted by the French government.

Last January, Professor **Vernon Palmer** was knighted as a "chevalier" in the French Legion of Honor, which was founded by Napoleon Bonaparte in 1802. A recipient of the country's highest civilian award, Palmer appears to be the first American at a United States law school ever to receive it.

In announcing the award from Washington, French Ambassador Jean-David Levitte wrote, "This award testifies to the President's high esteem for your merits and accomplishments. In particular, it is a sign of France's appreciation for your very special contribution to the advancement of the relationship between France and the United States." The award specifically recognizes Palmer's work at Tulane in developing stronger ties between France, the United States and Louisiana, as well as his

contribution to the field of comparative law through teaching and research. Fluent in French, he has twice held the Chair of Common Law at the Sorbonne in Paris, where he lectured on comparative legal studies.

tion but is humbled by the recognition. "It is simply an overwhelming, extraordinary honor, so much so that I feel I should not accept it for myself alone but on behalf of the entire Tulane Law School, Dean Ponoroff, the faculty and

"WITHOUT TULANE'S INTERNATIONAL REPUTATION AND COMMITMENT TO COMPARATIVE LAW, I AM SURE THIS HONOR WOULD NEVER HAVE BEEN POSSIBLE." — *Vernon Palmer*

Additionally, Palmer has directed the law school's summer program in Paris for the past 18 years. Having published more than 40 books and articles, he has written extensively about international and comparative law, including the relationship between Louisiana's unique civil code and French jurisprudence.

This latest distinction is the second honor conferred upon Palmer by France. In 1994, the French prime minister awarded him the prestigious *Palmes Academiques* for his role in creating Tulane's European Legal Studies program.

Professor Palmer is unaware of how his name was submitted for considera-

students. They have sustained my teaching and research in comparative law and French law for more than 30 years and they have given me wonderful opportunities to teach in France, to direct comparative law programs from New Orleans and Paris and thus to promote stronger ties and relations between France and the United States. Without Tulane's international reputation and commitment to comparative law, I am sure this honor would never have been possible."

The conferral of the medal took place in the presence of dignitaries of the French diplomatic corps at a formal ceremony in New Orleans.

ENGAGING IN EQUALITY

L*aw and Sexuality: A Review of Lesbian, Gay, Bisexual, and Transgender Legal Issues* sponsored a symposium in January entitled, “Legal Perspectives on Marriage Equality.” Focusing on issues surrounding same-sex marriage, the event examined the contemporary movement of gays and lesbians to assure equality before the law.

“There is a sense—at least it’s my sense—that the movement we are now experiencing in the courts around the

same-sex marriage issue is a reiteration of the use of litigation as a method for constitutional, social and political reform, that African Americans and women pursued in the last century,” says Professor Keith Werhan, newly invested Ashton Phelps Chair of Constitutional Law. “This symposium spotlights the question of same-sex marriage as a potentially defining constitutional moment for the provision of equality for same-sex couples.”

Panelists and moderators included practicing attorneys, a judge and legal

scholars from law schools across the country. Werhan moderated the panel discussion entitled “Challenging Same-Sex Marriage Bans in the Courts—Constitutional vs. Procedural Approaches.”

Law and Sexuality: A Review of Lesbian, Gay, Bisexual and Transgender Legal Issues is the first and only student-edited law review in the country devoted solely to covering legal issues of interest to the lesbian, gay, bisexual and transgender community.



A conference attendee observes a detailed exhibit featuring images of Hurricane Katrina’s destruction.

GROWING GREENER

The 12th annual **Environmental Conference on Law, Science and the Public Interest** brought

diverse perspectives on current environmental issues to the law school, March 9 and 10.

The conference, which was hosted by the Tulane Environmental Law Society, addressed a number of topics, including fate of Louisiana cypress trees, coastal restoration, environmental considerations in rebuilding New Orleans, nuclear energy, coastal development, and the litigation and policy pertaining to climate change. There was also a student-employer networking lunch.

A theatrical performance titled “*Welcome to Chalmette*” documented the story of more than 30 individual survivors of Hurricane Katrina and the Murphy Oil spill in Chalmette, La. The

play, written by Mary Nagle, a second-year law student and conference chair, was staged in two performances by a cast of Tulane law students.

The weekend was sponsored by the Tulane Environmental Law Society, Tulane Institute for Water Resources Policy and Law; Louisiana Bucket Brigade; Hunton and Williams, LLC; Beveridge & Diamond, PC; Delta Chapter Sierra Club; *Tulane Environmental Law Journal*; Gulf Restoration Network; Lake Pontchartrain Basin Foundation; Louisiana Audubon Council; Louisiana Environmental Action Network; Loyola Law School; Tulane Center for BioEnvironmental Research; Alliance for Affordable Energy; Coalition to Restore Coastal Louisiana; and the Federal Bar Association’s Environmental, Energy and Natural Resources section.



CHILDREN OF THE STORM

1ST ANNUAL PUBLIC INTEREST LAW CONFERENCE

How is the post-Katrina environment affecting children in terms of education, health care and the juvenile justice system? Attorneys, teachers and community members sought answers to this question at the first Tulane Public Interest Law Conference entitled, “Children of the Law.”

The event, which took place at Weinmann Hall in January, welcomed **Judge Ernestine Grey**, chief judge of the Orleans Parish Juvenile Court, as the keynote speaker.

“We need more focus on children to build awareness,” said **Chanel Glover**, a third-year Tulane law student who is president of the Tulane Public Interest Law Foundation.

Through workshops and panel discussions, the conference dealt with tough societal issues, including the fate of juveniles serving life sentences without parole and the continuing debate surrounding transracial adoptions. A special Katrina panel focused on the hurricane’s devastating effects on education, the

juvenile justice system, children’s health care and the child welfare system.

Conference attendees were invited to participate in a group community-service project that took place over the weekend.

THROUGH WORKSHOPS AND PANEL DISCUSSIONS, THE CONFERENCE DEALT WITH TOUGH SOCIETAL ISSUES, INCLUDING THE FATE OF JUVENILES SERVING LIFE SENTENCES WITHOUT PAROLE AND THE CONTINUING DEBATE SURROUNDING TRANSRACIAL ADOPTIONS.

The Tulane Public Interest Law Foundation is an independently organized, student-run, nonprofit organization. Funds raised by the group go toward grants for law students who work during the summer in public interest positions throughout the United States.

IN THE EYES OF JUSTICE



On behalf of the Student Hurricane Network, third-year law student Morgan Williams accepted the LexisNexis Martindale-Hubbell Exemplary Public Service Award and \$5,000 prize at the Equal Justice Works Awards dinner in Washington, D.C., last October.

This project is designed to relieve the bottleneck in distributing funds to homeowners for rebuilding.

As part of the SHN, **Matchmakers for Justice** is a project that helps displaced residents help themselves by connecting residents with law-student advocates trained to effectively navigate government systems to gain access to quality jobs, education, health care, and housing. The Student Hurricane Network launched a second phase of the Matchmakers project in spring 2007 with 100 law-student and resident participants.

“Matchmakers for Justice is connecting residents wronged by post-Katrina failings with breakthrough legal resources,” says Williams, who notes that the residents are learning skills to become their own advocates and gathering resources that can be passed along to other residents in need of help. Each law student articulates and documents the specific challenges faced by the resident to attorneys equipped to deal with a specific legal issue. Students are mentored by an advisory board of attorneys and social work professionals from throughout the region and across the country.

Williams received the **2006 Pro Bono Publico Award** from PSLawNet, the Public Service Law Network Worldwide, a network of more than 170 law schools and 11,000 law-related public interest organizations of the National Association of Legal Practitioners.

The Student Hurricane Network (SHN), co-founded by **Morgan Williams** of Tulane Law School, is a national association of law students that works to coordinate volunteer opportunities for law students in the Gulf Coast. The group works with a broad network of partner organizations to bolster the efforts of existing legal aid offices in the Gulf Coast and to meet needs that are not currently met by the overburdened legal-service community in the region.

During the past year, SHN has assisted or placed more than 2,700 law students with legal organizations, connected law advocates with displaced residents to help them return home, provided free legal researchers to hurricane-focused projects, educated law students and

attorneys about Katrina-related lobbying efforts, and helped prepare disaster-preparedness plans with state bar associations across the country.

In January 2007, SHN worked in partnership with the Tulane Criminal Law Clinic to implement the Katrina Gideon Interview Project (KGIP), an effort to interview criminal defendants in the Orleans Parish Prison System. As a result of these efforts, law students were able to build a set of files for the Public Defenders Office, adding to the effort to reform criminal justice in the region.

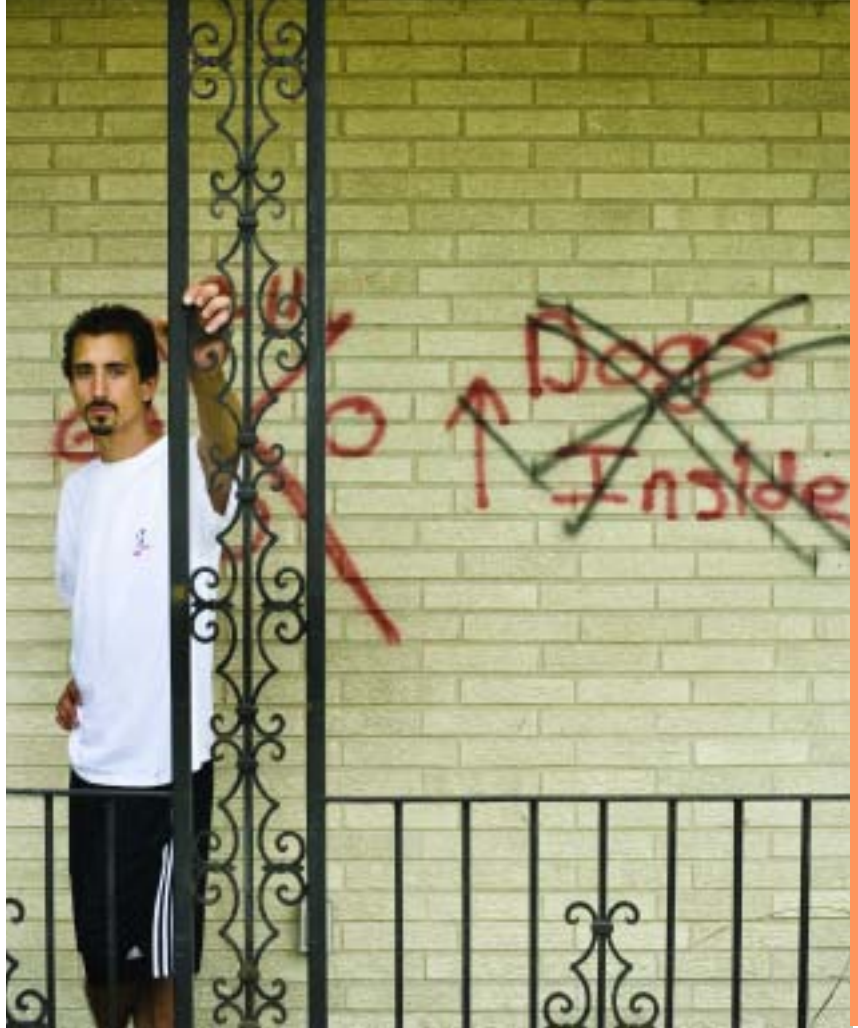
In March 2007, SHN members worked with the Tulane Pro Bono Office and New Orleans Legal Assistance to implement the Road Home Project, an endeavor to draft heirship affidavits for Road Home Program applicants.

Victor Marino lost his dog, Max (pictured below), after Hurricane Katrina. Members of the Tulane Law School Student Animal Legal Defense Fund helped reunite the two this past November.

THE RETURN OF MAN'S BEST FRIEND

Nearly 20 complicated custody disputes and civil lawsuits have taken place due to pet adopters refusing to return animals to their original owners after Hurricane Katrina. **Victor Marino** of St. Bernard Parish was one such owner.

Unable to evacuate from the storm with his dog, Max, Marino's only choice was to leave the animal with food and water. He returned home 10 days later to find his dog missing. Months after his return, Marino learned that a Florida couple had adopted Max. Although Max's rabies tag and microchip evidenced the existence of a devoted owner, Marino was not contacted. Instead, Max's new family grew attached to the rescued animal and, when finally contacted, refused to return the dog. Marino's only



recourse was to file a lawsuit.

Kat Rito, co-president of the Tulane Law School Student Animal Legal Defense Fund, explains the difficulty in Marino's case. "These pet owners feel as though they've lost a child, but from a property perspective, a dog is within the same legal category as your iPod."

Regardless of the difficulty, Rito and classmate **Lena Giangrosso** took the case on pro bono and won. After a year of hard work, the students were able to have the couple in Florida served with a lawsuit. "Lena and I were notified that [the couple] read our legal argument and decided not to fight. From an academic standpoint, that was rewarding," says Rito.

Rito says she's put in more than 400 hours assisting people like Marino. "It's worth it," she says. "Pro bono work helps keep my soul intact."

"PRO BONO WORK HELPS KEEP MY SOUL INTACT." — *Kat Rito*

LICENSING THE WORD ON THE STREET

THE SEC'S ROLE IN REGULATING INFORMATION

BY ONNIG H. DOMBALAGIAN



Onnig H. Dombalagian joined Tulane Law School in the fall of 2003 after several years in private practice and a fellowship with the U.S. Securities and Exchange Commission in Washington, D.C. He is a graduate of Harvard Law School, where he served as an editor of the Harvard Law Review.

Information is said to be the lifeblood of financial markets. Securities markets rely on corporate disclosures, quotes, prices, and indices, as well as the market structures, products and standards that give them context and meaning, for the efficient allocation of capital. The availability of and access to such information on reasonable terms has been identified as one of the essential characteristics of strong financial markets. And yet because information is a commodity, policymakers must balance the desirability of providing access to such public goods against

property doctrines. In yet other areas, the SEC has created intricate entitlements tailored to historical market structures. Against this backdrop, self-regulatory bodies, securities intermediaries, and other entities have staked out proprietary claims to position themselves competitively in the ongoing transformation of the securities marketplace.

Today, however, we are moving away from the paradigm of the dominant national exchange to the reality of competing national and global trading venues. The demutualization of the New York Stock Exchange and the Nasdaq Stock Market, as well as impending mergers of national and international exchanges, are likely to generate numerous disputes over the allocation of rights and interests in securities information. It is thus increasingly urgent that the Commission articulate some statement of policy to govern the Commission's regulation of rights in information.

sensitive corporation information because of the inability to quantify its value or cost. Moreover, public firms make such information available to the public in order to retain or attract capital from the investing public. In enacting the federal securities laws, Congress extended the idea of mandatory minimum disclosures inherent in such private incentives to all exchange-listed securities, and since 1964, publicly traded over-the-counter securities meeting the size and shareholder requirements of the Exchange Act.

The SEC also regulates data regarding the negotiation and execution of secondary market transactions in publicly traded securities. Such "market information" includes buy and sell "quotations" as well as trade reports on completed transactions. Organized securities and commodity markets have long exerted significant effort to prevent "misappropriation" of their market data. Absent such protection, market-makers and other exchange competitors may "free ride" on an exchange's public market information to execute transactions at comparable prices at a lower charge. Since 1975, the SEC has mandated public display, dissemination, and access to the best-priced quotations and customer orders held by any "market center." For other classes of market information, exchanges and other market participants have pursued various legal and marketing strategies within the framework created by SEC rules.

INFORMATION IS THE LIFEBLOOD OF FINANCIAL MARKETS

the need to maintain appropriate incentives for information producers.

The Securities and Exchange Commission faces the primary challenge of regulating the balance between the commercial and social value of information in securities markets. In some areas, the Commission has all but extinguished private rights. In other areas, it has deferred to federal or state intellectual

INFORMATION IN SECURITIES MARKETS

Various types of information contribute to the quality of U.S. securities markets. The best known is the disclosure of information by public companies under federal securities law. While in theory such information is corporate "property," state law has traditionally refrained from granting protection to all but the most



Index providers have also sought to prevent misappropriation of the essence of their work product—the list of securities and indexing methodology used to compute index values. While indices have historically been compiled and published freely as “news,” the ability to peg options, futures, and derivatives to index values or index components over the past several decades has greatly increased their profitability. Older cases upheld the right of index providers to license their indices exclusively to a single options or futures exchange. In the context of new financial products, such as exchange traded funds, courts have denied index providers the right to prohibit resale of otherwise fungible products on different exchanges or in the over-the-counter market. The Commission, meanwhile, has refrained from regulating indices or their use, despite the anticompetitive impact of exclusive licensing, on the one hand, and the need to ensure adequate

funding for index providers, on the other.

The ownership of the standards and protocols in securities markets has also received significant attention in recent years. In many areas, the Commission has preferred to retain standard-setting authority, or to delegate it to self-regulatory organizations over whom it has direct oversight and enforcement. In some cases, standards are owned by private organizations, such as accounting bodies; for such bodies, the Congress and the Commission have taken steps to assert some regulatory oversight while ensuring adequate funding through special levies on reporting companies.

JUSTIFICATIONS FOR REGULATION

In an efficient market, producers and users of securities information should arrive at arrangements that promote optimal use. Organized exchanges developed mechanisms for securities disclosure and

market information long before federal regulation. Congress has nevertheless charged the SEC to balance the competing economic and noneconomic objectives in information law in the federal securities arena. Because of the SEC’s traditional self-identification as the “investor’s advocate,” securities regulations are generally advanced under the rubric of “investor confidence” or “investor protection.” The goals of economic efficiency and capital formation, where they appear in the federal securities laws, serve as decidedly secondary considerations.

The most widely invoked justification for regulating rights in securities information is the possibility of underproduction, or “unfair” selective disclosure or price discrimination. Here, the key problem that regulators confront is the metric by which to establish the minimum amount of information that should be disclosed. In the context of company

information, the Commission has required publicly held companies to disclose certain financial and nonfinancial information periodically as well as to ensure that “material” information is not selectively disclosed (such as in the context of insider trading). The SEC has also adopted rules requiring public disclosure of certain tiers of market information, although it has permitted certain markets to charge for such information in order to fund their regulatory activities.

The Commission has also focused efforts on improving the quality, integrity, and accuracy of various types of information. When minimum standards of quality assurance are set by the SEC, the parties’ traditional cost/benefit analysis is supplanted. Recent controversies over the Sarbanes-Oxley Act’s disclosure control reporting requirements illustrate the difficulties inherent in determining the cost-effectiveness of disclosure when the information generated has no tangible commercial value and cannot be subjected to a ready cost/benefit analysis. The same problem recurs for other types of information where the granularity of information may outweigh its usefulness, such as the increments in which quotations or trade reports are published. Such information, once released, may also trigger unpredictable liability under the Commission’s far-reaching antifraud rules.

The Commission’s information policy also plays a significant role in how markets are structured, how market supervision is financed, and how closely the Commission is able to supervise the evolution of market standards. In such contexts, the regulation of intellectual property rights is one tool in the Commission’s larger arsenal for balancing competition and coordination in securities markets: To the extent that the offering and trading of securities requires coordination among market participants, Congress has impliedly provided limited exemptions from the

federal antitrust laws while conferring limited authority upon the Commission to supervise and, when necessary intervene, on an ongoing basis in those arrangements. Because the Commission lacks the powers of other economic regulators, the ability to modify intellectual property rights in various types of securities information can provide a useful tool for promoting or dampening competition as circumstances warrant.

STRATEGIES FOR REGULATORY INTERVENTION

Such intervention is of course susceptible to numerous pitfalls. Lack of Commission expertise or resources, regulatory capture by stock exchanges and other self-regulatory organizations, deference to industry representatives in the absence of organized investor advocacy, and bureaucratic process and nonresponsiveness have all been cited as harbingers of potentially damaging regulatory failures. The lack of clear legislative guidance complicates the agency’s perspective, as the implementation of investor protection goals may appear inconsistent across unrelated rulemaking exercises.

The Commission’s most straightforward strategy for addressing the conflict between federal or state law property rights and regulatory objectives under the federal securities laws is preemption. Federal securities law contains extensive examples of preemption, largely to limit the impact of duplicative or inconsistent state regulation in the “national” market system. Preemption of state or federal intellectual property rights, as a strategy for achieving other regulatory objectives, lacks nuance. For example, the Commission argued that no conflict of interest exists between protecting the commercial value of indices by charging licensing fees for their use and the Congressional objective of permitting

unlisted trading of listed securities by competing exchanges; it has simultaneously asserted the right to preempt state rights in information even in situations where such rights could be reconciled with its rulemaking objectives.

The Commission has also sought to create compulsory licensing regimes, through various enforcement mechanisms, settlement decrees or by judicial order. For wholesale market data transactions, the Commission has justified rate-setting exercises based on its statutory authority to approve the reasonableness of rates charged by self-regulatory organizations and to oversee the “national market system.” Because neither statutory mandate expressly confers authority to engage in ratemaking by any statutory metric (such as on a “cost-plus” basis), Commission “ratemaking” has historically been driven by negotiation among self-regulatory organizations (to the exclusion of other market participants) in the shadow of the Commission’s authority. The Commission has also experimented with formulas to allocate certain market data revenues among market participants based on the judgments about the quality of various categories of information.

More recently, the Commission has experimented with the regulation of selective disclosure of information under the rubric of “fair and reasonable” or “nondiscriminatory” access. Under such approaches, regulators would not oversee the rate-setting process but would be entitled to intervene in any denial of licenses to individual market participants on the basis of unfairly discriminatory criteria. Defining how the concept of “fair access” should apply in highly intermediated markets is problematic. When intermediation is not required for investor protection purposes, the question of fair access reduces to whether the creator of the information should be subject to a “duty to deal” with all potential end-users. When intermediation

is deemed necessary, such as to promote consolidation of market data, Commission policy must ensure that mandatory intermediation does not lead to abuses of market power.

A REGULATORY AGENDA

While there is no “grand unified theory” of securities regulation, critics of the SEC frequently lament the agency’s failure to articulate principles for securities disclosure and regulation. Many of the Commission’s deregulatory efforts have been modest in ambition, such as reforms of the public offering process and the dismantling of the more anticompetitive exchange rules held over from before the federal securities laws. At the same time, the Commission is aware that greater deregulation will be necessary as a result of structural changes. The demutualization and globalization of stock exchanges suggest that it may be easier to export rules grounded in universal norms of ownership and authorial integrity, rather than a set of regulations geared exclusively to a single set of market institutions. Where possible, the Commission should thus consider greater reliance upon private incentives, while using rule-making judiciously to address situations in which traditional conflicts of interest or fraud come into place.

First, the Commission should acknowledge that the rights of information owners under state law are not preempted except as expressly provided by statute or Commission regulations. The Commission’s mixed signals as to the proprietary rights of creators have led market participants to argue, as in Archipelago, that the preemptive scope of the federal securities laws reach further. Clarifying that Commission rules derogate from such common law rights, rather than supplant them, is a first step toward creating appropriate incentives for market participants. Where proprietary claims under state law are in

doubt—such as for indices—the Commission might use its regulatory authority to provide greater protection.

Second, the Commission should permit selective licensing or disclosure in a broader range of circumstances. Permitting creators of information to provide selective access to creator-defined categories, subject to Commission review, may be one way to address this issue. Where certain categories of information contribute to the formation of “downstream” information (such as the contri-

enforcement power or by default rules, as discussed further below.

Finally, the Commission should encourage the development of substitute goods by reconsidering regulations or regulatory policies that inhibit investor choice. At a minimum, rules that refer to particular information products must be revised to permit uses of all comparable products. In the area of indices and product design, greater opportunities for substitute goods may be created by relaxing rules that require specific offsetting of



WITH THE GLOBALIZATION OF SECURITIES MARKETS, IT MAY BE EASIER TO EXPORT RULES GROUNDED IN UNIVERSAL NORMS OF OWNERSHIP AND AUTHORIAL INTEGRITY, RATHER THAN REGULATIONS GEARED TO A SINGLE JURISDICTION’S INSTITUTIONS.

bution of company information to market prices or the contribution of market prices to index prices), the Commission should consider when intervention is necessary to manage the flow of information. More generally, the Commission should reconsider the respective roles of securities and antitrust law in policing access—particularly in areas where it is debatable whether ex ante Commission rulemaking or rule approvals are clearly superior to ex post antitrust enforcement.

Third, the Commission should also endeavor to encourage licensing or disclosure of information through negotiated bargaining. The licensing of market information, for example, is likely to take place among a relatively well-informed community of market participants and is therefore an ideal candidate for a bargaining framework. Standard-setting organizations may also be used as a proxy for end-users when bargaining costs with principal consumers would be excessive. Bargaining may, as today, be backstopped by the Commission’s

products, such as for minimum net capital requirements for broker-dealers and margining of customer accounts.

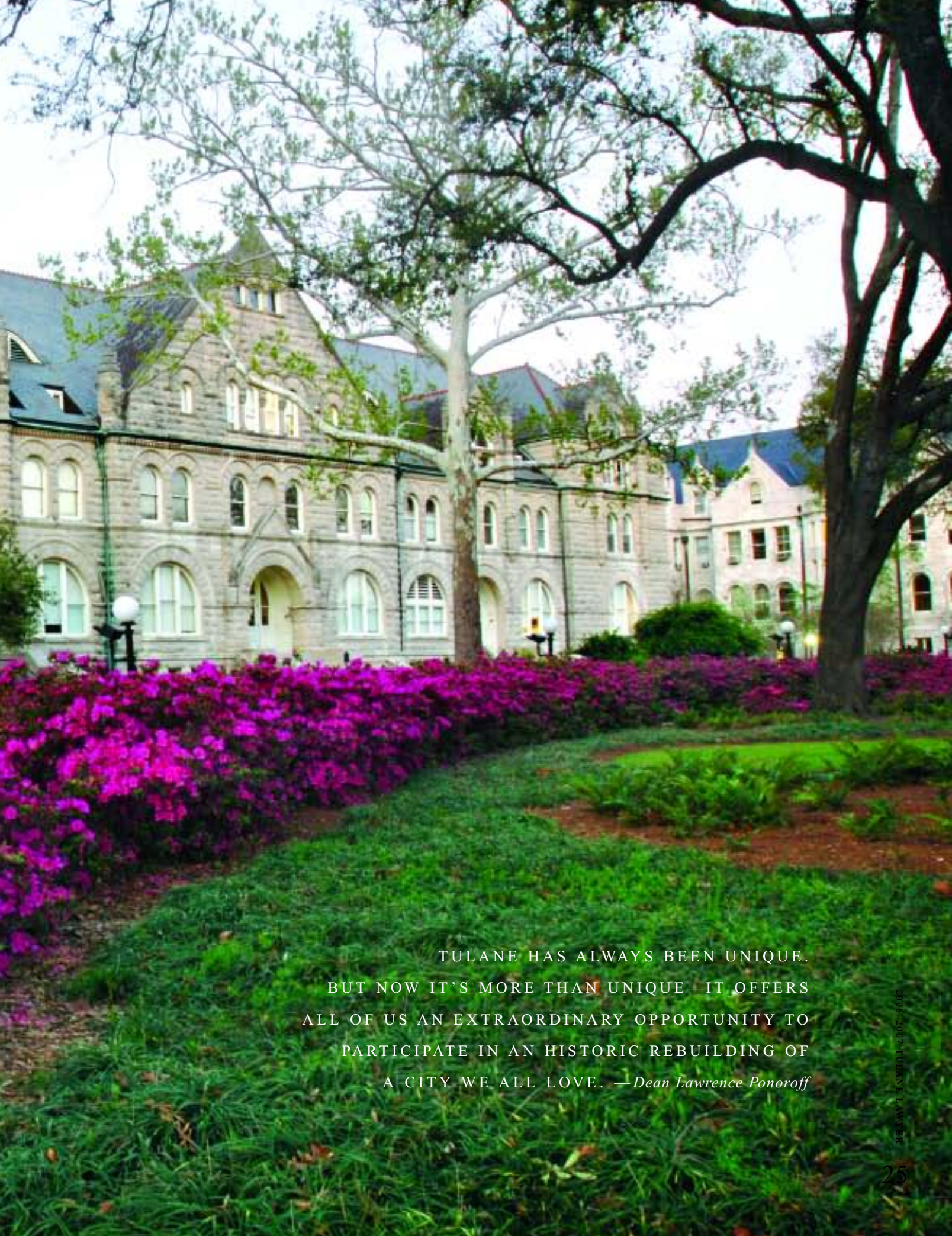
CONCLUSION

The Commission’s role in regulating information is one that has arguably been thrust upon it with little legislative guidance and buffeted with considerable political pressure over the past seven decades. Yet the Commission has dutifully explored ways to balance the interests of producers and consumers of information that will result in more efficient markets. A core statement of principles—such as those suggested herein—together with concrete efforts to experiment and to collaborate with emerging market participants, may go a long way toward clarifying expectations and encouraging the development of new information products.

This is a summary of an article slated to lead Volume 55 of the Buffalo Law Review.

RECESS FOR REFLECTION





TULANE HAS ALWAYS BEEN UNIQUE.
BUT NOW IT'S MORE THAN UNIQUE—IT OFFERS
ALL OF US AN EXTRAORDINARY OPPORTUNITY TO
PARTICIPATE IN AN HISTORIC REBUILDING OF
A CITY WE ALL LOVE. —*Dean Lawrence Ponoroff*



Adeno Addis has two forthcoming publications, “Constitutionalizing Deliberative Democracy in Multilingual States” in the *Berkeley Journal of International Law* and “‘Informal’ Suspension of Normal Processes: The ‘War on Terror’ as an Autoimmunity Crisis” in the *Boston University Law Review*. In September, Addis delivered a paper at a Boston University School of Law symposium entitled, “Extraordinary Powers in Ordinary Times.” He has been appointed to the advisory board of the journal *Human Rights and the Global Economy* and was one of three scholars appointed by the American Society of International Law to recommend three extraordinary international law authors.

Paul Barron has been named Tulane University’s vice president for information technology & chief information officer and interim senior vice president for academic affairs & provost.

Lloyd Bonfield’s contribution to the Nutshell Series, *American Law and the American Legal System in a Nutshell*, was published by Thomson-West. He also gave presentations at Faculty Colloquia at New York Law School and Loyola Law School in Los Angeles on “Filial Piety: A Comparative History.”

Jeanne’s Carriere’s article, “Cold Comfort: Law and Community in the Coen Brothers’ *Fargo*,” originally

published in *Utah Law Review*, has been published in a condensed version in a book of essays entitled *Screening Justice: The Cinema of Law* (Rennard Strickland et al. eds., Hein, 2006).

Alan Childress published a memorial tribute to David Gelfand, “Mentoring Up and Down” last year in *Tulane Law Review*. He and visiting professor Jeff Lipshaw started the Legal Profession Blog this past October as part of the Law Professor Blogs Network.

Martin Davies’ article, “Bypassing the Hague Evidence Convention: Private International Law Implications of the Use of Video and Audio Conferencing

Technology in Transnational Litigation,” has been accepted for publication in the *American Journal of Comparative Law*.

Mark Davis, founding director of Tulane’s new Institute on Water Resources Law and Policy (see page 10), was this year’s keynote speaker at annual meeting of the American Society for Environmental History. Davis has represented the Institute in interviews with the New Orleans *Times-Picayune*, *WWL Sunday Morning*, *FOX 8 News*, *WVUE News*, and the *Jim Brown* and *Garland Robinette* radio shows just to name a few. He was also an invited panelist at the Emergency Forum of City Officials on Rebuilding Infrastructure for a Sustainable Environment (sponsored by the City of New Orleans and the Ambassador of France) and has been invited to lecture at Middlebury College in Middlebury, Vermont, this April.

Raymond T. Diamond is the coauthor of “Public Safety and the Right to Bear Arms,” in *The Bill of Rights in Modern America After 200 Years* (2nd ed.) (forthcoming 2007).

Onnig H. Dombalagian’s article, “Licensing the Word on the Street: The SEC’s Role in Regulating Information,” is slated to lead Volume 55 of the *Buffalo Law Review*. A summary of the article can be read on page 20 of this publication. His last article, “Demythologizing the Stock Exchange,” which was published in the *University of Richmond Law Review*, has been reprinted in *West’s Securities Law Review 2006*. Finally, he participated this fall in a symposium at Brooklyn Law School entitled, “Securities Market Structure and Regulation: What Does the Future Hold?,” the papers from which will be published in the *Brooklyn Journal of Corporate, Financial and Commercial Law*.

John Eason presented his article, “The Restricted Gift Life Cycle, or, What Comes Around, Goes Around” at the

Conference on Nonprofit Law, Economic Challenges, and the Future of Charities, to be held at Fordham University School of Law in March. That article will be published in the *Fordham Law Review*. Additionally, he spoke on the topic of Medicaid asset transfer restrictions at Marquette University Law School’s second annual Symposium on Elder Law in March.

Gabe Feldman is the coauthor of a new sports law casebook, *Sports Law: Cases and Materials*, published by Carolina Academic Press. His co-authors are Michael J. Cozzillio, Michael Dimino and Mark S. Levinstein.

Robert Force published new supplements to *The Law of Seamen* and *The Law of Maritime Personal Injuries*, both co-authored with Martin J. Norris and published by Thomson-West. His article, “Shipment of Dangerous Cargo by Sea,” was published as part of a special maritime issue in *Singapore Academy of Law Journal* (2006), and will be published in the summer 2007 issue of the *Tulane Maritime Law Journal*. Other publications include “U.S. Maritime Law” in the *International Maritime and Commercial Law Yearbook* (2006), which was co-authored with Martin Davies, and a new edition of the *Handbook on Louisiana Evidence Law*, co-authored with George W. Pugh, Gerald A. Rault and Kerry J. Triche. In September 2006, Force delivered a paper titled, “Marine Pollution Under U.S. Law” at a Maritime Law Conference sponsored by the Institute of International Shipping and Trade Law at the University of Wales Swansea. Two months later he delivered a paper at the meeting of the Arbitration Committee during the fall meeting of the Maritime Law Association of the United States. The paper was based on data collected by Force and **Martin Davies** on the consequences of forum choice in arbitration clauses.

Joel Friedman was informed in March 2007 that he had been named the recipient of the prestigious Judge John Brown Award for his contributions to the Federal Judicial Center’s mission of judicial education. His article, “Gender Nonconformity and the Unfulfilled Promise of *Price Waterhouse v. Hopkins*,” was published in the *Duke Law Journal of Gender Law & Policy*. The second edition of his casebook, *The Law of Civil Procedure: Cases and Materials*, co-written with Tulane professor **Michael Collins** and Jonathan M. Landers, was published by Thomson-West in July 2006. He is finishing the sixth edition of *The Law of Employment Discrimination*, which will be published by Foundation Press in July 2007. Foundation Press also published *Employment Discrimination Stories*, a volume edited by Friedman and for which he wrote the introductory chapter. Friedman has been invited to make a presentation on teaching methodologies at a conference hosted by Roy Mersky and the University of Texas Law School in October 2007. In 2006, Friedman made presentations at a Duke Law School conference on Grooming Codes and Employment Discrimination; at the orientation program for newly installed U.S. magistrate judges on “Employment Discrimination Litigation,” at the U.S. Seventh Circuit Judicial Conference in Lake Geneva, Wis.; on “Recent Developments in Employment Discrimination Law”; and at the 24th annual Multi-State Labor & Employment Law Seminar on Recent Developments in Employment Law.

Stephen M. Griffin’s article, “Stop Federalism Before It Kills Again: Reflections on Hurricane Katrina,” was published in the *St. John’s Journal of Legal Commentary*. He also served as chair of the AALS Section on Constitutional Law for 2006.

Catherine Hancock’s article, “Origins of the Public Figure Doctrine in First

Amendment Defamation Law,” was published in April 2006 as part of a Defamation Symposium in Volume 50 of the *New York Law School Law Review*. She co-authored two first edition casebooks, both published in 2006: *Constitutional Law: Cases Materials, and Problems*, published by Aspen Publishers and *First Amendment: Cases, Problems, and Materials*, published by LexisNexis. The third edition of her co-authored casebook, *Criminal Procedure: Cases, Problems and Exercises*, was published by Thomson/West in January 2007. She delivered a talk in July at the 2006 Annual SEALS Meeting on “Integrating Skills Teaching in Criminal Procedure.” She also presented a paper on the curtilage doctrine, “Justice Powell’s Castle,” at the Criminal Procedure Discussion Forum, a conference of casebook scholars in the field, in December 2006 in Louisville.

Günther Handl has several new publications including “*Trail Smelter* in

Contemporary International Environmental Law: Application to Nuclear Energy,” in *Transboundary Harm in International Law: Lessons from the Trail Smelter Arbitration* (2006); “Transboundary Impacts,” in the *Oxford Handbook of International Environmental Law* (2007); “International Accountability for Transboundary Environmental Harm Revisited: What Role for State Liability?” *Environmental Policy and Law* (2007); a book review of R. Wolfrum, C. Langenfeld & P. Minnerop, eds., *Environmental Liability in International Law—Towards a Coherent Conception*, in *Review of European Community and International Environmental Law* (2007). In fall 2006, he delivered three papers: “International Accountability for Transboundary Environmental Harm Revisited: What Role for ‘State Liability?’” at the Second International Symposium of the Elizabeth Haub Foundation in Murnau, Germany; “Marine Protected Areas

Beyond National Jurisdiction: From Concept to Implementation?” at the annual meeting of the American Branch of the International Law Association in New York, N.Y.; “The Nuclear Non-Proliferation Regime: Towards Acceleration or Reversal of its Declining Effectiveness?” at the International Nuclear Law Association Regional Conference in Goslar, Germany. Handl is also a member of the National Academy of Science—Naval Studies Board. He will serve on the 2007 committee on “The 1,000-ship Navy—A Distributed and Global Maritime Network.”

Janet C. Hoeffel published her essay, “Deconstructing the Cultural Evidence Debate,” in the *Florida Journal of Law and Public Policy*. She presented a paper entitled “Rethinking the Low Point in the Supreme Court’s Right to Counsel Jurisprudence” at the annual Criminal Procedure Discussion Forum in Louisville, Ky., which is going to be published in the summer 2007 issue of

HEADLINERS

Pam Metzger responds to a flood of students headed to New Orleans to help rebuild the city’s Indigent Defender’s Program.

“I thought he said 17 students. And then he said, ‘No, 73.’ I sat down on the floor and started crying. All this time, we were waiting for people to come. And then I asked the law students, and they were ready and waiting. Help was there; we just had been asking the wrong people.”

The National Law Journal, “A ‘Big Easy’ mission that won’t be so easy: Law students amass for trips to New Orleans to help criminal defendants,” Dec. 6, 2006.

Jonathan Nash called New York’s new statute—which appeared to prohibit municipalities from seizing private property in a groundwater protection district—“very strange.”

“It’s narrow in the sense that it won’t apply in many areas, but it is a restriction on government taking,” [said Nash], adding that it could preclude governments from trying to acquire a

property for some reason, like historic preservation, in addition to protecting groundwater. “It’s narrow, but where it applies, it almost goes against the fundamental purpose of conservation.”

The New York Times, “Law Shuts Door on Open Space Gambit,” Aug. 27, 2006.

Mark Davis responds to being named director of Tulane Law School’s new Institute on Water Resources Law and Policy.

“It’s not just a matter of academic interest at this point. Years of work to save our coast and protect its communities have made clear that we need to do more than have good science and engineering on our side. We need to have laws, policies and decision-making processes that allow the best science and engineering to be put to work for us.”

The Associated Press, “Mark Davis leaving coastal coalition for new Tulane post,” Dec. 4, 2006.

the San Diego Law Review. She also co-authored the third edition of the casebook *Criminal Procedure: Cases, Problems and Exercises* (Russell L. Weaver et al eds., 2007). She was appointed by Louisiana Gov. Kathleen Blanco as a member of the Louisiana Indigent Defense Assistance Board.

Oliver Houck has published three new articles: “Can We Save New Orleans?,” *Tulane Environmental Law Journal*; “O Canada! Rafferty, Oldman and the Great Whale,” *Boston College International and Comp Law Journal*; and “Things Fall Apart: A Constitutional Analysis of Legislative Exclusion,” *Emory Law Review*. He also received the ABA Distinguished Environmental Lawyer Award for 2006.

David Katner has published “The Mental Health Paradigm and the MacArthur Study: Emerging Issues Challenging the Competence of Juveniles in Delinquency Systems” in the *American Journal of Law and Medicine*. “The Ethical Struggle of

Usurping Juvenile Client Autonomy by Raising Competency in Delinquency and Criminal Cases” will be published by the *Southern California Journal of Interdisciplinary Law*. Katner also was a panelist at the First Star Interdisciplinary Conference on The Rights of Children at the University of Florida School of Law. He has served on the Louisiana Law Institute’s Committee to Re-Draft the Louisiana Children’s Code that has revised provisions on the competency of children to stand trial. In addition, he has been invited to serve as a panelist at the upcoming University of Houston Law Center and ABA Children and Interdisciplinary Conference on Young Evacuees, Children and the Law After the Katrina Disaster.

Glynn Lunney is a newly minted PhD in economics, having successfully defended his dissertation.

Katherine Mattes, deputy director of the Tulane Law School Criminal Clinic, was invited to testify before the Louisiana House Committee on the

Administration of Criminal Justice. The bill at issue was HB 1290, which proposed that certain criminal defendants who are incompetent to stand trial due to mental illness or mental retardation be transferred to the custody of the Department of Public Safety and Corrections. Mattes testified in opposition to the bill, pointing out to the committee that incarceration of these defendants without a trial is unconstitutional. She noted that the current arrangement, in which these individuals are kept in parish jails, is also unconstitutional.

Jonathan Nash’s article, “Framing Effects and Regulatory Choice,” was published in the *Notre Dame Law Review*, and his essay “Prejudging Judges” was published in the *Columbia Law Review*. His article, “Trading Species: A New Direction for Habitat Trading Programs,” is forthcoming in the *Columbia Journal of Environmental Law*, and his essay, “The Illusion of Devolution in Environmental Law,” is forthcoming in the *Urban Lawyer*. Additionally, “Grandfathering and

Katherine Mattes says the lost or damaged evidence from Hurricane Katrina—such as a rusted gun that is no longer able to fire—could also make it harder for innocent people to shake off charges filed against them.

“What people say when you describe all the evidence problems is how terrible it will be if we have people who committed crimes and can’t be prosecuted. But it also can work the other way.”

The New York Times, “In New Orleans, Rust in the Wheels of Justice,” Nov. 21, 2006.

Tania Tetlow speaks out on the issues of battered women after Katrina.

“Delays in the court system make it all the harder for victims to go forward with prosecutions that are already pretty terrifying feats. And so some of our clients, because the system works so slowly, gave up in disgust, and ended up making the

choice to go back to the batterer and risk their lives, because they just gave up on the thought that anybody was going to help them.”

Nightly News with Brian Williams, MSNBC, “Battered by the storm after Hurricane Katrina, abused women’s shelter struggles to meet need,” Aug. 21, 2006.

Ed Sherman notes that unlike in Mississippi, there’s been no test case in Louisiana that’s found insurance companies unreasonable in their claims handling and put pressure on them to settle.

“Louisiana people were so taken up with the overall problem of the disaster that trying to pursue an insurance class action suit was not as high on the agenda as in Mississippi.”

The Times Picayune, “Lawsuit in Miss. stands in contrast to La. Neighboring state goes after insurers,” Jan. 30, 2007.

Environmental Regulation: The Law and Economics of New Source Review," which Nash co-authored with Dean Richard Revesz, will be published in the *Northwestern Law Review*. Nash's review of Nancy Scherer's book, "Scoring Points: Politicians, Activists, and the Lower Federal Courts Appointment Process," was published in *Perspectives on Politics, a Journal of the American Political Science Association*. Nash presented his paper, "The Unknowing Race to Capture," at the annual meeting of the Canadian Law and Economics Association at the University of Toronto Faculty of Law in September. In October, he presented, with co-author Rafael Pardo, "An Empirical Investigation of Appellate Structure and the Perceived Quality of Appellate Review" at the annual meeting of the Midwestern Law and Economics Association at Kansas University School of Law. Finally, in October, Nash presented his paper, "Taxes and the Success of Non-Tax Market-Based Environmental Regulatory Regimes," at the seventh annual Global Conference on Environmental Taxation in Ottawa, Canada.

Brooke Overby's article, "Consumer Protection in China After Accession to the WTO," was recently published in the *Syracuse Journal of International Law & Commerce*.

Vernon Palmer has published several articles and book chapters, including "The Customs of Slavery: The War Without Arms" in a forthcoming issue of the *American Journal of Legal History*; "The Eastern Face of Pure Economic Loss," a book chapter in *European Tort Law: Eastern and Western Perspective* (Mauro Bussani ed., 2006); a book review of Van der Merwe and Du Plessis' Introduction to the Law of South Africa, published in both the *South African Law Journal* and *Tulane European and Civil Law Forum*; a translation of Justice Guy

Canivet's "The Practice of Comparative Law by the Supreme Courts," published in the *Tulane Law Review*; and "On the High Road to Scotland with T.B. Smith," a book chapter in *Essays in Honour of Sir T.B. Smith* (Elsbeth Reid & David L. Carey Miller eds., 2006). His new book manuscript, "Pure Economic Loss—New Horizons in Comparative Law, co-edited with Mauro Bussani, is a 10-country study (all non-European) of this subject. It is now under consideration by several publishers. In the fall of 2006 he delivered papers at the Max Planck Institute (Hamburg), the University of Milan, the University of Mainz, the University of Bremen and the University of Hamburg.

Lawrence Ponoroff's article "Having One's Property and Eating it Too: When the Article 9 Security Interest Becomes a Nuisance" has been accepted for publication in the *Notre Dame Law Review*. The second edition of his casebook, co-authored with David G. Epstein & Bruce A. Markell and entitled *Making & Doing Deals: Contracts in Context*, has recently been published by LEXIS. Another article, co-authored with Judge Christopher Klein, "Principles of Preclusion and Estoppel in Bankruptcy Cases," has been published by *The American Bankruptcy Law Journal*. In February, Ponoroff delivered two lectures at St. John's Law School in New York: "The Limits of Bankruptcy Policy & Purposes: Religious Organization Filings," and "The Impact of Political & Economic Theory on Bankruptcy Reform: BAPCPA as an Example."

Stacy Seichsnaydre participated in a Young Scholars Workshop panel on July 19, 2006 at the Southeastern Association of Law Schools conference in Palm Beach, Fla. She presented a work in progress entitled "Theories Enmeshed: Disentangling Intent and Effects in Antidiscrimination Law."

Ed Sherman has published: "Class Action Fairness Act and the Federalization of Class Actions," in *Federal Rules Decisions* (2007); "Transnational Perspectives Regarding the Federal Rules of Civil Procedure" in the *Journal of Legal Education* (2006); "Class Actions After the Class Action Fairness Act of 2005" in the *Tulane Law Review* (2006); "Segmenting Aggregate Litigation: Initiatives and Impediments for Reshaping the Trial Process" in *Review of Litigation* (2006); "Mediation Training: Career Opportunities and Skill Formation for Other Occupations" in *ADR & the Law* (American Arbitration Association, 20th ed. 2006); "Civil Rights and Liberties in Military Service" and "Military Tribunals," in the *Encyclopedia of American Civil Rights & Liberties* (2006); and coauthored *Processes of Dispute Resolution: The Role of Lawyers* (Foundation Press 4th ed. 2006). He testified before the House of Representative's Commerce and Energy Committee at Hearings on Silicosis and Medical Screening in Wash., D.C., March 2006, and made presentations on "Model Case Management Proposals for Asbestos Litigation," for Federal Judicial Center, Wash. D.C., May 2006; "Ethical Issues in Class Action Litigation," at Class Action Symposium, U. of Missouri KC Law School, April 2006; "Class Action Fairness Act: How Has This Altered the Litigation Landscape?" at the sixth annual Class Action/Mass Tort Symposium, Louisiana State Bar, Oct. 2006; and "ABA Asbestos Task Force Proposals on Asbestos Litigation," for National Center for State Courts, Nov. 2006.

David Snyder will publish "Molecular Federalism and the Structures of Private Lawmaking," in a forthcoming edition of *Indiana Journal of Global Legal Studies*. A symposium edition of the *Tulane Law Review* was published under Snyder's leadership as chair of the AALS Section

on Contracts and included his introduction, "Go Out and Look: The Challenge and Promise of Empirical Scholarship in Contract Law." His article, "Private Lawmaking," which originally appeared in the *Ohio State Law Journal* in 2003, is being published in Mandarin translation by the Chinese journals *Folk Law* and the *Journal of Shandong University*.

Tania Tetlow co-authored an article with Brandon Garrett titled, "Criminal Justice Collapse: The Constitution after Hurricane Katrina," which was published in the *Duke Law Journal*. She also participated in a 2006 panel on Race, Economics and Katrina at the University of Virginia Law School's Conference on Public Service, and spoke at Harvard Law School about domestic violence issues in New Orleans. She has planned a series of regional strategic planning conferences on domestic violence at Tulane, bringing together the criminal justice and family court systems in South-eastern Louisiana to rethink domestic violence services after the storm.

Keith Werhan wrote the entry on "Separation of Powers," which will appear in the *Encyclopedia of Legal History*, published by Oxford University Press. His hornbook, *Principles of Administrative Law*, will be published as part of West's Concise Hornbook Series. He is at work on a book manuscript, *Athens and America: The Classical Foundation of the United State Constitution*. Most recently, he lectured on "Constitutional Limits on Presidential Signing Statements" at the American Constitution Society, and was a panelist at the Tulane Law School's Constitution Day program on Judicial Independence, and at the Tulane Journal of Law and Sexuality's symposium on marriage equality. Werhan serves on the Senate Committee on Education Policy and is the Chair of the Constitutional Law Drafting Committee, National Conference of Bar Examiners, which is responsible for drafting and selecting the

Constitutional Law portion of the Multi-state Bar Examination.

Mark Wessman's essay entitled, "Some Thoughts on Professor Kozyris' *Cauldron of Jurisprudence*" is forthcoming. It is a contribution to a *festschrift* in honor of P. John Kozyris, formerly of Ohio State and now professor emeritus at the Aristotle University of Thessaloniki.

Robert Westley was awarded the Louisiana Outside Counsel Health and Ethics Foundation Professorship in Legal Ethics and Professional Responsibility. He is currently working on his book manuscript, *Without Prejudice: Untimely Meditations on Race Slavery, Unjust Enrichment and Black Reparations*. His legal ethics essay, "What Would Make Atticus Finch Flinch?" was published in the inaugural volume of the *Florida A&M University Law Review* in spring 2006. His latest article on black reparations, "The Accursed Share," appeared in a symposium issue of the journal *Representations*, which was co-winner of first prize in the 2006 Modern Language Association competition for Best Special Issue. Westley gave the keynote address at the Martin Luther King Jr. Day celebration at DePaul University Law School. He also gave a lecture at Ithaca College's Black History Month Celebration, and was a panelist for the Black History Month Symposium at Northwestern University School of Law.

Joachim Zekoll's article, "Comparative Civil Procedure," was recently published in the *Oxford Handbook of Comparative Law* (Mathias Reimann & Reinhard Zimmermann eds., 2006).



AWARDS OF ENDOWED PROFESSORSHIPS

The following faculty were honored with endowed professorships:

Alan Childress, Conrad Meyer III Professorship in Civil Procedure

Harvey C. Couch, Judge Robert Ainsworth Professorship in the Courts and the Federal System

Glynn J. Lunney, McGlinchey Stafford Professorship

A. Brooke Overby, Judge Rene H. Himel Professorship

Robert S. Westley, LOCHF (Louisiana Outside Counsel Health and Ethic Foundation) Professorship in Legal Ethics and Professional Responsibility

DO-GOODERS

*Tulane Law Alums
Serving the Silenced*



In 1987, the late John Kramer, who served as dean from 1986 to 1996, led Tulane Law School to become the first ABA-approved law school in the nation to institute a program of mandatory community service in hopes he would help dispel the “bookend theory.” As Kramer once put it, “The theory goes that on opening day the dean tells students that they can change the world. On closing day at graduation the speaker stands up and says ‘go out there and do good.’ I believe in giving students that message in the middle.”

Beginning with the class of 1990, every Tulane Law School student has been required to complete a minimum of 20 hours of pro bono service (30 as of the class of 2009) under the supervision of an attorney and on behalf of disadvantaged clientele. The program has been adopted in whole or part by law schools

throughout the country and continues to thrive in post-Katrina New Orleans.

And as New Orleans has become ground zero for an unprecedented outpouring of assistance from around the world, it’s not hard to imagine other communities where the needs of people also are great and diverse—communities where the volunteered efforts of well-trained lawyers are not only welcome, but necessary.

This issue features the stories of just a few of the many alumni who have taken the Tulane Law experience back to their own communities and used the keys of legal training to open the doors of justice for those in need. Because of their genuine humility, they were reluctant to share their stories. After all, with the sense of community that Tulane instilled in them, doing ‘good’ was simply the thing to do.



WILLS FOR HEROES

"I spent days watching the news coverage of the 9/11 attacks and hours watching workers clear rubble from the buildings where I used to work before attending law school. I felt frustrated over the perceived inability to help. Then I saw the interview with Officer Lim and he uttered the words that changed my life. His words made it clear that each of us has something special we can, and should, offer to our communities."



Anthony C. Hayes ('95) conceived the "Wills for Heroes" program following the aftermath of 9/11. Hayes is a partner in Nelson Mullins Riley & Scarborough LLP in Columbia, S.C., where he practices in litigation.

ONE OF THE last survivors pulled from the wreckage of the attack on the World Trade Centers was Officer David Lim of the New York Port Authority Police Department. When interviewed on NBC's Today Show about the outpouring of support, he said, "You don't have to pick up a rock to help." Every person has something he can do to give back to his community. From that basic belief, the Wills For Heroes Program was born.

Shortly after hearing Lim's words, Anthony Hayes arranged a meeting with the local fire chief, Bradley Anderson, and members of his department to discuss the legal needs of first responders.

Hayes says he was shocked to learn that most of the fire departments around the country do not provide free estate planning to their first responders.

"First responders put their life on the line to serve and protect those same communities," says

Hayes. "Our obligation to protect those who protect us is clear, and the Wills for Heroes Program allows any lawyer to fulfill that obligation."

Created with the assistance of Hayes's firm, Nelson Mullins Riley & Scarborough LLP, the computer-based program enables lawyers from any practice area to draft a simple will, free of charge, for those first responders whose estate is valued at less than \$1 million. Individuals who require or want a more complex estate plan are directed to trust and estate experts.

By using software donated by LexisNexis, lawyers are able to provide

a personalized will to the first responder. Nelson Mullins launched the program in November 2001 as a community service project. In 2002, it was adopted by the South Carolina Bar as a Young Lawyer statewide program. In 2003, Hayes took the program to Virginia, where the State Bar Young Lawyers used it to help the men and women who responded to the 9/11 attack on the Pentagon. Hayes has since helped Georgia, Ohio and Arizona launch the program. Minnesota and Louisiana are scheduled to adopt the program this year.

Hayes and colleagues have formed the Wills for Heroes Foundation, a not-for-profit corporation. The goal is to provide the technical and financial support to bring the program to every state. To that end, the wills program will be an American Bar Association Young Lawyer's Division Special Project for 2007-2008.

"If I never accomplish another thing, it won't matter," said Hayes. "I have no doubt that the reason I went to law school was to bring the Wills for Heroes Program to our profession."

Wills for Heroes attorneys meet with first responders to draft and execute wills at an annual event held every Sept. 11 (since 2002) at the City of Columbia Fire Department.



THE 11TH HOUR

“For me, it all started with the community service requirement at Tulane Law. I signed on as a volunteer with the Orleans Indigent Defender Program, and was hooked from day one. I never looked back.”

Juliet Yackel ('92) started her career as a deputy to the Indiana Public Defender. Her first client out of law school was death row inmate Darnell Williams. She has represented Williams for 11 years, and has donated more than 1,000 pro bono hours to his case in the last year alone. She is currently an attorney and mitigation specialist in private practice in Chicago, Ill.



Juliet Yackel argues on behalf of her client, Darnell Williams, at his final clemency hearing just days before his scheduled execution.

*“HE’S ‘AT DEATH’S DOOR’— QUITE LITERALLY— WHEN THE PHOTO WAS TAKEN.”
—Juliet Yackel*



IN MARCH 1993, I got my first case when I was a state public defender in Indiana,” says Juliet Yackel. “Darnell

Williams was on death row and claimed he was innocent. I remember walking into the jail and he asked about my experience. I said, ‘You’re my first client,’ and he turned white as a sheet. We were the same age. His girlfriend wore the same dress as I did to the prom. I was sitting there saying to myself, ‘this guy is just a regular human being.’”

Williams’ journey through Death Row began on Aug. 12, 1986, when his foster parents were shot to death in their Indiana home. There were four people initially implicated in the killings but only Darnell was set to be executed, largely due to two drops of blood on his pants, which allegedly tied him to the victims.

When Yackel moved to Chicago she was permitted to take Darnell’s case with her into private practice. For the next several years, she filed appeal after appeal. By May 2003, she had zero victories in court

and was running out of appeals. Darnell’s execution date was set for Aug. 1, 2003.

Though it was determined that blood on Darnell’s shorts may not have been the victims’ after all, an appeal for DNA testing was denied by the Supreme Court of the state of Indiana in July 2003. Stories began to appear in *The New York Times*, *The Chicago Tribune*, and on National Public Radio. Even New York attorney Barry Scheck, the DNA evidence expert from the O.J. Simpson trial, came to Williams’ defense.

Just three days before Williams’ scheduled execution, then Indiana Gov. Frank O’Bannon granted Williams a reprieve to permit DNA testing.

In December 2003, DNA results showed that the blood on Williams’ shorts was not that of the victims. Gradually more evidence of his innocence surfaced. But in May 2004 the Indiana Supreme Court rejected the results of DNA testing and other compelling new evidence, and set another execution date of July 9, 2004.

The final countdown began, and Yackel found herself with little time left. She had one month to put her life on hold and

devote all her time to crisscrossing the state in search of new evidence and new witnesses. Even after assembling an unprecedented coalition of supporters, including the former trial prosecutor, six jurors and the minister who gave the eulogy at the victims’ funeral, no one knew

whether she’d have enough. Yackel sought the help of Northwestern Law’s Center on Wrongful Convictions (CWC), and they agreed to write the clemency petition and help her prepare for the June 28 clemency hearing before the Indiana Parole Board.

At the 11th hour, a key state witness came forward and recanted his testimony that Williams was involved, saying Williams was outside the victims’ home at the time of the murders.

On June 29, 2004, the Indiana Parole Board unanimously voted to commute Williams’ death sentence, and on July 2, 2004, just five days before the execution was scheduled, Indiana Gov. Joe Kernan granted Williams clemency from execution and commuted his sentence to life without parole. It was the first time in nearly half a century that an Indiana governor granted clemency.

“I never dreamed anything I ever did would create such change,” said Yackel. “It was a life-altering experience and changed the direction of my career from simply being involved in death penalty work to being committed to improving what we now know is a flawed system.”



LIFE & LIBERTY AT STAKE

“John Adams once described his part in defending the British soldiers involved in the Boston Massacre as ‘one of the most gallant, generous, manly and disinterested actions of my whole life, and one of the best pieces of service I ever rendered my country.’ Only now do I truly appreciate those words.”



Christopher Moore ('00), a lawyer at the New York firm Cleary Gottlieb Steen & Hamilton LLP, represented an Uzbeki detainee who has since been released. He has made four trips to the Guantanamo Bay detention camp and one to Albania at the firm's expense, to see his client freed.

AS HE WALKED across the tarmac toward the small prop-plane, Christopher Moore says he wondered what he had gotten himself into. Six months earlier, during a casual conversation with a partner in his law firm, he agreed to take on the pro bono representation of a Guantanamo detainee. Now, after hundreds of hours of litigation and months of background checks and interviews by the FBI, he found himself boarding a chartered plane bound for Gitmo.

“I knew very little about my client,” says Moore. “I knew that his name was Mr. Hasam, that he was an ethnic Uzbek, and that he had been taken into custody by U.S. forces in Afghanistan three years

earlier. I also knew that he was innocent.”

In response to Hasam's habeas corpus petition, the government had conceded that he was not an “enemy combatant” and was therefore entitled to release. The problem now was that the government was unable to find a suitable country for Hasam's release.

“Still, during that first flight to Guantanamo, I couldn't help but wonder whether it really was just a mistake and, if so, why our client was still there after all this time,” says Moore.

The following morning a soldier escorted Moore into an isolation unit in Camp Echo, a cluster of small windowless shacks surrounded by razor-wire.

“A man in white prison fatigues with a thick black beard sat in a chair across the room, staring at me blankly,” Moore remembers. “I walked across the room, extending my arm to shake his hand. He hesitated for a second and then smiled broadly and shook my hand. But as we sat down, he looked at me seriously. He

had a few questions of his own: Who are you, and why are you doing this? What attorney in his right mind would volunteer, free of charge, to represent an accused terrorist? It must be a trick.”

For the next few days Moore says he spent a great deal of time explaining to Hasam that in the United States it is a basic principle that any person whose life or liberty is at stake is entitled to receive competent legal representation and defense.

“The legitimacy of the American legal system and our reputation throughout the world as a free and just nation depends upon this,” says Moore. “And because attorneys are the only people authorized in our society to provide legal services, the private bar has long recognized that its members have an ethical and professional obligation to devote a portion of their time to representing those in need.” It would take time for Mr. Hasam to believe him.

The following year, Moore's litigation team contributed more than 2,000 hours to Hasam's case.

“I was in Albania with Mr. Hasam the day he was freed,” says Moore. “We sat outside a café and drank coffee. He told me his life story and thanked me for all that we had done. It hadn't been a trick after all.”

According to Moore, of the more than 400 men remaining in Guantanamo, only a handful will be tried by military commissions in which they will be afforded counsel and an opportunity to challenge the charges levied against them. “The remaining hundreds of men are to be held indefinitely, without charge, without trial, and with no basis to believe they will ever be released,” states Moore.

The attorneys who represent those men thus seek what Adams himself demanded more than 200 years ago: a fair hearing where the accused may be judged for their actions so that the guilty may be punished and the innocent freed. “These attorneys, like Adams, offer their services in the hope that we may prove to the world that American justice is not merely a term of convenience, but one of conviction.”

NOT A TYPICAL DAY IN THE OFFICE

“Three weeks ago, I went to argue in front of the New York Appellate Division on behalf of my pro bono client, Victor. On the panel there were seven judges questioning and prodding the various attorneys. Nervous and excited, I was there to argue an important issue regarding standards and guidelines the New York Police Department should follow when conducting on-scene inventory searches. This is not a normal day in the office for me. Working at DLA Piper, my typical client is a Fortune 500 company, and my work involves complex issues of product liability law, business decisions, and international diplomacy. But [that day] I was defending a soft-spoken, Hispanic man in his 20s who used to live in Spanish Harlem. Now he resides in the New York State Correctional Facility.”



Christopher C. Land ('02) commits extensive pro bono hours working for criminal appeals with the New York Legal Aid. An associate with DLA Piper US LLP in New York, Land has received the New York City Bar Association's award for doing at least 50 hours of pro bono work.



CHRIS LAND first met Victor in May 2005.

In the area for another client's deposition, Land had time to stop off at the correctional facility to interview Victor. When Land arrived at the state prison that spring day, he recalls the correctional officer laughing while greeting him. Victor had told him that his attorney was visiting, and he was surprised because very few attorneys ever came to visit their clients in upstate New York.

Land, however, “found this visit very helpful in actually clarifying the client's goals in the case and important in developing and making material the facts of the case.” Victor explained what had happened the day he was arrested—how he was pulled over for a motor vehicle violation and the arresting officers searched his car and uncovered illegal drugs in the trunk—and how he was trying to make his life better and get into a drug treatment program. He asked Land questions

on the procedures of an appeal, and of course the common question, “What are my chances of winning?”

Land was reminded of Pam Metzger's Criminal Clinic Seminar at Tulane where they discussed the criminal defense attorney's duties to the client, achieving the best resolution for clients and their goals, duties to the court, and how these various duties play out in the grander scheme of criminal justice.

The visit demonstrated to Land how important the role of pro bono work is in the system of justice. “Dedication to pro bono work is something that was developed and nurtured while at Tulane. Not just from the pro bono hour requirements, but also from the importance of the Tulane criminal and civil clinics,” he said.

As he stepped up to the podium in the Appellate Division, Land remembered his first oral arguments while in the Tulane criminal clinic. He recalls, “When the questions came from that panel, and they were tough, I was prepared and hopefully effective. After 10 minutes of a grueling



fight, I sat down satisfied that my experience helped me make a good strong argument before the Court.”

Though he has not yet heard the decision of that case, he has spoken to Victor many times. “While he hopes to win,” says Land, “what was really important to him is that there was an attorney fighting for him, making his argument, saying to the court that there are questions that should be reviewed. He was grateful that there was someone there doing it for him.”



GLIMPSE OF COURAGE

Ryan Pierce told us the story of Yvette Lopez (pseudonym). She had been educated at, among other places, Harvard, and had worked as a speechwriter for a high-level Colombian politician. It was her work as an investigative journalist, however, that led her to need a lawyer in Texas.



Ryan Pierce ('01), an attorney with Reeves & Brightwell in Austin, Texas, has substantial pro bono experience representing foreign journalists seeking asylum in the United States.

AS YVETTE Lopez told Pierce of an assassination attempt on her and her son's life, he admits thinking about his lack of lawyering experience. "I had no experience representing individuals facing deportation back to a country they had narrowly escaped. But as I sat there listening to her story, I was proud to be a lawyer," said Pierce.

Lopez's story was compelling. An investigative journalist in civil-war ravaged Colombia, she had infiltrated the most dangerous of Colombia's paramilitary groups. When commanders with the

United Self-Defense Forces of Colombia (AUC) discovered that she had been interviewing suspected guerrilla collaborators, a group of armed AUC soldiers surrounded her home. Lopez and her son hid in a closet as the soldiers were chased away by armed neighbors. Soon after, Lopez received a call from an AUC leader, warning her that next time she and her son would not escape. Leaving behind her parents and virtually everything she owned, Lopez and her son fled to Texas.

Once in the United States, Lopez filed her own papers seeking asylum protection but lost at the first level of review. The Human Rights Initiative of North Texas then asked Pierce and another young associate to represent her before the immigration court. To satisfy the burden that Lopez had a well-founded fear of future persecution due to her political

beliefs, the two lawyers spent countless hours tracking down evidence. To further show that the persecution was a result of Lopez's political beliefs, the two argued that the work of an investigative journalist in the midst of war inherently manifests a political opinion.

Colombia has been ravaged by a decades-long civil war, pitting right-wing paramilitary groups against leftist guerrilla groups. As a result, Colombia has long been recognized as one of the world's most dangerous places for journalists.

After months of preparation, Pierce and the other attorney went to trial. After direct examination, the government's lawyer conceded the case and the judge granted Lopez and her son asylum protection.

Pierce says that watching Lopez hug her son after the judge's ruling was, and likely always will be, the most satisfying moment of his legal career.

Pierce has had his share of defeats, too. He helped represent Ahmad Ellis (pseudonym), a journalist from Pakistan who published his own newspaper that frequently criticized Islamic extremists. A husband and father of two, Ahmad sought asylum protection in the United States after he was held and tortured to near death by a radical group targeted by the paper.

As he did in Lopez's case, Pierce spent months tracking down evidence. He was confident he would win and shocked and disappointed when he didn't. "Just as I had never been happier than when Lopez won, I had never been more devastated than when Ahmad lost," said Pierce. "Even in defeat, Ahmad was sincerely thankful for our representation, and luckily, we were able to find him a well-respected appellate attorney, and Ahmad won on appeal."

"I feel that I caught a glimpse of what real courage is like from these clients," says Pierce. "And they reminded me that sometimes only a lawyer—even an inexperienced one—is the best chance an individual has at a more even playing field."

THE FIRST CLIENT

Robert Lancaster found law school interesting, but never felt truly inspired. Even during his first two summers as a clerk on death penalty cases, nothing hit home until, as a third-year clinic student, he sat down with his first client in her dilapidated shotgun rental in the Lower 9th Ward.



Robert Lancaster ('93) tells how one Tulane Law School experience persuaded him to use his life to instill the value of community service in students.

An associate clinical professor of law at Indiana University School of Law-Indianapolis, he currently teaches in the Civil Practice Clinic as well as a course on wrongful convictions.

It was a sagging shotgun with a cracked stoop, broken shutters and chips of paint clinging to the wood siding. A kitchen fire several years ago rendered the rear rooms uninhabitable. She was left with only the front two rooms, and they were charred, water stained and smelled of soot and mildew. She had complained to her landlord for years, but it did little good.

“She didn’t want to move,” said Lancaster. “It was her home, the rent was affordable and she could live in the front two rooms sleeping on the sofa and cooking on a hot plate.” Despite the fact that most of the houses were vacant, teenagers were hanging all over her stoop and the street was full of people.

“When I arrived, she swung her door open and swatted, kicked, and cursed away those hovering on her steps,” recalls Lancaster. “I could tell that she had cleaned the rooms in anticipation of my visit. Most telling was the long-stem plastic rose stuck through the mouth of an empty beer bottle prominently placed on her coffee table.”

Lancaster said he hoped he would discover facts through the client or witnesses that he could use to present a theory of self-defense. However, her story, along with that of the few witnesses he located in the neighborhood, didn’t offer much in that regard.

“The client had her own story that she wanted told: she had lived in this neighborhood all of her life and watched the increase of violent drug and gang activity and the corresponding decrease of police protection. She talked about how she had to be home

by sundown because she did not want to be out on the streets at night. She said her street was a main drug thoroughfare and dealers would hide their stash in cracks around her stoop and congregate there to make transactions.”

The client told Lancaster how the thugs would threaten her if she complained to them directly.

“She felt imprisoned, abandoned, frustrated, and angry,” he says. “Then late one night she reacted by charging out of her door swinging a butcher knife. She felt her behavior was reasonable given the choices available in her circumstances. The catch was that she now faced aggravated assault charges.”

Lancaster realized the impact that loss of control can have on the behavioral choices people make. And that even though his client was eventually convicted as charged, the value and significance of the client-attorney relationship was not defined simply by whether or not the client is found guilty.



WHEN ASSIGNED to his first client, Lancaster says she was initially little more to him than a file of papers presenting a defendant charged with aggravated assault, accused of intentionally stabbing a man on the stoop of her house.

“My two years of law school immediately kicked in,” says Lancaster, who was a third-year clinic student at the time. “I was saying to myself ‘think like a lawyer—pull the statute, research the law, review the facts, spot potential constitutional issues and defenses, begin building a case theory.’” Only after meeting the client, seeing the context of her life, and hearing her story did the enormous responsibility of actually representing her kick in.

The client had been released on her own recognizance, so Lancaster met her at her rented house in the Lower Ninth Ward. “I pulled up in front of her house and thought, ‘maybe I should have asked her to come to the Law Clinic.’”



THE CLASS OF 1937



James Coleman sits back and reminisces as Dean Lawrence Ponoroff dedicates a plaque portraying a reproduction of the March 7, 2002, Times Picayune article that honored the class of 1937 following their 65th reunion. The article, entitled "It was a very good year: The illustrious class of 1937 reunites," now adorns the walls of the Berkett Multipurpose Room on the first floor of Weinmann Hall.

It was a very good year



The class of 1937—Gordon B. Hyde, James J. Coleman Sr., Moise S. Steeg Jr., Marian Mayer Berkett and Edward F. Stauss Jr.

CLASS NOTES

1968

Horace (Topper) A. Thompson III has been appointed by the president to serve a six-year term on the Occupation, Safety and Health Review Commission.

1969

G. Hamp Uzzelle III has been included in the *2007 Best Lawyers in America*** list for Maritime Law. Hamp is a partner in Hand Arendall law firm's Mobile, Ala. office and practices in the areas of general admiralty law, concentrating in matters dealing with the towing and offshore oil industries and commercial aspects of international trade.

1972

This past December, **Clinton W. ("Wes") Shinn** was appointed as interim dean and first chief operating officer of the Appalachian School of Law, where he serves as tenured professor of law.

Robert L. "Bob" Manard was named to the top 50 lawyers in New Orleans in *CityBusiness Leadership in Law* publication.

Colvin G. Norwood, Jr. (McGlinchey Stafford) was recognized as one of Louisiana's 2007 Super Lawyers* in the field of personal injury defense: products.



1974

Henri Wolbrette III (McGlinchey Stafford) was recognized as one of Louisiana's 2007 Super Lawyers in the field of personal injury defense: products.



Stephen E. Brown, from the Birmingham firm of Maynard, Cooper & Gale, P.C., was selected by his peers to be included in the 2007 edition of *The Best Lawyers in*

America for the practice areas of Labor and Employment Law and Workers' Compensation Law.

1975

Kenneth A. Weiss (McGlinchey Stafford) was recognized as one of Louisiana's 2007 Super Lawyers in the field of estate planning and probate. In addition, the magazine listed Kenneth as one of the Top 50 Attorneys in Louisiana.

Sanford V. Teplitzky was recognized as one of Maryland's 2007 Super Lawyers. He is currently at the law firm of Ober Kaler in Baltimore, Md.

1977

Constance C. Willems (McGlinchey Stafford) was recognized as one of Louisiana's 2007 Super Lawyers in the field of business litigation.

1978

Robert B. Neblett III was selected as one of the 2007 Best Lawyers in America. He was named to the list in the field of commercial litigation. He currently practices with Jackson Walker, one of the oldest and largest Texas-based law firms.

1981

Donna Klein, the managing partner of McGlinchey Stafford's New Orleans office, was honored in November by *New Orleans CityBusiness* as one of the "2006 Women of the Year." Additionally,



she was recognized as one of Louisiana's 2007 Super Lawyers, and has been selected as one of the Best Lawyers in America in Health Care each

year since 1991. She serves as the chair of the firm's multi-office healthcare practice and as the marketing partner.

1983

John M. Pellecchia (Riker Danzig Scherer Hyland & Peretti, Morristown, NJ) was elected vice chairman of the State Law Resources, Inc. (a national network of independent law firms) in January. John is the senior partner of his firm's Government Affairs Practice group. He has represented clients before the executive, legislative and judicial

branches of government for more than 20 years. Additionally, he has been recognized for legal excellence in the 2007 edition of *The Best Lawyers in America* in the field of government relations law. He previously served as assistant counsel to New Jersey Gov. Thomas H. Kean.

James A. "Trey" Blalock III, a partner in the business section at Williams Mullen in D.C., was recognized among the area's "Legal Elite" by *Washington SmartCEO* magazine for the second year in a row. He was also recognized by the *Washington Business Journal* as a finalist for "Top Lawyer in Corporate Finance."



Memphis-based law firm Lewis Fisher recently welcomed **Thomas W. "Tom" Lewis** as a new partner. Tom is a member of the Tennessee Bar Association, Louisiana Bar Association, Memphis Bar Association and the Defense Research Institute. In addition, he is certified as a civil trial specialist by the Tennessee Commission on Continuing Legal Education and Specialization and the National Board of Trial Advocacy.

1984

Robert "Andy" Taggart Jr. recently co-authored his first book, *Mississippi Politics: The Struggle for Power, 1976-2006*. Robert, a long-time Republican and chief of staff to former



Republican Gov. Kirk Fordice, collaborated on the work with Jere Nash, a liberal Democrat and chief of staff to former Democratic Gov. Ray Mabus.

1985

Jon E. Abramczyk, a partner from the Wilmington law firm Morris, Nichols, Arsht & Tunnel, was recognized for legal excellence in the 2007 edition of *The Best Lawyers in America*. He was named to the list in the field of corporate law.

Lois V. Ragsdale was named “Woman Lawyer of the Year” by the Jacksonville Women Lawyer’s Association in June 2006.

1986

Susan M. Tyler (McGlinchey Stafford) was recognized as one of Louisiana’s 2007 Super Lawyers in the field of real estate.

1987

Steven R. Jacobs was selected by his peers for inclusion in *The Best Lawyers in America 2007*. He was named to the list in the field of commercial litigation. A partner in the business transactions section of Jackson Walker, Steven focuses on securities transactions, reporting and compliance, mergers and acquisitions and general corporate work.

Alan J. Stone, a partner from the Wilmington law firm Morris, Nichols, Arsht & Tunnel, was recognized for legal excellence in the 2007 edition of *The Best Lawyers in America*. He was named to the list in the field of Commercial Litigation and Corporate Law.

1988

A. Elizabeth (“Lizz”) Patrick was named to the high-profile Governing Committee for the American Bar Association Forum on the Construction Industry. The Governing Committee is composed of the officers of the forum and 12 members-at-large, who serve three-year terms. Lizz has also accepted



an invitation to join the American Arbitration Association’s (AAA) prestigious National Panel of Neutrals, where she will

serve as a mediator or arbitrator in construction-related matters. Membership in this panel is only offered to a few select individuals each year.

Gary F. Seitz has joined Rawle & Henderson as a partner in the firm’s Philadelphia office. Gary concentrates his practice in the areas of commercial bankruptcy, commercial litigation and admiralty and maritime law. He serves as a chapter 7 panel trustee in the United States Bankruptcy Court for the Eastern

District of Pennsylvania and acts as trustee in chapter 7 and chapter 11 cases in the Eastern District of Pennsylvania and the District of Delaware.

1990

Robert S. Eitel has been appointed deputy general counsel of the U.S. Department of Education. In this post, he supervises the Division of Business and Administrative Law and the Legislative Counsel Division of the U.S. Department of Education in Washington, D.C. Prior to this appointment, he served as senior counsel to the general counsel of the department. He resides in Alexandria, Va., with his wife and son.

1991

Jaye A. Calhoun (McGlinchey Stafford) was recognized as one of Louisiana’s 2007 Super Lawyers in the field of Tax.

David Bates, representing the West Palm Beach office of Gunster Yoakley & Stewart, Pa., was selected for inclusion in the 2007 edition of the *Best Lawyers in America* for his practice of technology law.

1992

Lorena Dumas-Guntner, MD, JD, MPH completed her residency training in January. She has been appointed as an instructor of anesthesiology in Tulane’s Department of Anesthesiology.



Reunions, from left:
Class of 1961,
Class of 1960

Brendan Dooley became an associate with the law firm of De La Housaye & Associates in July 2006. Headquartered in Walnut Creek, Calif., Dooley will represent individuals and companies in the area of complex commercial litigation and general civil litigation.

1993

John F. Hawkins of the Baria Hawkins & Stracener law firm in Jackson, Miss., has been elected president of the Mississippi Trial Lawyers Association for 2006–07.

Robert Lancaster, associate clinical professor of law at Indiana University School of Law–Indianapolis, has recently been appointed director of the China Trial Advocacy Institute, a joint project between Indiana University and Renmin (People’s) University in Beijing.

1994

Theresa Marie Law and her husband, Robert Law, celebrated the first birthday of their child, Robert Ulysses Law, in January. They live in Baltimore.

David Glogoff and **Christina Mason Glogoff** are proud to announce the birth of their third child, Gavin. He joins siblings Gray, 6, and Lauren, 4. David is deputy general counsel at Vertis Communications and Christina is deputy attorney general for the State of New Jersey. They currently live in Pennington, N.J.

John Timothy “Tim” Griffin was sworn in as the 43rd United States attorney for the Eastern District of Arkansas on Dec. 20, 2006. He serves under an attorney general appointment. His office is in Little Rock, Ark. Prior to this appointment, Tim served as a special



assistant U.S. attorney in the Eastern District of Arkansas. He recently completed a year of active duty in the U.S. Army, and is in his 10th year as an officer in the U.S. Army Reserve, Judge Advocate General’s Corps (JAG), holding the rank of major. In May 2006, Tim was assigned to the 501st Special Troops Battalion, 101st Airborne Division and sent to serve in Iraq. From May through August 2006, he served as an Army JAG with the 101st Airborne Division in Mosul, Iraq, as a member of the 172d Stryker Brigade Combat Team Brigade Operational Law Team, for which he was awarded the Combat Action Badge and the Army Commendation Medal.

1995

Erica S. Perl has published her second children’s book, *Ninety-Three in my Family*, and it has been selected as a Book Sense Fall 2006 Children’s Book Pick. She currently resides in Washington, D.C.

Ian R. Alexander and his wife, Suzanne, had a baby boy, Jonah Benjamin, on Sept. 1, 2006. Ian admits he has already doomed his son to a life of heartbreak and frustration by placing a Cubs hat on his newborn head within a minute of his birth.

James Thelen, a labor and employment attorney with Miller, Canfield, Paddock and Stone, was named president-elect and director of professional development of the Human Resource Management Association of Mid-Michigan for 2006–07. James will serve as president and past-president, respectively, in the following two years. He resides in DeWitt, Mich.

1996

Nicholas Tsoudis has joined the Legal & Compliance Department of Bear Stearns Asset Management in New York.

Ugo Colella is now a partner at Katten Muchin in Washington, D.C.

Kimberly (Colliet) Wesley and Curtis Wesley celebrated the first birthday of their daughter, Ellis Grace, this past



Reunions, from left: Class of 1976, Class of 1981, Class of 1986

December. She says big brother Evan, 4, is also happy with the new addition. Kim is an appellate prosecutor in the Tarrant County Criminal District Attorney's Office in Fort Worth, Texas.



Paul Aubert was elected a shareholder of Winstead Sechrest & Minick. He works in Winstead's Woodlands office serving clients in the corporate/securities and biotechnology practice groups.

1997

Amy Knoll Lashmet and husband Paul Lashmet are thrilled to announce the birth of their son, Sebastian Eisin Lashmet, on Jan. 5, 2007. Mother and baby are both happy and healthy!



Ali Abazari has joined the Legislative and Regulatory Group of Jackson Walker law firm in Austin, Texas. He was previously with Lloyd Gosselink's Energy and Infrastructure Practice Group in Austin. Ali is a member of the State Bar of Texas (Section on Environmental Law and Natural Resources Law), the Austin Bar Association (Section on Administrative Law), and the Austin Young Lawyers Association.



Claire Jenkins Porter and her husband, Stephen, welcomed their second child, Nicholas Jenkins Porter, on June 1, 2006. They currently reside in Iowa.

Kimberly Ayers Shariff married **Viqar Shariff ('95)** and recently welcomed daughter, Inaya, to the family. Viqar is a partner with Clifford-Chance in New York.

Whitney Kelly Gaskell published her fourth novel, *Testing Kate*, which follows Kate Bennett through her 1L year at Tulane. Gaskell lives in Stuart, Fla. with her husband, **George Gaskell ('97)**, and son, Sam.

1998

Valerie Ellis joined the international law firm Vinson & Elkins this past November when it significantly expanded its international trade law practice. Her practice focuses on a range of U.S. laws that affect cross-border trade and investment, including antidumping, countervailing duty, escape clause relief (Section 201), customs, and laws involving export controls and national security implications of foreign direct investment in the United States. Valerie has represented companies and governments from Argentina, Brazil, Canada, Chile, China, India, South Korea, Thailand, the United

Kingdom, and Vietnam. Her sectoral expertise includes the agriculture, aquaculture, lumber, manufacturing, steel, and technology industries.

Julie A. Nelson was appointed deputy maritime administrator by President George W. Bush in Oct. 2006. She now resides with her husband in Columbia, Md.

Karen Waters Shipman was elected as a partner in the New Orleans firm, Kean Miller Hawthorne D'Armond McCowan & Jarman in January. She practices in the admiralty and maritime, energy, and construction practice groups.

Gregory D. Latham has been elected to partnership with Jones Walker. He is part of both the Business & Commercial Litigation and Business & Finance Practice Groups in the firm's New Orleans office. His practice focuses on intellectual property and entertainment law, including trademark, patent, copyright and trade secret litigation. He is the current chair of the intellectual property section of the Louisiana State Bar and has served as an officer with that organization since 2001.

David C. Hesser started a solo private practice—Law Office of Mario Gintella—on Oct. 1, 2006, in Alexandria, La. The firm focuses predominantly on



criminal defense with general practice as well. David's article titled "Team Mediation: An Interdisciplinary Model Balancing Mediation in the 'Matrix'" was recently accepted for publication by the *Pepperdine University Law School Dispute Resolution Law Journal*.

Elizabeth Mackenzie and Daniel Cody were married in Napa, Calif., on Sept. 9, 2006. Tulane Law alumni in attendance included Kathy O'Neill, Gary Merson, Chip Parsons, Jason Holleman and Margaret Holleman. Elizabeth is an attorney with Coombs & Dunlap in Napa, and Dan is an attorney with Reed Smith in its San Francisco office.

Brian Kilmer was admitted (effective Jan. 1, 2007) into the partnership of the law firm of Akin Gump Strauss Hauer & Feld, LLP. He lives in Dallas, Texas with his wife **Melanie Singh-Kilmer** ('98) and their two sons, Sebastian and Zachary. Brian's legal practice focuses on representing unsecured creditors' committees, debtors and secured creditors in complex chapter 11 bankruptcy cases and out-of-court workouts.

Michael Karno was promoted from legal associate to legal partner with the title of senior counsel, business markets, within the BellSouth Corporation Legal Department in Atlanta, Ga. Michael has been with BellSouth since April 2003.

Shelley L. Poore has been elected to partnership with Jones Walker. She is in the Real Estate Practice Group in the firm's New Orleans office. Her practice areas include commercial lending and finance, and real estate: land use, development and finance.



1999

Christopher S. Mann has been elected to partnership with Jones Walker. He is in the Admiralty & Maritime Practice Group in the firm's New Orleans office. His practice is predominately litigation, with a focus on admiralty and maritime, workers' compensation, products liability and insurance defense.



Joshua M. Rosen recently joined Cozen O'Connor's Seattle office as an associate in the firm's insurance department. Joshua concentrates his practice in the areas of construction defect, general liability, insurance coverage claims/litigation, premises and security liability, and products liability.

Trevor Bridges has been elected to the partnership of Shook, Hardy and Bacon, a prestigious international defense firm. Based in the



firm's Geneva, Switzerland office, Trevor's primary practice is product liability litigation. Since graduating from Tulane he has served on legal teams engaged in multi-billion dollar lawsuits and has a broad range of litigation experience related to individual claims, class actions, consumer protection claims and suits brought by government entities against private industry.

Runako T. Kumbula was recently promoted to the appointment of government fraud prosecutor for the Office of the Attorney General for the District of Columbia. In this position, Runako is the sole attorney responsible for prosecuting election, government employee, and professional licensing fraud. Additionally, she prosecutes government contractors, vendors and employees who violate the District of Columbia False Claims Act. She joined the Office of the Attorney General in Oct. 2005. Prior to that, she was an assistant district attorney for Orleans Parish.

Richard B. Gantt is now with the suburban Chicago firm of Plumert, Piercey, MacDonald & Amato where he heads the firm's domestic relations practice.

Allyson Hancock Kinzel has been elected to the partnership of the national law firm of Baker & Hostetler. She will be located at the firm's Houston office as a member of the business group, concentrating her practice in healthcare matters.



Left: From the class of 1986, David Keiser, Douglas McKeige, Felipe Restrepo, Anthony Gelderman, Angela Paolini Ellard, David Rubin and Anthony Steigler.

Right: From the class of 1961, Maumus T. Claverie, C. Alan Hennessey and Phillip Wittman.



2000

Debra M. Levy has been elected to partnership with Jones Walker.



She is in the Real Estate Practice Group in the firm's Houston office. She practices in the area of real estate: land use, development and finance.

Dita McCarthy began work this past August with the AARP Foundation on a one-year Katrina recovery project to help the elderly. Dita describes the project as "a one-year leave of absence from the law to help people in rebuilding and recovery from the hurricane." She also serves on the board of directors of two area Long Term Recovery Organizations assisting them with legal issues faced by new non-profits. Until August of this year, Dita served as director of a state-wide Fair Housing Enforcement project with Mississippi Center for Legal Services. She currently lives on the Mississippi Gulf Coast.

Bonnie Lowe Jones has joined the law firm of Jarrard & Davis, L.L.P. located in Cumming, Ga. The firm specializes in representing various governmental entities and currently holds the contracts for several local counties as well as various county boards and commissions. She will continue to specialize in civil litigation.

Staley Heatly was elected as district attorney of the 46th judicial district in Texas this past November. He and his

wife Meg have a son, Oliver, who turned one this past December.

John Misso and Kristin Gasser Misso welcomed the birth of their daughter, Eva Annika Misso, on Oct. 6, 2006. The family resides in Houston, Texas, where John recently completed an MBA program with a concentration in finance



through Tulane's executive program in Houston, and Kristin is in-house counsel for Total Safety US, Inc. On Jan. 1, 2007, John was promoted to senior tax attorney in ExxonMobil's Tax Law, appeals and litigation group.

2001

Julie Caruso Haines married Christopher Haines in St. Louis, Missouri on Oct. 21, 2006. Jenny Minvielle D'Albor and Beth Abramson



(*01), attended the wedding. Chris is a major and Julie is a captain in the U.S. Army JAG Corps. They are stationed at Ft. Bragg, N.C.

Manuel Sosa started her second year as adjunct professor of maritime law at the University of Puerto Rico School of Law. She is still practicing full-time with fellow law alumni Luis N. Saldana (*92), Ian P. Carvajal (*95), and Antonio Bayon (*01) at Saldana & Carvajal, P.S.C.

Ryan M. Pierce has recently joined the Austin litigation firm of Reeves & Brightwell. He is a civil litigator with experience representing clients in trial and appellate courts across the country. He clerked for Justice Harriett O'Neill of the Texas Supreme Court and for Judge Michael W. Mosman, a federal district judge in Oregon. As a practicing lawyer, Ryan previously served as an appellate associate at Vinson & Elkins LLP and then as a litigation associate at the Washington D.C. firm Wilmer Hale.

Ulf Starke joined HSBC Trinkaus und Burkhardt AG in Düsseldorf, Germany, in July 2006. HSBC Trinkaus und Burkhardt AG, a member of HSBC Group, is a private bank with a history going back to 1785. Ulf will work in their corporate, investment banking and markets department. Prior to joining HSBC Trinkaus und Burkhardt, Ulf was an associate with Linklaters in Frankfurt am Main, Germany.



Above: Hon. Yvette Kane (L '76); Jay Kern (L '76); Dean Ponoroff; Robert Rainold (L '76) and Michael McNulty (L '76). Right: Class of 1996



2002

Jennifer Brown received the United States Department of Justice Tax Division Outstanding Attorney Award for 2006. She resides in Washington, D.C.

Melvin Albritton has moved to D.C. and is investigative counsel to the United States Senate Committee on Homeland Security and Governmental Affairs.

Since **Alexi Giannoulis** won the Democratic nomination for Illinois state treasurer, he has been traveling the state, unveiling initiatives and sharing with voters new and innovative ideas.

2003

Rahsaan J. Tilford has joined the firm of Best, Best & Krieger—a full service firm with offices located throughout California serving public and governmental agencies, business and individual clients. He will work in the firm's municipal and redevelopment group. Rahsaan lives in the Los Angeles area.

Julie L. Skacel recently married Anders Tyler-Cornell Gibson of Dallas, Texas.

Anders is with Thompson & Knight L.L.P in Dallas, Texas. They plan to reside in Houston.

2004

Maria J. Wing has joined Stradley Ronon Stevens & Young as an associate in its business practice group. Based in the firm's Philadelphia office, she focuses her practice on real estate, commercial finance



and other general business matters. Prior to joining Stradley Ronon, Maria was a real estate associate at another Philadelphia firm.

2006

Kelly G. Juneau has joined Irwin Fritch Urquhart & Moore in New Orleans. She practices in the areas of products liability, pharmaceutical and medical device litigation, general casualty defense, and professional liability.



Fatimah Conley-Mayfield recently joined Jones Walker in New Orleans where she will focus on business and finance.

Jason “Jay” Lifschultz joined the St. Louis office of Thompson Coburn in September. Jay practices in the firm's labor and employment area.

Kinika L. Young joined the Nashville firm Bass, Berry & Sims in Sept. 2006 as an associate in the firm's litigation practice area.

**Super Lawyers is an annual listing of outstanding lawyers who have attained a high degree of peer recognition and professional achievement. The listing is developed as a resource to assist attorneys and sophisticated consumers in the search for legal counsel. Super Lawyers is a legal publisher that uses a multi-step process to identify qualified candidates.*

***In publication for 23 years, Best Lawyers is widely regarded as the finest referral guide to the legal profession in the United States. The Best Lawyers in America listing, which represents 50 specialties throughout the United States, is compiled through a peer-review survey in which thousands of the top lawyers in the country confidentially evaluate their professional peers.*

“To err is human; to forgive, divine.” —Alexander Pope

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

This list includes Class Notes received between June 1, 2006, and Jan. 31, 2007. If we received your information after that date, we will print it in our next issue.

ENDOWED SCHOLARSHIPS: AN ENDURING TRIBUTE

Celebrate your life and career by establishing a Named Endowed Scholarship at Tulane Law School



When deciding between two comparably situated law schools three years ago it was Tulane's academic scholarship that broke the tie for me. After one semester, however, I realized that Tulane is incomparable. Its exceptional faculty and exciting and incredibly smart mix of students sets this school apart and I knew that I had made the right decision. Spending a semester away during Hurricane Katrina confirmed my feelings and I was never happier than to return to Tulane. Knowing that I might have missed out on this life-changing experience makes me incredibly thankful for the scholarship that swayed my decision initially. —Katherine C. Penberthy



For the last two years, I have had the privilege to live and study in Europe. Thanks to your generosity and dedication to Tulane Law School, I was able to come back home. Not only back to Louisiana, but back to one of the finest legal institutions in the South. I want to personally thank those individuals who made my scholarship possible. Those funds have lightened my financial burden and allowed me to dedicate more time to my studies, writing, community involvement, fellowship competitions, and pro-bono work geared to rebuilding this great state. Recently, thanks to your aid I was awarded a competitive internship at the SEC. Thank you from the bottom of my heart. My family lost everything to Hurricane Rita and your assistance has made law school possible. I shall strive to prove my gratitude through actions rather than mere words. —Brandon K. Thibodeaux

AN ENDOWED SCHOLARSHIP is a permanent tribute to the person whose name it bears, and a life-transforming gift to the students who benefit from it. Your gift will be invested and each year, Tulane Law will present scholarships and awards for excellence or need in your name, or the name of the person you wish to honor.

The availability of scholarship funding is crucial to Tulane Law School's continuing success and its effects are far reaching. Not only is it a critical component of the Law School's ability to compete with peer institutions for attracting and retaining a qualified and diverse student body, but it also defrays the cost of a legal education.

Our tuition, at more than \$35,000 a year, is more than most students can afford to pay and more than they can afford to borrow. Scholarships free graduates from burdensome student loan debt and the necessity of accepting positions based solely on the salary.

While scholarship support is important now and will be essential in future years, Tulane Law School welcomes gifts of all types and sizes and for any goals that are consistent with the law school's mission and the interest of its donors.



Prior to law school, I spent five years sailing professionally on both Tall Ships and racing yachts. Studying admiralty law at Tulane seemed like a natural career leap and the Harry F. Stiles, Jr. Scholarship helped me pursue such an end. I would like to extend my gratitude to alumni and friends who contribute to the Tulane Law School scholarship program. Your generosity enables students such as myself to turn passions into challenging legal careers. —Kathryn "Blythe" Daly

If you are interested in designating a gift to scholarship, please contact Tulane's Development Office at 504-865-5794 or toll free at 888-265-7576 to discuss eligibility requirements for the recipients and how you would like to structure your contribution.



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Dean Lawrence Ponoroff



ADDRESS UPDATE / CLASS NOTE

Send to Ellen Brierre, Director of Alumni Relations
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 Fax 504-862-8578

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

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