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ALUMNI MAKING THEIR MARK





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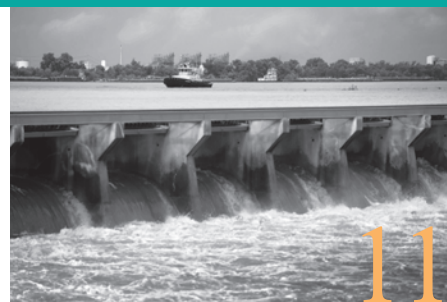
JOIN THE CONVERSATION

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

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

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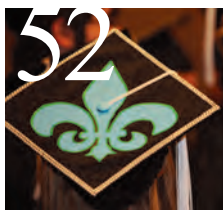
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DAVID D. MEYER
*Dean and Mitchell Franklin
Professor of Law*

GLOBAL AND GROUNDED

Two events, just days apart this fall, capture for me what makes Tulane Law School so truly extraordinary. The first was a ceremony in the elegant courtroom of the Louisiana Supreme Court on Royal Street in the French Quarter. There, students enrolled in the law school's

“FEW LAW SCHOOLS RIVAL TULANE’S DEPTH AND SOPHISTICATION.”
—DEAN DAVID MEYER

five in-house litigation clinics gathered excitedly to take an oath of professionalism before shouldering the heavy responsibilities of representing real clients in high-stakes controversies.

The second came days later, 1,600 miles to the south, in Panama City, Panama. There, Professors Martin Davies and Robert Force led a day-long seminar for Panamanian lawyers on the latest developments in maritime law. Afterward, we hosted a reception for our 125 Tulane law alumni in Panama, an enormously impressive group that includes Cabinet ministers, Supreme Court justices, and a significant share of the country's leading lawyers.

In almost any week, one can find a similar juxtaposition of events reflecting Tulane Law School's distinctive identity as a law school that is at once both *global* and *grounded*. For more than a century, Tulane has helped to lead American legal education in its engagement with the rest of the world. Comparative legal study, built on the natural foundation of Louisiana's distinctive civil-law heritage, has always been part of Tulane's lifeblood and continues to enrich and distinguish our faculty and students. In the past half-year alone, Tulane co-hosted the Third World Congress of Mixed Jurisdictions in Jerusalem, an international roundtable on cultural preservation law in Siena, Italy, and a pioneering maritime law collaboration with the Universities of Oslo and Southampton, among other ambitious ventures and exchanges. In preparing lawyers for today's increasingly transnational practice environment, few law schools rival Tulane's depth and sophistication.

Yet, Tulane is a law school deeply grounded in its own community—indelibly and passionately connected to New Orleans, to the practice of law, and to the ideal of making a difference in the lives of its neighbors.

During the past year, we have significantly broadened opportunities for service and skills training by reinventing

our externship program. Tulane students are now able to work anywhere in the world in governmental or public-interest settings for academic credit. This past summer, 184 Tulane law students fanned out to field placements across the globe, from Treme to Tanzania, where they gained practical legal experience while helping meet urgent needs for legal service. Whether protecting aboriginal land rights in the Australian Outback or refining vital coastal management regulations for the Louisiana Department of Environmental Quality, Tulane students made their mark even while developing their skills as lawyers.

Of course, it doesn't end with graduation. In this issue of the *Tulane Lawyer*, we profile the impressive accomplishments of our alumni—from the remarkable Tulane law class of 1961, celebrating its 50th anniversary this year, and others—who have given back and made a lasting difference in their own communities. The men and women featured in these pages are obviously only a sample of our public-spirited and deeply talented alumni. Read their stories and then share your own. As we develop one of the nation's finest and most well-rounded law schools—both global and grounded—we need your support and engagement now more than ever!



Third-year law student Madison Hardee enjoys a weekend off exploring the outdoors of Tanzania, where she took part in the Tulane Law School Summer 2011 Public Service Externship program working with the Women's Legal Aid Centre (WLAC) in Dar es Salaam.



To honor the late Michael Starks (L '68), friends and family gathered at Weinmann Hall on February 4, 2011. Pictured, l to r, are Dean David Meyer; Michael's relatives Sandra Starks McCollum (sister), Dominique Bright-Wheeler, Esq., and Glen Woods, Esq. (first cousins), Duane McCollum (nephew), Michelle Starks (daughter), Jade Foy (granddaughter), and Carol Starks (former wife); and Tulane BLSA President Ashley Banks.

HONORING A PIONEER

Tulane law graduated its first African-American in 1968. **Michael Starks** (August 22, 1943–January 8, 2011) went on to become the first African-American lawyer in the Attorney General's office. The Tulane law community recently gathered to honor his memory.

Tulane is the 12th oldest law school in the United States and has seen significant change in the 165 years since its 1847 founding. The school awarded a degree to Bettie Runnels, the first woman to graduate, in 1898, but it would be 70 years before an African-American crossed the stage. Since 1968, more than 2,300 students of color have followed in the footsteps of Starks. Starks also left a thriving legacy in the New Orleans and Tulane legal communities. Starks's legacy, like many other pioneers who broke down barriers, shaped and now helps define Tulane Law School.

For many, it is impossible to imagine Tulane law without the breadth of experience, perspective, and culture that distinguish it today. In trying to think of what it was like to walk the halls as Starks once did, third-year law student Ashley Banks can only think of what it is like now.

"Many of us who are students now never met Mr. Starks. But what we enjoy as of right now, Mr. Starks earned as a privilege, and we continue to honor it as such," praised Banks, president of the Black Law Students Association (BLSA). "Because of Mr. Starks, Tulane is able to boast a commitment to diversity of persons, ideas, backgrounds, and beliefs. Because of Mr. Starks, we can pursue a more complete legal education,

"We stand on the shoulders of giants. The giants who came before us challenged a social institution of racism, segregation, prejudice, and inequality and gave us the opportunity to do the same for others. They were giants in terms of their strength of character, desire for academic excellence, commitment to community and to the legal profession. And they were giants in that their presence, contribution, and legacy is greater than they ever imagined.

Michael Starks was one of those giants.

When he enrolled at Tulane University Law School, he not only embarked upon his own professional career, but he forever changed this institution."

—2012 JD Candidate Ashley Banks

and even more, a life of service."

Tulane Law School Dean David Meyer echoed those remarks. "Michael Starks opened a door at Tulane Law School," he said, "and, in doing so, he

has immeasurably enriched and helped to transform this great law school."

That door, through which many have walked since and many more will travel, forever remains open.

LIVING THE LEGACY

The **Hon. Cedric L. Richmond** (L '98) of Louisiana honored the life and legacy of Starks in an Extension of Remarks in the U.S. House of Representatives on February 11, 2011. "Mr. Speaker, I rise today to call attention to Mr. Michael Starks, a man whose dedication to the legal institution knew no bounds," said Richmond. "I am saddened by his passing, in prayer for his family, and inspired by his life's achievements."

Judge Richmond isn't alone. Starks, who often returned to his alma mater to mentor students, touched the lives of many Tulane law alums, including the **Hon. Nannette Jolivet-Brown** (L '88, LLM '98), U.S. District Court Judge for the Eastern District of Louisiana.

Jolivet-Brown recalls Starks as an inspiring figure who gave her confidence in her own promise as a lawyer, and she considers herself twice the beneficiary of his pioneering actions: not only did she follow in his footsteps at Tulane Law School, but also in the New Orleans City Attorney's office, where she served as the city attorney. The U.S. Senate unanimously confirmed Jolivet-Brown as a U.S. District Court Judge in New Orleans in October 2011. The former mentee is the first African-American female to serve as a federal judge in the state of Louisiana.

TULANE LAW REVIEW GOES KINDLE

Tulane Law Review (Volume 85, Issue 3) moved to the forefront of the digital frontier in April 2011 when it became available for download via Amazon's Kindle and Barnes & Noble's Nook. The entire current volume, as well as the *Tulane Maritime Law Journal* (Vol. 35), is now available in digital format. This development makes Tulane Law School one of only three schools with journals available through Kindle. Tulane initiated the trend; Harvard and Stanford followed.

subscribers who don't have room and who prefer to read in an electronic format." Kindle text is also available on iPhone and PC as well as the portable reading device.

The digital format and affiliation with Amazon also opens the pages of the journal to Google's search engine, making it possible for laymen, journalists, and researchers to find content related to their "googled" questions. The availability of *Tulane Law Review* to a wider market not only leads to the spread of ideas, but also increases the reputation and relevance of *Tulane Law Review*, as well as Tulane Law School.

This marketability also draws the attention of top-tier authors. An author's first and main concern is that their articles are read by as many people as possible and in as timely a manner as possible. Having a large, readily updated presence in the market will attract more authors to submit their work. With more articles to choose from, the *Law Review* will become more selective and informative. Having Tulane student-written papers associated with the top legal minds of the world will add a tremendous benefit to the prestige and value of the law school.

In related journal news, *Tulane Law Review* recently published three admiralty law-specific issues, which are all available on Kindle. Issue 4, an admiralty symposium issue entitled, "Deep Trouble: Legal Ramifications of the Deepwater Horizon Oil Spill," features articles by top authors in the maritime field. The issue leads with an article written by Tulane Law Professors Robert Force, Martin Davies, and Joshua Force and provides a comprehensive overview of claims that may arise in the ongoing oil spill litigation.

Issues 5 and 6 are devoted to the 23rd Admiralty Law Institute, "Maritime Catastrophes: Marine Investigation and Mass Claims Practice," held at Tulane Law School last March. The special biennial double issue leads with an article written by Pat Bonner, president of the Maritime Law Association, regarding the viability of current limitation of liability regimes

IN A TIGHT ECONOMY, PROVIDING JOURNALS IN ELECTRONIC FORM SAVES READERS SPACE AND MONEY.

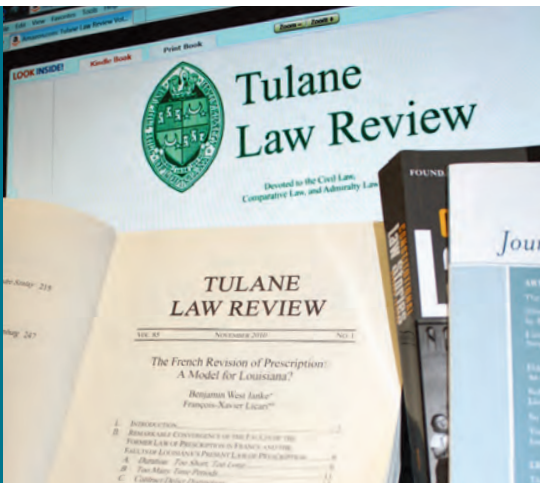
post-Deepwater Horizon. Other topics in the issue include maritime arbitration, Somali piracy, marine insurance, and maritime casualty investigations.

Future issues of Tulane law journals also will be available through Kindle and Nook in coming months. Look for the following journals soon: *Tulane European and Civil Law Forum*, *Tulane Environmental Law Journal*, *Tulane Journal of International and Comparative Law*, *Law & Sexuality*, *The Sports Lawyers Journal*, and *Tulane Journal of Technology and Intellectual Property*.

The link to the Kindle Store on Amazon is http://www.amazon.com/s/ref=ntt_athr_dp_sr_1?_encoding=UTF8&search-alias=digital-text&field-author=Tulane%20Law%20Review. The link to Nook on Barnes and Noble is www.barnesandnoble.com/nook/index.asp. Type the journal name in the search bar.

Because Kindle and Nook are fully searchable, page numbers are unnecessary in the citation, so the recommended citation to Tulane law journal material on Kindle and Nook is as follows:

<vol> Tul. L. Rev. (Kindle version 2011)
<vol> Tul. L. Rev. (Nook version 2011)



Furthermore, Tulane is the only school where law review staff convert the journals into an e-Reader publication entirely in house.

In a tight economy, providing journals in electronic form saves readers space and money, qualities that appeal to busy professionals, researchers, students, and faculty. Download costs are \$5 to \$6 depending on the medium used.

"As it turns out, the leading reason for cancellation of subscriptions is that people don't have room to store the issues," says Joel Friedman, Jack M. Gordon Professor of Procedural Law & Jurisdiction. "I believe that making our scholarship available on Kindle will generate new review because it will enable us to reach readers/

ASSOCIATING ALUMS OF THE LAW REVIEW

Founded in 1916 by Dean Rufus Harris, the *Tulane Law Review* has been a fixture at the law school and Tulane University for nearly a century. Its alumni include Judge John Minor Wisdom and the late Louisiana Congressman Hale Boggs, among many other prominent lawyers, judges, and political leaders. The *Law Review* enjoys considerable respect, here and abroad, especially for its coverage of admiralty and of comparative law.

Notwithstanding its pedigree and prestige, until a few years ago the law review did not have an organized alumni association. Warren Burns, a 2004 Tulane law graduate and former editor in chief of the review, is one of several alumni who decided to remedy that situation by founding the Tulane Law Review Alumni Association (TLRAA) in 2008.

"In the aftermath of Hurricane Katrina, I think we all recognized that a formal alumni association could help accomplish a number of goals that we felt were critical to the continued success of the law review," said Burns, who currently serves as president of the organization. "First and foremost, we were all committed to helping provide financial support for the review. We also wanted to create an organization that would bring alumni and current students together."

Along with Burns, Josh Fershee (L '03), Kendra Fershee (L '03),

Meredith Grabill (L '06), and A. Gregory Grimsal (L '79) officially formed the organization. The TLRAA has been actively recruiting members. According to TLRAA Treasurer Greg Grimsal, the alumni association currently has 48 members in 11 states.

"Each year, we have taken significant strides toward accomplishing the goals we set at the alumni association's founding," says Meredith Grabill, TLRAA secretary. "We have organized and funded social activities for current students and provided breakfast and snack items throughout the year. For alumni, we have organized annual cocktail hours at the Law Review Banquet, and we have sent out quarterly newsletters."

Burns continues, "We're very proud that a significant number of alumni have joined us early on in building the alumni association. We have an ambitious agenda for the coming years. We want to look at providing an endowment for the law review. We also want to play a more active role in current law review members' experiences by assisting in job and clerkship placement."

Getting involved with the TLRAA is easy. Simply email TLRAA President Warren Burns at wburns@susmangodfrey.com. After receiving your email, the TLRAA will forward you a membership packet. Dues are \$50 per year.

DEAL-MAKING RETURNS

Nearly 400 of the country's top corporate lawyers, dealmakers, scholars, and media analysts gathered at The Roosevelt New Orleans hotel this spring to kick off the 23rd annual Tulane Corporate Law Institute (CLI). The nationally renowned mergers and acquisitions (M&A) conference, which focuses on relevant topics and updates to corporate and securities law, remains the most important gathering of its kind. Whether the conference comes amidst turmoil on Wall Street or a surging market in a mending economy, the agenda is always active and the conversations are as candid and uncensored as they are strategic.

"It's like attending an 'Oscars for Lawyers' ceremony, even if the attire lacks the traditional glamour," says Sarka Cerna-Fagan, assistant dean of career development at Tulane Law School. Cerna-Fagan knows firsthand how fortunate Tulane Law School students are to experience

networking opportunities of this caliber. Through the Career Development Office, Tulane law students may attend informational interview sessions where they can meet with conference speakers to ask career-related questions.

"We have done this for many years," Cerna-Fagan says, "and if past sessions are any indication, our students were able to mingle with corporate celebrities featured on the Charlie Rose Show, CNN and Squawk Box."

CNBC's nationally televised "Squawk Box" financial news program broadcast live from the 2011 event, giving viewers an up close and personal look at this year's M&A conversation. Other correspondents and columnists hailed from a wide range of media, including *The New York Times*, *The Wall Street Journal*, DealBook, Bloomberg, and Reuters.

Tulane Law School Dean David Meyer echoed Cerna-Fagan's conviction through



remarks he delivered on the opening morning. "The Tulane Corporate Law Institute exemplifies the best of what makes Tulane such an extraordinary law school," Dean Meyer stated. "It reflects our close partnership and connectedness with the leading lights in law practice and business—and our recognition that a first-rate professional education requires continuing engagement with the frontiers of professional practice."

Plans for next year already are underway. The corporate law conference is scheduled for March 8 and 9, 2012, again at the Roosevelt hotel in downtown New Orleans.



NOT FOR ONE'S SELF, BUT FOR ONE'S OWN

N*on sibi, sed suis*, Tulane's motto reads, instructing citizens to act "not for one's self, but for one's own." As the first law school in the nation to require public service as a component of a law degree, Tulane University Law School has fulfilled that motto. The school has documented nearly 230,000 total hours of student service since the program officially began more than two decades ago.

As Assistant Dean for Public Interest Programs, Julie Jackson has witnessed the demonstrations of selflessness since 1988 when she implemented the Tulane Law School pro bono program. According to Jackson, in the wake of Hurricane Katrina, students have increasingly taken the initiative, with many surpassing the minimum 30 hours "of legal service on behalf of indigent clients" now required to graduate.

Students contributing 60 or more hours of pro bono assistance during the academic year are recognized each spring at an annual luncheon held in their honor.

This year's event, which took place April 6 at Weinmann Hall, highlighted 2012 JD candidates Ashley Banks, contributing 448 hours to date, and Scott Helsing, who served nearly 400. Recent graduates Rosanna Eugenio, Tyler Maulsby, and Christin Morneau led the third-year law class volunteering 699, 893, and 618 hours respectively. At an average of 238 per person, this year's 102 invited honorees collectively accrued 24,323 hours of public service to date.

"To donate that much time and to do so much good for so many, while continuing

as a full-time law student, is an amazing accomplishment," said Jackson.

Between May 2010 and May 2011, Tulane Law School students as a whole logged more than 23,000 pro bono hours, benefitting nearly 130 different organizations and placements across the United States and as far away as Thailand, Italy, and South Africa.

"We often feel swallowed by the reading and preparation necessary for our classes," said Helsing. "It is nice to get out of the law school and do something where we are making an impact, where we can meet lawyers, and where we can learn more about our areas of interest."

The Pro Bono Project of Southeastern Louisiana recognized and applauded the law school in December by naming Tulane the "2010 Law School of the Year." The award recognizes the law school's longstanding and flourishing dedication to pro bono work.



Rosanna Eugenio (L '11) earns a pro bono award from the Louisiana State Bar Association in a ceremony at the Louisiana Supreme Court building in New Orleans.

LAW GRAD REWARDED FOR WORK WITH IMMIGRANTS

For Rosanna Eugenio, public service was much more than just a requirement for her Tulane Law School degree. She saw pro bono work as an opportunity, and after volunteering nearly 700 hours in her Tulane career, she earned both her law diploma and a coveted state-wide award.

At a May 24 ceremony in the Louisiana Supreme Court building in New Orleans, Eugenio received a Law Student Pro Bono Award from the Louisiana State Bar Association in recognition of her work with immigrant populations in New Orleans. The award cites her "for providing significant support for legal services to Louisiana's indigent."

Only four such awards are given annually by the bar association to outstanding law students from Tulane and Southern, Loyola and Louisiana State universities.

Julie Jackson, who nominated Eugenio for the honor, recommended the immigration work, a decision that Eugenio calls "a pivotal moment in my life and career." During her three years of law school, Eugenio volunteered at the Loyola Immigration Clinic, working on cases involving refugees and asylum seekers, domestic violence, human trafficking, and other crimes. She also participated in "Know Your Rights" presentations to immigrants.

Eugenio, a native of Queens, N.Y., whose parents immigrated from the Dominican Republic, has encouraged students to see the law school's pro bono requirement "as an opportunity—you can do something you love to do or do something new and different." She hopes to stay in the city and continue promoting community and public interest work.

A prerequisite of graduation, pro bono work has no impact on academic credits; individual transcripts reflect the total number of certified pro bono hours performed by the individual student. All pro bono work is performed under attorney supervision.

MCGLINCHEY LECTURE ON FEDERAL LITIGATION



Pictured, l to r, Dean David Meyer, Fionuala McGlinchey Monsted (N '90), 2011 McGlinchey lecturer Professor Sanford Levinson, and Tulane Law School Professor Stephen Griffin.

THE TENSION BETWEEN INDEPENDENCE AND ACCOUNTABILITY IN STATE AND FEDERAL COURTS

Professor Sanford Levinson, who holds the W. St. John Garwood and W. St. John Garwood Jr. Centennial Chair in Law, joined the University of Texas Law School in 1980. Previously a member of the Department of Politics at Princeton University, he is also a professor in the Department of Government at the University of Texas. The author of more than 250 articles and book reviews in professional and popular journals, Levinson is also the author of four books: *Constitutional Faith* (1988, winner of the Scribes Award); *Written in Stone: Public Monuments in Changing Societies* (1998); *Wrestling With Diversity* (2003); and, most recently, *Our Undemocratic Constitution: Where the Constitution Goes Wrong (and How We the People Can Correct It)* (2006).

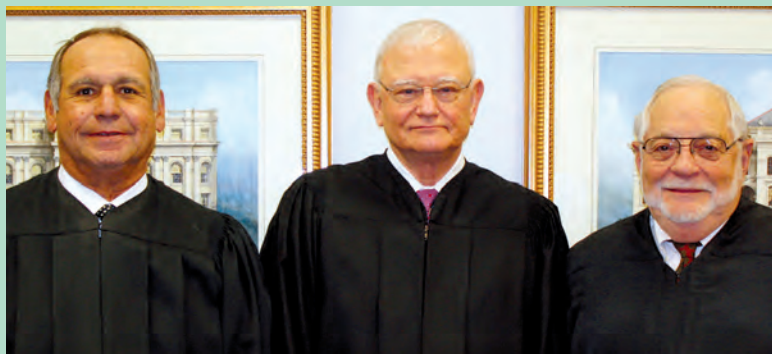
In addition to teaching a course on “Torture, Law, and Lawyers” at the Harvard Law School, Levinson has visited at the Boston University, Georgetown, Harvard, New York University, and Yale law schools, as well as the law faculties at the University of Paris II, Central European University in Budapest, and the Hebrew University in Jerusalem. A member of the American Law Institute, Levinson was elected to the American

Academy of Arts and Sciences in 2001. He recently was given the “Lifetime Achievement Award” by the Law and Courts section of the American Political Science Association, an unusual recognition for a law professor.

THE MCGLINCHEY LECTURE was established in 1996 by the law firm of McGlinchey Stafford, to honor its founder,

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

APPEALING ARGUMENTS



United States Fifth Circuit Court of Appeals Judges (l to r) Fortunato Benavides, W. Eugene Davis (L '60), and Jacques L. Wiener Jr. (L '61) convened in Weinmann Hall to hear four current cases argued before members of the Tulane legal community. The following cases were presented February 1: United States of America vs. Skilar Wittney Butler; Derek Carder, et al. vs. Continental Airlines, Inc.; Holly Sarre vs. New Orleans City; and Catalyst Old River Hydroelectric Limited Partnership vs. Ingram Barge Co., et al.



Secretary of the Interior Ken Salazar addresses a standing room only audience in Weinmann Hall.

PRESSURE ON REVOLVING DOOR OPENS NEW ONES FOR COLLEGE GRADS

Top federal energy officials in the Obama administration visited the Tulane University uptown campus in April as part of a campaign to recruit students from the nation's top colleges and universities to join the U.S. offshore oil and gas regulatory program.

While on campus, Secretary of the Interior Ken Salazar and Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) Director Michael R. Bromwich spoke at Tulane Law School regarding careers in public service, including environmental

Below: BOEMRE Director Michael Bromwich earmarks questions in an effort to respond to some 20 students from the schools of law, business, and science and engineering.



science positions available at BOEMRE. Work in fields ranging from environmental studies to National Environmental Policy Act (NEPA) review to environmental compliance, they stressed, are critical to the balanced development of offshore oil and gas resources. In the morning, Secretary Salazar and Director Bromwich visited a Noble Energy facility in the Gulf of Mexico, approximately 70 miles southeast of Venice, La., where they plan to drill a well in 6,500 feet of water.

RISKS, RESPONSIBILITY, AND REGULATIONS

Dan Schuessler, a high-ranking venture executive for Exxon-Mobil in Houston, Texas, and former site manager of ExxonMobil's chemical plant in Baton Rouge, visited Tulane Law School last fall to speak about corporate environmental responsibility in the context of climate change. Tulane Law School Dean David Meyer welcomed Schuessler's visit to campus.

"Understanding the risks presented by major industrial activities and navigating the regulatory environment are enormously complex challenges for modern corporate leaders," the dean stated. "Especially in the context of the times—

given the questions raised about BP's decision making in the events preceding the Deepwater Horizon disaster—this promises to be an important and very interesting conversation."

Schuessler addressed the role that lawyers play in helping corporate managers assess environmental risks from their operations and ensure compliance with environmental regulations. Following the presentation, the ExxonMobil executive met with a small group of law school faculty and students over lunch.

Schuessler joined Exxon Chemical in 1986 as an engineer and advanced with the company through various engineer-



"We're all humans," says Dan Schuessler, former site manager of Exxon's Baton Rouge chemical plant. "We all want clean air; we're all part of this community. ... We're all on the same team."

ing and manufacturing assignments. He graduated from Washington University with a BS degree in electrical engineering and holds an MBA from Louisiana State University.

ENERGY AS AN EQUATION

For more than 40 years, Brent Blackwelder has been on the front lines of the environmental battle. On April 1, he was in Weinmann Hall, delivering the keynote speech at the 16th annual Environmental Law Summit at Tulane Law School. The title of this year's summit was "The Energy Equation."

Blackwelder, a former president of Friends of the Earth and the senior environmental lobbyist in Washington, DC, urged the summit's audience to look at environmental policy as a national security issue.

"For most of the last century, national security was thought of only in a military context," Blackwelder said. "But now, I think the greatest threats to our nation and to civilizations all over stem not from military threats, but rather from

a range of environmental factors."

Blackwelder pointed to what he called "oil wars" being waged in Iraq, Nigeria, Ecuador, and Peru as examples of military actions being taken in the name of securing large oil stores. However, he said, the destabilizing effect of fossil fuels goes beyond the conflicts they engender. According to Blackwelder, environmental issues such as weather disasters and the rising sea level will pose a far greater threat to nations.

"If you are governing and you are spending more and more of your regular budget on rescue missions [due to climate disasters] ... governmental performance is going to be stretched to the burdening point," Blackwelder said. "This is not the recipe for stability; this is a recipe for serious problems."



Brent Blackwelder, president emeritus of Friends of the Earth, delivers the keynote speech at the 16th annual Environmental Law Summit presented by Tulane Law School.

Blackwelder concluded by saying the argument that renewable energy sources are technologically problematic no longer holds water. He instead pointed the finger at the global political sway of large energy providers.

"Technical feasibility is not the problem," said Blackwelder. "The problem is the political obstacles from the power and influence that certain entities are bringing to bear. What's technically feasible is not being done."

THE RIGHT TO KNOW: FREEDOM OF ENVIRONMENTAL INFORMATION IN COMPARATIVE AND INTERNATIONAL LAW

Peter Sand is a former Legal Adviser for Environmental Affairs at the World Bank, Washington, DC; Chief of the Environmental Law Unit & Deputy Director of Environmental Management at the United Nations Environment Programme, Nairobi; and Secretary General of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), Morges & Gland, Switzerland.

Sand studied law at universities in Germany, France, and Canada and holds degrees from the University of Saarbrücken and from McGill (LLM). He began his professional career in academia, teaching at McGill's Faculty of Law (1963–70), with a three-year stint in between as Ford Foundation lecturer at the University of

Addis Ababa. Thereafter, he served in top legal positions at various international organizations, including the Food and Agriculture Organization of the United Nations, Rome (1970–78), and the United Nations Economic Commission for Europe, Geneva (1986–91), before joining the World Bank in 1992. Since retiring from the bank in 1994, he has taught regularly at the University of Munich, Faculty of Law, and as visiting professor at law schools in Europe and the U.S. He has served inter alia as Commissioner on the Panel on Environmental Claims, U.N. Compensation Commission, and as Principal Programme Officer, U.N. Conference on Environment and Development.

Sand is the author or editor of numerous books and articles in the field of international environmental law as well as general international law. He is also

DEUTSCH LECTURE ON CIVIL LIBERTIES AND HUMAN RIGHTS



Pictured March 21, following the 2011 Deutsch Lecture, are Günther Handl (left), Eberhard Deutsch Professor of Public International Law, and Peter Sand, 2011 Deutsch Lecturer.

the recipient of the 2004 Elizabeth Haub Prize for "exceptional achievements in the field of international environmental law."

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

NEW DEGREE MAKES MASTERS OF DISASTERS



Ky Luu and his team with the Disaster Resilience Leadership Academy at Tulane launched their new master of science program this fall.

Five times more people are affected by disasters today than a generation ago, according to the United Nations. Tulane is rising to the challenge with a degree program that focuses on understanding the unique requirements of leaders and communities after disaster strikes.

“I’m happy to say we have this new degree program in disaster resilience leadership studies,” says Ky Luu, executive director of the Disaster Resilience Leadership Academy (DRLA). The program hopes to draw students from Bangladesh, Somalia, and Pakistan, as well as current Tulane students who are interested in the field.

After offering certificate programs for more than a year, the DRLA won approval from the Tulane Graduate Council to offer

the new Master of Science degree.

“It has generated excitement across the board,” says Luu. He and his team welcomed the first class of 20 to 30 students this fall. The 36-credit program is offered through the Payson Center for International Development of Tulane Law School.

Luu came to Tulane in August 2009 from the Office of U.S. Foreign Disaster Assistance to build DRLA and develop leaders skilled in disaster response, promote research, and stimulate global innovation in the disaster resilience and humanitarian assistance community.

“Students need to understand that disasters have no boundaries,” he says. “What’s unique about this program, it’s appealing to both international and domestic students.”

Last fall, Luu taught one of the core courses

that DRLA already is offering that can be rolled into the master’s program. Students in his class, Disaster Operations Leadership Management and Policy, divided into teams to help four non-profit organizations analyze their business risks and vulnerability.

During the spring 2011 semester, two courses were offered: Psychosocial Leader Analytics, taught by Charles Figley, social work professor and co-director of DRLA, and Environmental and Hazards Science, with Douglas Meffert, deputy director of the Tulane/Xavier Center for Bioenvironmental Research.

Students “see the value added in these courses and the focus on leadership,” Luu says. He hopes to build on that “added value” with a future Doctor of Philosophy program.

GOING THE DISTANCE

PAYSON CENTER TAKES MOOT COURT ONE STEP FURTHER

Spanish and Portuguese held sway for the first time alongside English in the first Inter-American Sustainable Development Law Moot Court Competition, held March 17–20, 2011, in Rio de Janeiro, Brazil. The Moot Court Board at Tulane Law School, along with the law school’s Payson Center for International Development, collaborated with the law faculties of Fundação Getúlio Vargas/Direito Rio in Brazil (FGV Direito-Rio), Universidad de los Andes in Colombia, and Universidad Rafael Landívar in Guatemala to organize the event.

Not only was this moot court competition the first to be held in Latin America, teams were able to participate in any one of three major languages spoken in the Americas and the Caribbean. Non-English speakers were able to submit their briefs and make oral arguments in their native tongue. The American Consulate in Rio de Janeiro provided simultaneous translation services, allowing all 18 participating teams—from the United States, Puerto Rico,

Guatemala, Colombia, and Brazil—to understand and respond to issues raised by their competitors from other countries.

Tulane law professor Colin Crawford judged multiple rounds (including the championship), and third-year law students Ian Furman (L ’11) and Tom Sharp (L ’11) served as U.S. co-chairs and were heavily involved in laying the competition groundwork.

Crawford, who also serves as executive director of the Payson Center, noted that the level of advocacy displayed by the teams—many of whose universities do not regularly participate in moot court events—was extraordinary. Furman, who also acted as bailiff in several rounds, was equally impressed. “It was remarkable how talented this year’s competitors were,” he said. “Every team I observed, whether in English, Portuguese, or Spanish, was professional, well-prepared, and very effective.”

Ultimately, Universidad del Rosario (Colombia) team members Diana Carolina Prado and Roberto Chain-Saieh were victorious. Organizers say the Inter-American Sustainable Development Law Moot Court Competition is scheduled to be an annual event.



Left to right: Ian Furman (L ’11), Professor Colin Crawford (Tulane), Professor Feliciano de Sá Guimarães (FGV), Professor Paula Spieler (FGV), and Tom Sharp (L ’11)

DRLA RESPONDS TO RISING RIVER FLOODS

As the Mississippi River rose to record levels this spring, Tulane Law School's Disaster Resilience Leadership Academy (DRLA) launched The Louisiana Flood Disaster Resilience Watch. Dedicated to the collection, monitoring, analysis, reporting, and diffusion of strategic information, the platform identifies immediate needs with a long term and sustained focus on building resilience.

To document the crisis, the DRLA maintained a Louisiana Flood Map online, where residents in flood-affected areas of Louisiana posted real-time information about their communities. Issues concerned flooded property, public safety, water levels, pollution, health effects, volunteer information, and resources for flood protection and recovery. All reports are screened, categorized, geolocated, rendered, and

made available to the public online in chronological and categorized lists.

"The purpose of the map is to empower citizens of flood-affected Louisiana to speak out about how the flood is affecting their lives and livelihoods, their communities and the environment," said Ky Luu, DRLA executive director.

The site is similar to the Oil Spill Crisis Map the DRLA created with the environmental advocacy group Louisiana Bucket Brigade to track the effects of the 2010 Gulf oil spill. That map generated more than 3,400 reports ranging from spotting oiled wildlife to opportunities for community organizing.

"With crisis mapping we have the possibility of getting reports from anyone who notices a problem whether it's on the ground, from the air or via a satellite," says DRLA co-director

Nancy Mock, an associate professor in international health and international development.

"We can get better insights into the effects of disasters because the information comes from those affected by crises in near real time."

As data is compiled and posted, policy makers, engineers, activists, and citizen responders will have a comprehensive, interactive tool to assess the overall impact of the flooding.

In addition to the Mississippi River flooding and last year's Deepwater Horizon oil spill, the DRLA launched similar disaster recovery platforms relevant to the 7.2 magnitude earthquake of January 2010 in Haiti, the 8.8 magnitude earthquake of February 2010 in central Chile, the August 2010 floods in Pakistan, the 9.0 magnitude quake and tsunami that devastated Japan in March 2011, and the catastrophic May 2011 tornadoes and severe weather across southern United States.

POST-EARTHQUAKE HAITI

FOCUSING ON THE FUTURE

In an out-of-the-way office at University Square near the Tulane uptown campus, Ky Luu and the Disaster Resilience Leadership Academy (DRLA) in February led an international study on the continuing impact of humanitarian aid on the victims of the 2010 earthquake in Haiti.

Luu and his Tulane team flew to Haiti to help lead the first in a series of workshops with 50 key Haitian government officials and representatives from the private sector, donor groups, nongovernmental organizations, and the United Nations. The 18-month study is made possible by a \$780,000 grant from the Bill & Melinda Gates Foundation.

Tulane is partnering with a delegation from the State University of Haiti, led by its vice rector of academic affairs, Wilson Laleau. The Haitian group spent the week of February 14 in New Orleans, learning about the city's and Tulane's recovery from Hurricane Katrina and developing protocols for their study.

"We're looking at the impact of humanitarian aid on the resilience of the Haitian people," said Luu, executive director of the academy, a program within the Payson Center for International Development at Tulane Law School. "Through these efforts, we have established a process in Haiti that empowers the impacted population to play a leadership role in their own future."

The Tulane study, says Luu, is guided by the Haitian people's need for the country to recover in four sectors—economic

livelihood, infrastructure, environment and social needs. Tulane faculty members are involved in each area of the study.

"There is no other study like this one," Laleau said during his Tulane visit, which included a stop at Weinmann Hall to discuss with Luu and Tulane Law School Dean David Meyer the possibility of future collaborations.

Recommendations will be used to help guide the new Haitian government and the international community operating in Haiti to allocate resources.

"As Tulane and the people of New Orleans have experienced following Hurricane Katrina, recovery after a natural disaster is a lengthy process that requires planning, preparation, and resources," said Luu. "It is our experience with catastrophic events that tells us the earlier that leaders think about transition to recovery and long-term redevelopment, the more effective we can be in identifying the appropriate assistance and providing it in such a way that leaves the people of Haiti more resilient to future challenges. Tulane University's Disaster Resilience Leadership Academy is committed to this long-term effort."



During a planning visit to Tulane, Wilson Laleau, right, vice rector of academic affairs at the State University of Haiti, meets with representatives from the Disaster Resilience Leadership Academy.

FEDERAL PREEMPTION

WHAT IS IT AND WHY IS IT IMPORTANT?

BY PROFESSOR EDWARD F. SHERMAN



Edward F. Sherman. W.R. Irby Chair and Moise S. Steeg Jr. Professor of Law, Tulane University School of Law. AB 1959, Georgetown University; MA 1962, MA 1967, University of Texas; JD 1962, SJD 1981, Harvard Law School

Professor Sherman was the Chair of the ABA Task Force on Federal Preemption of State Tort Law, composed of a distinguished group of lawyers, judges, and academics, which held hearings and studied the current state of preemption law in 2009–2010. The Task Force’s recommendations, calling for greater certainty as to preemptive intent in congressional acts and administrative rules and regulations, were adopted by the ABA House of Delegates. Articles by task force members and other experts were published in a Symposium in 84 Tul. L. Rev. 1127 (2010).

Any mention of the legal doctrine of “federal preemption” causes most peoples’ eyes to glaze over. And yet the division of powers between the federal government and the states is one of the bedrock principles of our American constitutional system. Tension between the authority of states and the federal government has been a central theme in American history (for example, slavery in the 19th century; health and safety standards in the regulation of labor and manufacturing in the early 20th century; federal civil rights initiatives in the mid-20th century; and now in the 21st century such issues as states’ intrusion

into immigration, marihuana use, and foreign policy¹).

A perennial problem in our federal system is that of defining the boundaries between federal law on various subjects and state law dealing with the same subjects. Today when there is extensive governmental regulation at both federal and state levels and a broad regulatory role for administrative agencies, preemption especially comes into play in defining the authority of overlapping laws and regulations over particular legal issues. The most controversial issue today—that divides the plaintiff and defense bars—is whether persons injured from a defective product, environmental condition, or negligent conduct can sue for damages

THE CONSTITUTIONAL BASIS FOR PREEMPTION

The Constitution delegates specific powers to the federal government, and the Tenth Amendment provides that the powers not delegated to the United States are “reserved to the States respectively, or to the people.” Under the Supremacy Clause, the Constitution and laws of the United States “shall be the supreme law of the land.” This ensures that the federal government, when acting pursuant to its constitutional powers, may preempt state law—that is, displace the state law that would otherwise govern. Preemption can be “express” under the terms of a provision in the Constitution or a statute. For

“PREEMPTION IS A POWERFUL WEAPON FOR A DEFENDANT. IT IS NOT MERELY A DEFENSE BUT AN ABSOLUTE BAR TO RECOVERY FOR INJURIES.”

—PROF. ED SHERMAN

under state law when a federal administrative agency has previously given approval for its sale or manner of operation. An interesting aspect is that the usual ideological positions of each side has shifted, with the usual conservative advocates of states’ rights in support of prohibiting state-law remedies and the usual liberal advocates of federal government regulation opposing the displacement of state law.

example, Art. I, Sec. 10, of the Constitution provides that “No State shall...coin money,” and any state’s attempt to establish currency would be preempted. Some federal statutes such as the Federal Food, Drug, and Cosmetic Act expressly preempt state law.² Preemption may also be “implied,” as will be discussed more fully later.

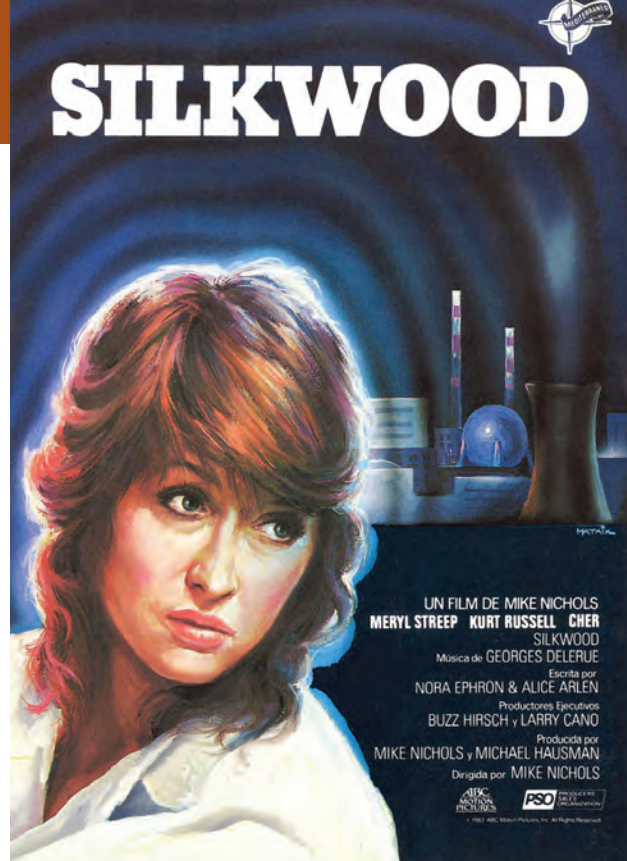
The proper substantive scope of federal preemption is a broad policy issue.

State law is assumed to apply along with federal law when federal and state laws address the same matters. When the interaction of federal law and state tort law claims is at issue, a fact-specific inquiry may be necessary to determine whether federal regulation and the state law claim can properly coexist.

The policies invoked by those favoring preemption of state tort law by federal agencies stress national uniformity and agency expertise in administering federal regulatory standards. Agencies are seen as better suited to evaluating the scientific literature and technical developments in carrying out their responsibility for protecting health and safety on a national level. Nationwide distribution of products is said to call for providing manufacturers with comprehensive and consistent standards, as opposed to the ad hoc nature of jury trials of state-law claims, in deciding liability.

Those opposing preemption stress the interests of the states in providing judicial remedies and deterrence in administering their tort laws pursuant to their constitutional authority over state-created rights and obligations. They emphasize the “complementary” role of state tort law to agency regulation, providing a compensatory remedy to the limited regulatory function of an agency. They point to the fact that particularly in the last several decades agencies often lack the resources and staff adequately to assess the safety of products, drugs or conditions, and thus their standards for approval should be seen as only a floor rather than a ceiling for what is expected of the manufacturer.

Preemption is a powerful weapon for a defendant. It is not merely a defense but an absolute bar to recovery for injuries, cutting off access to a damage remedy even though negligence and injury caused by the defendant might be found if the legal process were allowed



The case of Silkwood v. Kerr-McGee was the basis of a popular 1983 movie starring Meryl Streep as Karen Silkwood. Based on a true story, the film recounts the story of Silkwood, the Oklahoma nuclear-plant worker who blew the whistle on dangerous practices at the Kerr-McGee plant and who died under circumstances which are still under debate.

to go forward. Two cases might provide a little human interest to demonstrate how preemption issues can arise and the considerations in determining whether preemption is applied.

SILKWOOD V. KERR-MCGEE CORPORATION

The case of *Silkwood v. Kerr-McGee*³ was the basis of a popular 1983 movie starring Meryl Streep (who, as well as some other members of the cast, was nominated for an Academy Award). Karen Silkwood was a \$4 an hour technician employed by Kerr-McGee Corporation at its plant near Oklahoma City that made plutonium pellet fuel rods for nuclear power plants. On leaving work one day, she was found to be contaminated by radioactivity and although she was washed down, the condition continued and her apartment also became contaminated. She believed this was the result of the company’s negligence in failing to establish proper safety standards for handling radioactive material in the plant.

Like most movies that look for the sensational, “Silkwood” dealt primarily

with her union activism and death in an auto accident, while on the way to talk to a reporter, suggesting that her employer had something to do with the accident. Her case (actually brought by her parents after her death) only alleged negligence in the storage and use of radioactive materials. It went all the way to the U.S. Supreme Court on the issue of preemption with the question being whether her negligence claim under Oklahoma tort law—that resulted in a \$10 million punitive damages award by the jury—was preempted by federal regulation of safety standards in nuclear plants.

The Supreme Court, in an opinion by Justice White, ruled that there was no preemption and the Oklahoma punitive damages award could stand. Kerr-McGee had argued that Congress in the Atomic Energy Act intended that the federal government, through the Nuclear Regulatory Commission, should regulate all radiological safety aspects involved in the construction and operation of nuclear plants. A punitive damage award under state law to punish conduct regarding radiation hazards was seen as interfering with the federal regulatory scheme that involved fines and other measures. The

Act did not expressly prohibit a state-law remedy like punitive damages, and the Court found no “implied” preemption.

The first kind of implied preemption—“field preemption”—applies when Congress evidences intent to occupy a given field, thus preempting “any state law falling within that field.”⁷⁴ The Court found no intent in the Atomic Energy Act to forbid resort to “state-law remedies by those suffering injuries from radiation in a nuclear plant.”⁷⁵ The second kind of implied preemption—“conflict preemption”—preempts state law if its application makes it “impossible to comply with both state and federal law” or “stands as an obstacle to the accomplishment of the

WYETH V. LEVINE

Wyeth v. Levine, decided 24 years after *Silkwood*, involved a claim of preemption resulting from a federal agency’s approval of warnings contained in the drug’s label. In the intervening period between the cases, defendant companies had increasingly relied on getting approval for various aspects of the design, production and marketing of drugs, medical devices, or products that would be claimed to preempt a patient’s or customer’s right to sue for injuries under state tort law.

Diana Levine, a professional musician, went to a hospital for treatment of a

claim. It argued that because the federal government (via the Federal Food and Drug Administration) regulates drugs, patients should not be allowed to sue under state law if the drug maker followed the rules established by the FDA. The Court, in an opinion by Justice Stevens,⁸ found that the state-law cause of action for failure to warn did not make it “impossible” for Wyeth to comply with its state and federal law obligations, nor did it pose an “obstacle” to the conduct of the FDA’s regulatory duties.⁹ Although the FDA had approved the label without the warning, the Court noted a manufacturer’s duty to correct a label if there were information indicating it was inadequate. It rejected the contention that Wyeth could not have modified the warning label that had been approved. Wyeth’s lawyer commented: “We believed that Federal law prohibited the company from revising its product label as the Vermont court required, and we regret that the Supreme Court disagreed. The medical and scientific experts at FDA are in the best position to weigh the risks and benefits of a medicine and to assess how those risks and benefits should be described in the product’s label.”¹⁰

The FDA had stated in the preamble to the regulation at issue in *Wyeth* that the application of state law was preempted. Preemption dismissals became especially prominent during the administration of President George W. Bush as a result of various federal agencies asserting preemption in preambles to regulations (or in other ways such as filing an amicus brief in pending cases in which a defendant sought preemption). Prominent among those agencies were the FDA, the National Highway Traffic Safety Administration (NHTSA), and the Consumer Product Safety Commission (CPSC). There was often little evidence that an agency had consulted with state officials or made a

“WHEN COURTS ARE CALLED ON TO CONSTRUE STATUTES, RULES, AND REGULATIONS TO DETERMINE IF CONGRESS OR AN AGENCY HAS INTENDED TO ASSERT PREEMPTION, A PRESUMPTION COULD TIP THE BALANCE IN PARTICULAR CASES.”

—PROF. ED SHERMAN

full purposes and objective of Congress.”⁶ The Court found that a punitive damages award would neither make it impossible for the federal regulatory agency to carry out proper regulation of nuclear energy nor be an obstacle to its performance of its responsibilities. The Court found it “difficult to believe that Congress would, without comment, remove all means of judicial recourse for those injured by illegal conduct.”⁷ Thus, under *Silkwood*, preemption should only be implied if there were a clear intent to preempt state law in the statute or agency regulation, a point that will be made even more forcefully in the next case to be discussed. The damage award in favor of Karen Silkwood’s heirs was affirmed.

migraine headache. A drug manufactured by Wyeth, Phenergan, was injected into her artery, resulting in the necessity to amputate her right arm. Wyeth had known that when Phenergan comes in contact with an artery, the artery dies and, if injected in a limb, amputation will likely be required. Intravenous injection of the drug should not have been done directly into the artery, but the label failed to warn against that method. A jury found Wyeth liable under Vermont tort law for failure to give adequate warning on the label and, having established that Levine’s injury would not have occurred if the label had included an adequate warning about the risks of the method used, awarded her \$6,774,000.

Wyeth alleged federal preemption and sought to dismiss the state-law

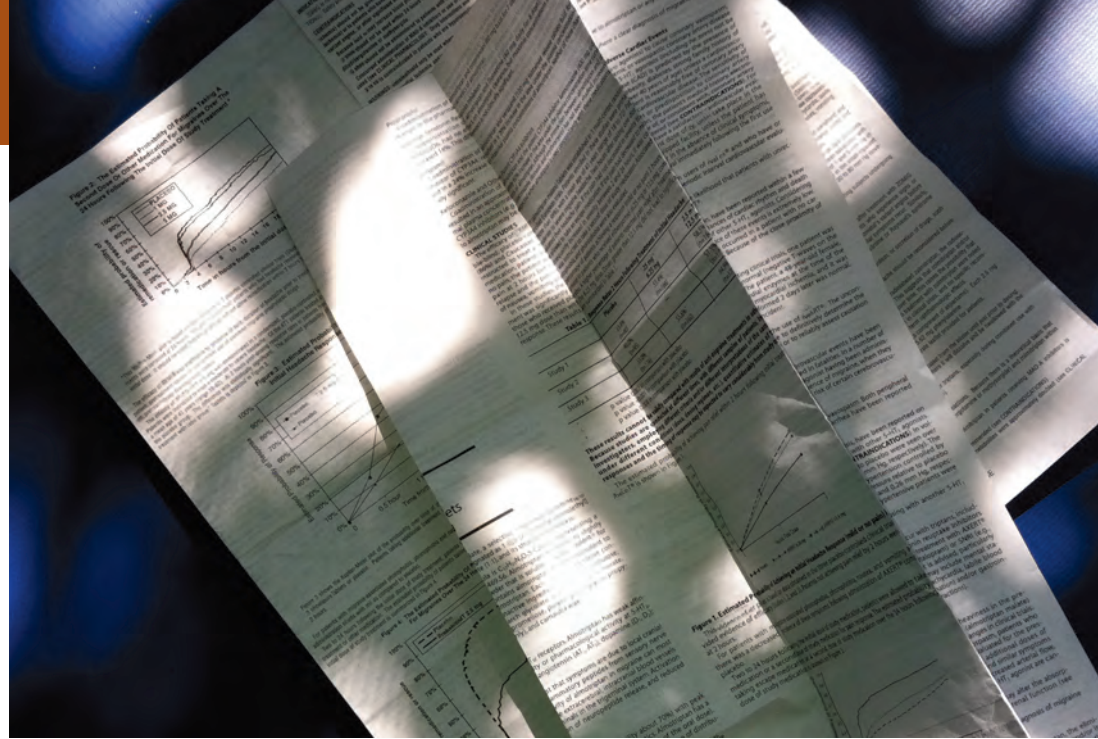
careful weighing of the risks and benefits of excluding state tort-law remedies. The Supreme Court in *Wyeth* rejected preambles as an appropriate means of asserting preemption.¹¹

Wyeth was a watershed case in reestablishing a “presumption against preemption.” A presumption against preemption had a long and somewhat inconsistent history in the case law. When courts are called on to construe statutes, rules, and regulations to determine if Congress or an agency has intended to assert preemption, a presumption could tip the balance in particular cases.

Likewise, the extent to which courts defer to agency expressions of the need for preemption is a significant issue in the case law. *Wyeth* stated that “[i]n all pre-emption cases, and particularly in those in which Congress has ‘legislated ... in a field which the States have traditionally occupied,’ ... we start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress.”¹² Thus, post-*Wyeth* standards for preemption dismissals seem to place a higher duty on a defendant seeking preemption to overcome a presumption that state law should not be displaced. Donna Levine thus increased the chance that someone injured by a defect in a product regulated by a federal agency can receive a monetary recovery.

ABA TASK FORCE PROPOSALS

The ABA Task Force proposals called for greater clarity in assertions of preemption by both Congress and federal agencies and for more careful consideration of state interests before making such a decision. First, they called on Congress to “address foreseeable preemption issues when it enacts a statute that has the potential to displace, supplement, or



otherwise affect state law.”¹³ That would include being clear and explicit “when it intends to preempt state law, including, specifically, whether any intended preemptive effect includes displacement of state-imposed common-law duties.”

Second, the Task Force recommended that each agency should, in any proposed rulemaking that it believes has the effect of preempting state law, explain the scope of the preemptive effect and why it is necessary or legally required. It should also provide factual support in the record for any assertions that state law is interfering with the operation of federal law, as well as the agency’s reasoning to support any predictions or concerns that state tort law would in the future interfere with the operation of federal laws or regulations.

A great deal of judicial time and litigant expense has been devoted to the preemption issue in recent decades. There are legitimate reasons for preemption—both express and implied—but wasted effort could be avoided if Congress and agencies made their intent clear and followed the procedures of establishing a record that justifies preemption. An encouraging sign is that the Uniform Law Commission (ULC) has held a conference on preemption and discussed uniform state and federal legislation to encapsulate such recommendations.¹⁴

NOTES

1 See *Movsesian v. Victoria Versicherung AG*, 578 F.3d 1052 (9th Cir. 2009) (California statute providing a right to sue by heirs of victims of “Armenian Genocide” preempted by the national government’s power to conduct foreign affairs); *Crosby v. Nat’l Foreign Trade Council*, 530 U.S. 363 (2000) (Massachusetts law barring its agencies from purchasing goods and services from companies doing business with Myanmar preempted by federal government’s foreign policy of sanctions placed on the country).

2 See, e.g., *Riegel v. Medtronic, Inc.*, 552 U.S. 312 (2008) (Food and Drug Administration’s (FDA) premarket approval process for medical devices establishes federal “requirements” under the Medical Device Amendments to the Federal Food, Drug, and Cosmetic Act providing for preemption of state law, and state common law action for negligence, strict liability, etc. dismissed).

3 *Silkwood v. Kerr-McGee Corporation*, 464 U.S. 238 (1984).

4 *Id.* at 248.

5 *Id.* at 251.

6 *Id.* at 248.

7 *Id.* at 251.

8 Justices Roberts, Alito, and Scalia dissented, and Justice Thomas filed a concurring opinion.

9 *Wyeth v. Levine*, 129 S. Ct. 1187, 555 U.S. 555 (2009).

10 Wall Street Journal, Health Blog, March 4, 2009.

11 *Id.* at 2003.

12 *Id.* at 1195.

13 American Bar Association Task Force on Federal Agency Preemption of State Tort Law, Report to the House of Delegates, Recommendation, Appendix to Edward F. Sherman, *Federal Preemption of State Tort Law: Policies, Procedures, and Proposals of the ABA Task Force*, 84 Tul. L. Rev. 1127, 1140.

14 ABA Washington Letter, Nov. 2010, Vol. 46, No. 11.

FACULTY APPOINTMENTS AND ENDOWED PROFESSORSHIPS

Three members of the Tulane University Law School faculty recently have been appointed to distinguished endowed professorships. Investiture in an endowed professorship is one of the highest honors an academic institution can bestow and marks the attainment of high distinction as a scholar. Endowed professorships provide essential resources to support future research and professional leadership, raising the national profile of both the scholar and the institution. These named professorships thus serve as a reminder of the important role that private support plays in enriching the intellectual life and impact of Tulane Law School.

While two of the law school's three newly endowed scholars, Professors Colin Crawford and Adam Feibelman, joined the Tulane faculty laterally in 2010, the third appointment recognizes one of the faculty's longest-serving members—Professor Cindy Samuel.



COLIN CRAWFORD

*Robert C. Cudd Professor of Law and Executive Director, Payson Center for International Development
BA, Columbia University; MA, 1st Class Honors, University of Cambridge; JD, Harvard University*

Professor Colin Crawford is a highly regarded scholar in the field of international environmental law and development. A self-described “deep believer in the importance of international education, especially in the globalized market,” Crawford’s work addresses comparative, cross-cultural environmental justice issues, with a particular focus on Latin America and the Caribbean. Among other indicators of his stature in the field, he recently was awarded a three-year grant from Higher Education for Development/

U.S. Agency for International Development to direct an environmental law capacity-building project in Guatemala, Nicaragua, and the Dominican Republic.

The Robert C. Cudd Professorship in Environmental Law was established in 1998 to honor a distinguished alumnus with an extraordinary record of service and support to Tulane University. Robert C. Cudd III is a 1958 graduate of Tulane College and a 1960 graduate of Tulane Law School. Cudd has served Tulane University in multiple capacities, including on the President’s Council and as Chair of the development/finance committee of the Intercollegiate Athletics Council. In 1998, Cudd generously endowed the Robert C. Cudd III Scholarship to enable the law school to recruit exceptionally talented Louisiana students.

ADAM FEIBELMAN

*Sumter Davis Marks Professor of Law
BA, Wesleyan University; JD, Yale University*

Professor Adam Feibelman, who joins Tulane Law School from the University of North Carolina faculty, is a nationally recognized scholar in several fields relating to commercial law, including bankruptcy, consumer protection, and the role of debt

in international development. His primary teaching and research interests include contracts, consumer financial transactions, banking law, bankruptcy, law and development, and sovereign debt.

During 2010, the *North Carolina Law Review*, the *Brooklyn Journal of International Law*, and the peer-reviewed *Journal of International Banking Law and Regulation* all published articles by Feibelman, who has another four in progress. Furthering his scholarship during the 2010–11 academic year, Feibelman presented his work at the University of Pennsylvania Law School, the University of Florida Law School, Cardozo Law School, American University School of Law, and the University of Minnesota Law School, among other venues.



The Sumter Davis Marks Professorship was established in 1998 to honor a distinguished alumnus in the class of 1916 who rose to the highest ranks of the legal profession in Louisiana. Sumter Davis Marks earned his BA from Tulane College in 1914 and his law degree two years later. A named partner in the New Orleans law firm of Phelps, Dunbar, Marks, Claverie & Sims, Marks served as president of both the New Orleans and Louisiana Bar Associations. He also served the law school for many years as an Adjunct Professor.



CYNTHIA ANN SAMUEL

*W.R. Irby Chair in Law and John E. Koerner Professor of Law
BA, Louisiana State University; JD,
Tulane University Law School*

Professor Cindy Samuel (L '72) is a distinguished scholar in civil law relating to family law, trusts and estates, and property. She plays a prominent role in law reform in Louisiana through the leadership Council of the Louisiana Law Institute and currently serves as the Reporter for the Institute's Committee on Trusts. In this role, Samuel has primary drafting and leadership responsibility for the Institute's commentary and law revision work relating to state law in the field. A member of the American Law Institute and an academic fellow of the American College of Trust and Estate Counsel, Samuel has served her alma mater since 1975—both as a faculty member and former Associate Dean for Academic Affairs.

The John E. Koerner Endowed Professorship was established in 2004 by fellow alumni and colleagues to honor outstanding business and civic leader John E. Koerner III, a 1969 graduate of the law school. Koerner holds three degrees from Tulane, earning his BS in 1965, his JD in 1969, and his MBA in 1970. Formerly the longtime president of Barq's, Mr. Koerner has served since 1995 as the managing member of Koerner Capital, LLC. He has served Tulane University and the law school in a number of vital capacities, including as Chair of the University's Board of Administrators, and continues to serve as a member of the Law School Dean's Advisory Board.

TO LEARN MORE ABOUT ESTABLISHING A PROFESSORSHIP AT TULANE LAW SCHOOL OR TO DISCOVER ADDITIONAL WAYS TO SHOW YOUR SUPPORT, CONTACT TULANE LAW SCHOOL'S DEVELOPMENT OFFICE AT (504) 862-8559.

AMY GAJDA

*Associate Professor of Law
BA, The University of Michigan;
JD, Wayne State University*

Professor **Amy Gajda** joined the Tulane Law School faculty in 2010 from the University of Illinois, where she was Assistant Professor of Journalism and Law with appointments in both the College of Law and the College of Media. Gajda's primary research interests relate to privacy, freedom of expression, media law, and the First Amendment. Among other matters, her work explores the tensions between social regulation and protected expression in contexts ranging from academic speech to news reporting. Before her teaching career, Gajda practiced law in Washington, DC. She worked as a television journalist, anchoring and producing newscasts and reporting for major television station affiliates prior to pursuing her law degree. A commentator for Illinois NPR stations, Gajda has won seven Associated Press awards for her legal journalism. Among her numerous publications, Gajda's book, *The Trials of Academe*, was published by Harvard University Press in 2009.

Gajda serves as chair of the Association of American Law Schools (AALS) Mass Communication Section and is the incoming chair of the AALS section on Defamation and Privacy. She is a member of the bars of the District of Columbia, Virginia, and Michigan.



SARU MATAMBANADZO

*Associate Professor of Law
BA, summa cum laude, University of Pittsburgh; JD, Harvard University;
MA, PhD, University of California-Los Angeles (UCLA)*

Professor **Saru Matambanadzo's** scholarly and teaching interests range from corporate law and gender law to legal history and legal theory. Since law school, where she served as an editor for the *Harvard Women's Law Journal*, she has worked as a senior researcher on real estate and securities litigation matters at a law firm in Los Angeles, while completing her PhD in women's studies at UCLA. Her dissertation, *Personifying Bodies and Embodying Persons*, focuses on "Legal Personhood Before 1900."

Matambanadzo has taught and lectured at UCLA, California State University-Long Beach, and the University of Oregon. She is a coauthor of *Sex Discrimination in a Nutshell* (West) and has published articles in the *Cardozo Journal of Law and Gender* and *Policy Futures in Education*.



New to the Tulane community, Prof. Amy Stein (left) acquaints herself with life at the law school prior to the start of the fall semester.



AMY STEIN

Associate Professor of Law
BA, with honors, Environmental Studies,
JD, University of Chicago

Professor **Amy Stein**'s primary interests are energy law, administrative law, and environmental law, with emphasis on natural resources, climate change, and water resources. She joins Tulane Law School from The George Washington University, where she taught as an adjunct professor in the environmental studies program, and as Visiting Associate Professor of Legal Research and Writing, Acting Associate Director of the Legal Research and Writing Program, and Co-Director of the Scholarly Writing Program at The George Washington University Law School. Following law school, Stein worked as an associate for Latham & Watkins LLP in the firm's environmental and litigation departments (Washington, DC, and Silicon Valley).

Most recently, Stein has been published in the *University of Colorado Law Review* and the *Duke Environmental Law and Policy Forum*. She is a member of the District of Columbia, Illinois, and California state bars.



MICHAEL SACKEY

Professor of the Practice in Legal Writing
BA, University of Rochester; JD,
magna cum laude, Washington and Lee
University

Professor **Michael Sackey** joins Tulane Law School from a teaching position at Columbus School of Law, The Catholic University of America. Previously, he was an associate at the Washington, DC, law firm of Arnold & Porter. Immediately after graduating from law school, where he served as notes editor on the *Washington and Lee Law Review*, Sackey served as judicial clerk on the U.S. District Court for the Southern District of West Virginia. Since 2000, he has engaged in extensive pro bono work, focusing on capital habeas litigation.



Adeno Addis delivered a plenary lecture at an international stock-taking conference on human rights held in May 2011 at the University of Antwerp in Belgium. Addis spoke on "Shared Responsibility in International Law."

Adam Babich has published his article, "Can the Preemption Doctrine Protect Public Participation?" in the *Case Western Reserve Law Review* (Summer 2011). He



presented "The Preemption Doctrine and Public Participation Rights" at the *Case Western Reserve Law Review* symposium, "Government Speech: The Government's

Ability to Compel and Restrict Speech," held in Cleveland, Ohio, November 19, 2010. Babich also served as a panelist on the topic of professional responsibility and environmental ethics at the ABA Section of Environment, Energy and Resources Annual Meeting held in New Orleans last October.

Paul Barron has published *Secured Transactions: Problems and Materials* (with Mark B. Wessman) (2nd ed., West).

S. Alan Childress has published the 4th edition of *Federal Standards of Review* (with Martha S. Davis) (3 vols., Lexis Nexis). Childress also authored forewords and explanatory notes of two additional books, including *The State and Federal Governments of the United States* by Woodrow Wilson, and *The Common Law* by Oliver W. Holmes Jr. Both have been published by Quid Pro, LLC (2010).



Mark S. Davis in July 2010 announced the receipt of a one-year \$75,000 McKnight Foundation General Support Grant for the Tulane Institute on Water Resources Law and Policy and the Tulane/Xavier Center for Bioenvironmental Research. According to Davis, “The basis for the grant was the collaborative work we have done on coastal/community sustainability, particularly in the Lower Ninth Ward and the neighboring wetlands of Orleans, St. Bernard, and Plaquemines Parishes.”

In April, Davis was named The Green Project’s 2011 “Green Giant.” Each year (since 2007), the Green Project awards the Green Giant trophy to a New Orleans area person who has demonstrated a sustained commitment to the environment and, subsequently, has significantly improved the environmental quality of New Orleans or southeast Louisiana. The Green Project, a nonprofit building supply retail store in New Orleans, handles paint recycling, electronic waste recycling, and grease collection for biodiesel fuel.

Onnig H. Dombalagian was invited to comment on “Living Wills as a Catalyst for Action,” at the Conference on International Financial and Monetary Law (sponsored by The Heyman Center on Corporate Governance, Benjamin N. Cardozo School of Law) held in New York last June 2010. He also presented “Swaps from a Lawyer’s Perspective” at the U.S. Securities and Exchange Commission in Washington, DC, in August 2010. The talk was designed to familiarize staff members of the Securities and Exchange Commission and the Commodity Futures Trading Commission with the operation of over-the-counter markets in preparation for their implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act.



Jörg Fedtke, co-director, Eason-Weinmann Center for Comparative Law, has joined an international

effort to support regional politicians and civil servants in developing a more responsible and constructive system of administration and good governance in the troubled region of Kirkuk, Iraq. The first workshop took place in Broummana (near Beirut, Lebanon) and brought together members of the Regional Council, the Deputy Governor, and representatives of Kirkuk in the National Assembly. As a result, participants were able to agree on the so-called Beirut Initiative, a set of common aims mainly in the area of regional economic development. The 18-month project is funded by the German Foreign Office and organized by the Friedrich Naumann Foundation (FNS).

More recently, Fedtke was invited to discuss election laws and other constitutional challenges that Egypt is facing at an event hosted by the Egyptian Organization for Human Rights (EOHR) and the Friedrich Naumann Foundation for Liberty (FNF) on April 6, 2011, in Cairo. Upon his return to New Orleans, Fedtke addressed members of the Tulane community during an Eason-Weinmann Center lunchtime talk, where he gave a first-hand account of the most important legal issues discussed during the occasion.

Amy Gajda presented the keynote address at Stetson University College of Law’s 32nd Annual National Conference on Law & Higher Education, February 5–8, 2011, in Orlando. Gajda’s address, “The Rise of a Litigation and Risk Management Culture on Campus,” was relevant to this year’s conference, which reviewed campus violence, challenges to academic freedom, issues of free speech, and the rise of virtual campuses.

Stephen M. Griffin has published “The National Security Constitution and the Bush Administration” in the *Yale Law Journal Online* (March 2011). He presented “The Legal Justification for the Vietnam War: Backwards and Forwards with Nicholas deB. Katzenbach” at the international conference, “The American Experience in Southeast Asia, 1946–1975,” held in September 2010 at the U.S. Department of State, Bureau of Public Affairs, Office of the Historian in Washington, DC.

Günther Handl has several recent publications including: “The Nuclear Non-Proliferation Regime: Towards Acceleration or Reversal of its Declining Effectiveness?” in the *Tulane Journal of International and Comparative Law*; “In Re South African Apartheid Litigation and Beyond: Corporate Liability for Aiding and Abetting under the Alien Tort Statute,” in the *German Yearbook of International Law*; and “American-Mexican Boundary Disputes and Cooperation,” in *Max Planck Encyclopedia of Public International Law* (Rüdiger Wolfrum, ed., Oxford Univ. Press). His review of Elisa Morgera’s book, *Corporate Accountability in International Environmental Law*, has been published in Volume 19 (p.126) of the *Review of European Community and International Environmental Law* (2010).

Handl made two presentations in March 2011 including one in Rio de Janeiro, Brazil, on “Business and Human Rights” at the international symposium, “Energy, the Environment and Human Rights: Issues and Challenges on the Eve of Rio+20,” and another at the Annual Meeting of the American Society of International Law in Washington, DC, where he presented “The Risk of Offshore Oil and Gas Operations: International Legal Implications and IMO’s Response.”

His October 2010 interview with China Radio International on the topic of Arctic Territorial Rights is available at

<http://english.cri.cn/7146/2010/10/25/2001s600946.htm>.

Oliver A. Houck has published a flood of new articles, most recently including: “Oil & Accountability: Who Will Pay to Fix Louisiana?” in *The Nation* (available at <http://www.thenation.com/article/36610/who-will-pay-fix-louisiana>); “Worst Case and the Deepwater Horizon Blowout: There Ought to Be a Law,” in the *Tulane Environmental Law Journal*; and “The Clean Water Act Returns (Again): Part I, TMDLs and the Chesapeake Bay,” in the *Environmental Law Rep.* (Envtl. Law Inst.). *The Environmental Forum* published the following articles by Houck: “Oil Over Again: From the Exxon Valdez to BP and Beyond” (reviewing David Lebedoff, *Cleaning Up: the Story Behind the Biggest Legal Bonanza of Our Time* [1997]); “Regulating Law: Environmental Protection’s Belief Systems” (reviewing Douglas A. Kysar, *Regulating From*

Nowhere: Environmental Law and the Search for Objectivity [2010]); and “Trial by Fire: Saving the American West,” (reviewing Timothy Egan, *The Big Burn: Teddy Roosevelt and the Fire That Saved America* [2009]).

Houck presented “Key Developments Concerning Water Resources, Quality, and Wetlands” at the 41st Annual ALI-ABA Course of Study on Environmental Law held in Washington, DC, this past February, and “Where The Wild Things Are: Writing About the Gulf” at the Tennessee Williams/New Orleans Literary Festival held in New Orleans in March.

David R. Katner presented “Daycare and Delinquency” at the 33rd Annual Conference of the National Association of Counsel for Children held in Austin, Texas, and “Current Issues in Competency and Juvenile Law” at



the Tulane Inns of Court in New Orleans.

His revised article, “Delinquency and Daycare,” formerly published in the *Harvard Law and Policy Review*, will be published later this fall in *Juvenile Justice for Kids* (Nancy E. Dowd, ed., NYU Press). Earlier this year, the *UMKC Law Review* published Katner’s article, “Revising Legal Ethics in Delinquency Cases by Consulting with Juveniles’ Parents.”

Adding to Katner’s busy academic year, the clinical law professor sat on two separate panels this past spring including: “Judicial Institutions” at the Tulane Center for Inter-American Policy and Research Symposium, “Representativeness and Effectiveness in Latin American Institutions and Democracies,” held in New Orleans in March, and “Starting a Sole Law Practice” at a Tulane Law School Career Development Office Program in April.

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CAMEROON CONFERENCE TOUCHES ON CONTRACT LAW

Claire Moore Dickerson, the Senator John B. Breaux Professor of Law at Tulane, visited Cameroon in January for an international conference on commercial and contract law. Organized jointly by the University of Basel (Switzerland) and the University of Buea (Cameroon), where Dickerson is a permanent visiting professor, the conference was sponsored by UNCITRAL, UNIDROIT, and OHADA (*l’Organisation pour l’Harmonisation en Afrique du Droit des Affaires*, in English, *Organization for Harmonization in Africa of Business Laws*).

While attending the conference,

Dickerson spoke in Douala addressing “OHADA’s Proposed Uniform Act on Contract Law: Formal Law for the Informal Sector” and served on several committees to evaluate the work of candidates for advanced degrees in law at the University of Buea. The latter was the culmination of a five-week visit to the university last fall, where Dickerson worked with those students and their colleagues.

Furthermore during her visit in 2010, Dickerson studied, with a sociologist from the University of Buea, the impact of business law in informal-sector markets, and subsequently presented some of



her work at the University of Cape Town in South Africa. Her November 30, 2010, presentation, “Promises of Future Performance and Informal-Sector Transfers of Personal Property: The Example of Anglophone Cameroon,” is due to be published in *ACTA JURIDICA* (2011).



TUNED INTO THE LAWS OF COPYRIGHT

A University of Denver music professor is orchestrating a legal concerto on the concept of the public domain, and scholars, artists, and musicians alike are taking note. The issue at the heart of Professor Lawrence Golan's copyright campaign dates back to 1994, when Congress passed a law restoring countless foreign copyrighted works, which had slipped into the U.S. public domain, back under the shield of copyright protection. Now the case of *Golan v. Holder* is headed to the United States Supreme Court, set to play out in October 2011.

Tulane University Law School Professor **Elizabeth Townsend-Gard**, an expert in the fields of intellectual property and copyright law, is just one in the market of scholars who for years has struggled with the physics of the public domain. A victory for Golan, she says, would be music to her ears.

While working on her doctoral dissertation in the 1990s, Townsend-Gard worried whether a number of the materials she needed were permissible to publish, questioning herself on the topics of copyright, fair use, the Internet, and the public domain.

"Was the law different if the works, as in my case, concerned foreign authors?" asked Townsend-Gard, whose work in the U.S. did in fact concern a British author's archive materials housed in Canada. "Were the laws the same if I used the work in the U.S., Canada, or the U.K.?"

After completing her PhD, the European history doctoral graduate enrolled in law school "to better understand the law surrounding the daily work of a historian." Nonetheless, nearly fifteen years later and 1,900 miles from where her quest began, she admits she still struggles to grasp the complexities of copyright law.

In an article published by the *Chronicle of Higher Education* in May 2011, Townsend-Gard echoed her frustration with the 'cultural crossroads conundrum' she, like so many others, faces on a daily basis.

"For people who work on the 20th century, it's fairly horrible,"

Townsend-Gard told *Chronicle* journalist Marc Parry who turned to the legal scholar for a better understanding of the constitutional challenges at hand. "It's deterring digitization on anything foreign, because people can't figure it out."

For years, Townsend-Gard has engaged in trying to answer one simple question: when does a pre-1978 work come into the public domain? So, in the summer of 2007, with the help of Tulane law graduates, Townsend-Gard invented a software tool—The Durationator™—that addresses the complexity of that question by helping to determine the copyright status of any given work.

According to Parry, the software could benefit a large number of people. "The law at stake in *Golan* alone potentially affects anyone studying works created or published by non-U.S. authors or publishers from 1923 to 1989," he wrote.

Townsend-Gard gave an overview of the ambitious "Usable Past Project" in 2010 at a conference hosted by the Berkeley Center for Law and Technology (BCLT). Responding to the software tool, BCLT Copyright Research Fellow Tara Wheatland said, "The complexity of this project speaks volumes about the complexity of formalities themselves throughout the history of copyright law."

Now in the early years of the twenty-first century—three hundred years after the first copyright act—"we may be on the threshold of constitutionally defining the public domain," says Townsend-Gard.

"As the Tenth circuit in *Golan* described it, once a work is in the public domain, it stays there," Townsend-Gard stated. "A constitutionally-defined public domain would protect the concept that a work is created, legally protected, and then released into the public domain. A constitutionally-defined public domain would require certainty—that users are able to determine the legal status of a work, without any confusion or difficulty."

Townsend-Gard says she often looks back to her days as a doctoral student "who just wanted to know if there were works she could use without restrictions or asking permissions." Until cultural works from the past become useable, she, like Golan, will continue to fight for a proper balance between copyright and trade—case-by-case, one query at a time.

ADDITIONAL SOURCES

- Townsend-Gard, Elizabeth, "Copyright Law v. Trade Policy: Understanding the Golan Battle within the Tenth Circuit" (March 8, 2011). *Columbia Journal of Law & the Arts*, Vol. 34, No. 2, 2011. Available at SSRN: <http://ssrn.com/abstract=1781011>.
- Townsend-Gard, Elizabeth and Ron Gard, "The Present (User-Generated Crisis) Is the Past (1909 Copyright Act): An Essay Theorizing the 'Traditional Contours of Copyright' Language." *Cardozo Arts & Entertainment*. Vol. 28:455. Available at: http://www.cardozoaej.com/wp-content/uploads/Journal_Issues/Volume_28/Issue_3/gard.pdf.

MEDIA STORM HITS HOME

NFL LOCKOUT 101 WITH GABE FELDMAN

By Nick Marinello, *Tulane University Publications*

Gabe Feldman says his work as a media analyst fits nicely with his work in the classroom. “It all becomes teaching material for me. It’s a great time to be a sports law professor and a sports law student.”



The NFL lockout, which finally ended on July 25, lasted 135 days. For Gabe Feldman it may have been the longest-running class he’s ever had to teach. Feldman, an associate professor of law and director of the Sports Law Program at Tulane, has been perhaps the most visible media analyst offering clarity on the legal complexities of the labor dispute.

Prominently featured as a regular contributor on the NFL Network, Feldman says that his work as an NFL legal analyst has in many ways

complemented his work at Tulane Law School.

“The legal issues raised by the NFL labor battle are the exact issues I research and teach at Tulane,” says Feldman, who teaches courses in sports law, contracts, antitrust and labor. “My role as an NFL Network analyst allowed me to share my work with a broader audience.”

Feldman also has been a go-to source for a variety of other media outlets, including the *New York Times*, *Washington Post* and *Wall Street Journal*, as well as a host of local television and

radio programs. The *Times-Picayune* named him one of its 25 most influential persons in South Louisiana sports and *Sports Illustrated* included him in its “Twitter 100” of essential online sources for the magazine’s reporters and editors.

“It’s not quite *Harvard Law Review*,” quips Feldman, “but it’s good publicity for the school and the sports law program, and it is an honor to be recognized by local and national media.”

If his participation over the last few months in covering the lockout has taught Feldman anything, it’s the enormous amount of time and resources that go into reporting on stories of this size and nature.

“It gave me great insight into the sports media world and how hard all of the people involved in the sports media industry have to work to cover a complicated story like the lockout,” says Feldman.

Now that the lockout is over, Feldman hardly has time to take a breath. Asked if he expects to have a role in covering the current NBA lockout, he says, “Yes, and it has already started. The NBA lockout will be a much bumpier road than the NFL lockout.”

Stay tuned.

HEAD-TO-HEAD WITH THE GO-TO GUY FOR SPORTS LAW

How did you first become interested in sports law?

My interest in sports law stemmed from my desire to understand the structure and operation of sports leagues. I quickly realized that virtually every aspect of professional sports is shaped by some area of the law.

Did you play sports in your youth?

I played every sport I could growing up, none of them particularly well.

What’s your favorite sport?

I am a fan of all sports, but I follow college basketball and professional football most closely.

In your opinion, what are the most interesting jobs available to sports lawyers?

There are many interesting jobs available to sports lawyers—many people focus on general counsel positions with teams and leagues, but there are great opportunities for sports lawyers to work for sponsors and broadcast partners of sports leagues, athletics departments, as well as with international sports organizations like the United States Olympic Committee.

What one thing do you think all fans should understand about the NFL lockout?

The NFL lockout and the NFL players’ attempt to block that lockout presented several very difficult questions at the intersection of antitrust and labor law. And the NBA lockout and subsequent labor battle will last much longer than the NFL battle.

What’s the best thing about teaching law?

The opportunity to write and teach about my passion—the intersection of sports and the law.

A two-part Legal Analysis of the Issues Behind the NFL Collective Bargaining Agreement Negotiations can be found on Gabe Feldman’s biography page posted on the Tulane Law School website.

DAVIS, HOUCK HELP TO CLEAR UP MUDDY WATERS

When the Mississippi River crested in New Orleans in late May, it rose to within three feet of the 20-foot barrier provided by levees in the city. And while New Orleanians fished, picnicked, and danced on the levees, the nation held its breath, waiting to see if the damage done to towns upstream would wash into the city. Fortunately, the river's waters subsided without overflowing the levees—but not without stirring up substantial media interest.

Law Professor **Oliver Houck** and **Mark Davis**, senior research fellow and director of the Tulane Institute for Water Resources Law and Policy, both stepped into the limelight time and again to discuss the delicate balance of life on the banks of the Mississippi. Their comments appeared in national news outlets including CNN and NPR, *USA Today* and the *Washington Post*, *Los Angeles Times* and the *Seattle Times*, as well as local radio, television, and print media.

Over those weeks, the school's experts drew national attention to the perilous nature of living at the end of the Mississippi. While the media were interested in the current flood, Davis took the opportunity to highlight a second flood—the coastal flooding that imperils Louisiana residents.

“Coastal Louisiana was built by the Mississippi River over the last 7,000 years. And ever since we took the river out of that landscape, we’ve watched it disappearing,” Davis said in an interview with CNN Anchor Don Lemon (May 14, 2011). “And really over the last 100 years we’ve lost roughly 2,000 square miles of land. That’s a permanent flood.”

Periodic flooding has long been a concern in the area, but man-made levees and related construction projects have altered the flow of the water, forcing more coastal flooding as a consequence.

RISKY BUSINESS

Indeed, while residents often are criticized for making a risky choice to live in the New Orleans area, it is the very impetus to build close to the river that has increased the risk. Houck has long been involved with the Bonnet Carré spillway (just north of New Orleans), one of only two pressure relief points along the lower Mississippi. In the 1970s and '80s, Houck led a fight to prevent real estate development in the spillway zone, arguing that settlement and civilization along the area, which he says the corps designed to be flooded intentionally, would put further pressure on those in charge of deciding if and when to open the flood gates.

With the opening of the Morganza Spillway to prevent flooding the city, Houck's argument hit uncomfortably close to home.

“If we allow [space] along big rivers and along hurricane-vulnerable coasts, it is a win-win. We don't get hurt—we still enjoy the riverine and coastal resources,” the *Washington Post* quoted Houck as saying (“In Louisiana, a choice between two floods,” May 2011). “There remains a lot of money to be made in building in risky places...particularly when the government provides you with levees, pumps, flood insurance, and disaster relief. In effect, we are subsidizing disasters.”

Davis continued the argument, emphasizing that bringing the river back into the landscape in a controlled fashion can nourish the swamps and marshland, which serve as barriers. Flourishing swamps in turn protect areas like New Orleans.



Professors Oliver Houck (left) and Mark Davis were the sole “Educators” honored by New Orleans CityBusiness this year in the magazine’s annual “Leadership in Law” issue. For more on this recognition, see page 48.



WHEN MOTHER NATURE CALLS, HOUCK AND DAVIS ANSWER

In an interview with local radio talk show host Spud McConnell, WWL, Davis pointed out the obvious—that no one can make the water go away. He says the real question, therefore, is where to direct the water and how quickly to do it.

Davis's argument is grounded in years of experience. Prior to joining Tulane Law School in 2007, Davis served fourteen years as executive director of the Coalition to Restore Coastal Louisiana, where he helped shape programs and policies at the state and federal level to improve the stewardship of the wetlands and waters of coastal Louisiana.

Ultimately, change will come from appropriate policy decisions. Government response is a significant factor.

“The story yet to be told is whether Congress will react to all of this simply by throwing money at it, or, rather, by taking a larger look at the Mississippi River, the coast, and the flood insurance program, and begin to do something different,” said Houck. “We need very big disasters for change to happen, particularly now when the politics are so divided. This is a big event, but it is not a big disaster. Thank God. And thank a capable floodway outlet system.”

For now, the waters of the Mississippi are contained in the levees, but residents along the river and throughout the coastal plains remain uncomfortably aware of their tentative détente with nature.

ADDRESSING DOMESTIC VIOLENCE AT THE WHITE HOUSE



Professor Tania Tetlow welcomes the opportunity to meet Vice President Joe Biden while visiting the White House for a press conference on domestic violence.

Tania Tetlow, director of the Tulane Law School Domestic Violence Clinic (DVC) and the Felder-Fayard Associate Professor of Law, joined Mayor Mitch Landrieu at the White House in October 2010 for a press conference on domestic violence policy. While in DC, Tetlow had the opportunity to meet President Barack Obama and Vice President Joe Biden as they commemorated Domestic Violence Awareness Month with the announcement of new initiatives to end domestic violence.

Among the initiatives announced was the launch of “Access to Justice for Domestic Violence Victims,” a pilot project designed to encourage pro bono work on behalf of domestic violence survivors. New Orleans and Baltimore have been chosen as the first two cities to conduct the program, which is being administered by the Department of Justice.

“Domestic violence survivors often find themselves without any access to lawyers to help them legally untangle themselves from violent relationships,” says Tetlow. “This program asks [law] firms to fund a stint for an incoming associate at legal aid, doing domestic violence work, using a law school clinic to help ensure that the experience provides meaningful litigation training that

benefits the firm. Law firms are more likely to make the generous commitment of lending an associate to a legal services office if that young lawyer returns with valuable litigation skills.”

Also present for the announcement were Valerie Jarrett, Senior Advisor to the President and Chair of the White House Council on Women and Girls, and former NY Yankees and LA Dodgers baseball manager Joe Torre, founder of the Joe Torre Safe at Home Foundation.

“We are thrilled to be part of the new White House effort to encourage pro bono work on behalf of domestic violence survivors, and to partner with Adams and Reese,” exclaims Tetlow. “Both President Obama and Vice President Biden (who authored the Violence Against Women Act as a Senator) expressed their commitment to increasing pro bono services so desperately needed to help women legally untangle themselves from violent relationships.”

Tania Tetlow’s article, “Granting Prosecutors Rights to Combat Discrimination,” has been accepted for publication in the *University of Pennsylvania Journal of Constitutional Law*. Her article, “Why Batson Misses the Point,” has been accepted for publication, as well, as part of a symposium in the *Iowa Law Review*.

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Herbert V. Larson

was the recipient of the “2010 Criminal Justice Act Panel Attorney of the Year,” presented by the Louisiana Association of Criminal

Defense Lawyers in December 2010.

Shu-yi Oei’s article, “Getting More by Asking Less: The Role of Stakeholder Dynamics in Reforming Tax Law’s



Offer-in-Compromise Procedure,” has been accepted for publication in the *University of Pennsylvania Law Review*.

Vernon V. Palmer has published *The Frontier Between Contractual and Tortious Liability in Europe: Insights from the Case of Compensation for Pure Economic Loss* (with Mauro Bussani) in *Towards a European Civil Code* (Arthur S. Hartkamp et. al. eds., 4th ed., Wolters Kluwer 2011). In addition, his review of Niall R. Whitty & Reinhard Zimmermann’s book, *Rights of Personality in Scots Law: A Comparative Perspective*, was published in the *Tulane European and Civil Law Forum*. Palmer’s most recent presentations include the



following: “Empires as Engines of Mixed Laws in the Modern World” at the Juris Diversitas conference on Mediterranean Hybridity held in Malta (June 2010); “Three

Milestones in the History of Privacy in the United States” at the conference, “Protection of Personality Rights: Roman Foundations, Contemporary Evolution and Challenges” (jointly sponsored by Remin University, Beijing, and East China University of Political Science and Law, Shanghai) held in

Shanghai, China (October 2010); and “The Great Spill in the Gulf...and a Sea of Economic Loss” at the conference, “Towards a Chinese Civil Code: Historical and Comparative Perspective” (sponsored by Centre for Chinese and Comparative Law) held in Hong Kong, China (October 2010). Further, Palmer was one of several renowned scholars invited to present on “Louisiana Legal History” at a two-day workshop held at the University of Edinburgh Law School, May 20–21, 2011.

Edward F. Sherman has been busy finalizing his many recent publications, which include “Management Techniques and Devices for Segmenting Aggregate Litigation,” in *A Practitioner’s Guide to Class Actions* (Marcy Greer, ed., ABA Publications), and “Judicial Supervision of Attorney Fees in Aggregate Litigation: The American Vioxx Experience as Example for Other Countries,” in *Common Law, Civil Law, and the Future of Categories* (Oscar Chase and Janet Walker, eds., LexisNexis). Further, two acclaimed law reviews recently published articles by Sherman, including “Terrorist Detainee Policies: Can the Constitutional and International Law Principles of the Supreme Court’s Boumediene Precedents Survive Political Pressures?” in the *Tulane Journal of International and Comparative Law* (2010), and “Abandoned Claims in Class Actions: Implications for Preclusion and Adequacy of Counsel,” as part of a symposium on aggregate litigation in the *George Washington Law Review* (2011).

Sherman gave a number of presentations during the 2010–11 academic year. In October, he travelled to Chicago to speak at the National Class Action Institute, ABA Section of Litigation, as well as to Washington, DC, where he presented on preemption at a symposium held at The George Washington University Law School. The spring semester

brought two additional presentations from Sherman: one during a symposium on the BP oil spill litigation at Mississippi College of Law in Jackson, and another closer to home, where he presented “Arbitration Law in Flux and Maritime Implications” at the Tulane Admiralty Law Institute in New Orleans.

In January, Sherman was honored at the annual meeting of court special masters in New Orleans. The Academy of Court-Appointed Masters (ACAM), composed of judges and lawyers who have served as Special Masters, awarded Sherman with the 2011 Francis McGovern Writing Award, given for contributions to the development and

understanding of the role of special masters in U.S. courts.

Mark B. Wessman has published *Secured Transactions: Problems and Materials* (with Paul Barron) (2nd ed.,



West). In March 2011, he attended “Contract as Promise at 30: The Future of Contract Theory,” a conference at Suffolk University Law School in Boston

organized by former Tulane Law School visitor Jeff Lipshaw. Wessman is visiting at New York Law School this fall.

JUDGING GULF COAST CLAIMS

Ronald J. Scalise Jr. (L ’00), the A. D. Freeman Professor of Civil Law at Tulane University Law School, has been appointed to serve as one of 25 Appeals Judges for the Gulf Coast Claims Facility (GCCF), the organization responsible for handling claims filed by individuals and businesses for costs and damages resulting from the April 2010 oil spill disaster. The announcement this past June culminated an intensive process by which Jack M. Weiss, the Appointing Authority for GCCF Appeals Judges, identified “distinguished members of the legal community...to serve as impartial GCCF Appeals Judges.”

“The Appeals Judges selected are highly competent, respected, and experienced men and women from the Gulf states most affected by the Deepwater Horizon oil spill,” said Weiss, who also serves as the Chancellor of the Louisiana State University (LSU) Paul M. Hebert Law Center. “These outstanding professionals should be commended for their willingness to serve the citizens of our region.” Weiss’s selections stem from Alabama, Louisiana, Mississippi, and Florida, and include retired federal or state judges, law school deans or professors, professional mediators or arbitrators.

A member of the Louisiana State Law Institute and a board member of the American Society of Comparative Law, Scalise has written extensively on civil law topics, particularly in the area of successions and inheritance. He currently is editing a book on European contract law and has another in the works regarding civil law of property.

In Louisiana alone, more than 214,580 people and businesses have filed claims with the GCCF since the Deepwater Horizon rig exploded. The claims facility has paid out approximately \$5.6 billion (at the time of print) across the southern region.



An aerial photograph of a city and river system at sunset. The sky is filled with large, dramatic clouds, some dark and some illuminated by the setting sun. The city below features a mix of residential areas, industrial zones, and a prominent blue bridge. A large river flows through the center, surrounded by lush green forests in the foreground. A teal header is located in the top left corner.

RECESS FOR REFLECTION

“EVENTUALLY, ALL THINGS MERGE INTO
ONE, AND A RIVER RUNS THROUGH IT.”

—Norman Fitzroy Maclean





ALUMNI MAKING THEIR MARK



LIFE AFTER TULANE LAW SCHOOL

BY MARY MOUTON (L '90) AND LAUREN GAVIOLI

THEN AND NOW, TULANE LAWYERS ARE A UNIQUE BREED. THEY LOVE GOOD FOOD, GOOD COMPANY—AND FIGHTING THE GOOD FIGHT. THOUGH LIFE AFTER TULANE LAW SCHOOL VARIES FOR EVERYONE, TULANE ALUMNI CONSISTENTLY GO ON TO MAKE THEIR MARK ON THE WORLD. FROM THE STREETS OF NEW ORLEANS AND OVERSEAS, THROUGH HALCYON DAYS AND HISTORIC DISASTERS, TULANE LAW ALUMS HAVE PUSHED THE BOUNDARIES OF JUSTICE. THE FOLLOWING COMPILATION CELEBRATES THE TRIUMPHS OF ONLY A HANDFUL OF LAW GRADUATES, YET IT REPRESENTS THE SPIRIT OF ALL WHO CALL TULANE LAW SCHOOL THEIR “HOME.”

A GALAXY OF STARS

1961 was a time of change in America. John F. Kennedy became the 35th President of the United States just as the cold war with Russia was heating up. Communism was on the rise in Cuba and the U.S. effort to overthrow Fidel Castro failed. The nation embarked on an ambitious space program and entered the Vietnam conflict.

Here in New Orleans, Tulane stadium towered over Willow Street. Tulane Law School was located in Tilton Hall on St. Charles Avenue, and the class of 1961 was one of its largest ever, consisting of more than 100 students, including four women. At that time, the university was segregated, not admitting black students until two years later.

The *Jambalaya* yearbook summed up the law school activities that year: “all constitute a mixture of academic and recreational activities that go toward developing the whole lawyer and the whole man.” The formula seems to have been a successful one. Fifty years later, members of the law class of 1961 have led distinguished legal careers, practicing at the top of their fields, many in the public sector.

Fifteen members of the class have held judgeships on the local, state, and federal levels. “The stars fell on the class of 1961, not only because of the number of judges but other achievements,” said Jacques L. Wiener Jr., who ascended to the level of a senior judge after 20 years at the United States Fifth Circuit Court of Appeals.

Harry Connick Sr. spent 29 years fighting crime as the Orleans Parish District Attorney. And the late John J. Hainkel Jr. was the only person in Louisiana and United States history to have been elected to lead both chambers of a state legislature, as speaker of the Louisiana House of Representatives and also president of the state Senate.

The class had its share of academics as well. Joseph H. Lawson is currently an emeritus professor of law at Loyola Law School; Wayne S. Woody taught at Tulane Law School and managed University College for many years. James E. Wessner taught as a professor at the University of Virginia Law School and served as general counsel for the University of Cincinnati. Charles Ferguson never practiced law and instead served as editor of *The Times-Picayune* for 10 years. He was named a Nieman Fellow at Harvard University. Phil Wittmann took every accounting course he could while an undergrad at Tulane only to transition into a litigation practice at the law firm of Stone Pigman Walther Wittmann where he has practiced for the last 50 years. Wittmann has been recognized repeatedly as one of the leading trial lawyers in the state of Louisiana, as well as on the national level.

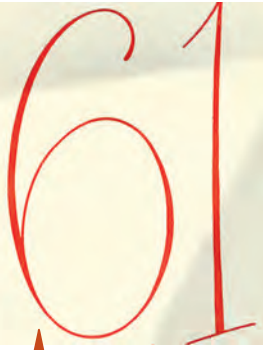
Louisiana’s civil law was the only curriculum taught in those days; there was no place for the common law curriculum. The faculty was comprised of some of Louisiana’s foremost authorities including Wood Brown Jr. (successions and donations), Ray Forrester (constitutional law), Clarence Morrow (criminal law), Leonard Oppenheim (property), and Ferd Stone (torts). One newcomer to the faculty was Professor Hoffman Fuller (federal taxation), who taught at Tulane for 51 years before retiring in 2007.

However, “everybody’s most memorable professor had to be Mitchell Franklin,” Judge Wiener recalls. “He taught for decades at Tulane, served as legal advisor at the Nuremberg trials and was the quintessential practitioner of the Socratic method. He was a true character in every sense but an outstanding law professor.”

“Tuition was a bargain,” the crime-fighting Harry Connick recalls. “It was something like \$900 a year.” He and his wife, the late Anita Connick, ran a record store while he was in law school. Anita then earned her law degree and became one of New Orleans’ first female judges.

F. A. “Pappy” Little Jr., who was appointed to the United States District Court for the Western District of Louisiana by President Reagan in 1984 and served for 22 years,

★ BUDDY CALDWELL (L ’73), Attorney General of Louisiana. ★ Tulane Law School alumni who have been U.S. senators from Louisiana: ROBERT F. BROUSSARD (1915–16), HUEY P. LONG (1932–35), JOHN H. OVERTON (1933–1948), ALLEN J. ELLENDAR (1937–72), and DAVID VITTER (2005–present). ★ (THOMAS) HALE BOGGS (L ’37) serves in Congress in 1941–43 and 1947–72. ★ JOHN BAILEY (L ’81), Secretary of State, Republic of Panama. ★ JUDGE JOHN MINOR WISDOM (L ’29) of the 5th U.S. Circuit Court of Appeals plays a leading role in four landmark decisions in the 1960s that lead to desegregation of public schools and advancement of civil rights and economic justice. Wisdom receives the Medal of Freedom, the nation’s highest civilian honor, in 1993. ★ ALEXI GIANNOULIAS (L ’03), Illinois State Treasurer. ★ KENNETH McCLINTOCK (L ’80), Secretary of State, Puerto Rico. ★ JONATHAN HENSLEIGH (L ’85), writer of *Die Hard: With a Vengeance* (1995), *Jumanji* (1995), and *Armageddon* (1998). ★ JANET WOODKA (L ’92) is named the federal coordinator for Gulf Coast recovery and rebuilding in March 2009. ★ High-ranking judges among Law School alumni are: JUSTICE ELIZABETH WEAVER (L ’65) of the Michigan Supreme Court since 1994; JUDGE EDITH BROWN CLEMENT (L ’72) of the 5th U.S. Circuit Court of Appeals since 2001; and JUDGE WILLIAM H. PRYOR (L ’87) of the 11th U.S. Circuit Court of Appeals since 2004. ★ TODD SCHULER, Maryland State Delegate, current (D), STACEY MITCHELL (L ’94) is chief of the Environmental Crimes Section at the U.S. Department of Justice. She is involved with U.S. Coast Guard efforts to detect, deter and prosecute those who illegally discharge pollutants from ships into the oceans, coastal waters and inland waterways. ★ BOB LIVINGSTON (L ’68) serves in the U.S. Congress (1977–99). ★ ROBERTA SHAFFER (L ’80) is appointed Law Librarian of Congress in August 2009. ★ Two law alumni have served as chief of protocol for the United States: JOHN GIFFEN WEINMANN (L ’52) for President George H.W. Bush and DONALD ENSENAT (L ’73) for President George W. Bush. Both also are U.S. Ambassadors: Weinmann to Finland and Ensenat to Brunei. ★ TERRY O’NEILL (L ’80) is the president of the National Organization for Women (NOW). ★ ROBERT M. HARLING III (L ’77) writes the off-Broadway hit *Steel Magnolias* as well as the screenplay for the film version shot in Harling’s hometown, Natchitoches, La., in 1989. ★ HEATHER McTEER-HUDSON (L ’01) is elected the first female, first African American and youngest mayor of Greenville, Miss., in 2003. ★ JIM GARRISON (L ’49), New Orleans District Attorney (D), was best known for his investigations on the John F. Kennedy assassination and subject of the Oliver Stone movie, *JFK* (played by Kevin Costner). ★ Considered the greatest chess player of his era and unofficial World Chess Champion, PAUL MORPHY receives a law degree in 1857, memorizing the entire Louisiana Civil Code. ★ VICTORIA REGGIE KENNEDY (L ’79), wife of the late Senator Edward M. Kennedy, cofounded Common Sense About Kids and Guns. ★



remembers going to classes on Saturdays, a law school rite of passage that has since been retired. “Nearly everyone smoked. Everyone took copious notes. [There were] no computers. Some, such as I, rented typewriters and tables to take exams in the library stacks,” he says. Little made it a point to hire law clerks from Tulane Law School, employing 15

Tulanians while he served on the bench. He found Tulane graduates well prepared, always possessing a good sense of

humor and, not surprisingly, “a desire for good food,” he says.

Things have changed for today’s young attorneys, says Phil Wittmann. “Electronic wizardry” makes the practice of law more difficult. “In the old days, you could take a day to consider a response,” he says. “Now you’re expected to respond in seconds. It’s very wearing on young lawyers who haven’t disciplined themselves to ignore emails and set aside some time to get their work done.”

“The class [of ’61] hailed from states throughout the nation and many foreign countries,” states Judge Little. “The interaction with other non-Louisiana residents was a real plus. Those relationships survive to this day. The fondness for the lasting impression of an education at Tulane Law School is evidenced by the contributions to the school fund by the members of the class.”

In 2004, musician-actor Harry Connick Jr. honored his parents by establishing a Tulane Law School scholarship in their names. In addition, members of the class of 1961 have funded a separate scholarship to recognize the fiftieth anniversary of their graduation. Collectively, the class has pledged nearly \$300,000 to date. ■

“THE STARS FELL ON THE CLASS OF 1961, NOT ONLY BECAUSE OF THE NUMBER OF JUDGES BUT OTHER ACHIEVEMENTS.” —THE HON. JACQUES L. WIENER JR.



Above: Tulane Law Review Board of Student Editors, Spring 1961. Standing, l to r, Wood Brown III, Jacques L. Wiener Jr., Joseph H. Lawson, Phillip A. Wittmann, and José Menalco Solis-Rivas. Seated, l to r, John J. Hainkel Jr., Professor “Pan” Zeppos (of Greece), Wayne S. Woody, and Frederick S. Kullman.

THEN AND NOW

It cost 4 cents to mail a letter and 57 cents for a carton of eggs. A gallon of gas was 25 cents and a new car set you back about \$2,275. The Dow Jones Industrial Average rose to a high of 691 and the median family income was \$5,700 per year. A year’s tuition at Tulane was \$1,090.

Harper Lee’s *To Kill a Mockingbird* won the Pulitzer Prize for fiction. A band of four lads from Liverpool, England, called the Beatles performed for the first time at the Cavern Club. At Carnival in New Orleans, Pete Fountain founded the Half Fast Walking Club, an immediate hit with parade-goers.

President John F. Kennedy established the Peace Corps and announced to Congress his goal to put a man on the moon before the end of the decade. And 103 newly commenced Tulane lawyers set out to make their mark across the globe.

The year was 1961.
But that was then. This is now.

Below right: Celebrating the 50th anniversary of their graduation are 1961 class members, l to r, Thomas Shelton, the Hon. Jacob Karno, Maumus Claverie Jr., the Hon. Clarence McManus, the Hon. Robert Robertson, the Hon. Kenneth Boagni, C. Allen Hennesy, William Forman Jr., the Hon. F. A. “Pappy” Little Jr., Bill Meriwether Jr. (seated), J. Dwight LeBlanc Jr., the Hon. Jacques Wiener Jr., Phil Wittmann (seated), who hosted the event at his home in Lakeview, C. King Mallory, Edward Feinman Jr. (kneeling), and Lawrence Ernst.





Based on correspondence from members of the Tulane law class of 1961, a partial list of their accomplishments follows.

Pictured L to R, First Row

RICHARD ADKINS
 STANLEY P. BABIN
 CHARLES F. BOAGNI III
 THE HON. KENNETH BOAGNI JR., Opelousas, La.;
 City Judge of Opelousas and Ward One of St. Landry Parish
 (1972–2008); former president, Louisiana City Judges’
 Association, Louisiana Juvenile Judges’ Association

Second Row

WOOD BROWN III (d. May 11, 2006); lifetime member,
 American Law Institute; president, Louisiana State Bar
 Association
 ALLEN H. COON
 HARRY F. CONNICK SR., New Orleans, La.; District
 Attorney, Orleans Parish (1974–2003); recipient, “Directors
 Award of Distinguished Service,” on behalf of the Office of
 National Drug Control Policy for his fight against illegal
 drugs (2002)
 PAUL G. CREED

Third Row

J. MARTIN CROSBY
 WILLIAM M. DARLINGTON
 HERBERT H. DUNCAN JR.
 EDWARD M. FEINMAN JR.

Fourth Row

WILLIAM H. FORMAN JR., New Orleans, La.; author,
 “The Case Against Torture,” in *The Officer* (Reserve Officers
 Association of the United States) (July–Aug. 2007)
 pp.47–50; author, “Are Louisiana Judicial Death Warrants
 Constitutional?” in *Louisiana Bar Journal*, Vol. 31, No. 11
 (June 1983) pp.17–20 and 52
 GEORGE F. FOX JR., Lake Providence, La.; member,
 Louisiana State House of Representatives; Assistant District
 Attorney; Town Attorney; Town Magistrate
 WILLIAM J. FRAZER
 BURNELL S. GOODRICH

Fifth Row

JOHN J. HAINKEL JR. (d. April 15, 2005); speaker,
 Louisiana House of Representatives; president, Louisiana
 State Senate
 JOHN H. HAMMEL III
 FREDRIC G. HAYES
 C. ALLEN HENNESY

Sixth Row

THE HON. JACOB L. KARNO, Metairie, La.; judge, 24th
 Judicial District Court (Jefferson Parish)
 THOMAS A. KEHOE SR.
 KARL J. KIRCHBERG
 SIDNEY PIERRE LANDRY JR.

Seventh Row

J. DWIGHT LEBLANC JR., New Orleans, La.; managing
 partner, Chaffe, McCall, Phillips, Toler & Sarpy; fellow,
 American College of Trial Lawyers; member, Maritime Law
 Association of the United States Board of Directors
 THE HON. WALLACE C. LEBRUN (d. April 7, 1989);
 judge, 24th Judicial District Court (Jefferson Parish)
 BYRON P. LEGENDRE
 THE HON. F. A. “PAPPY” LITTLE JR., Alexandria, La.;
 Chief Judge, Western District of Louisiana, United States
 District Court (6 years); Chief Judge, Coushatta Indian
 National Tribal Court; fellow, American College of Trust
 and Estate Counsel



Pictured L to R, First Row

THOMAS S. LOOP
 NESTOR MARQUEZ-DIAZ
 THE HON. CLARENCE E. McMANUS, Gretna, La.; judge, Louisiana Fifth Circuit Court of Appeal (–Dec. 31, 2012); judge, 24th Judicial District Court (Jefferson Parish, 18 years); prosecutor, District Attorney’s Office (Jefferson Parish, 13 years)
 RICHARD E. MEDEN

Second Row

KELLY E. MILLER
 BAILEY POWELL
 THE HON. ROBERT S. ROBERTSON, Morgan City, La.; judge, City Court of Morgan City, Louisiana
 THE HON. EDMOND C. SALASSI, New Orleans, La.; Administrative Law Judge, Office of Hearings & Appeals

Third Row

JOHN T. “BUD” SEALE (d. Dec. 17, 2008); District Attorney, 6th Judicial District, Ouachita Parish; Chief Disciplinary Council, Louisiana State Bar Association
 THOMAS R. SHELTON
 JOHN ROGERS SIMMONS JR.
 ALVIN S. TRANSEAU, Phoenix, Ariz.; Captain, Judge Advocate General’s Corps., United States Navy

Fourth Row

JORGE L. VALDIVIESO JR.
 DONALD P. WEISS (d. June 20, 2010); fellow, American College of Trust and Estate Counsel; chairman, Louisiana State Bar Association (tax section)
 THE HON. JACK B. WELDY, Lumberton, Miss.; judge, Mississippi Court of Appeal; magistrate, Mississippi Supreme Court
 JAMES E. WESNER, Cincinnati, Ohio; General Counsel, University of Cincinnati (20 years)

Fifth Row

THE HON. JACQUES L. WIENER JR., New Orleans, La.; judge, United States Court of Appeals for the Fifth Circuit (1990–assumed senior status Sept. 30, 2010); fellow, American College of Trust and Estate Counsel; president, Shreveport Bar Association
 DEAN WAYNE S. WOODY, Baton Rouge, La.; emeritus professor of law, dean, University of California, Hastings College of the Law
 RICHARD L. YARBROUGH
 JAMES C. YOUNG

Not Pictured

THE HON. REULE P. BOURQUE, Kaplan, La.; judge, City of Kaplan
 THE HON. MAUMUS F. “TEEMO” CLAVERIE JR., New Orleans, La.; Administrative Judge
 THE HON. WALLACE A. EDWARDS, (d. February 19, 2005); judge, Louisiana First Circuit Court of Appeal; judge, 22nd Judicial District Court; Appellate Court Judge (1976–1994); president, Louisiana District Judges Association
 CHARLES A. FERGUSON JR., New Orleans, La.; editor, *The Times-Picayune* (1980-1990); editor, *The States-Item*; Nieman Fellow, Harvard University; member, Nieman Advisory Board at Harvard (est. 2004–2010); chair, Dillard University Board of Trustees (13 years)
 THE HON. THOMAS L. GIRAUD, (d. May 16, 1998); judge, 24th Judicial District Court (Jefferson Parish)
 PROF. JOSEPH H. LAWSON, New Orleans, La.; Emeritus Professor of Law, Loyola Law School
 JAMES W. MOORE, Tupelo, Miss.; managing partner, department head (Labor, Health and Employment Law Department), Eldredge & Clark (Little Rock); initiated a pre-law curriculum and taught at The Virginia Military Institute, Lexington, Va.
 THE HON. BERNARD B. NACHMAN, Jacksonville, Fla.; judge, Duval County Courthouse

GEORG A. POTYKA (LLM), Maria Enzersdorf, Austria; Austrian ambassador to Iraq (1984–1987) and Bulgaria (1998–2002); head, department of international environmental policy, Austrian Ministry for Foreign Affairs; author, *Rechtsetzung und Entscheidung im Völkerrecht* (English Summary: *Law Making and Decision Making in International Law*), Vienna, Austria, 2000; author, *A Life’s Wager* (Ariadne Press, Riverside, CA, 2004, translated from German *Lebenswette*, Vienna, Austria, 1995)
 THE HON. ERNEST V. RICHARDS IV, Gretna, La.; judge, 24th Judicial District Court (Jefferson Parish)
 J. MENALCO SOLIS-RIVAS, Panama, Panama; Secretary General, OAS; Secretary of State, Republic of Panama
 JEAN E. VAN SLATE, Charleston, S.C.; Social Security Administrator, Office of Hearings & Appeals
 PHILLIP A. WITTMANN, New Orleans, La.; officer, United States Marine Corps (1957–1960); recipient, American Inn of Court Professionalism Award for the Fifth Circuit (2005); managing partner, Stone, Pigman, Walther and Wittmann, LLC; member, Civil Rules Advisory Committee of the Judicial Conference of the United States; member, House of Delegates of the American Bar Association; president, New Orleans Bar Association; fellow, American College of Trial Lawyers, American Academy of Appellate Lawyers, International Society of Barristers

PROFILES IN PERSEVERANCE

By its very nature, the practice of law can test the limits of a practitioner's energies. There are those cases that are so demanding and difficult, they redefine the term "zealous advocate." The following Tulane Law School alumni overcame high hurdles and never gave up in their representation of clients involved in historic and controversial cases.

THE INDIANS' LAWYER



The rich cultural and artistic heritage of New Orleans had gone largely unrepresented, until Tulane alumna **Ashlye Keaton** (L '03) secured the first copyright for Mardi Gras Indian suits.

Since the mid-19th century, African Americans in New Orleans have "masked" as Indians, debuting intricately hand-beaded and feathered creations, the product of thousands of hours of sewing and significant investment in the colorful feathers. The unique work and culture of the Mardi Gras Indians have been the subject of photographs and films for decades. But while professionals were profiting from works featuring the costumes, the Indians rarely were paid.

They had little opportunity to share in the profits that others were earning.

Until now.

The copyright earned for the Indians by Keaton will go a long way toward preserving the art form for generations to come.



THE UNIQUE WORK AND CULTURE OF MARDI GRAS INDIANS HAVE BEEN THE SUBJECT OF FILMS AND PHOTOGRAPHS FOR DECADES.

"I was approached by some Indians who wanted copyright protection," Keaton said. "The suits are copyrightable because, first of all, they are not functional and separate, and apart from the human wearing it, it's worn over the clothing and therefore copyrightable as sculpture and second artwork."

It takes an Indian an entire year to sew a suit using feathers and beads that can cost thousands of dollars. Each one is unique to the individual wearing it.

Keaton has not had to enforce the copyright since it was granted in April 2010. She says professional photographers and artists are aware of the protection now. Additionally, more and more Indians are reaching out to her for help protecting their work. With the help of Tulane law students, Keaton is assembling a database for copyright registration of more suits.

Keaton believes the copyright has empowered the Indians by providing an added incentive to engage in their culture.

"It helps to keep this culture alive as opposed to some of the alternative measures that have been employed by other entities that have resulted in suppressing the culture," she explains.

Keaton is a supervising attorney at Entertainment Law Legal Assistance (ELLA), an initiative of Tulane Law School's pro bono program, the Tipitina's Foundation, and the Arts Council of New Orleans. Since it started in 2005, Tulane law students have contributed more than 10,000 hours working on entertainment law issues for low- to moderate-income artists and musicians in the New Orleans area. More than 650 clients have been served, with a case resolution rate of nearly 95 percent.

Though other entertainment law resources exist in the U.S., Keaton says ELLA is the only one that offers comprehensive legal services for artists. "Most volunteer arts programs are referral-based and match clients with lawyers in the private sector," she says. "ELLA actually provides the services with the help of students, and I believe we provide those services faster than other nonprofit legal arts programs." ■

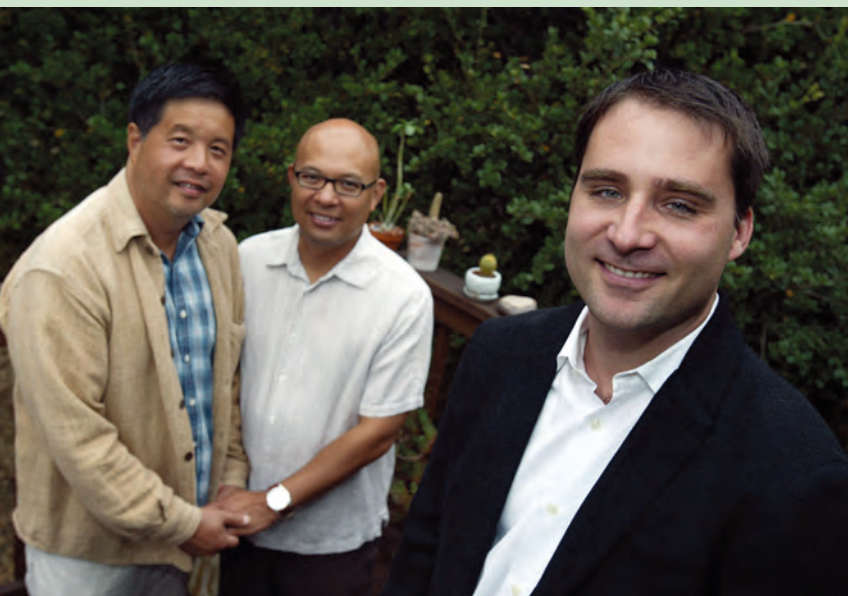


LEADING THE FIGHT AGAINST DOMA



Tulane-trained immigration lawyer **Camiel Becker** (L '04) is leading the fight to prevent the deportation of illegal immigrants who are partners in same-sex couples. His own inability to sponsor his partner into the United States in 2001 fuels his passion for the work and his role in one of the first cases to challenge federal law on this matter.

One month before Becker was to begin law school at Tulane in 2001, he and his Salvadoran partner, Uvaldo Rivas, involuntarily parted ways in Central America. At the time, Becker never imagined



bisexual, and transgender] citizens are prohibited from doing so.”

Filipino immigrant Raul Sinense and his husband, U.S. citizen Peter Gee, read Becker’s ‘guest opinion’ just moments after Sinense was placed in deportation proceedings. Although their marriage has been legally valid in California since the couple wed in 2008, DOMA made it impossible for Gee to sponsor Sinense for a green card.

At the time, Sinense had lived in the U.S. for 15 years. Much of that time, he had work authorization based on a green card application filed by an employer. In 2009, however, this application was denied, and Sinense was placed into deportation proceedings.

“If he were heterosexual, Sinense would have been eligible for a green card and could have used that application to avoid deportation,” Becker explains. “But since his valid same-sex marriage

license wasn’t recognized under federal law, Gee figured there was nothing he could do to keep him in the country.”

After contacting dozens of lawyers, the couple selected Tulane lawyer Camiel Becker to help them.

In court, Becker filed applications for which only “spouses” of U.S. citizens are eligible and argued that the Constitution requires that Sinense’s marriage license be recognized under U.S. immigration law. Becker was able to prevent Sinense’s removal for approximately 17 months, with his client appearing in immigration court numerous times to request that the judge not issue a removal order.

Almost a year after Becker took on the couple’s case, the Justice Department announced it would stop defending DOMA, because it considered the act unconstitutional.

According to Becker, “At that point,

Married couple Raul Sinense, left, and Peter Gee, center, are seen here with Camiel Becker at a friend’s wedding in Oakland, Calif., in August 2011. The couple are one of the first in the nation to benefit from a new Obama administration deportation policy that directs immigration officers to use discretion in choosing whom to deport, giving priority to criminals and not people with strong family ties. Sinense, a Filipino national, has lived in the U.S. for 15 years but was placed on deportation proceedings in 2009.

I felt there was no way I was going to let Raul be deported. I just wasn’t going to let that happen.”

He was correct. Earlier this summer (2011), the Obama administration enacted a new policy ordering immigration officials to reconsider deporting illegal immigrants who have strong community and family ties. Using the new policy memorandum, Becker convinced Immigration and Customs Enforcement (ICE) attorneys and a San Francisco judge to agree to close deportation proceedings against Sinense until the constitutionality of DOMA is determined. The act currently is being challenged in several court cases, and legislation to repeal it is pending in Congress.

“In a nutshell,” says Becker, “the case is one of the very first in the nation in which an immigration judge has administratively closed deportation proceedings against an immigrant with a valid same-sex marriage license.”

“IT SEEMS LIKE THE TIDE IS CHANGING IN THE U.S. TOWARD INCLUSION, TOWARD EQUALITY, TOWARD HUMAN.”—PETER GEE

anything positive would stem from their forced break-up. It wasn’t until 2010, when a San Francisco news outlet published an essay by Becker stressing his frustration with the U.S. government’s position on immigration reform and same-sex binational couples, that things began to turn around.

“I like to think that my experience of having U.S. immigration laws keep me from being with Uvaldo makes me a stronger advocate and a better immigration lawyer,” wrote Becker, referring to the Defense of Marriage Act (DOMA)-Section 3, which prevents one spouse from sponsoring another of the same sex for residency in the United States. “Nonetheless, discriminatory immigration laws force an estimated 36,000 gay, lesbian, bisexual and transgender couples to face the same barrier Uvaldo and I faced in El Salvador. While heterosexual U.S. citizens can sponsor their foreign national fiancées or spouses for permanent residency, [lesbian, gay,

Within two days following Sinense’s exoneration, White House officials and Homeland Security Secretary Janet Napolitano issued a letter to the U.S. Senate calling for a case-by-case review on each of the nation’s more than 300,000 pending deportations to determine which cases to pursue and which to ignore based on family relationships, criminal history, and other factors. The White House also made clear, for the first time, that same-sex marriages would be treated as a family tie. Becker expects that these new announcements will help stop deportations against other same-sex spouses until the courts repeal DOMA or ultimately find it unconstitutional.

While Sinense’s case is not decisively terminated—rather on indefinite hold—it allows Sinense to reapply for a work permit, and he and Gee won’t be separated.

“This is a really pivotal case,” Gee said. “It seems like the tide is changing in the U.S. toward inclusion, toward equality, toward human.”

At the time of press, Sinense and Gee comprised one of just three gay couples nationwide to benefit from the new Obama administration policy that instructs immigration officials to reconsider deporting illegal immigrants who have strong community and family ties. Tulane law graduate Camiel Becker is an immigration lawyer in San Francisco. As a U.S. Fulbright scholar, he conducted post-graduate research on gangs and street children in El Salvador. ■

FAIR TRIAL FOR ALL

SEPTEMBER 11, 2001. It was an attack that exposed gaping weaknesses in national security, leaving citizens with a feeling of vulnerability that little could soothe.

Ten years later, six defendants being charged in the attack on the Twin Towers of the World Trade Center remain in the Guantanamo Bay detention camp, as **Denise “Denny” LeBoeuf** (L ’88) struggles to defend their right to a fair trial. Her cause is a controversial commitment.

While LeBoeuf continues to speak with families of 9/11 victims who she reports agree there should be a fair and transparent hearing about what happened that day, she often encounters people who argue that the defendants don’t deserve trial in federal court because “those rights are for citizens.”

The director of the American Civil Liberties Union John Adams Project, which assists military attorneys defending capitally charged Guantanamo detainees, LeBoeuf contests, “This is the best justice system in the world, and if we’re so proud of it, why are we afraid to give these guys every benefit of that system? If it’s not presented in an adversarial proceeding, it’s not fair. Period.”

In her efforts to supplement the meager resources of the military defense attorneys assigned to represent the six men, LeBoeuf coordinated the recruitment of lawyers, whose assignment to cases she oversaw, and travelled to Guantanamo to observe the capital case proceedings.

“The entire might of the American investigative and prosecutorial arm was against these guys,” LeBoeuf says as she recites a litany of prosecutorial weapons from the FBI, CIA, and military intelligence agents. “They spared no expense in the prosecution. These guys were seized in 2002 and 2003 and several asked for lawyers, and they were held and tortured for years without attorneys.”

Some have cast the work of the John Adams Project as treasonous. In response, LeBoeuf recounts what John Adams said about his own defense of British soldiers charged with the Boston massacre. “He said it was the greatest service he ever rendered his country,” LeBoeuf says.



“That’s a pretty high comment about what it means to be a defense lawyer for someone charged with terrible crimes against the U.S.”

Ultimately, Congress recognized that the military defense attorneys appointed to defend the 9/11 codefendants lacked the resources necessary to mount a defense. Several John Adams personnel were appointed by the military commission and are working now as part of the defendants’ military team.

Over the last three years, hearings and appeals wrestled with the issue of where to try the defendants. The most recent ruling held they be tried before a military commission tribunal in Guantanamo, where the defendants remain today. ■



Denny LeBoeuf, second from right, with students at a conference in Lahore, Pakistan, where she was teaching at the request of the Pakistan Justice Project.

“THIS IS THE BEST JUSTICE SYSTEM IN THE WORLD, AND IF WE’RE SO PROUD OF IT, WHY ARE WE AFRAID TO GIVE THESE GUYS EVERY BENEFIT OF THAT SYSTEM?” —DENNY LEBOEUF

TRIAL AD TAG TEAM

TRIAL ADVOCACY is a rite of passage for Tulane Law School seniors who want to become litigators, as well as those who initially do not. Limited to approximately 100 students who are divided into groups of 10 or 12, the Trial Ad course helps students to develop courtroom skills such as direct and cross-examination, introduction of documents, work with expert testimony, and opening and closing statements.

For approximately 30 years, alumni James Cobb and Julian Murray have prepared students for the courtroom, from opening to closing arguments. Cobb has taught 27 years and is currently director of the program, taking over the reins from Murray, who has been with the program since its inception 35 years ago.

“Some students will take the class with no intention of becoming a trial lawyer, and then they decide it’s what they want to do. Others decide it’s not what they want to do,” says Cobb, who over the years has received letters from students thanking him for his help. “It changes their focus and direction.”

“Most of my Thursdays in the spring semester go to Tulane,” says Murray, who also teaches Advanced Criminal Practice that same day.

The evening course requires the help of 25 practitioners and judges who evaluate students. The one-on-one attention is invaluable, and it is rooted in Cobb’s and Murray’s own experiences fighting for justice on behalf of their clients.

“THERE WERE 35 DEAD PEOPLE WHOSE FAMILY MEMBERS WERE FACING THE REALITY THAT THEIR MOTHERS, FATHERS, GRANDMOTHERS, AND GRANDFATHERS DROWNED. I WAS NOT A POPULAR PERSON AT THAT TIME.” —JIM COBB



The wall of a resident’s bedroom shows where the water line reached, midway to the clock, at St. Rita’s Nursing Home where more than 30 dead bodies were found nearly two weeks after Hurricane Katrina.

SHELTER FROM THE STORM

The tale of [L ’78] **Jim Cobb’s** healthcare law practice has to be one of the most gut wrenching in a field full of dramatic tales. The New Orleans attorney was displaced to Houston, Texas, after Hurricane Katrina when the levees broke and his family’s home flooded. That loss was bad enough, but it was subsumed by his involvement in the widely publicized litigation over the deaths of 35 elderly residents who drowned when a nursing home in St. Bernard Parish was inundated by more than 10 feet of water in just 20 minutes.

Cobb defended the owners and operators of St. Rita’s nursing home, Sal and Mable Mangano. Each was charged with 35 counts of homicide and 24 counts of cruelty to the elderly and infirm due to the experiences of surviving residents.

If convicted, the couple, both in their 60s, could have faced up to 175 years in prison on the negligent homicide charges and up to 240 years in prison on the cruelty charges.

Cobb tallies it up.

“That’s a 118 count indictment. You have no idea [what it was like],” he says. “I did it as a Katrina victim—I represented the Manganos out of a hotel room.”

Public opinion was squarely against them. Cobb was successful in having the venue moved to St. Francisville, La., about 100 miles away. “There were 35 dead people whose family members were facing the reality that their mothers, fathers, grandmothers, and grandfathers drowned. They felt hurt and guilty that they didn’t get them to safety. They transposed that guilt on the Manganos. I was not a popular person at that time,” says Cobb.

He argued that the Manganos were being used as scapegoats for the government’s failure to protect its citizens from the collapse of the levees, which failed under the weight of a massive storm surge, and for the government officials who failed to order a mandatory evacuation. Cobb recalls it as “a multiple, systemic failure at all levels of government.”

“It was incredibly unfair to take the government’s failure and put it on the backs of two caregivers in St. Bernard,” he recalls four years later.

The jury agreed, unanimously finding the couple not guilty after four hours of deliberation. ■

A LABOR OF LAW

When **Julian Murray Jr.** (L ’64) agreed to take on the pro bono appeal of a convicted murderer, he never imagined that five years later he would win the longest-running criminal case ever tried in the United States.

Before Ginger Berrigan became a federal judge in the Eastern District of Louisiana, she had represented Wilbert Rideau on and off for 20 years. He had been tried three times and each time was convicted and sentenced to death for the 1961 murder of a bank teller in Lake Charles. Murray agreed to take over the case.

“NO BLACK PERSON WHO EVER KILLED A WHITE PERSON IN CALCASIEU PARISH EVER GOT OUT OF JAIL.” —JULIAN MURRAY JR.

He picked up where Berrigan left off, asserting Rideau’s constitutional rights were violated because the grand jury that initially indicted him excluded blacks.

A federal magistrate granted the motion and held that Rideau had to be re-indicted or released. In 2005, after three years of motion practice, Murray and his team were trying the case for the fourth time.

While a prisoner at Angola, Rideau was a model prisoner. He became editor of the *Angolite* magazine and won numerous journalistic awards. In 1993, *Life Magazine* proclaimed the death-row inmate “The Most Rehabilitated Prisoner in America.”

To Murray’s surprise, the Calcasieu Parish District Attorney decided to retry Rideau, who already had served more than 20 years in jail. Attorney George Kendall of the National Association for the

Advancement of Colored People’s legal defense fund agreed to serve as co-counsel at trial.

“It was a racial issue,” Murray says. “No black person who ever killed a white person in Calcasieu Parish ever got out of jail. It wasn’t that he didn’t commit the crime, or that he didn’t deserve to be punished for it. It just wasn’t the heinous crime the prosecution played it out to be.”

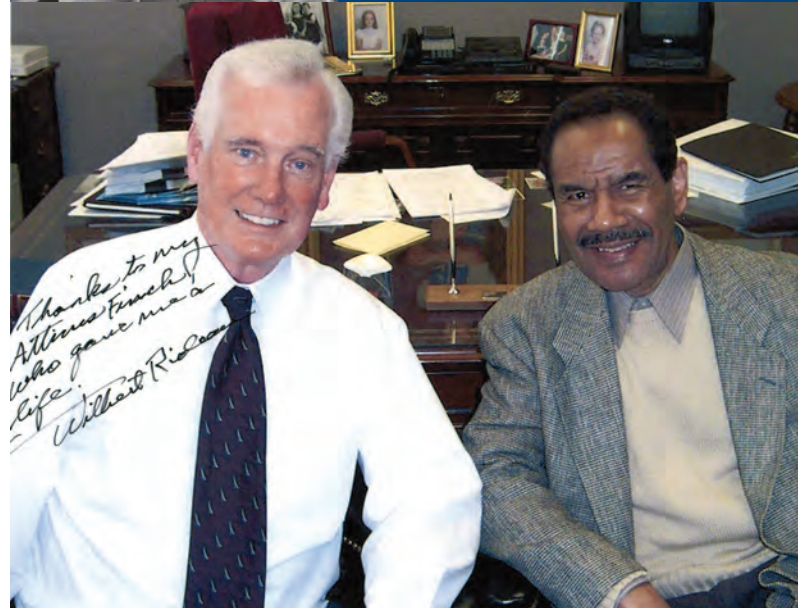
The jury had to decide whether the killing was murder or manslaughter. It chose manslaughter, which carried a 21-year sentence. Having already served 23 years, Rideau walked out of court a free man.

Coincidence or Fate?

Murray recounts a story about Wilbert Rideau storing some items in his garage. He reached for the lock he used to secure his personal effects while in Angola. The combination was 01-15-05, the very date he was freed: January 15, 2005. ■



Former death row inmate and award-winning prison journalist Wilbert Rideau was incarcerated in Louisiana State Penitentiary (better known as Angola Prison) for 44 years before a jury found him guilty of manslaughter, instead of murder, in a fourth trial. Backed by a defense team comprised of some of the country’s most eminent lawyers, including famed New Orleans defense attorney Julian Murray Jr. (L ’64), Johnnie Cochran, and George Kendall, Rideau was released in 2005.



JANET WOODKA (L ’92) is named the federal coordinator for Gulf Coast recovery and rebuilding in March 2009. ★ High-ranking judges among Law School alumni are: JUSTICE ELIZABETH WEAVER (L ’65) of the Michigan Supreme Court since 1994; JUDGE EDITH BROWN CLEMENT (L ’72) of the 5th U.S. Circuit Court of Appeals since 2001; and JUDGE WILLIAM H. PRYOR (L ’87) of the 11th U.S. Circuit Court of Appeals since 2004. ★ TODD SCHULER, Maryland State Delegate, current (D), STACEY MITCHELL (L ’94) is chief of the Environmental Crimes Section at the U.S. Department of Justice. She is involved with U.S. Coast Guard efforts to detect, deter and prosecute those who illegally discharge pollutants from ships into the oceans, coastal waters and inland waterways. ★ BOB LIVINGSTON (L ’68) serves in the U.S. Congress (1977–99). ★ ROBERTA SHAFFER (L ’80) is appointed Law Librarian of Congress in August 2009. ★ Two law alumni have served as chief of protocol

CLASS
NOTES

1954

Grove Stafford Jr., a retired attorney with Stafford, Stewart and Potter, and the former president of the Alexandria Bar Association, has been reappointed to represent the 5th Congressional District and will serve as a representative attorney, as required by statute.

1966



J. Russ Herman, a senior partner at Herman, Herman, Katz & Cotlar (New Orleans), recently was recognized by the American Trial Lawyers Association as one of the leading litigators in the country.

1968



Frank E. Lamothe III has been re-elected as President of the Board of Directors of the Christwood Retirement Community in Covington, La. Listed in the Top Lawyers Section of the Nov. 2010 issue of *New Orleans Magazine*, Lamothe also has the distinction to be included in all editions of *The Best Lawyers in America* for twenty-five years or longer.

Henry C. Walker, a criminal law attorney from Shreveport, delivered a Constitution Day lecture at Centenary College in September 2010. Walker, who retired after 40 years in the practice of civil rights and criminal defense law, continues to work pro bono for groups dedicated to serving the impoverished, victims of domestic violence, and youth justice.

1970

Earl Higgins announces the publication of his second book, *Metairie, Ames*,

High: The Streets of Jefferson Parish (Pelican Press).

1971



Harold B. Kushner, a partner at Bradley Arant Boult Cummings LLP, has been named the 2011 Birmingham “Lawyer of the Year” in *Corporate Law*. Kushner has been listed in Best Lawyers since 1989.

Donald A. Shindler has jumped from partnership at DLA Piper LLP to managing senior counsel at the boutique North Side law firm of Brown, Udell, Pomerantz & Delrahim Ltd. (Chicago).

1972

The **Hon. Edith Brown “Joy” Clement** was named Tulane University “Distinguished Alumna” for 2010. Judge Clement was appointed to the United States Court of Appeals for the Fifth Circuit in 2001 after having served as a United States District Judge for the Eastern District of Louisiana since 1991. She was a maritime attorney in the New Orleans firm of Jones, Walker, Waechter, Poitevent, Carrère & Denègre LLP from 1975 to 1991. Clement served as law clerk to the late U.S. District Judge Herbert W. Christenberry from 1973 to 1975.

Gayle Letulle has been elected to the Tulane Athletics Hall of Fame.

1973

Dan Elrod, an attorney in the Health Care Practice Group of Miller & Martin PLLC, was named one of Nashville’s “101 Top Lawyers” (2011) by *Nashville Post Magazine*. Elrod also was highlighted in the 2010 edition of *InCharge Healthcare*, published by Nashville Medical News.

Kathleen Plemer was selected by Martindale-Hubbell as one of the first “Preeminent Women Lawyers” in January 2011. Plemer has practiced with Chaffe McCall, LLP, since 1985.

Walter Stuart has joined Freshfields Bruckhaus Deringer’s U.S. litigation team. As a new partner in the firm’s New York office, Stuart will continue to represent clients in litigation and arbitration matters, especially as they relate to financial, business and securities law issues.

1974

James L. Ellis, a partner with Taylor Porter in Baton Rouge, has been selected for inclusion in *The Best Lawyers in America in Energy Law* for the last ten years. As the current Chairman of the Board of the Greater Baton Rouge Airport Commission, Ellis further supports his community by serving on the Board of Directors for FuturePAC, the Manship Theatre, Habitat for Humanity, Cerebral Palsy Foundation, McMains Children’s Developmental Center, ReStore of Baton Rouge, and Evergreen Presbyterian Ministries, Inc.

1975

Corinne A. Morrison was selected by Martindale-Hubbell as one of the first “Preeminent Women Lawyers” in January 2011. Morrison is the Managing Partner of Chaffe McCall, LLP, and has practiced in the area of Commercial Litigation for more than 30 years.

Sanford “Sandy” V. Teplitzky, chair of Ober|Kaler’s Health Law Group, has been elected to the Board of Directors of Baltimore Reads, Inc. for a three-year term.

1976

Barry Glenn has been named Senior Executive Producer for StereoVision Entertainment, Inc., a publicly traded company focused exclusively on the 3D industry. StereoVision is located in Van Nuys, Calif.

1979

Miles P. Clements, a senior jury trial and complex case litigator of Frilot LLC, was inducted as a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America.

LISA K. RUSHTON (L'94)

FOUNDATION SUPPORTS FERTILITY



Lisa K. Rushton has been appointed to the Board of Trustees (Baltimore, Md.) of the Tina Q. Cade Foundation, a non-profit organization that provides education and financial support to families struggling with and overcoming infertility. Rushton, a partner at Paul Hastings, LLP, in Washington, DC, and her husband, Charley Pereira, have been involved with the Cade Foundation since the tragic death of their daughter, Savannah Caroline Pereira (April 30, 2009–March 9, 2010), who was conceived with the assistance of Shady Grove Fertility Center in Rockville, Md.

In Savannah's memory, Rushton and Pereira established a Cade Foundation family building grant to provide \$10,000 annually to families struggling with infertility who need to pursue in vitro fertilization (IVF) in order to conceive their first child. Support for Savannah's Fund continues to grow 18 months since its inception.

"In conjunction with one of the Cade Foundation's primary fundraising events, a 5K event called Race for the Family, we will be hosting for a second time an adjunct event called Savannah's Playground," said Rushton. "People really loved it last year. We provide information on early childhood education and safety and have a lot of activities for children to enjoy with one parent while the other runs the race. The Playground includes a play area with music, face painting, arts and crafts, and something called the 'toddler trot', which is a 50-yard dash for the little ones." Savannah's Playground raised more than \$15,000 in 2010 and already has received more than \$10,000 in donations prior to the 2011 event.

This June, Rushton and her husband introduced 'Savannah's Night Out,' a second fundraising activity, which they also plan to make into an annual event. "Our life was filled with music while Savannah was with us," Rushton explains with earnest emotion. "At this event, we invite guests to join us for dinner, a silent auction, and an evening of entertainment with a couple different bands." In its first year, Savannah's Night Out raised nearly \$20,000.

In addition to these fundraising initiatives, Savannah's Fund has received more than \$64,000 to date in direct donations. It is Rushton's and Pereira's hope that through their love for Savannah they can help others to discover the joys of parenthood.

To support the Savannah Memorial Fund or to learn more, please visit www.firstgiving.com/savannahcarolinepereira.

Nina J. Crimm co-authored *Politics, Taxes and the Pulpit: Provocative First Amendment Conflicts*. Crimm is a professor of law at St. John's University School of Law in New York.

Chip Wagar, a managing partner at Chopin, Wagar, Richard & Kutcher, LLP (Metairie), announces that his debut novel (historical fiction), *An American in Vienna*, released by iUniverse, received "Editor's Choice" and "Rising Star" designations from the publisher.

1980

Tom Foutz is president and co-founder of ADR Inc., a Louisiana-based mediation and arbitration firm. He recently developed TomFoutzADR.com, a division of ADR Inc., offering jury focus groups and mock trials. In addition, he recently was appointed to serve on the transition team for New Orleans Mayor Mitch Landrieu.

1981

Stanley Cohn is one of five recipients of the 2010 National Football Foundation Chapter Leadership Awards for outstanding leadership and dedication to amateur football at the local level. Cohn represents the South Region from the Allstate Sugar Bowl (LA) Chapter.



Susan Talley has been elected vice chair of the American Bar Association Section of Real Property, Trust and Estate Law. Talley is a member of the New Orleans law firm of Stone Pigman Walther Wittmann LLC.

1982

Mark Bernstein is the Director of the Legal Research Center and Professor of Law at the Earle Mack School of Law at Drexel University in Philadelphia, Pa. Bernstein joined the law school in July 2009 after previous positions at Columbia, Duke, and Saint Louis University.

Julie D. Livaudais was selected by Martindale-Hubbell as one of the first "Preeminent Women Lawyers" in January 2011. Livaudais, a partner at the law firm of Chaffe McCall, LLP, has practiced labor and employment law throughout her career.

1983

Ben Zeltner, a partner with Levine Staller Sklar Chan Brown & Donnelly, P.A., has been presented with The United Way of Atlantic County's prestigious George F. Lynn United Way Volunteer of the Year Award.



1984



Ashley L. Belleau, a partner in Montgomery, Barnett, Brown, Read, Hammond & Mintz, LLP (New Orleans office), was installed as the 83rd

National President of the Federal Bar Association on September 25, 2010, during its annual meeting in New Orleans. Belleau maintains a commercial practice with a concentration in arbitration, litigation on the federal and state court levels, mediation, and transactional work.

Jon Schuyler Brooks, a litigation partner and co-chair of Phillips Nizer's



ANTON HAJJAR (L '75)

ALUMNUS KEEPS LABOR RELATIONS AT THE FORE

Labor lawyer **Anton George Hajjar**, a principal shareholder (partner) at the Washington, DC, law firm of O'Donnell, Schwartz & Anderson, PC, has been elected to the Council of the American Law Institute (ALI). Hajjar, who has served as a member of the ALI since 2002, was elected at the opening session of the 87th annual ALI meeting held in May 2010.

"This is a great honor and a powerful recognition of Anton's achievements in labor law and his respected judgment as a lawyer," said Tulane Law School Dean David Meyer.

Established in 1923 to promote the clarification and simplification of American common law and its adaptation to changing social needs, the ALI drafts, approves, and publishes Restatements of the Law, Principles of the Law, model codes, and other proposals for law reform. Membership in the Institute is limited to 4,000 judges, lawyers, and legal scholars selected on the basis of professional achievement, personal character, and demonstrated interest in improving the law.

After receiving his law degree from Tulane, where he was a member of the Board of Editors of the *Tulane Law Review*, Hajjar became a law clerk for Judge John Minor Wisdom at the United States Court of Appeals for the Fifth Circuit. He later was an attorney for the National Labor Relations Board in the Appellate Court Branch and its Contempt Litigation Section. He is admitted to practice in the District of Columbia and Maryland, and before the United States Supreme Court and other federal courts.

environmental law practice, filed suit on Friday, April 8, 2011, against the NYC Department of Education ("NYC DOE") to prevent NYC DOE from co-locating a charter elementary school within the Brandeis High School Educational Complex located in Manhattan. Phillips Nizer is representing students and parents from the high school without charge, as a public service in this case. The lawsuit details the concerns raised by presidents of two high school parent-teacher associations about the loss of specialized high school facilities, concerns about protecting high school students with special needs, the waste of taxpayer monies, and student safety and security.

In another pro bono endeavor, Brooks and colleagues are representing a group of artists in their efforts to overturn unconstitutional regulations imposed by the NYC Parks Department on the sale of artwork in municipal parks.



James Cooper, a partner in the Trial section at Gardere Wynne Sewell LLP and co-chair of the firm's Policyholder Insurance Coverage

Group, received the President's Award from the Houston Bar Association (HBA) at its Annual Dinner Meeting on Thursday, May 20, 2010, at the River Oaks Country Club. The award was in recognition of Cooper's outstanding service as co-chair of the HBA's Professionalism Committee.

Robert B. McNeal has been elected to serve on the Board of Directors for Liskow & Lewis. He heads an environmental, employment, commercial and tort litigation practice in the firm's New Orleans office.



1985

Maura Carroll of Concord, N.H., was appointed executive director of the New Hampshire Local Government Center (LGC), a position she assumed June 10, 2010, following nearly a year as LGC's interim director and nine as the center's general counsel. Carroll started her municipal career with the LGC's New Hampshire Municipal Association in 1988 and was appointed its director of government affairs in 1989. A former state representative and Concord city councilor, she also has served on boards for the United Way of Merrimack County, Greater Concord Chamber of Commerce, and Capitol Center for the Arts.

Lillian E. Eyrich, a senior associate at Steeg Law Firm, LLC (New Orleans), has been re-elected to serve as secretary to the Board of New Orleans Commercial Real Estate Women.

Marc S. Firestone, Executive Vice President and General Counsel for Kraft Foods, has joined Unilife Corporation's Board of Directors. Firestone will chair the Unilife Board's Nominating and Corporate Governance Committees and serve as a member of the Strategic Partnerships Committee.

Keith Jarrett is a managing partner and firm president at Liskow & Lewis, where he focuses on maritime and oilfield torts and contracts. Jarrett is on the Liskow & Lewis team defending BP in the multi-district litigation pending in federal court in New Orleans.

Robert E. Langer is a visiting professor at Fordham University Law School. He continues to practice law with K&L Gates as a senior partner in the Russian practice.

Lois Ragsdale is a law professor at the Florida Coastal School of Law. Her mock trial team took second place nationally (2-1 vote) in the Thurgood Marshall Mock Trial finals (Boston, MA).

Pirapan Salirathavibhaga is the Minister of Justice for the Kingdom of Thailand,

a Cabinet Ministry in the Government of Thailand. As well as running prisons and aiding the Royal Thai Police, the ministry runs the government's drug and narcotic control policies. Salirathavibhaga was formerly a judge.

Peter B. Sloss, a partner with Murphy Rogers Sloss & Gambel in New Orleans, was honored by the Louisiana State Bar Association (LSBA), in conjunction with the Louisiana Supreme Court, as a 2011 Pro Bono Publico Award recipient. Sloss has volunteered with the New Orleans Pro Bono Project, donating his expertise in consumer and credit cases, as well as wills and construction. Sloss was awarded a Distinguished Service award by The New Orleans Pro Bono Project in December 2010 at The Project's annual volunteer appreciation.

Garrett Smith is working in Darwin, Australia, for the Northern Land Council administering the Aboriginal Land Rights Act.

1986

Alex Cosculluela, a partner with Adams and Reese (Houston office), has accepted invitation into the Litigation Counsel of America (LCA), an invitation-only trial lawyer honorary society limited to 3,500 fellows, representing less than one-half of one percent of American lawyers. Fellows are selected and invited into Fellowship after being evaluated on effectiveness and accomplishment in litigation and trial work, along with ethical reputation.



Brooke Duncan, a senior member of the Adams and Reese Labor and Employment team (New Orleans), was elected to the board of the Human Resource Management Association (HRMA) for the New Orleans area, a chapter of the Society for Human Resource Management.

Melanie S. Joo has joined Arent Fox LLP in the firm's automotive practice (Los Angeles).

U.S. Magistrate **Judge L. Felipe Restrepo** received a 2010 Justice William J. Brennan Jr. Distinguished Jurist Award from the Philadelphia Bar. He was recognized for his work with the Supervision to Aid Reentry Program, one of the first prisoner reentry court initiatives in the federal system.

Regina Hurley has been appointed President of the Massachusetts Probate and Family Courts Inns of Court.

Elizabeth Robertson Queen was Lead Claims Counsel for U.S. transportation insurance specialist Canal Insurance Company and is now founding director and legal and risk management consultant for Transportation and Insurance Law Services, USA, PC.

1987

Laura Tuggle has been appointed General Counsel of the Housing Authority of New Orleans.

1988

The Hon. Nanette Jolivet-Brown, a special partner with Chaffe McCall, was appointed city attorney by New Orleans Mayor Mitch Landrieu. Most recently, the U.S. Senate in October unanimously confirmed her as a U.S. District Court Judge in New Orleans.

Barry Y. Greenberg has joined Swank Capital as the firm's new general counsel and chief compliance officer. He also serves in that capacity for The Cushing® MLP Funds.

1989

Lynn N. Donley moved from being Associate Regional Counsel, U.S. Environmental Protection Agency in Chicago, Ill., to a new position as Associate Counsel, Office of Chief Counsel, Commercial and Administrative Law Division, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, also in the Chicago area.

1990

David A. Buzard, an attorney with Jeremiah A. Denton III, P.C., in Virginia Beach, Va., and Navy JAG Reservist, has

been recalled to active duty. Since October 1, he affiliates with the Defense Institute of International Legal Studies, an arm of the Defense Security Cooperation Agency, as its In-Country Rule of Law Program Director to the Democratic Republic of the Congo. Here, he oversees all facets of the United States' efforts to build and strengthen the capacity of the Congolese Armed Forces' military justice sector, through training and education, in conjunction with the United Nations Stabilization Mission in the Congo.

Alec Y. Chang, an antitrust lawyer at Skadden, Arps, Slate, Meagher & Flom LLP (Palo Alto, CA), has been elected to the California State Bar's Board of Governors.

Robert S. Eitel has formed Talbert & Eitel, PLLC, an education and employment law firm based in Washington, DC. A former Deputy General Counsel of the U.S. Department of Education, Eitel counsels institutions, agencies, companies, and individuals in the education sector. He and his family live in Alexandria, Va.

Robin R. De Leo, of the De Leo Law Firm in Mandeville, was honored by the Louisiana State Bar Association (LSBA), in conjunction with the Louisiana Supreme Court, as a 2011 Pro Bono Publico Award recipient. The award recognizes an attorney, or law firm, who has provided pro bono legal services to the citizens of Louisiana that meets or exceeds the aspirational goal of providing 50 hours of pro bono services per year.

De Leo's practice concentrates on bankruptcy, where she has represented Debtors, Creditors and Trustees in Chapters 7, 11, and 13. She is admitted as a Certified Consumer Bankruptcy attorney by the American Bankruptcy Institute and the American Board of Certification. During the past twelve months, De Leo has accepted and handled approximately seven bankruptcy cases for Southeast Louisiana Legal Services' Pro Bono Project of the 22nd Judicial District. She and her husband,



John De Leo, a pharmaceutical sales representative with Pfizer, have two children Paige (14) and Danielle (11).

1992



Jessica K. Hew, a partner with Burr & Forman LLP, recently finished serving a one-year term as Chair of the Information Committee of the Equal Opportunities Law Section of the Florida Bar.

Mercedes M. Sellek, a transactional attorney who practices commercial and residential real estate law, development and finance, banking, environmental and land use law, and general corporate matters, has joined Abadin Cook (Miami, FL). She was a staff attorney with the U.S. Small Business Administration's disaster relief division following Hurricane Andrew in 1992.



Mark S. Senter has joined Cowles & Thompson, P.C., as a shareholder in the firm's Dallas office. His practice focuses on commercial and construction litigation on behalf of business owners, partnerships and corporations throughout the United States, Germany, Mexico and Dubai. Senter is the former vice president and general counsel of Global Technical Resources, LLC, in New Orleans, and practiced with the law firm of Gardner & Kewley, APLC, until relocating to Texas in the aftermath of Hurricane Katrina.

1993

Carlos A. Gavilondo has been promoted to partnership at Hiscock & Barclay in the firm's Syracuse, N.Y., office.

David F. Lewis has been appointed Partner-In-Charge of Wyatt, Tarrant & Combs, LLP (Nashville office). Lewis is a member of the firm's Corporate & Securities Team.



Sonja Muir and her husband, Jason Krzewski, are happy to announce the birth of their second child, Paige Summer, who was born July 30, 2010. Paige has a two-year-old brother, Aidan.

Eric D. Suben is a partner in the New York office of Traub Lieberman Straus & Shrewsbury LLP, where his practice focuses on insurance coverage and coverage litigation. In May, he was a featured speaker in the New York State Bar Association's CLE program "Insurance Coverage 2011," presenting on the topic of ethical dilemmas posed by "defense within limits" policies.

1994

Edward L. Fenasci has become associated with the law firm of Curry & Friend, PLC, with offices in New Orleans and Covington. Fenasci practices primarily in the areas of Environmental Litigation and Toxic Tort Defense.



Christina Mason Glogoff recently has been appointed to serve as Assistant Attorney General/ Director of the Office of Law Enforcement Professional Standards, where she is responsible for oversight of the internal affairs policies of the New Jersey State Police (NJSP). She and her husband David, the Chief Legal Officer of Vertis Communications, reside in Pennington, N.J., with their three children, Gray (10), Lauren (8), and Gavin (5).



Geoffrey R. Goldberg has joined Lowenstein Sandler as Chief Marketing Officer (New York City office). Goldberg will direct all marketing and business development efforts for the 255-lawyer firm.

Angela Marie Jordan, assistant U.S. attorney in the Northern District of Georgia, will serve a year as the resident legal adviser at the embassy in Baghdad, Iraq.

Philip O'Connell has been appointed as Senior Managing Director of The Corcoran Group's Southampton office. O'Connell will focus on agent career development and sales revenue.

1995

Kasturi Bagchi, shareholder at Southfield-based



Maddin, Hauser, Wartell, Roth & Heller P.C., spoke to the Detroit Rotary Club in fall 2010, discussing how the business community can influence the Detroit Works Project to promote real estate development and acquisition. Bagchi focuses her law practice on managing risks for clients in real estate, lending, and asset-based transactions.

Diana McKearney has been elected Vice President and General Counsel of Mzinga, a social software, services, and business analytics company. McKearney will manage contracts, intellectual property, and corporate governance matters.

Karen Carter Peterson is the new Louisiana state senator for Senate District 5. The New Orleans native joined the Louisiana Senate after a decade of service in the Louisiana House of Representatives, most recently as House Speaker Pro Tempore. She also worked as a member of the House Appropriations Committee, the Joint Legislative Budget Committee and the House Governmental Affairs Committee. During her service in the House, she was also the first woman to chair the House Insurance Committee. Sen. Carter Peterson is a practicing attorney.

David Strauss and Jenifer Kelly-Strauss (NC '92) announce the birth of Zoe Annabella on January 17, 2011. The baby joins her brother, Sebastian (6). The family lives in New Orleans.

Carter Wilbur has completed his posting as a Contracting/Logistics Officer in Lilongwe, Malawi, and has assumed duty at his new assignment as an Economic Officer at the Embassy of the United States of America in Kabul, Afghanistan.

1996

Brian Katz, a partner at Herman, Herman, Katz & Cotlar, LLP, was installed as the President of the Greater New Orleans Jewish Community Center in February 2011. Over the years, Katz also has been acknowledged for his volunteer



efforts and has received several awards for his civic work.

1997

Joseph L. Mira has been elected as a new Director of Kane Russell Coleman & Logan PC, where he practices in the firm's litigation section.

Teresita Chavez-Pedrosa, a partner of Yoss LLP (Miami), is the Florida Regional President of the Hispanic National Bar.

David C. Rieveschl has joined Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, as Of Counsel in the Securities & Corporate Governance Department (New Orleans). Rieveschl concentrates his practice in the areas of securities, corporate, mergers and acquisitions, and banking law.



Scott and **Mona Stone** recently moved from Chicago, Ill., to Scottsdale, Ariz. Scott now serves as General Counsel for Regis Development, and Mona practices at the Phoenix office of Greenberg Traurig, where she focuses on litigation and labor and employment matters. She recently published her third book, *Responding to EEOC Investigations: What Employers Need to Know* (Boston: Aspatore Books, a division of Thomson Reuters, 2011).

Christopher L. Thomas has joined Ogletree Deakins as a shareholder in the firm's Denver office.

1998

David P. Eldridge was promoted from chief of staff at the Illinois Department of Corrections to deputy director of the Bureau of Strategic Sourcing at the Illinois Department of Central Management Services.

1999

Whitney Fogerty has been selected for partnership at Jackson Lewis, LLP (Memphis).

PHYLLIS TAYLOR (L '66)

A LIFETIME OF COMMITMENT AND SERVICE



Phyllis M. Taylor is the 2011 recipient of the Dermot S. McGlinchey Lifetime Achievement Award. Established in 1996 to honor the memory of Dermot McGlinchey, who graduated from the College of Arts and Sciences of Tulane University in 1954 and Tulane Law School in 1957, the award honors "those who have demonstrated service and volunteer involvement and commitment to Tulane and their hometown communities."

Taylor served as law clerk for the Supreme Court of Louisiana and Orleans Parish Civil District Court and was in-house counsel for John W. Mecom Sr., beginning her career in the oil industry in 1972. She assumed leadership of Taylor Energy Co. following the death of her husband, Patrick F. Taylor, in 2004. She serves as chair and president of the Patrick F. Taylor Foundation and for more than 25 years has devoted herself to issues concerning women, children, health, education, and the arts.

Past award recipients of the law school include Sen. John J. Hainkel (L '61) in 2001, James R. Nieset (L '67) in 2000, and A. Lane Plauché (L '47) in 1997.

Russell C. Ford, Counsel at Verrill Dana LLP, received the First Decade Award from the National Association of College and University Attorneys (NACUA) during its 50th Annual Conference in Washington, DC. Ford is a member of Verrill Dana's Immigration and Higher Education groups.

David Sheinbein has been promoted to equity shareholder status within Chamberlain Hrdlicka's Houston office, where he maintains a corporate transactional practice.

Dorothy J. Spenner has been elected to partnership in the Securities Litigation practice of Sidley Austin LLP (New York office).

2000



C. Britton Bonner has returned to practice with Adams and Reese as Special Counsel in the Litigation Practice Group. He first joined Adams and Reese as a law clerk in 1999. Bonner will maintain offices in both Mobile and Foley, Ala.

Cecilio Hijo Castellero has joined ARIFA in Panama. Castellero previously

was with Milbank, Tweed, Hadley & McCloy in New York.

Heather Durham Nadler has joined the law offices of Ruthann P. Lacey, PC, as a senior associate concentrating in the areas of special needs law, elder law and estate planning. Nadler is certified by the National Elder Law Foundation as an Elder Law Attorney.

Aimee Quirk has been appointed as New Orleans Mayor Mitch Landrieu's economic development advisor.

2001

Jonathan C. Augustine has been selected by the National Bar Association (NBA) as one of this year's "Nation's Best Advocates: 40 Lawyers Under 40." Augustine, who was appointed deputy executive director of the Louisiana Workforce Commission in September 2010, was honored July 31, 2011, at the NBA's 86th Annual Convention in Baltimore, Md. Further, the American Diabetes Association and Baton Rouge Father's Day Council honored Augustine with the inaugural "Father of the Year" Award at a gala held Father's Day weekend.





TIM GRIFFIN (L '94)

STARTING OVER AS A FRESHMAN IN CONGRESS

Tim Griffin, U.S. Army Reservist and former U.S. Attorney, in October was tapped by Republican presidential candidate Mitt Romney to serve on a National Advisory council for Romney's campaign and act as Arkansas Campaign Chairman. Prior, Griffin was elected to the United States House of Representatives by voters in Arkansas's Second Congressional District. He is only the second Republican elected to represent the Second District since 1874, winning 58 percent to 38 percent. According to Griffin, "Many friends from Tulane supported my campaign, and I am proud to be a Tulane alumnus in Congress."

Previously, Griffin was the principal in the Griffin Law Firm, PLLC, and in Griffin Public Affairs, LLC, both based in Little Rock. He has served in the U.S. Army Reserve for 14 years, was deployed to Iraq, and holds the rank of Major. He also served as U.S. Attorney for the Eastern District of Arkansas and Special Assistant, Deputy Director of the White House Office of Political Affairs for President George W. Bush. Griffin resides in Little Rock with his wife and their two children.

Joelle T. Bowers has accepted an in-house counsel position at FedEx Office as a Litigation and Employment Attorney. She resides in Dallas, Texas.

Daniel O. Carroll, an associate with Schenck, Price, Smith & King and a member of the firm's Business Law Department and its Business Transactions and Corporate Governance Practice Groups, is moving with the firm to Florham Park, N.J. Carroll represents and advises a diverse array of business clients with respect to entity formation, corporate governance, regulatory compliance, commercial transactions, securities law issues, mergers and acquisitions, finance and general corporate matters.

Heather Hodges contributed a chapter on scientific experts to the 552-page book entitled, *Litigators On Experts: Strategies For Managing Expert Witnesses From Retention Through Trial*, edited by associate law professors Allyson W. Haynes, Charleston School of Law, and Wendy Gerwick Couture, University of Idaho-Boise, College of Law.

Hodges currently serves as the new Pro Bono Counsel at Neighborhood Legal

Services Program (NLSP). In addition, she was awarded a Georgetown Women's Law and Public Policy Fellowship.

Cesar Gonzales has been named to serve as Chief of Staff to Congressman Mario Diaz-Balart (FL-25). Prior to this position, he held positions as an attorney at AARP and as an assistant to the Mayor of the City of Miami.

Shane J. Straud has joined the law firm of Cadwalader, Wickersham & Taft LLP as Special Counsel (New York).

Lee Vanderpool has joined Pepper Hamilton's financial services practice group as of counsel and will focus his practice on banking and financing matters (Philadelphia office).

Sabrina C. Vickers, a partner with Chaffe McCall, LLP, recently was named Chairman of the International Association of Attorneys and Executives in Corporate Real Estate (AECRE).



Eric Winwood was elected partner at Baker Botts LLP, effective January 1, 2011 (Dallas office).

2002

Michelle Boudreaux was promoted to Vinson & Elkins' partnership (Energy Regulatory, Houston office), effective January 1, 2011. She focuses on compliance with federal and state law governing the transportation of crude oil, refined petroleum products, and natural gas by pipeline. She is a member of the Houston Bar Association and Energy Bar Association.

Melissa Gittings Campbell has joined Jones Walker as special counsel in the Business & Commercial Litigation Practice Group (Miami, FL).

Victoria Holstein-Childress has been promoted to counsel of Buckley Sandler LLP (Washington, DC). Holstein-Childress represents individuals and corporations in government enforcement, civil, criminal, and congressional investigations and in complex civil litigation before state and federal trial and appellate courts throughout the U.S.

Gabriel A. "Gabe" Crowson has returned to the firm of McGlinchey Stafford PLLC. Crowson is of counsel in the commercial litigation section of the firm and is resident in the New Orleans office.

William F. Davis has been named a member of Cozen O'Connor. Davis practices in the New York office as a member of the Business Law Department, focusing on real estate law.

Peter J. Glazer is proud to announce the establishment of The Glazer Law Firm, PC. The firm provides litigation and advisory services to protect the success of its clients in Virginia and Washington, DC.

2003

Wiley Richmond Beevers (LLM), Attorney-Advisor, Intellectual Property Rights & Restricted Merchandise Branch, U.S. Customs and Border Protection, represented U.S. Customs and Border Protection (CBP) in Cairo, Egypt, in March 2010. He represented CBP in a "Workshop on Effective Border Enforcement of Intellectual Property Rights" with Egyptian Customs as part

of his duties as an attorney with the Office of International Trade, United States Customs and Border Protection, Washington, DC. His previous international presentations also have included Russia and Ukraine.



Shannon C. Burr has become associated with the law firm of Curry & Friend, PLC, with offices in New Orleans and Covington, La. Burr practices primarily in the areas of Environmental Litigation and Toxic Tort Defense.

Julie Skacel Gibson is the new Contract Management Attorney for St. Luke's Episcopal Health System in Houston. She has a daughter, Ella Milly (1).

John J. Michael has joined Sutherland Asbill & Brennan LLP where he is the Head of Sutherland's firmwide Maritime & Offshore Transactions Team.

Melissa Elwyn Slavin and her husband, Joshua Slavin, are proud to announce the birth of Scarlett Elwyn Slavin on January 21, 2011, in New York City.

Mariana Souza (LLM) is living in Rio, where she is employed with Veirano Advogados. She has a "beautiful" one-year-old girl, Beatriz.



Stewart Spielman has joined the commercial litigation section of McGlinchey Stafford PLLC (Baton Rouge), where he focuses on bankruptcy, creditors' rights, commercial finance litigation, and structured finance.



Collin Williams has left his job as an attorney to open Emerald Smoke, Chicago's first gym exclusively dedicated to the sport of Mixed Martial Arts (MMA).

2004

Kevin S. Afghani, of Afghani Law Firm, has moved his patent practice to The Greystone Building on 4115 Rawlins Street, Dallas, Texas, 75219. For more info, visit www.afghanipatentlaw.com.



Joshua M. Atlas has joined Arnstein & Lehr LLP as an associate in the firm's Commercial Litigation Practice Group (West Palm Beach).

Christopher D. Baucom has joined Armstrong Teasdale LLP as an associate in the St. Louis office. Baucom, previously with



Bryan Cave, focuses his practice in the areas of complex product liability, mass tort, and commercial litigation.

Daniel H. Charest is a partner in Susman Godfrey where he serves on the firm's litigation team. Since joining the firm's Dallas office, Charest has maintained a wide-ranging litigation docket and has appeared in federal and state courts across the country. Charest is also a proud husband and father of two wonderful children.

Emily Eagan has moved to Gieger Laborde's New Orleans office.

Mark J. Graffagnini is a member and principal of Maximum Generation, LLC (offices in New Orleans and Connecticut), a commercial consulting firm focused on innovative financing vehicles for small-scale combined heat and power (CHP) projects in the commercial and institutional sectors.

TANDY O'DONOGHUE (L '97)

TENNIS EXECUTIVE TACKLES WRESTLING

World Wrestling Entertainment, Inc. (WWE) recently promoted **Tandy O'Donoghue** to Senior Vice President, Operations and New Business Development. In her current role, O'Donoghue is responsible for various business development initiatives, including WWE's efforts to develop and launch a cable television network. She joined WWE in April 2010 as Vice President, Operations and New Business Development after working for several years in the tennis industry, most recently as Managing Director, Business Affairs at the United States Tennis Association (USTA). O'Donoghue began her career as an attorney with Proskauer Rose LLP in their Sports Practice Group.

O'Donoghue resides in Connecticut and remains a loyal New York sports fan with "high hopes for the post-lockout Knicks."



WWE Superstar John Cena celebrates another victorious Championship win!



PABLO E. CARRILLO (L '97)

CONFRONTING HIGH-LEVEL CORRUPTION

Pablo E. Carrillo has been advising Senator McCain at the Senate Armed Services Committee on defense acquisition policy and acquisition management issues and on naval shipbuilding and Navy and Air Force aviation programs. Carrillo served as the lead Republican staffer in developing the Weapon Systems Acquisition Reform Act of 2009, major bi-partisan legislation, and advised the Senator on a multibillion Air Force program to buy new aerial refueling tankers.

In 2008, Carrillo served as Senior Advisor for Special Projects to the McCain-Palin campaign. When Senator McCain chaired the Senate Indian Affairs Committee approximately three years ago, he conducted an investigation for him into allegations of misconduct relating to infamous DC lobbyist Jack Abramoff. The investigation ultimately uncovered evidence that so far has led to seventeen guilty pleas and convictions, including the imprisonment of a Member of Congress and a senior White House administration official on public corruption charges.



Erin Houck-Toll, an associate with Henderson Franklin, has become Board Certified in Tax Law by The Florida Bar (and only the sixth board certified tax lawyer in Fort Myers).

2005

Adelaida Ferchmin, a partner with Chaffe McCall, LLP, recently was elected President of the Women's International Shipping and Trading Association (WISTA) New Orleans Chapter.

Catharine "Katie" Hall Giannasi is an associate in the Corporate Law Division of Husch Blackwell Sanders (Chattanooga Dome office). She concentrates her practice in the areas of commercial transactions and corporate law.

David Kovsky was admitted to the New York Bar on May 17. He also is admitted in Pennsylvania. Kovsky is based in the

Philadelphia office of Cozen O'Connor where he is an Associate in Private Client Services Group (Trusts and Estates).

Matthew L. Mullins has been selected for partnership in the firm of Taylor, Porter, Brooks & Phillips, LLP.



Britton H. Seal joined the New Orleans office of Jones, Walker, Waechter, Poitevent, Carrère & Denègre LLP as an associate in the Corporate & Securities Practice Group.

Elliot Scott started medical school at LSU School of Medicine in New Orleans in August 2011.

Tracey X. Zheng has joined the Business Litigation and Business & Real Estate Transaction Groups of Williams Kastner (Seattle office). She will focus her practice on tax law and general litigation.

2006



Ted Boehm has joined Fisher & Phillips LLP as an associate attorney in the Atlanta office. He will focus his practice on labor and employment matters. Most recently, Boehm was

a litigation associate for four years with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC (Chattanooga, TN).

Paul R. Gugliuzza has joined the faculty of the University of Florida Levin College of Law (Gainesville) as a visiting legal skills professor, teaching appellate advocacy and legal research and writing.

Shelley Miller is the civilian attorney supervisor for the United States Coast Guard (USCG) Waterways Management Division (Eighth District) in New Orleans.

Ross Miller founded South Carolina-based Miller|Conway, a full-service law firm specializing in corporate, immigration, personal injury, and elder law.

Jane K. Lee has joined Dykema's Los Angeles legal team. Her practice focuses on representing major financial institutions including banks, mortgage lenders and auto finance companies in all aspects of litigation.

Michelle C. Purchner, an associate at The Andry Law Group, LLC, where she focuses on environmental litigation, was honored by the Louisiana State Bar Association (LSBA), in conjunction with the Louisiana Supreme Court, as a 2011 Pro Bono Publico Award recipient. Purchner volunteered more than two hundred hours in 2010 with the Pro Bono Project and the Loyola Wage Claim Clinic. She continues to volunteer her time for this cause.

Trevor Sava has joined the law firm of McDonald Hopkins in the Business Department of the firm's Cleveland office.

Lori Werderitch has joined the litigation team of Rutter, Hobbs & Davidoff as an associate in the firm's Los Angeles office. Her appellate practice includes

the California Courts of Appeal and the Ninth Circuit Court of Appeals.

2007

Danielle Babashoff, an associate in the litigation practice at Steeg Law Firm, LLC (New Orleans), received the Tulane Law School Moot Court's Steve Singer Benevolent Practitioner Award. Babashoff has joined New Orleans Commercial Real Estate Women.

Sergio A. Balsinde III, formerly from Wicker Smith, joined Marinello & Kotzen, PA, in Miami Lakes. He immediately will begin handling the defense of general liability matters for the firm.



C. Whitfield Caughman has joined Freeman Mathis & Gary, LLP, as an associate in the firm's Business Liability and Insurance Law Practice Group (Atlanta, GA).

She focuses on professional liability matters.

Allan M. Johnson and Leslie T. Scheuermann will celebrate two years of marriage this December. The two were married at the St. Louis Cathedral in New Orleans in 2009. They have settled in Dallas, where Leslie is a litigation associate at Winstead PC, and Allan is a litigation associate at Vinson & Elkins LLP.

2008

Valerie Auger has joined Kemp Smith law firm as an associate in the litigation department. Most recently Auger served with the U.S. District Court, Western District of Texas as a judicial law clerk. Her practice will focus on healthcare liability claims and general civil litigation.

Avione Brown, an associate at Jones, Walker, Waechter, Poitevent, Carrère & Denègre, LLP, serves on The Success Preparatory Academy Board of Directors as Member-at-Large.

Kyle Johnston has joined Globalstar, Inc., a publicly-traded satellite communications company headquartered in

Covington, La., as Assistant General Counsel. In 2010, *Gambit Weekly* recognized Johnston as a top "40 Under 40" in the New Orleans area. Finally, Johnston welcomed Josephine Clarke Johnston into the world on September 5, 2010.

Breen Sullivan has joined the Trademark and Copyright Team of Kilpatrick Stockton as an associate in the firm's Intellectual Property Department (New York office). Sullivan focuses her practice on trademark copyright prosecution and litigation.

Adam D. Swain joined Alston & Bird in 2010 as an associate in the firm's Intellectual Property Litigation Group (Washington, DC).

2009

Galen M. Hair has joined Stanley, Reuter, Ross, Thornton & Alford, LLC, following a fellowship with the Tulane Domestic Violence Clinic.

Wesley A. Garten has joined Ogletree, Deakins, Nash, Smoak & Stewart, PC, as an associate with the firm's New Orleans office. Garten practices primarily in the area of employment litigation and represents management in claims arising under Title VII of the Civil Rights Act of 1964 as amended in 1991, the Americans with Disabilities Act Amendment Act, the Family Medical Leave Act, the Age Discrimination in Employment Act, as well as other federal and state employment laws.

Zachary Kupperman, an associate at Steeg Law Firm, LLC (New Orleans), has joined the "Trust Your Crazy Ideas Challenge" steering committee as legal counsel.

Gregory Rome, along with Loyola law alum Sharon Williams, founded Williams & Rome, LLC (Chalmette, LA). The firm is a general practice firm focusing on the areas of family and domestic law, successions, personal injury claims, and small business formation and litigation.

Margot Want has joined Adams and Reese as an associate in the Litigation Practice Group (New Orleans office).



2010

Shreya Biswas is the Director of Technology and IP Portfolio Analysis at Dreamcatchers Group in Seattle, Wash. Biswas represents inventors in the biochemical and biotechnology fields.

Blair Brogan has joined the Coral Gables, Fla.-based maritime, art, and aviation law firm of Moore & Company as an associate attorney. Brogan's practice area is Maritime Law.



Maggie Broussard has joined the litigation section of Stone Pigman Walther Wittmann LLC as an associate.



Brittany Buckley has joined Kean Miller as an associate in the firm's New Orleans office.

Minseo Choi has joined the Global Legal Office of STX Corporation, a South Korean holding company engaged in the provision of trading services. His training in U.S. Maritime Law will be "an asset to his work in Seoul."

Thad Culley has joined the law energy firm Keyes & Fox, LLP, as an associate in the firm's Oakland office. He is participating in two active utility rate cases and already has experienced his first earthquake.

Erin Delatte has joined Liskow & Lewis as an associate in the firm's commercial litigation section (New Orleans).

Alex Glaser has joined Phelps Dunbar, effective December 2010.

TWENTY TULANE LAWYERS NAMED “LEADERS IN LAW”

CityBusiness' "Leadership in Law" publication annually recognizes 50 area legal professionals in four categories: firm associated, court associated, in-house counsel, and educators. Now in its seventh year, the listing continues to recognize the unique strength of character that stems from Tulane lawyers, who again comprised nearly half of the publication's new member class. Based on distinctive professional contributions, community involvement, and achievements that have set the pace for the overall community, the following Tulane Law School alums and scholars have been honored as "leaders in law" for 2011.

Educators

Senior Research Fellow and Director,
Tulane Institute on Water Resources
Law and Policy, **Mark Davis**
Tulane Professor of Law **Oliver Houck**

In-house Counsel

Donna Klein ('81)

Firm Associated

Brent Barriere ('81)

Joseph Bruno ('78)

Bob Burvant ('84)

Daniel Davillier ('94)

Brooke Duncan ('86)

William Forrester ('68)

Mike Gertler ('69)

Joseph Giarrusso ('77)

Alida Hainkel ('92)

Keith Jarrett ('85)

James Klick ('81)

Michael Riess ('83)

Michael Schneider ('83)

Karen Shipman ('98)

Robert Stefani ('87)

Jason Waguespack ('91)

William Wright ('74)

Since the Leadership in Law inception, *CityBusiness* has inducted only nine greater New Orleans legal professionals into the "Leadership in Law Hall of Fame." The law school is proud to have two of those inductees in its alumni circle—both **Wayne Lee** ('74) and **Walter Leger Jr.** ('76) were inducted in 2009.

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

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

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



Jeffrey Good has joined the business section of Jones Walker, primarily handling real estate transactions and commercial lending as well as general business and tax law.

Megan A. Healy has joined the Trial Practice Group of Thompson & Knight LLP as a new associate in the firm's Houston office.

S. Eric Lee (LLM) has joined the Mobile office of Burr & Forman as an associate and practices in the litigation group's transportation and maritime section. He works directly with **John Kavanagh** (L '92) who is currently the co-chair of the transportation and maritime practice group.

Skelly B. McCay has joined King, Krebs & Jurgens as an associate in the firm's New Orleans office. McCay concentrates on admiralty and maritime matters, commercial litigation and construction litigation.

Jeffrey Pastorek has joined Lemle & Kelleher as an associate in the New Orleans office. He practices in the area of admiralty and maritime law.

Lance Simon spent summer of 2010 as a clerk with the Israeli Supreme Court.

Caroline Spangler has joined Phelps Dunbar as an associate in the firm's New Orleans office.

2011



Following law school graduation this past May, **Rosanna Eugenio** was honored by the Louisiana State Bar Association (LSBA), in conjunction with the Louisiana Supreme Court, with the 2011 Law Student Pro Bono Award. The honor recognizes law students from American Bar Association-accredited law schools in Louisiana who have demonstrated dedication to providing legal services to the poor.

IN MEMORIAM

Moise Steeg Jr. ('37)

New Orleans, LA
August 20, 2010

John Wood Anthony ('42)

Bogalusa, MS
October 20, 2010

John Fred Caraway ('44)

New Orleans, LA
January 25, 2011

Katherine Brash Jeter ('45)

Shreveport, LA
May 11, 2011

Edgar K. Corey ('46)

Tulsa, OK
November 27, 2010

Arnold J. Rosenthal ('46)

Alexandria, LA
December 22, 2010

William Everard Wright Sr. ('46)

Mandeville, LA
April 3, 2011

Robert Blouin Oliver ('47)

Monroe, LA
July 18, 2010

Sidney K. Pate ('47)

Jackson, MS
December 28, 2010

William C. Menge ('48)

New Orleans, LA
January 4, 2011

Calvin Carl Hoppmeyer ('49)

Slidell, LA
May 30, 2011

Harold B. Judell ('50)

Atlanta, GA
February 12, 2011

James D. Rives Jr. ('50)

Covington, LA
November 18, 2010

David Conroy ('52)

New Orleans, LA
March 28, 2011

Francis Rivers Lelong ('52)

New Orleans, LA
June 10, 2011

George W. Pigman Jr. ('52)

New Orleans, LA
February 16, 2011

Harry S.H. Verlander Jr. ('52)

Slidell, LA
January 24, 2011

Benjamin R. Slater Jr. ('53)

New Orleans, LA
January 20, 2011

The Hon. John P. Volz Sr. ('59)

Tulsa, OK
February 12, 2011

David Jesse Harris ('60)

Atlanta, GA
April 20, 2011

Charles Kirk Reasonover ('60)

New Orleans, LA
July 1, 2010

Charles E. Williams ('65)

Huntsville, AL
February 27, 2011

Orville A. Kennelly ('67)

Green Valley, AZ
May 24, 2010

Michael A. Starks ('68)

Tampa, FL
January 8, 2011

Thomas W. Tucker (LLM '68)

New Orleans, LA
May 13, 2011

Randall K. Brooks ('73)

San Francisco, CA
January 24, 2011

David E. Golia Paladin ('73)

Chapel Hill, NC
February 23, 2010

David R. Richardson ('78)

New Orleans, LA
December 3, 2010

Michael "Mickey" Eugene Neidenbach ('80)

Gainesville, GA
January 20, 2011

Hugh Wilton Tedder Jr. ('81)

Jackson, MS
February 27, 2011

Marjorie Nieset Neufeld ('84)

Los Angeles, CA
October 10, 2010

Peter Alexander Landry ('86)

New Iberia, LA
August 24, 2010

Caryl Louise Boies ('87)

Fort Lauderdale, FL
December 26, 2010

Linda Sue Johnson ('88)

Alexandria, VA
October 23, 2010

Remmurd L. Carter ('89)

Los Angeles, CA
February 3, 2011

Bryan K. McMinn ('89)

Winter Park, FL
July 21, 2010

Paul Peter "Boulos" Reggie ('89)

Lake Charles, LA
August 5, 2010

Mario Torres-Marín ('02)

Dorado, Puerto Rico
December 20, 2010

Clement Martin Dugal ('09)

North Adams, MA
October 24, 2010

Forrest Reid Mooy ('09)

Falls Church, VA
November 10, 2010

REUNIONS

FALL 2010



CLASS OF 1950
60th REUNION
at Antoine's Restaurant



CLASS OF 1965
45th REUNION
at Commander's Palace

CLASS OF 1980
30th REUNION
at Arnaud's Creole Cottage



CLASS OF 1975
35th REUNION
at the home of law alum Bill Ryan
and his wife, Pam Reynolds Ryan



CLASS OF 1985
25th REUNION
at the home of law alum E. Howell Crosby
and his wife, Katie Andry Crosby



SPRING 2011

CLASS OF 2006
 5th REUNION
 at the Ritz-Carlton Hotel
 Penthouse



ADMIRALTY LAW
 LUNCHEON
 Friday, March 25, 2011
 at Arnaud's



NEW ORLEANS
 ALUMNI LUNCHEON
 Thursday, April 14, 2011
 at the Ritz-Carlton Hotel



HATS OFF!

CLASS OF 2011: LEADERS IN LAW



The Tulane 34 Award is presented to the 34 Tulane University graduates who best exemplify leadership, service, and academic excellence.

Named for the year in which the university was founded, it is among the most coveted university-wide honors bestowed upon students.

“This impressive showing is a great credit to the law school and, above all, to the extraordinary individuals who have earned this recognition,” said Tulane Law School Dean David Meyer.

Distinguishing themselves throughout the collegiate life were law graduates Ian Furman, William Brian London, Tyler Emrys Kent Maulsby, Emma Rebhorn, and Nadja Tilstra. All five law students, along with the 29 other award recipients, were honored at a campus ceremony on the evening of May 11.

“I CAME TO LAW SCHOOL TO ADVOCATE FOR PEOPLE WHO WOULDN’T OTHERWISE HAVE A VOICE. THIS AWARD INSPIRES ME AND WILL BE A CONSTANT REMINDER THAT EVEN THE SMALLEST THINGS CAN HAVE A TREMENDOUS IMPACT.”

—Tyler Maulsby (L ’11), recipient, Tulane 34 Award

HEAD OF THE CLASS

The Tulane Law School Annual Awards and Honors Ceremony, held Friday, May 13, in Weinmann Hall, honored the following 2011 law graduates:



Faculty Medal
W. Brian London

Dean’s Medals
Jeremy Burkhardt
Endre Szalay

Civil Law Studies Award
Christina Peck

George Dewey Nelson Award
Clinton Smith

John Minor Wisdom Award
W. Brian London

Federal Bar Association Award
Ryan Mylrea

Student Bar Association
President Award
Scott Goldin

Tulane Tax Institute Award
Ashvidha Sivapalan

Charles Kohlmeyer Jr. Award
in Maritime Law
Lauren Anderson
Justin Woodard

Edward A. Dodd Jr. Award
in Admiralty Law
Nathan Orf

Haber Joseph McCarthy
Environmental Law Award
Endre Szalay

Gen. Maurice Hirsch Award
Tyler E. K. Maulsby

James A. Wysocki
Trial Advocacy Awards
Lara Richards
Ellen Forrester

H. Martin Hunley Award
in Health Care Law
Page Griffin

Louisiana State Bar Association
Corporate and Business Law Section Award
Benjamin Feldman

Louisiana State Bar Association Pro Bono Award
Rosanna Eugenio

Association for Women Attorneys Award
Elise Amacker

Brian McSherry Community Service Award
Donald Cassels III

Voted upon by members of the graduating law class, two distinguished teaching awards are presented annually during the law school commencement ceremony.

Sandra Münzel de Queiroz is the 2011 recipient of the Monte M. Lemann award, designated for a member of the adjunct faculty.

Recognized as the most notable full-time faculty member for the 2010–11 academic year was Admiralty Law Institute Professor of Maritime Law **Martin J. Davies** who received the Felix Frankfurter award.



The Hon. Jacques Wiener Jr. (L '61) is the first to welcome law students "to the ranks of the Tulane law graduates."



"I AM PROUD THAT YOU ARE OUR HOPE FOR THE FUTURE. THE LESSONS YOU LEARNED AND THE EXPERIENCES YOU HAD AT TULANE AND IN NEW ORLEANS WILL HAVE AN IMPACT ON COMMUNITIES WHERE YOU LIVE AND WORK IN THE FUTURE. YOU HAVE BEEN EMPOWERED TO POSITIVELY CHANGE THE WORLD."

—Tulane President **Scott Cowen**



LET US REJOICE! COMMENCEMENT 2011



Tulane's class of 2011 assembled May 12 to celebrate a rite of passage. In addition, they heard an appeal of love from one of the world's greatest entertainers, Stevie Wonder, a message of hope from a Pulitzer Prize-winning journalist, Thomas Friedman, and a call to confront their insecurities from their class speaker, Christopher "Skip" Wilson (MBA candidate), who was anything but insecure. Although the venue on the unified front was different from previous years, the ceremony was typical Tulane and typical New Orleans with an added touch of Wonder.

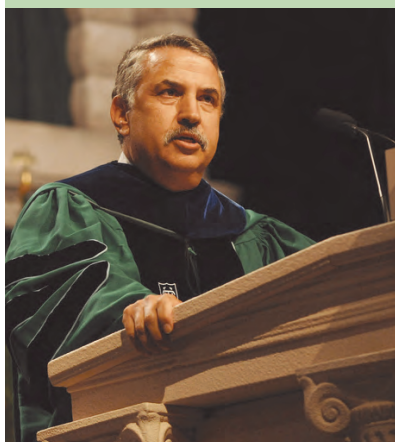
Closer to home on the following day, friends and family members beamed from the bleachers of Fogelman Arena as Tulane Law School welcomed

nearly 270 worthy new graduates to its distinguished alumni circle. Specifically acknowledged from that circle and seated before this year's graduates were eight members of the class of 1961, lauded for half a century of service to their community, state, and nation. Among them, the **Honorable Jacques L. Wiener Jr. (L '61)**, of the United States Court of Appeals for the Fifth Circuit, delivered the keynote address, which he concluded by stating, "Gaudemus Igitur" ("So let us rejoice").

Hence, another commencement ceremony is in the books and another crop of Tulane lawyers has headed out to make a name in the world. We'll take one last look at Commencement 2011.

In addition to an impromptu performance of "You Are the Sunshine of My Life" during Tulane's Unified Commencement Ceremony, honorary degree recipient **Stevie Wonder** also played harmonica to the song, "Do You Know What It Means to Miss New Orleans?" and recited lyrics to a song he recently penned to benefit those suffering from disasters in Haiti and Japan:

*"On this day I fathom
Just how much could happen
For our world and everything above.
Lost could be all sorrow,
Joy we needn't borrow
If 10 billion hearts were joined in love."*



"One of the things I love most about America is that there is always someone here who just doesn't get the word. They didn't get the word that new immigrants are supposed to wait their turn; that college dropouts are never supposed to start something called Microsoft or Facebook; and that people of color are supposed to go to the back of the bus. So promise me that once you leave here you won't get the word about what you are not supposed to try, where you are not supposed to travel, what chance you're not supposed to take, what crazy dream you are not supposed to chase. Just do it—whatever 'it' is—without fear."

—Pulitzer Prize-winning New York Times journalist **Thomas Friedman**



ON THE ROAD AGAIN

SIX YEARS AFTER HURRICANE KATRINA, TULANE LAW SCHOOL'S DEVELOPMENT OFFICE IS ON THE MOVE, REACHING OUT TO ALUMNI ACROSS THE UNITED STATES AND GLOBE. *By Mary Mouton (L '90)*

Shannon Woodward is getting a refresher course on geography. It comes with her new job as Senior Director of Development of Tulane Law School. Woodward has mapped out a strategy to revive an office that has been understaffed severely since Katrina. For the past six years, only two people carried the load when it came to development functions. The office has more than doubled in size and Woodward and her staff are ready to hit the road in search of alumni willing to help build the future of Tulane Law School.

Woodward is personally covering the southern half of the United States, from California to Florida, and she has assigned the rest of the contiguous 48 to her team of five full-time development and alumni professionals.

"This office is now in a position to focus more on our alumni, wherever they might be," Woodward says. "Since the storm, the Annual Fund was the law school's foremost fundraising priority. The school relied on those important dollars for day-to-day operations. The Annual Fund provides dollars for faculty support, student support, and programs, but the account is depleted by year's end. While we're still seeking Annual Fund donations, we also want to grow our endowment to provide funds in perpetuity," she says.

The law school's endowment is approximately \$20 million. Woodward would like to double that amount in the next 10 years. Woodward says a healthy endowment is at the heart of every esteemed law school. "If you look at

the most highly ranked law schools, each has a large endowment. It enables those schools to attract and retain the best faculty and students and that increases the school's reputation and ranking," Woodward says.

FUND-RAISING DOLLARS AT WORK

The rejuvenated development office has set its sights on raising funds to support numerous initiatives that strengthen Tulane Law School and its students.

Support for Students—The law school significantly expanded the assistance it provides students as they prepare to enter the job market. This year, 186 students completed externships nationally and internationally at nonprofits and government agencies. Last year, only 20 students participated and they were limited to working in the New Orleans area. Now, students may participate in programs outside of New Orleans to receive valuable course credit. Currently, students bear the full cost of the unpaid externships. Funds raised through the development office would go toward defraying some of those costs.

Proceeds from fund-raising efforts will also help underwrite initiatives of the Career Development Office that prepare students for career opportunities, such as a recent trip to Texas where students met with alumni at various firms, went on interviews, and were invited into networking opportunities. And as always,



scholarships are also a major priority for student support.

Endowed Chairs—An endowed chair is the most prestigious honor bestowed upon a faculty member. It helps retain talented individuals and also attracts those at the top of their field to Tulane Law School. A chair typically requires a gift of between \$1.5 and \$5 million. Future endowed chairs may be established in areas such as Energy or Corporate Law.

Endowed Professorships—Faculty members can be rewarded for their talent and effort with endowed professorships, usually in a specific or emerging area of law. An endowed professorship can be funded with a donation of approximately \$250,000.

Faculty Research Support—Faculty members typically spend their summers researching and presenting their work at high-profile conferences. The law school would like to substantially increase the \$2,500 stipend Tulane faculty currently receive, to increase their visibility and to help them get the recognition they deserve in their respective fields.

Tulane Empowers—Tulane University has embarked on a campaign to raise funds to support programs that integrate public service with academics. The Tulane Law Clinics are a good example of programs that empower individuals while providing real world experience to students. The law school's Fellowship Program is another avenue to empower individuals in the community and law students. Through the program, newly graduated Tulane lawyers can spend their first year out of school working for a nonprofit or governmental agency. An annual gift of \$20,000 or endowment of \$350,000 funds a fellow for one year.

Left: Third-year law student Mariya Volzhskaya (left) took advantage of the Tulane Law School Summer 2011 Public Service Externship program. Volzhskaya travelled to Bangkok, Thailand, where she worked with UN ESCAP (the United Nations Economic and Social Commission for Asia and the Pacific).

TEAM TULANE

It is one thing to ask for a \$1,000 donation to the Annual Fund. It is quite another to ask for \$100,000 to grow the endowment. Hence, the additional “man-power” to formulate that perfect pitch:



Shannon Woodward
Senior Director of Development
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“This is my Nirvana,” says Shannon Woodward of the logical next step that combines all her previous experiences working in marketing, management, and academia. The Tulane alumna left New Orleans after Katrina and says this job is “exactly what I wanted to do.” Fate brought her back to New Orleans. Shortly after Katrina, she attended an event at which Tulane University President Scott Cowen was speaking. She introduced herself as a fund-raiser to which he replied: “Why aren’t you working for us?” Five years later, she is.



Natalie Hooks
Development Officer
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Who better to traverse Louisiana than a native? Natalie Hooks grew up in New Orleans, making her ideally suited to crisscross the Bayou State. “Louisiana is a major focus for us,” she says. “I will spend time meeting alums and reconnecting them to Tulane Law School—from Shreveport to Pineville to Lake Charles to Thibodaux and all points in between.”



Emily Roberts
Director, Law Annual Fund
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Emily Roberts hopes younger alums will jump at the chance to become a Law Fellow,

the school’s most consistent and loyal donors, at a reduced rate. Alums that graduated within the last ten years can become a Law Fellow with a \$500 donation as opposed to the \$1,500 minimum donation. In addition to aiding your alma mater, it entitles you to attend the festive recognition event this spring.



Nicole DePietro
Senior Program Coordinator
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Nicole DePietro is very often the first point of contact for alumni. The Tulane graduate keeps the development office running smoothly by planning trips and sending acknowledgment letters to donors, among a long list of other duties.



Ellen Brierre
Manager, Law School Alumni Relations
ebrierre@tulane.edu

Now working on her 31st year at Tulane University and 25th year spearheading law school alumni relations, Ellen Brierre is vested with the “institutional memory” of Tulane Law School. You have no doubt run across Ellen while attending a class reunion or other alumni gathering. She is also keeper of the vaunted “class notes” that appear at the back of every *Tulane Lawyer*. Got news? Email ebrierre@tulane.edu.

HOW CAN YOU HELP?

Make a gift, large or small. The development office would be happy to discuss a full range of giving opportunities. Contact Shannon Woodward.

Host an alumni event out of town. Invite Tulane alums and law students to your home or law firm to share a common experience and promote networking among fellow Tulanians. Because Tulane is designated a 501(c)3 corporation, your donation is tax deductible. Contact Ellen Brierre.



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The Tulane Law Fellows Society is the prestigious leadership group of Tulane law alumni that work together to make a difference in the future of Tulane Law School. Investments in the future of Tulane Law School through the Tulane Law Annual Fund are recognized at the following levels:

FELLOW	\$1,500–2,499
SENIOR FELLOW	\$2,500–4,999
DEAN'S FELLOW	\$5,000–9,999
HENRY ADAMS BULLARD FELLOW	\$10,000 or more

Law graduates of the last decade are recognized as Fellows based on a set of reduced-giving thresholds.

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Tulane University Law School is honored to announce a gift of \$75,000 by Professor William "Bill" Tetley, C.M., Q.C. Prof. Tetley's gift will be used to endow the annual William Tetley Maritime Law Lecture at Tulane, supporting the expenses of the lecture in perpetuity. A longtime supporter of Tulane Law School, Bill Tetley is a professor at McGill University, a leading figure in maritime law, and a frequent visitor to Tulane through the years.

Speaking on behalf of the law school, Dean David Meyer said Tetley's generosity deeply touched the law community.

"Prof. Tetley has been a dear friend of Tulane law for many years and is held in the highest esteem by his friends and colleagues here," Dean Meyer stated. "This endowment gift in support of the William Tetley Lecture will ensure that future generations of Tulane students and faculty continue to be touched by his wise and generous spirit."

In addition to his impact on scholarship, the lecture was established in 1999 to honor Tetley for his distinguished service to the law school's maritime program and to the international maritime community. Tetley is credited for teaching a mini-course at Tulane for 14 consecutive years, then visiting to give seminars to law students about recent developments in international maritime law.

In recent correspondence to secure the endowment, Tetley paid homage to the lecture.

"I have been honored for many years by the annual William Tetley Maritime Law Lecture," he wrote. "I have also been honored to be a lecturer at Tulane Law School for years and was especially overcome when Tulane named the lecture series after me a few years ago."

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The Tulane Young Lawyers Society is a group of young Tulane law alumni that work together to make a difference in the future of Tulane Law School. This society gives young alumni a voice that previously was not heard and provides an opportunity for young lawyers to take part in the prestigious Law Fellows Program. It is also a way for young alumni to see an immediate return on their investments to Tulane Law School. Our goal is to create value for graduates of Tulane Law School, while promoting philanthropy back to Tulane Law School. Alumni who give at any level within a year of graduation receive a complimentary membership with full benefits. Alumni out of school for less than five years obtain membership with gifts in excess of \$100.

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Committee to Re-elect Judge Thibodeaux

TAX TOPICS FOR THE PHILANTHROPIC: AN ATTORNEY'S GUIDE

IT'S A GOOD TIME TO BENEFIT FAMILY AND CHARITY WITH A LEAD TRUST

by *Lizbeth A. Turner (L '85)*

Charitable lead trusts have long been an ideal way for philanthropic individuals to pass on assets to family members at a lower transfer tax cost. These trusts became even more attractive in 2011, thanks to low interest rates and the new \$5 million gift and estate tax exemption.

In 2011, a donor can give \$5 million during life or at death free of gift and estate tax. The gift tax exemption was only \$1 million last year, so individuals who previously used their gift tax exemption now have additional opportunities for tax-free transfers. A charitable lead trust can leverage this exemption by decreasing the value of the family's interest in the trust and using up less of the exemption.

A lead trust pays either fixed or variable income to a charity, usually for a term of 10, 15, or 20 years. When the trust ends, the principal goes to beneficiaries named by the donor—typically children or grandchildren. This nongrantor lead trust, which does not revert to the donor, can achieve significant gift and estate tax savings.

The gift of an income interest in a lead trust to charity is eligible for a charitable gift tax deduction. The gift of the trust's principal to family members is subject to gift tax unless it is sheltered by the exemption amount. Well-planned lead trusts eliminate transfer taxes by structuring the trust to make the present value of the family's interest less than the donor's available exemption and use up as little of the exemption as possible.

A larger charitable deduction results

in a lower value of the family's interest. The longer the trust's term and the more income it pays to charity, the larger the gift tax charitable deduction will be. The deduction is even larger when the IRS interest rate used to calculate the deduction assumes that the trust assets will grow slowly. This rate dropped to an all-time low of 1.4% in October 2011, and rates have ranged from 2.0% to 3.0% in 2011.

The IRS interest rate significantly

affects the deduction for the charitable lead annuity trust ("CLAT"), which makes fixed payments. The charitable lead unitrust, which makes variable payments based on the value of the trust, is less sensitive to the interest rate. The table below compares the deduction for a CLAT assuming varying IRS rates.

Lead trusts usually are invested for growth. Any increase in the trust's value will pass to heirs free of estate and gift tax when the trust ends.

\$1 Million CLAT Paying \$60,000/Year to Charity for 20 Years		
Month	IRS Discount Rate	Gift and Estate Tax Deduction
November 2011	1.4%	\$1,000,000
September 2011	2.0%	\$988,440
May 2011	3.0%	\$902,650

Note: the nongrantor lead trust usually does not result in an income tax deduction. The deduction estimates above are based on quarterly installments.

Tulane's Office of Planned Gifts is ready to help you and your clients with philanthropic planning. For more information about lead trusts and other planned gifts, call (800) 999-0181 or contact ltturner@tulane.edu. To run your own illustrations, use the Gift Planning Calculations link at www.plannedgiving.tulane.edu.



SAVE THE DATES FALL 2011–SPRING 2012

DATE	TIME	EVENT	LOCATION & DETAILS
NOVEMBER			
Nov. 18	8 am–4:15 pm	20th Annual Estate Planning Seminar (CLE)	The Westin New Orleans Canal Place Hotel
DECEMBER			
Dec. 28–29	Daily	21st Annual “CLE by the hour”	Tulane Law School, 6329 Freret Street (TLS), John Giffen Weinmann Hall (WH)
JANUARY			
Jan. 5	7–9 pm	DC Alumni Event in conjunction with AALS Annual Meeting	TBD
FEBRUARY			
Stay tuned for more information:		New Orleans Young Alumni Happy Hour “Meet Dean Meyer” Tampa/St. Petersburg/Orlando receptions	TBA
Feb. 1–7		ABA Mid-Year Meeting	New Orleans, La.
Feb. 8	5 pm (Reception to follow)	Ashton Phelps Lecture on First Amendment Law Rebecca Brown, Newton Prof. of Constitutional Law Univ. of Southern California Gould School of Law	TLS/WH/Room 110
Feb. 15–17	Daily	17th Annual Mardi Gras Sports Law Competition	TLS/U.S. Fifth Circuit Court of Appeals
MARCH			
Stay tuned for more information:		“Meet Dean Meyer” Miami/South Florida/Chicago receptions	TBA
Mar. 2–3	Daily	17th Annual Tulane Environmental Summit	TBD
Mar. 5	TBD	Dermot S. McGlinchey Lecture on Federal Litigation Hon. Diane Wood, U.S. Seventh Circuit Court of Appeal	TLS/WH/Room 110
Mar. 8–9	Daily	24th Tulane Corporate Law Institute (CLE)	The Roosevelt New Orleans hotel
Mar. 16–17		Reunions for the law classes of 1997, 2002, & 2007 (tentative)	TBD by individual class
APRIL			
Apr. TBD	11:30 am–1:30 pm	New Orleans Alumni Luncheon	TBD
Apr. 2	TBD	U.S. Supreme Court Swearing-in Ceremony <i>For more information, please contact Ellen Brierre: (504) 865-5920 or ebrierre@tulane.edu</i>	U.S. Supreme Court Building, Washington, DC
Apr. 19	TBD	Law Review Banquet	The Westin New Orleans Canal Place hotel
MAY			
May 18	6–8 pm	Wave Goodbye Commencement Party	Academic Quad/Tulane Uptown Campus
May 18–19	TBD	Law Class of 1962 Reunion	TBD
May 19	9 am	Tulane Unified Commencement Ceremony	Mercedes-Benz Superdome
May 19	3 pm	Tulane Law School Diploma Ceremony	Fogelman Arena

QUESTIONS?

- Continuing Legal Education (CLE) events: **(504) 865-5900** or visit www.law.tulane.edu/cle
- Reunions, “Meet the Dean” receptions, and lectures: **(504) 865-5920** or e-mail ebrierre@tulane.edu
- Judging a Tulane Moot Court Competition is a great way for alumni and friends of the legal community to get involved at the law school. To learn more, please contact **Chief Justice Arly Smith-Pearson** via e-mail at asmithpearson@gmail.com.
- Visit Tulane.edu/grads for the latest information regarding Commencement 2012.

ALL EVENTS ARE SUBJECT TO CHANGE.



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“Tulane is a law school deeply grounded in its own community—indelibly and passionately connected to New Orleans, to the practice of law, and to the ideal of making a difference in the lives of its neighbors.”

—Dean David Meyer



ADDRESS UPDATE / CLASS NOTE

Send class notes to Ellen Brierre, manager, law school alumni relations.

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

E-mail: ebrierre@tulane.edu

Fax: (504) 862-8578

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

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

Name _____ Class Year _____

Home Address _____

City _____ State _____ Zip _____

Phone _____ Is it new? _____

Employer _____

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City _____ State _____ Zip _____

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