THE KEN STARR FILES

IN THIS ISSUE

Duke Defense Team Helps Clear Olympic Runner
Kali Murray '99 Inspired By Grandfather's Struggle
Mel Shimm Looks Back on Durham
This October marks the launch of the most ambitious and critical fund-raising campaign in the Law School's history: a five-year, $50 million campaign to raise endowment and keep Duke Law School at the forefront of legal education in the nation and the world. The Campaign for Duke Law School is part of a larger $1.5 billion Campaign for Duke University, and if it is to succeed, we need the support and participation of all our alumni, parents and friends.

We have worked toward the launch of this campaign for the past two years, garnering leadership gifts of over $16 million from committed alumni and friends. But this is only the beginning. We have much work to do to ensure the future of our Law School.

As I wrote in the last issue of *Duke Law*, we benefitted from the able and wise counsel of the Campaign Planning Committee (CPC) chaired by Jeff Hughes '65, who has agreed to continue as leader of the Campaign Committee. The CPC worked hard to craft a vision and mission for our Law School to meet the challenges and opportunities we will face in the coming millennium.

Among those challenges is developing extraordinary professionals able to cope successfully with the complexities of living and working in the 21st century. The modern mission of the Law School is to educate and develop the whole person. Duke Law graduates must not only be technologically savvy and well schooled in the law; they must also be ethical, innovative leaders with a sense of commitment to their profession and their communities. Duke Law School is dedicated to developing such extraordinary people, but to do so, it needs the financial help of all those who care about the future of the School and the profession.

Compared to other law schools of its stature, Duke University School of Law is woefully under-endowed. It is alone in achieving the level of distinction it now enjoys on such a small endowment. At July 1, 1997, the Law School’s endowment was nearly $34 million; Harvard’s was 14 times larger and Stanford’s eight times larger. This is in part due to the School’s relative youth and the small size of its body of alumni. Some 50% of the School’s alumni have graduated since 1978.

Size has been the Law School’s greatest asset as well as its biggest challenge. Begun in 1904 as a law department within Trinity College, Duke University School of Law was founded in 1930. In 1953 when our much loved Professor Emeritus Mel Shimm (see his reflections on his 40 plus years at Duke on page 16) came to teach at Duke, he joined a faculty of 10 serving a student body of 113. The School has grown six-fold since mid-century and risen to the top ranks of law schools in the nation. Despite its growth in numbers and prestige, Duke Law School retains the sense of warm community and the close and collaborative environment that have been its hallmarks from the beginning.

But the School’s size also presents a challenge: the relatively small size of our faculty constrains our ability to have depth in selected legal fields. We need to raise endowment for new chaired professorships and research funds. A larger faculty, who are well supported, would improve the scope and impact of the Law School’s intellectual community, reduce the student-to-faculty ratio and broaden the curriculum.

To enroll the best and brightest students, we also need to provide more financial support. Tuition has continued to rise and the average student now graduates with a $63,000 debt. We cannot continue to attract the top students if we do not offer a competitive financial aide package. To date, we have financed 90 percent of the School’s scholarships from the operating budget, which is dependent on tuition revenue. We need endowment income to ensure that we can offer tuition support to those students who need it, especially those wanting to go into public interest law or into international and exchange programs. The campaign will also support the library, the School’s prominence in information technology and the work of several important programs and centers that put Duke Law School at the forefront of innovative legal education: the Global Capital Markets Center, the Program in Public Law, the Joint Clinic Program, the Program in Environmental Law, the Conflict Resolution Program and the Sports Law Center.

This campaign is not about bricks and mortar but about the people and programs at Duke Law School. Our School will only be as good as the quality of its faculty and students and the infrastructure that supports them.

The Law School exists not simply to teach our students to be lawyers but to inculcate ideals that represent the highest expression of the legal profession—the promotion of justice through law and the obligation to serve. Our graduates’ commitment to these ideals is both the measure of our success and our legacy to the future.

As a community of scholars, students and alumni, it is our responsibility to forge among us the bonds that link one generation to the next, to close the circle of community and open an even brighter future for Duke University School of Law. I invite you to join me in this endeavor to secure Duke Law School’s future as a center of learning in legal education that can and does make a difference in the world.

Pamela B. Gann ’73
Dean
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ON THE COVER:
From left: Professor Christopher Schroeder, Professor Sara Beale and Professor William Van Alstyne
Maybe nothing better certified Kenneth Starr’s cultural celebrity status than a page in Harper’s Magazine. In its May issue, the magazine’s renowned Harper’s Index was built around the independent counsel and his investigation. Among the references: “Ratio of whales killed by Captain Ahab in pursuit of Moby Dick to people indicted by Kenneth Starr since 1994: 1:1.” “Ratio of the estimated cost of Starr’s investigation to projected ad sales for the last episode of Seinfeld: 1:1.” “Percentage of Americans who cannot name the allegation that Starr was initially appointed to investigate: 40.”

Starr ’73 earned a master’s degree in political science from Brown University, then came to Duke Law School, where Professor Walter Dellinger taught him civil procedure. Dellinger has served as the Clinton Administration’s acting solicitor general, following three years as head of the Office of Legal Counsel at the Justice Department. At a reunion seminar last April, with Starr in the audience, Dellinger praised his former
student as "a person of great integrity and honor." He said scrutiny should be focused on "the system," rather than on the independent counsel himself.

The problem, he suggested, is that the independent counsel is somewhat of a free agent in a system that frowns upon free agency; unlike the House of Representatives, the office is removed from political accountability. For his part, Starr had little to say at the forum—except that he enjoyed being a student again.

Having originated in the all-but-forgotten Whitewater land deal, the Starr investigation has been a study in perpetual motion—with claims and counter-claims, strategies and counter-strategies, political posturing and political spin, court victories and court setbacks, media persistence and media excesses, and a 445 page report—delivered on September 9th—to the U.S. House of Representatives. After four years and with the investigation at a culminating point, the legal community is making preliminary pronouncements.

The Independent Counsel Statute: More Harm Than Good?

Some months beyond Dellinger's reunion remarks, Duke Law Professor Sara Sun Beale offers a concurring opinion on the independent counsel statute. "We've had a lot of experience with it, and I think it has probably done about as much harm as good, maybe more harm than good," she says.

Beale's principal academic interests are in the areas of the grand jury and in the federal government's role in the criminal justice system.

"One structural deficiency is that the independent counsel has no other cases against which to judge the seriousness of the particular case that he is pursuing. So consider the allegation that there was a single perjured answer in a civil deposition. How serious would that look compared to the other cases that come before a federal prosecutor's office? And the answer might be: it wouldn't look very serious; it wouldn't be prosecuted, because there are lots of other more serious crimes on which the prosecutor's time would be better used. But if your only job is to follow up all the allegations that relate to one assigned case, there isn't any built-in way of assessing proportionality."

Add to that other aspects of the investigation—like unlimited potential resources, operating in the national spotlight, and political incentives for certain outcomes—and you have a prosecutorial setting that has little regard for proportionality, Beale says. "There was a time when morality offenses were seen as very much a matter of public interest and very much a matter of appropriate focus for the justice system. So if you look back to colonial times, a high percentage of the offenses that were punished were seen as a breach of obligation to the community—blasphemy, adultery, fornication. We have more of a sense now that private behavior between consenting adults is nobody else's business and certainly not a crime. Of course, the allegation against the president is not that he had an affair; it's an allegation of perjury and obstruction of justice. But that chain of events leads back to the admitted affair. So it's the origin that is weak. And the origin is something that needs to be weighed in considering whether a criminal investigation contributes to the public interest."

Starr has been accused by Clinton loyalists of running a less-than-independent-minded investigation. Before his appointment, he drafted a brief in support of Paula Jones in her legal action. He accepted, and then gave up, a pair of deanships funded by a prominent supporter of conservative causes. And he has continued in his private...
“The abuses that were Watergate spawned great reporting. The Lewinsky story has reversed the process. Here, an author in quest of material teamed up with a prosecutor in search of a crime, and most of the press became a cheering section for the combination that followed.”

Steven Brill

legal practice. “The independent counsel’s office is independent; it is not subject to the president’s direct control, nor to the direct control of the attorney general,” Beale says. “That was the goal: Independence was seen as necessary in order to ensure the effectiveness of investigations of high government officials.” The flip side of independence is fragmented executive power, she says. So the nation has been treated to the schizoid circumstance of government lawyers asserting claims of attorney-client privilege in a criminal proceeding brought by the United States.

Independence hardly ensures neutrality, Beale says. The public has little in the way of guarantees of the independent counsel’s neutrality, there are no provisions for Senate confirmation of a nominee where issues about neutrality (such as Starr’s previous participation in the Jones litigation) could be raised.

In his book Ethics, Politics, and the Independent Counsel, journalist and commentator Terry Eastland traces the Watergate origins of the independent counsel and says that “the traditional means of responding to allegations of executive misconduct were employed in Watergate”—criminal investigation, prosecution by regular and special prosecutors, congressional investigation and an impeachment inquiry—and the traditional means worked, “in the sense that they ran their natural course and produced results consistent with public opinion.” The statutory scheme that gave rise to the independent counsel, Eastland writes, seems to “require a preliminary investigation even of allegations from unreliable sources.” And special counsels appointed under that statute “really would be on their own—as no prosecutors had ever been.

Appointed by a court—not the attorney general or the president—and removable only for ’extraordinary impropriety,’ they were not to be accountable to the executive branch.” The result, as he puts it, is “a system of special prosecutors who could orbit on their own, responsible to no one but themselves.”

Beale says that as a result of the investigation, the public has become much more familiar with the extensive power of the grand jury and the prosecutor. “You really have two quite different functions with the grand jury. The image that’s sometimes used is the sword and the shield. In its subpoena power, its contempt power, its ability to immunize witnesses, it is an extremely powerful offensive prosecutorial tool. On the other hand, people can’t be put on trial in the federal system without an indictment returned by the grand jury; if the grand jury won’t indict, that’s that. The prevailing wisdom, which I believe is correct, is that the shield function doesn’t operate nearly as well at the grand jury level as it does at the trial level. Grand jurors are not very likely to second-guess prosecutors; they’re more likely to vote for an indictment.

“How is it that a prosecutor can pull in all these peripheral people before the grand jury, even disregarding family relationships—remember Monica’s mother? Isn’t that pretty scary? To which the answer is, I think, yes. It’s an enormously powerful instrument and it has to be used very carefully. And it should make us think about what kinds of things we ought to criminalize, and about whether it’s a good idea to have an Office of Independent Counsel that has no obvious checks on its power.”

Weighing Privilege Against the Need to Gather Evidence

Through these years of the Starr investigation, much of the legal battling has been waged on issues of enshrined or assumed privileges. Last spring, a Washington federal district court ruled that the president, his top aides, and even the first lady were entitled to executive privilege and to attorney-client privilege. The court found that both privileges, though, were trumped by the need to gather evidence. As the ruling put it, “the governmental attorney-client privilege is qualified in the context of a federal grand jury investigation and, like the executive privilege, it can be overcome by a showing of need.” As the term ended in June, the Supreme Court rebuffed Starr in his effort to secure the notes of the lawyer who represented Deputy White House Counsel Vincent Foster. The court ruled that attorney-client privilege survived death—in this case, Foster’s suicide nine days after the meeting between Foster and the lawyer.

Back in the 1974 Watergate tapes case of United States v. Nixon, the Supreme Court accepted executive privilege—but hinged it on the need to protect military, diplomatic, or sensitive national security secrets. Duke Law Professor William Van Alstyne, a constitutional
law expert, says, “There isn’t anything textually in the Constitution that uses the phrase executive privilege. But that is not to say, however, that it emerged full-blown, or is a novelty invented by Richard Nixon.”

Executive privilege can be tied to the constitutional notion of separation of powers—a reaction to an unfortunate tendency by the British Crown to seize dissident members of Parliament and throw them into the Tower of London. At the treason trial of Aaron Burr, Burr’s attorney said that a letter in Thomas Jefferson’s possession would exonerate his client. When a subpoena was issued, Jefferson demurred on separation-of-powers grounds. “His position was that it was inappropriate for the judges to insist on his handing over something communicated to him in confidence,” says Van Alstyne. However, the trial court, presided over by John Marshall, disagreed, and Jefferson complied with the request to turn over the letter, aiding in Burr’s acquittal.

“The history of the Jefferson-Marshall episode is part of the background in U.S. v. Nixon,” Van Alstyne explains. “Ultimately, Nixon’s claim of executive privilege was rebuffed, resulting in the release of the Watergate tapes.”

The justices of the Supreme Court guard their own confidentiality, Van Alstyne notes. “They meet at least once each week to go over cases, with each justice venturing his or her views provisionally. These discussions are very confidential. In fact, it’s a strong tradition of the court that when they meet, the junior justice keeps the door; they don’t even have a marshal in that room. We might imagine a situation in which a litigant believes that a vote by one of the justices had been improperly influenced. And so the litigant wants to have the judgment reconsidered or to have the case reargued, but he can’t do so without the evidence of the notes. Well, for the justices, acceding to such a request would have the consequence of compromising the forthrightness of conversation in the court.”

The White House has claimed attorney-client privilege for Deputy Counsel Bruce Lindsey, who has been subpoenaed to testify before Starr’s grand jury. The attorney-client privilege “exists within the boundaries of legality and ethical practice,” Van Alstyne says. “So it’s always a qualified privilege. Say that I privately admit to a crime but put you, as my attorney, on notice that I want you to call me to the stand because I believe I am a very convincing person and will be able to lie my way out of it. The attorney-client privilege does not allow you do to that. If I insist on my right to testify, then as the attorney, you have a duty to withdraw from the case.”

In Whitewater, the privilege may be qualified all the more. According to Van Alstyne, “It may still be the case that the president will call on a White House attorney in the same way that he would call on others whose advice he would tend to trust in executive matters. So attorney-client privilege merges into executive privilege.” But he adds that insofar as there is “no plausible claim of national security,” prosecutors can make a reasonable argument that a White House attorney has the government, not the president, as his employer.

A more novel claim by the administration is a protective-function privilege peculiar to the Secret Service. As the argument goes, presidential security would be jeopardized if the president elects to keep his distance from Secret Service agents who might be compelled to testify about the actions they witness. Van Alstyne doesn’t dismiss a constitutional rationale for a protective-function privilege—and for other privileges. “An act of Congress called the Soldiers and Sailors Act provides that if you are conscripted into the U.S. military, and if somebody has a civil claim against you for debt, they have to wait until you’re mustered out again to sue you. The theory is that if you had to answer in civil court, it would be awkward for the military going about their business. That comes at a high price for creditors; some of them will be out of luck.”
But such an immunity fits within the framework of Congress’ power to raise armies and navies, Van Alstyne says. In the original Jones v. Clinton case before the Supreme Court, Van Alstyne and several other legal scholars joined in an amicus brief, arguing against the president’s claim of immunity from lawsuits as long as he holds office. The court, agreeing with Van Alstyne and his colleagues, rejected Clinton’s claim on the grounds that there is nothing in the Constitution which provides such immunity.

“We now recognize that a Paula Jones-type case can indeed embarrass the president, take his time, and cause him to spend lots of money,” Van Alstyne says. But, as he puts it, “The courts generally have been reluctant to discover new privileges.” Conforming to the necessary-and-proper powers outlined in the Constitution, Congress could grant the president lawsuit immunity if it chose to, he says, and likewise it could put in place a protective-function privilege.

With all the criticism directed at Starr, one of the loudest outbursts accompanied the subpoenaing of two Washington area bookstores for records of Monica Lewinsky’s book purchases. (Eventually, Lewinsky’s attorneys agreed that their client would provide the information on her own.) Van Alstyne says fears for the First Amendment were exaggerated. “If, as the independent counsel, you thought

Ms. Lewinsky were the single most vital witness, and that the Tripp tapes have all these utterances of a very explicit nature about her conduct with the president, then you would want to do your best to see how much of the material on the tapes could be independently verified. She says lots of things, among which, apparently, is that she bought two particular books at two different stores and made a present of them to the president of the United States. So you’re interested in knowing, did she buy the books or didn’t she? Mr. Starr is not interested as to whether or not she reads right-wing or left-wing material; he’s not interested in ferreting out her political associations.”

Starr’s emphasis on the search for the truth as overriding other concerns—client-attorney privilege among them—
might make him appear to be a sanctimonious Grand Inquisitor, says Van Alstyne. "If we're only interested in truth, why, then, we can't make a case for any modicum of human privacy anymore. Then we can't make a case for the privilege against self-incrimination. We really can't make a case even to hold beliefs not endorsed by the government." But he is more critical of White House tactics. "I think it is reassuring, as well as startling, that the White House has lost nearly every one of these claims. And from my own perspective, the manner in which these claims have almost been indiscriminately put out is not entirely consistent with the president's earlier representation that he would be fully cooperative. I think he's been less than cooperative."

Schroeder’s view, “We’re now two years into a second term and we have very little to show for it. There’s not much prospect of scandals moving off the front page and some significant policy objective with the president moving on to it. He gets credit for the economy, and that’s no trivial matter, but we’re going to be hard-pressed at the end of his second term to draw up a list of accomplishments. That’s a terrific disappointment. And I think that comes both from his preoccupation with the investigations and the press’ obsession with them, which is going to continue so long as they think there’s a rock there that hasn’t been turned over.”

Schroeder says it’s a stretch to draw parallels—as the independent counsel tried to do in asking the Supreme Court for a “fast-track” ruling on attorney-client privilege—between Whitewater and Watergate. “President Nixon was involved directly in making decisions that violated the law, with his sole objective being to subvert a national election and retain political power. What has been alleged in the Clinton administration doesn’t approach that.”

Starr has complained about White House lawyers delaying the inquiry with layers of legal maneuverings. Schroeder agrees that “there has been a lot of stonewalling out of the Clinton White House. And it’s probably fair to say that from the prosecutor’s point of view, it looks like there may have been even more resistance from this White House than from the Nixon White House. “This is in large part a matter of context. Largely, what Ken Starr was engaged in was a fishing expedition; because he had to open 10 or 15 doors, he met with objections at more than one of them, which might seem like a lot of objecting. With Watergate, once John Dean came forward and we had knowledge of the White House tapes, we had a very targeted inquiry. Here, we had a much more diffuse investigation that led down a lot of blind alleys. And the people at the end of the alley didn’t want to simply say, ‘Come on in,’ because they were so highly suspicious of the whole investigating enterprise.”

(Incidently, a federal judge hurled his own criticism in Starr’s direction. In throwing out a tax evasion charge against former Clinton confidante and Associate Attorney General Webster Hubbell, the judge called a Starr subpoena for tax records “a quintessential fishing expedition.”)

Noting that impeachment is fundamentally a political act, Schroeder has his doubts that the House of Representatives will vote to impeach a popular president and that two-thirds of the Senate will vote to convict him. “Of course, there’s no real clear legal answer on what constitutes a high crime or misdemeanor. I’m inclined to think that obstruction of justice qualifies—although in this case, the context would be an underlying event that seems immaterial or petty to most people. The authority of the Congress to impeach for high crimes and misdemeanors is not an obligation to impeach.” Congress’ decision to impeach or not to impeach, he says, will always weigh “all the costs we’re going to pay for it.”

Congress will also be weighing the appropriateness and the costs of the independent counsel statute. Schroeder says as it now stands, the statute encompasses too broad a range of “covered individuals” and is too ready to assume a conflict of interest for the Justice Department. And it mandates too low a threshold for starting and perpetuating an investigation—even where, in the judgment of the attorney general, “the weight of the evidence is extraordinarily on the side of innocence.”

The wide-ranging field of this independent counsel—including the Whitewater land deal, the suicide of Vincent Foster, the Travel Office firings, the transferring of F.B.I. files on past officials to the Clinton White House, and finally the Lewinsky matter—“points to the danger that the mission might move from investigating a specific incident of wrongdoing to, in the vernacular, ‘getting the target.’ As the jurisdiction grew, the risk was always that the office would transmute its
mission from figuring out what happened in Whitewater to figuring out some way to indict the target. The more things you’re investigating, the more there’s a tendency to figure out a way to put the bad guy behind bars. It’s a little like the legitimate prosecutorial zeal in going after mobsters: You can’t get them on drug running, but you can get them on tax fraud. But we don’t subject ordinary citizens to that kind of investigation, and I’m not sure that it’s healthy to treat high elected officials more like mobsters than like ordinary citizens.”

It was 10 years ago that the Supreme Court upheld the independent counsel statute. Experience has shown that the majority opinion was “unduly optimistic in its emphasis on the extent to which the independent counsel remains under the control and discipline of the president and other officers in the executive branch,” Schroeder says. “Perhaps the right answer from the point of view of sound administration of justice would be just to get rid of the thing. But we live in an era in which there is such distrust about government that I’m not sure that’s a viable resolution.”

**The Media Fixation**

If opinion surveys are to be believed, much of the public would like to get rid of the media fixation on the investigation. For the inaugural issue of *Brill’s Content*, publisher and editor Steven Brill slammed the media—and, to a lesser extent, Starr—in his 25,000-word story “Pressgate.” Brill wrote: “The abuses that were Watergate spawned great reporting. The Lewinsky story has reversed the process. Here, an author in quest of material teamed up with a prosecutor in search of a crime, and most of the press became a cheering section for the combination that followed. As such, the Lewinsky saga raised the question of whether the press has abandoned its Watergate glory of being a check on official abuse of power. For in this story the press seems to have become an enabler of Starr’s abuse of power.”

In his own rather extensive reply—running 19 pages—Starr faulted the Brill story for its “misunderstanding of the law” and “misrepresentation of the facts.” The independent counsel took particular offense at the charge that his office released, without authorization, grand jury material and information provided by witnesses during witness interviews. He was obliged to release information to protect his office, he said, from attacks that undermined public confidence in his work.

Brill’s bigger target, though, was the media. Stephen Labaton JD ’86, a legal affairs correspondent for *The New York Times*, was among those whose reporting figured in the story. “There’s been a lot of sloppy reporting in this inquiry,” Labaton says. “There’s been some ignoring of basic and standard rules that keep journalists out of trouble—going to multiple sources, or trying to get people on the record, or giving all sides an ample opportunity to explain positions. That being said, I think some of the reporting has been terrific. I think we have a pretty interesting chronology of events that took place last fall and winter that raised interesting questions about the president and Monica Lewinsky.”

Labaton acknowledges that the mainstream press is facing new pressures, notably the instant-coverage expectation on the World Wide Web. Today’s multiplicity of media provide more avenues of information, and some of that is misinformation. (Brill’s article discusses an online story—purportedly based on testimony from a White House steward—later retracted by the *Wall Street Journal.*) But ultimately it’s a self-correcting process, he says. And, he suggests, part of the self-correcting comes from the regular prosecutorial briefings to reporters that Brill found so problematic.

“I don’t think anybody disputes that prosecutors need to explain as much as they can consistent with protecting the rights of witnesses and defendants.”

Once student and professor, Ken Starr and Walter Dellinger meet again as veterans of the Washington political scene. Here, they’ve come together at the 1998 alumni reunion seminar where Dellinger praised his former student as “a person of great integrity and honor.”
“[Clinton] gets credit for the economy, and that’s no trivial matter, but we’re going to be hard-pressed at the end of his second term to draw up a list of accomplishments.”

Chris Schroeder

Labaton says. “And that’s particularly the case when you have independent counsels who are investigating the president of the United States and there is all sorts of misinformation out there.” Labaton mentions reports that the president and Lewinsky were “caught in the act.” Various newspapers and networks ran with the story; in New York, the Daily News and the Post displayed “Caught In The Act” across their front pages on the same day. But The New York Times backed off, since there was no way to substantiate it. “There are situations like that where there’s a rumor and—without getting to the specifics of this incident—a reporter would call somebody in the independent counsel’s office and ask, ‘Do you know anything about this?’ And if the reporter is told, ‘We don’t have anything on this,’ that should give him pause.”

If there’s a single quality that Brill tries to pin on the media, it’s laziness. Reporters relied on prosecutorial leaks rather than Watergate-like first-hand reports from witnesses, he charges. And reaching back to the unraveling of Watergate, he quotes the Washington Post’s Bob Woodward as saying that today’s reporting “is all about lawyers telling reporters what to believe and write.” Labaton calls that “an overdrawn statement.”

“In the first place, I think Woodward and Bernstein also talked to lots of lawyers—they tried to talk to everybody. Have I talked to people in the independent counsel’s office in the course of this investigation? Of course I have. But in five years of covering the independent counsel’s office, I’ve probably talked to far more witnesses than lawyers.”

Brill also attacked the jousting reporters who show up on talk shows. Reporters are more and more called on not just to analyze the investigation, he said, but to take sides in front of television cameras. For his part, Labaton says he’s been invited to join in the televised spectacle but has declined. “There are plenty of other people in the Washington press corps who are eager to, and so I’m happy to stay in the background. I just feel that I don’t want to go beyond what I write in the pages of the paper.” He says that as a matter of policy, The Times discourages its reporters from appearing on “Crossfire-type shows,” where they’d be in the position of advocates.

“In a sense, this story has become a classic Washington story,” Labaton says. “We’re all writing a lot about how the press covers the story, or we’re writing about legal privileges and fights through the Appeals Court and the Supreme Court. That’s often what happens in Washington stories: They get completely bogged down in process-driven details and the underlying substance gets lost. I think it’s important not to lose sight of what exactly is going on here, which is an investigation by an independent counsel of the president of the United States.”

David Gergen, who has taught at Duke’s Terry Sanford Institute of Public Policy and who has been a counselor to several presidents—Bill Clinton among them—says the Starr investigation has threatened Clinton’s place in history. But the consequences may be even more lasting, says Gergen, notably in the arenas of executive privilege and lawyer-client privilege. In the past, privileges were assumed to exist that ensured the confidentiality of conversations between the president and his staff. “The president and his staff were comfortable in confiding personal as well as legal questions to the counsel’s office. But it is no longer clear that they can confide anything, because what they discuss may be subject to outside investigation. And that includes not just matters of criminal law, but matters that fall in that gray area where there may be both criminal and civil implications.”

During the Iran-Contra investigation, Ronald Reagan waived attorney-client privilege for the Office of the White House Counsel; Gergen wishes the current White House had followed in that pattern. “I understand why Starr felt pressed to pursue these issues, and I respect him for that. My preference would have been for the White House to assert that conversations with the counsel were protected by privilege and then to have waived privilege. That way, the concept would not have been challenged in the court and would not have been subject to the kind of decisions that resulted, and it would have remained in place for future presidents.”

If protections and privacy are being stripped away at the presidential level, how will cabinet secretaries deal with their own departmental counsels, Gergen wonders, about matters that straddle the line between personal and official conduct?

Gergen doesn’t blame Starr for what he sees as ominous outcomes: “He was compelled by the investigation to seek certain answers.” Still, he worries that the result will be not just a compromised president, but a circumscribed presidential institution.
According to her Duke defense team, Mary Decker Slaney had prior medical conditions that made her particularly susceptible to elevated or fluctuating hormone levels.

Duke Law Lecturer Doriane Coleman, an accomplished middle-distance runner in the 1980s, and husband Professor Jim Coleman assembled a team of experts to prove that Mary Decker Slaney had not taken performance-enhancing drugs at the 1996 U.S. Olympic Trials. In 1989, the Colemans helped develop the USA Track and Field's drug testing program.
part of a team that in 1989 had developed the USA Track & Field's drug-testing program.

"We had never taken a case on behalf of an athlete before," Doriane Coleman said in a recent interview. "We developed the rules and we were hesitant, at least I was hesitant, to do anything on the other side. But I've known Mary a long time and just absolutely could not believe that she had done this."

"Who the athlete was was an important factor," Jim Coleman added. "Mary Slaney had never been suspected of using drugs; she had never been accused of it; she had never been challenged in any way relating to whether she was a clean athlete."

But to prove that she was still clean would take some detective work. First, the Colemans set out to learn as much as they could about testosterone and epitestosterone. Their search for an expert in that field led them across Duke's campus to Dr. Richard Clark, a widely respected endocrinologist.

The Colemans also were in need of a statistician who could sort through and, they hoped, refute the evidence against Slaney.

"Almost all of the evidence, if not all of the evidence, was statistical," Doriane Coleman said. Basically, officials compared Slaney's previous and subsequent t/e ratios with the elevated ratio at the trials and concluded that this "blip" was the result of a performance-enhancing drug.

Again, the Colemans' search for help ended on the Duke campus, with statistics professor Donald Berry.

"Professor Berry was just an amazing find because not only is he a master statistician, but also he works with the National Cancer Institute's breast cancer studies. So all of the evidence on women's hormones he was absolutely familiar with. He was immediately able to jump in and find very significant flaws in the analysis that they had done," Doriane Coleman said.

Both Clark and Berry were able to show that while it may be unusual for a woman in her 20s to have an elevated t/e ratio, it is not as unusual for a woman of Slaney's age. (A 1-to-1 ratio is most common; track's allowable level has been, until recently, 6-to-1.)

"Mary was outside the normal athlete population reference range, and having had some medical conditions over the last few years, she was particularly susceptible to elevated hormonal levels or fluctuating levels," Doriane Coleman said.

Birth control pills also could have skewed her t/e ratio. The defense team located a study from an International Olympic Committee lab that concluded "application of oral contraceptives leads to an increase in the ratio of testosterone to epitestosterone."

The defense team was able to amass other evidence to exonerate Slaney. For example, they were able to show that it didn't make sense for Slaney to have taken testosterone immediately before her race at the trials since that drug helps athletes recover quickly from grueling workouts, but does nothing to help them in competition.

Still, the case dragged on, partly because several different national and international track federations were involved.

Finally, in May 1997, an international federation suspended Slaney from competing abroad not because she had taken drugs, Doriane Coleman said, but because the American federation was taking too long to complete the case. Then, a few weeks later, USA Track & Field (USATF) suspended her as well, pending a hearing that would take place before the USATF's Doping Hearing Board.

Slaney testified at length during that two-day hearing in September.

"We took Mary through her career, and through the medical problems, through the medical treatment she had received," Jim Coleman said. "Then she talked about the impact this case has had on her life, her career and her family and, at the end, it was clear to me that every person in that room believed her, including the person presenting the case against her."

In addition to a ruling by the IAAF, Slaney is still waiting for an apology from track's governing bodies. And, at an October press conference, Slaney also demanded financial compensation for her lost season. She is again eligible to compete.

Jim Coleman said the ordeal has drained Slaney, whose distinguished track career dates back to 1972, when she qualified for the Olympic Trials but was too young, at 13, to compete. He added, however, that a lesser-known athlete might not have been able to clear his or her name.

"The thing that was different for Mary was that she had the resources and also the commitment and the reputation to fight that," Jim Coleman said. "If she had been someone at the beginning of her career, she would not have had the stature to fight it. You needed someone like a Mary Slaney in order to accomplish this because the system simply rolls over you."

The outcome of the case, Jim Coleman says, is that "there will never be another person who will be put through what Mary was put through. They'll never accuse another woman athlete of a testosterone violation without having done an investigation that will be very thorough and scientifically defensible."

Shortly after the panel exonerated Slaney in September, the U.S. Track Federation changed the t/e rule to ensure that state-of-the-art techniques—not merely statistics—will be used to determine the cause of an elevated ratio. A new, more reliable test is expected to be used at future Olympics.

Doriane Coleman said it was not intentional that the defense team, which also included Duke law professor Paul Haagen and Slaney's husband Richard, had a distinctively Duke flavor.

"It wasn't part of our strategy to put together a Duke team," she said. "It just happened that when we set out to look for the best people, they were right here."
If he could, Charlie Condon would grant everyone the kind of “idyllic” childhood he and his eight brothers and sisters enjoyed with their parents near Charleston’s Ashley River—a beginning Condon credits for much of his success in life.

He can’t do that, but what Condon has been able to do for South Carolinians in his first term as attorney general is to make headway in the battle against violent crime, domestic violence and child abuse.

Starting with his 11 years as solicitor for the Ninth Judicial Circuit (1980-92), Condon made his tough-on-crime stance known. He implemented a career criminal prosecution program, one of the state’s first victim witness assistance programs, a drug strike force program, a child sexual abuse prosecution program, and to support those programs, a plan that computerized and automated the office. He prosecuted numerous capital cases, earning from juries a death verdict in his last 11 penalty trials.

During his term as Attorney General of South Carolina, starting in 1994, Condon has banned plea bargains for repeat violent offenders, established a school violence prevention program, implemented through local churches a youth mentor program aimed at fighting juvenile crime, spearheaded the passage of the Victim’s Bill of Rights as part of the S.C. Constitution, and has pushed for speedier death penalty appeals throughout both state and federal systems.

The Democrat-turned-Republican prosecutor, who has clamped down on pornographers and defended the Confederate flag, initiated the state’s first Medicaid and insurance fraud units, started a program to combat domestic violence and sexual assault as well as a program with the S.C. Medical Association to educate parents about the effects of media violence on children.

Recently elected chairman of the Southern Attorneys General Section of the National Attorneys General Association, Condon added a full-time obscenity prosecutor to the statewide Grand Jury and has developed a comprehensive program for the treatment and rehabilitation of pregnant crack cocaine mothers, though he says he reserves the right to prosecute those who refuse treatment.

His controversial stance that unborn children of drug addicts are citizens of the state and thus are protected by the state has received much national media attention as well as opposition from Democrats and abortion-rights supporters. (Last October, a majority of the State Supreme Court supported his assertion, upholding the conviction of Cornelia Whitner, sentenced to eight years for neglect in 1992 after she gave birth to a baby with traces of cocaine in its blood. Lawyers for Whitner plan to appeal her case before the U.S. Supreme Court, so Condon eagerly awaits the outcome. “A viable fetus is a fellow South Carolinian,” he has repeatedly contended.)

Facing reelection on Nov. 3, Condon said in a telephone interview from his Columbia office that he is happy about what he and his team have been able to accomplish in recent years.

“Since I was elected solicitor of the Ninth Judicial Circuit in 1980, I’ve loved this work. It’s very rewarding and I feel as if I’ve really been able to strike blows on behalf of justice. There have been good crime drops related to the reform of our criminal justice system,” he said.

“The attorney general’s office was the logical place to do something about these problems. And the single thread that has run throughout the work has been the safety and the security of the family. I believe that’s one of the real keys to national democracy—the strength of the American family.”
In keeping with that theme, Condon established a S.C. Father of the Year award, which carries with it a $10,000 cash prize, to match the S.C. Mother of the Year award that had been around for years.

Condon, a former associate of Nexsen, Pruet, Jacobs & Pollard in Columbia and an alumnus of Notre Dame University, said he has strong ties to Duke: his mother-in-law lives in Durham and a brother-in-law also is a Duke alumnus. Condon is married to Emily, a family practice physician who has two degrees from Duke.

Robert Krausz '83
Comedy Writer and Actor
by Olisa Corcoran

SCENE ONE, Hollywood

To entice Rob Krausz '83, a comedy writer and actor, to be interviewed for this profile, I left a message on his voice mail in Los Angeles: "Hi Rob. We haven't met, but I have a photo of you and Ken Starr that I think you'd like to see. Call me."

Within hours Krausz called back from the Paramount lot where he was working on the Cybill Shepherd program. "A bunch of Klingons just walked by," he said. "Tell me about the photo."

The deal went down over the phone: I should send the photo to a specified post office box in New York and only then would I call him back.

SCENE TWO, New York

A month later I tracked Krausz down in New York. The Ken Starr photo, taken at Reunion Weekend 1998, had arrived. (Krausz created a splash at reunion when he thanked the independent counsel for providing comedy writers with so much good material and offered up his service if Starr ever needed jokes.)

An accomplished playwright, Krausz recently returned to New York after a couple of years on the West Coast, where he performed stand-up comedy, acted, or wrote for several TV shows, including "Something So Right" and "Cybill." (Friends who want to see his work can rent the video "Amazon Women on the Moon.")

"Cybill" was a reunion of sorts for Krausz and Shepherd—as a teenager, Krausz had been an extra on the set of "Taxi Driver." When they met on the "Cybill" set, Krausz joked "you and I were in a movie together."

Working with Shepherd and the rest of the cast was "a lot of fun," he says. "The most fun was meeting people who I'd seen in other capacities," like guest star Charles Durning.

He enjoyed Hollywood, but New York beckoned. "I missed my theater roots. There is nothing like the theater."

And Krausz should know. His first effort as a playwright blossomed into the off-Broadway musical "Hello Mudda, Hello Fadda," a theatrical adaptation of Allan Sherman's popular Jewish-flavored songs of the 1960s, which Krausz co-wrote with Douglas Bernstein. A first-generation Hungarian immigrant, Krausz learned to speak English by listening to and parroting Sherman's lyrics. "It was like Sesame Street for me," he says.

The show opened in Kansas City and Phoenix and traveled from coast to coast before running nine months off-Broadway in New York, where it garnered several Outer-Circle Critics' Award nominations.

It now has a life of its own; at any given time "Hello Mudda..." is being produced by some theater company in the U.S. Krausz will direct a Los Angeles production at the Thousand Oaks Theater sometime this year.

Krausz's career trajectory has been unconventional. He has done everything from teaching Kaplan LSAT courses, to working in public relations, to serving the City of New York as an administrative law judge in the Taxi and Limousine Division. (As judge, he achieved an unbeatable record—"I've never had a single decision overturned.") Krausz was in the ABC Sports booth the night the U.S. Hockey Team took gold in the 1980 Lake Placid Olympics. "I was sitting in the box when Al Michaels said 'Do you believe in miracles?'"

While at Duke, Krausz considered being a sports agent. In fact, it was basketball that first attracted him to Duke. But writing and acting prevailed. Next on Krausz's agenda may be a play about baseball.

About his creative and unusual career Krausz says "a lot of people thought I was nuts. But I had to go for things I wanted in life. Maybe it's because my family was chased by Nazis, but my attitude is do what you like to do and don't hurt anyone."

SCENE THREE, Durham

A week after our phone interview, I received a note from Krausz enclosing his photograph, as requested. Typical of his irreverent personality, he asked me to send him a photo of myself.
Stephen Labaton '86
Journalist
by Debbie Selinsky

The first time Stephen Labaton encountered Whitewater Special Prosecutor Ken Starr '73 was when Labaton was a student at Duke Law School in the late 1980s and Starr had returned to campus to address young would-be lawyers.

Now, when Labaton, a legal affairs correspondent in the Washington bureau of The New York Times, sees Starr, it's usually in the line of duty.

And it seems perfectly normal to Labaton, who has been with the Times since 1987, to call his old Duke constitutional law Professor Walter Dellinger, who served as acting solicitor general in the U.S. Department of Justice, with a question for a legal story.

The juxtaposition of the legal and political worlds has been part of the Lawrence, Long Island native's life since he grew up as the son of an elementary school teacher and a politically active lawyer-father.

"After college (Tufts University, '83), I knew I wanted to either practice law or become a journalist," he recalled in a phone interview from his Washington, D.C. office. "But I knew that a law degree would be useful in any event."

While in law school, Labaton tested the waters by working as a summer intern at The New York Times, where he found election year 1984 fascinating and rich with stories for a young reporter with a legal background. The following summer Labaton was writing about a hostage crisis in the Middle East involving a hijacked plane and about governmental regulatory issues.

When peers comment on Labaton's "luck" in starting at the top of the journalistic heap at The New York Times in his first full-time job, Labaton begs to differ. "I started as a clerk at The New York Times, so I certainly had my share of menial tasks," he said. However, he added, he was "in the right place at the right time" two or three months after he started work there, when the legal affairs columnist in the business section went out on maternity leave and he was named her replacement.

During his time in Manhattan, Labaton wrote in the weekly column about major legal issues as well as the business of the practice of law. He also reported on the Wall Street

Patricia (Hamm) Wagner '74
Law Partner and Community Activist
by Debbie Selinsky

If there had been a handbook on how to get through law school in the 1970s, it probably would have used Pat Wagner's story—that of a single parent with three small children—as an example of how NOT to do it.

But Wagner, now happily remarried with three grown children and a partnership in a prestigious Seattle, Wa. firm, wouldn't have changed a single thing about the way she became who she is, she said in an interview.

Her advice to young women pursuing legal careers? "Children are the most important thing. Don't skimp on the time you give them. Take a couple of years off when they're small...You have your children only for 18 years, and a law career can now go on for many years beyond that. Going back to a legal career in your 30s is not too late," she said. "Obviously," she added, "it helps to make partner as soon as you can, so that your schedule becomes more your own."

The Gastonia, N.C. native's love for family and children is reflected in her earliest work. After receiving an undergraduate degree from Wittenberg University in Springfield, Ohio, she married, had three children and began work as budget officer and administrative assistant to the chief of pediatrics at Johns Hopkins University School of Medicine. She and her lawyer-husband became involved in politics and its influence on medicine. "It was an exciting time with Kennedy in the White House—we had the feeling then that we really could make a difference," she recalled.

In 1971, the divorced young mother accepted a scholarship to Duke Law School, where she was a member of the first class to have more than two or three women, she said.

"When I decided I was going to have to go to work, I could see that all my volunteer work meant nothing to people doing the hiring. I felt I needed that extra credential of a law degree," she added.

After graduation, Wagner worked as counsel for Duke Medical Center, later
corruption cases involving Ivan Boesky and Michael Milken, the legal issues surrounding some of the largest takeovers of the time, and the complex bankruptcies of Drexel Burnham Lambert, Texaco and Eastern Airlines.

In 1990, Labaton was transferred to the Washington bureau of The Times to cover finance. He wrote about the banking and savings and loan crises and covered the Securities and Exchange Commission and campaign finance issues during the last two presidential elections. With two colleagues, he broke the story about Hillary Clinton’s successful commodities trades.

His most recent assignments as legal affairs correspondent have included covering the various investigations of the Clinton administration, such as stories on Whitewater and Monica Lewinsky.

Even though Labaton has found himself covering some of the nation’s hottest stories and reports of scandal and corruption, he said he isn’t disillusioned or bitter about journalism or politics.

“The trick to thriving at a place like The New York Times and covering these kinds of issues is to be skeptical of what you’re hearing, but not to be cynical—that’s a fine line to walk,” he said, adding that he has resisted the kind of irresponsible “lawyer bashing” and “politician bashing” indulged in by some journalists.

Also important to Labaton have been the “very bright and helpful colleagues” he has found at his side. “In the Washington bureau are some of the best reporters in the country—I’m still in awe of the talents of people such as Linda Greenhouse, who just won the Pulitzer Prize for her coverage of the Supreme Court,” he said.

While Labaton is always interested in covering breaking news, he admitted he was a little irritated by the timing of the Monica Lewinsky story. “The story broke when our first child (Max) was four weeks old, so I had to postpone my paternity leave until this summer,” he said.

A member of the bar in New York and Connecticut and brother of Mark Labaton (Duke Law School ’88 and assistant U.S. attorney in Los Angeles), Labaton still makes time to return to his alma mater; he is on the advisory board of Duke Magazine and has participated in various conferences and symposia at the Law School.

As for the future, Labaton says, “I can see staying here in Washington for some more years or accepting a posting at another bureau or abroad. The Times offers many exciting opportunities.”

for Memorial Hospital at the University of North Carolina-Chapel Hill. In 1980 she joined the Durham firm of Powe, Porter and Alphin, P.A. (now Moore & Van Allen).

An opportunity for her new physician-husband took the family to Seattle. She worked first in a medical malpractice firm and then in a small firm in Seattle’s Pioneer Square, which was soon purchased by a 350-member California law firm.

Wagner, who specialized in civil litigation and arbitration with special interest in medicine, the environment and employment, made partner in Heller, Ehrman, White & McAuliffe in 1990. She remains the only female litigation partner in the firm’s Seattle office of 70, a fact she finds discouraging.

“The last bastions of discrimination against women are in academic tenure and partnerships in law firms,” she said. “These decisions, which are still made predominantly by men, are subjective ones. This makes it difficult to win an argument for equality. These people just can’t see how their gender bias affects these decisions. It’s very sad.”

Little has stood in Wagner’s way. Since 1987, she has served as an arbitrator for the American Arbitration Association and King County (Wa.) Superior Court, as arbitrator and Pro Tem Judge for King County Superior Court, and as mediator for Settlement Now, Federal Court, and a local dispute resolution center.

As in her earlier years, Wagner spends much of her time today volunteering for causes she believes are important. One year ago, she proposed to her firm that she bill half her hours for the firm and the other half for pro bono causes. They agreed, setting up a model program that others began to copy. King County honored the pro bono project with a recent award.

“I’d gotten three children through school and didn’t feel that I had to earn a zillion dollars or that I had to prove anything to anybody, so I went to Columbia Legal Services, which had been formed when legal aid services funds dried up, and asked them what kind of help they needed. They said they needed help in family law. I told them our firm doesn’t do family law and they said, ‘We’ll teach you,’” Wagner recounted.

“So they taught us, and we’re now taking on as many cases as we can, working with some of the brightest young lawyers around. And I finally feel as if I’m doing something socially useful.”

Wagner, who has served on the board of visitors for Duke Law School and on the board of directors for the Private Adjudication Center at Duke, in her spare time enjoys gardening, cross-country skiing and canoeing.
From Tobacco Road

Professor Emeritus Mel Shimm

(Excerpted from a speech given to alumni at the 1998 reunion banquet)

Retirement naturally is a time for looking back, so it may not be surprising that as I've been phasing out of my long-time role as an involved actor in the life of the Law School, I've been recalling the events and personalities I've encountered since I first arrived at Duke on that long-ago September day in 1953.

Low-cost housing that would fit the budget of a young academic was scarce. There were only three garden-type apartment developments that could accommodate a growing family. Fortunately, we managed to snare a unit in Poplar Apartments on Erwin Road, which, though modest, was adequate to our needs. It's only significant drawback was the lack of air-conditioning which was an amenity unavailable almost everywhere, even in the university. In those days, most of us relied instead on feeble fans to circulate the stiflingly hot and humid summer air. If you were sufficiently affluent, you could install a window air-conditioning unit in a bedroom. This appliance was quite a status symbol in "Fertile Valley," as Poplar Apartments was called in those baby-boom days, and the occasion of both neighborly awe and envy. I proudly acquired and installed such a unit after my promotion to associate professor.

Options for recreation and entertainment were also meager. There were three conventional movie theaters (all of which were air-condi-
to Jack Latty’s Legacy
Looks Back on Durham and Life at Duke

..mentioned, part of their attraction) and two or three drive-ins. And for dining out, the pickings were slim. There was one steak house (Hartman’s, which is still doing business on East Geer Street); one Chinese restaurant (the Oriental on Parrish Street); one Greek restaurant (the Palms on Chapel Hill Street on the site where the Durham Omni now stands); and the Bright Leaf Coffee Shop in the old Washington Duke Hotel (which stood on Corcoran Street between Chapel Hill and Market Streets before being imploded several years ago). There were two barbecue restaurants, including Bullock’s, now relocated to swankier quarters a few blocks away, and two family-type restaurants. This is, of course, a listing of only the relatively up-scale eateries. No spirits and neither wine nor beer could be served in any of these establishments or at any official Duke function. North Carolina was officially “dry” at this time, which gave rise to the quaint practice of “brown-bagging” by those parched restaurant patrons who needed or wanted a beverage more bracing than a coke.

Now, we were well aware of all of this, since we’d visited my brother when he was a resident at Duke Hospital a few years before, and my wife was devastated by the prospect of “burying myself in that fetid, stultifying backwater”—which wasn’t a grossly inaccurate cultural description of an area in which you could then still see roadside billboards proudly announcing: “This is Klan Country,” and it was. I recall driving the back roads of Durham County in the early 60’s with my colleague Bill Van Alstyne, unsuccessfully trying to find an announced Klan event. Although we were disappointed at the time, I think it was probably fortunate that we got lost. Can you imagine the kind of welcome the Klansmen would have given two nosy professor-types arriving in a Corvette with a Duke vanity plate affixed to its front bumper?

The Law School in 1953 was, of course, much different from the Law School of today. Ensonced in its picturesque Tudor Gothic building (now the Language Building) immediately adjacent to the Perkins Library, it was a tiny gem. With barely more than 100 students and less than a dozen faculty members, it was an intimate and comfortable place—probably too comfortable. Led by a somewhat indolent dean, a man of great charm and innate ability but also one distracted by other interests, the Law School was starting to drift. A few faculty members valiantly struggled to keep the Law School true to its course. To these faithful guardians of the flame (as it were), we all owe an immense debt of gratitude.

Who were these stalwarts? Well, there was Robert Kramer, my predecessor and guide both as editor of Law & Contemporary Problems and the Journal of Legal Education, with whom I most closely worked in my early years at the Law School. Bob was chairman of the Curriculum Committee, and his ingenuity in configuring a comprehensive program of instruction with so small a faculty and his zeal in preserving the highest possible academic standards were among the factors responsible for perpetuating the Law School’s tradition of excellence during this uncertain period of its history.

Then there was Charles Lowndes, the first James B. Duke Professor of Law, who, owing to his unshakable integrity, his lively intelligence, and his sound judgment, commanded, as no
Charles Lowndes, first James B. Duke Professor of Law, was mentor to Mel Shimm during Shimm's early years of teaching at Duke.

With barely more than 100 students and less than a dozen faculty members, it was an intimate and comfortable place — probably too comfortable.

other faculty member did, the universal respect of his colleagues. By wise counsel and quiet example, he kept the Law School on an even keel in troubled waters, however undependable the hand on the tiller. He was also my adviser and my closest faculty friend, encouraging and directing me gently through those early green and unsettling years of teaching. He helped to shape me as a teacher more profoundly than did anyone else.

Once, I was upset following what I thought had been an absolutely disastrous class session. I wondered how I could repair the situation with my students (some of whom were older than I) without sacrificing the remnants of my pride, dignity and pedagogical authority. Charlie mildly pooh-poohed my concern and assured me that my students wouldn't think any the less of me for a candid confession of error. In fact, he said, they'd respect me all the more for my honesty and for showing that, like them, I was a fallible human who made mistakes (sometimes big ones). Well, I followed his advice. And it worked so effectively that I was almost persuaded to regularly and intentionally make some mistakes in class (small ones, of course) so that later I could correct them with a graceful show of humility and unflinching candor.

On another occasion, after I'd spent an hour brilliantly criticizing a provision in the Bankruptcy Act (only later shamefacedly to discover that it had been repealed shortly before), Charlie jokingly suggested that I assume a pose

(Left) The old Law School was situated next to Perkins Library.

(Below) Mel Shimm in 1971
of mock outrage and protest to the class, "Those clowns in Washington—at it again! Just when I manage to learn the law, they go and change it!" Of course, a professor couldn't use that gambit too often.

Charlie also had a ready sense of humor, but he never employed it for a cheap laugh at someone else's expense. Instead, he used it to defuse the tensions that used to develop with dismaying regularity at faculty meetings in those days. We had one colleague who was particularly difficult and disruptive. Although the faculty was small and close-knit, this fellow managed not to be on speaking terms with at least one of his colleagues almost all the time—and virtually no one was spared his verbal attacks. Somehow I had avoided arousing his ire for several years (I held something of a record in this regard, I was told), but at one meeting, he turned his full fury on me. I was left trembling with mortification and angry that I could cheerfully have throttled him on the spot (a feeling shared by many hapless student who all felt the stinging lash of his tongue). Charlie, sitting beside me and sensing my struggle to contain my rage, whispered, "Welcome to the club, Mel. We've all been wondering when you'd finally be initiated." It was just what I needed.

But the legendary Jack Latty was the most important figure in Duke Law School's history. When Joe McClain resigned the deanship with no successor in sight, Jack, acceding to the importunities of his colleagues, reluctantly but firmly took the helm and steered the Law School back onto its true bearing. And through his indefatigable efforts, he not only restored the Law School's somewhat tarnished escutcheon to its former luster, but charted the course that has since brought the School to its preeminent position today. Jack made some mistakes, but his selfless devotion to the Law School more than compensated for his occasional missteps.

Jack's self image was that of the shrewd Yankee trader—not inapposite for a native of Deer Island, Maine. The son of an immigrant Italian stone-cutter, he'd raised himself by his bootstraps and had come far by his own ability and wits. His manner was open, friendly, and deceptively easy-going, but those wheels were constantly whirring wildly in his head, hatching schemes to put the Law School ahead of the competition. He could be disarmingly persuasive in advancing the Law School's interests, from sweet-talking attractive prospective students into choosing Duke, to badgering the University administration into supplemental appropriations for the Law School, to wheedling faculty colleagues into undertaking assignments that rationally they should have shunned like the plague. In my own case, I would come to my senses later and wonder, "Why in the world did I agree to that?"

In the summer of 1960, Richard Nixon decided to bring his presidential campaign into the South—the first Republican candidate ever to do so. He was scheduled to appear at the Greensboro Coliseum, and to celebrate this historic event, Duke arranged a reception in his honor. Many of the Law School faculty were away at that time, and Jack was concerned lest the absence of a faculty contingent reflect unfavorably on the Law School. He begged me (yes, he actually begged me!) to accompany him. Since I was active in local Democratic politics, I was reluc-

When Richard Nixon '37, second from left, brought his presidential campaign to North Carolina, Dean Jack Latty, far left, made sure there were some Duke Law faculty, including Democrat Mel Shimm, signed on to attend a reception for Nixon in Greensboro. To the right of Nixon are classmates Lyman Brownfield '37, William Lybrook '37, Charles Rhine '37 and Mack Holland '37.
The legendary Jack Latty, dean of the Law School from 1958 to 1966, “could wheedle faculty colleagues into undertaking assignments that rationally they should have shunned like the plague,” according to Professor Mel Shimm, who was occasionally the object of such wheedling.

Jack’s self image was that of the shrewd Yankee trader — not inapposite for a native of Deer Island, Maine.

greeting attendees and exchanging small talk as they passed.

When Mr. Nixon reached Jack, he said, “Dick, I’d like you to meet one of the rising members of our faculty, Mel Shimm.” Mr. Nixon smiled, extended his hand, and commented that professors seemed to be getting younger all the time—to which I felt I had to make some response. And so I said, “Mr. Nixon, Charles Lowndes asked me to convey to you his warm regards and his regrets that he was unable to come here to meet you today” (which, in fact, he had). At that, Mr. Nixon’s face brightened, he placed his hand on my shoulder and chortled, “Good old Charlie Lowndes! How’s he doing? Please give him my best wishes and tell him that I missed seeing him.”

Now at this moment, a photographer positioned himself in front of us, preparing to take our picture, and I experienced a surge of panic. If such a picture made it into the local media, I feared I’d be forever politically ruined. To avoid the picture, several scenarios raced through my mind—suddenly turning my back to the camera or whipping out a handkerchief and covering my face while pretending to sneeze. In the end, I merely looked down and prayed. For the next several days, I opened the Durham Herald with great trepidation, looking for the incriminating picture that fortunately never appeared. Jack, incidentally, found the episode highly amusing, as I did too after a while, though I still felt I had been blind-sided by Jack.

Late in January 1961, Francis Paschal suffered a coronary which disabled him from teaching Civil Procedure and Insurance. Civil Procedure could be covered by another colleague, but no one on our small faculty was eager to take on Insurance, and it was too late to engage an outside visitor to teach it. Still, when Jack approached me and urged me to undertake the assign-
ment, I felt that I'd be able to beg off easily and in good conscience—but lit-
ttle did I reckon with Jack's powers of persuasion.

First, he airily dismissed my protesta-
tion that I knew nothing at all about the
subject with the observation that simply
by keeping two or three cases ahead of
the class I could brazen it out—which he
claimed he had successfully done several
times himself. "No problem at all," he
assured me. "You'll do just fine."

Falling back on my next defense, I
pointed out that I'd be teaching two other
courses: editing Law & Contemporary
Problems, the Journal of Legal Education,
and the American section of the Journal
of Business Law: that as faculty advisor
of the Duke Law Journal, I'd be solicit-
ing and editing all of its leading articles;
that I'd be serving as chairman of the
Law School's Curriculum Committee
and as a member of the University's
Long-Range Planning Committee; and
that I'd continue to be heavily involved
in several demanding community activi-
ties. As a result, I said, I was already so
overextended that much as I'd like to
coordinate, I just couldn't take on
another assignment. "Trump that, if
you can," I thought to myself.

But Jack was equal to any challenge.
He gazed at me for a few moments with
those piercing blue eyes, slowly puffed
on his pipe and nodded before replying,
"Ye know, and that's exactly why
I've come to you, because they say that
when you want a job done, you should
go to a busy man." Now, I don't know
who coined this nonsensical maxim—in
fact, I suspect that Jack himself may
have made it up on the spot—but it
sounded so profound and he uttered it
with such conviction that I dropped my
guard. I taught the class.

Like the Pied Piper, Jack lured many
bright stars to our faculty—Hans
Baade, Hodge O'Neal, Paul Hardin,
Arthur Larson, Clark Havighurst, Bill
Van Alstyne, Ken Pye, and the scholar
whose appointment he regarded as the
crowning achievement of his deanship:
Brainerd Currie. These and the wide
range of other changes wrought at the
Law School under Jack's tireless direc-
tion (including a new building) were
steady and incremental, but by the end
of his deanship a decade later, he'd
turned the Law School completely
around and had laid the foundation of
the great Law School in which we all
quite justifiably take such pride today.

So much of the contributions of
Jack Latty and those other "early
fathers" of the Law School remains
hidden in sterile, formal records—min-
utes of faculty meetings, catalogues,
committee reports, annual reports; so
much resides only in the fragile and
failing memories of their contempo-
raries (now a fast-diminishing band of
middle-aged and old men) that I've felt
an institutional responsibility to gather,
organize and preserve as much of this
history as I can before it disappears
beyond retrieval, lest we forget and
future generations of law students
never come to know the great debt that
the Duke Law community owes to
those largely unsung heroes whose
efforts undergird the success that the
Law School enjoys today and the
promise of even brighter tomorrows.
"England Abolished
PEREMPTORY
CHALLENGES
Why Shouldn't the United States Do the Same?"

by Neil Vidmar,
Russell M. Robinson, II
Professor of Law

In effect, the question that is the title of this essay has been posed by Judge Morris B. Hoffman in the Chicago Law Review (1997) and by Judge Eugene R. Sullivan and Professor Akhil Reed Amar in the American Criminal Law Review (1996). Other influential commentators on the contemporary American jury have made similar positive references to the fact that England has abolished the peremptory challenge.

My answer to the question is: "Sure, and as long as we're at it, why don't we also alter the First, Fifth, Sixth, and Seventh Amendments to the Constitution?" After all, through its contempt of court laws, England also drastically restricts media coverage of criminal cases. Recently, the law in England was changed so that if a defendant declines to talk to police when in custody, the jury may be informed of that refusal. England has all but abolished civil juries and reduced the right to jury trial for many criminal cases. There has been additional discussion about eliminating juries altogether in "serious" fraud cases. The jury unanimity rule has also been effectively abolished.

I am being frivolous about changing the Bill of Rights, but I am serious in my concern about commentators who make casual or simplistic comparisons with England. The English jury system is the mother of the American jury system, but the offspring has grown differently from its parent. They diverged in important ways early on in American history, and James Gobert's Justice, Democracy and the Jury indicates that the trend has accelerated during the last quarter century. Gobert, a Duke Law graduate ('70), was a law professor at the University of Tennessee before moving to his current position at the University of Essex, and the book reflects informed knowledge about both systems. The current debate about peremptory challenges provides a focal point for discussing some of the differences between the two systems.

Oh, I almost forgot, peremptory challenges, or at least their functional equivalent, are not entirely abolished: The prosecutor (but not the accused) has the right to "stand by" prospective jurors in "politically sensitive" cases. More will be said about this later.

Following the Civil War and up to the present day, American courts and legislatures have incrementally attempted to make the jury a more democratic institution. Property, racial, and gender qualifications have been removed; occupational exemptions have been eliminated in many jurisdictions; and attempts have been made to increase the sources from which jury lists are drawn. In the process, the Supreme Court has shifted the rationale for this democratization from equal protection for defendants to one based on a fair cross-section of the community.

However, beginning with Batson v. Kentucky (1986) and subsequent cases, courts have recognized that peremptory challenges based on racial, gender, or other stereotypes have, at least partially, thwarted democratization. Nevertheless, there are serious issues involved in considering the abolition of peremptories. These include questions about whether abolition would result in a need for more expansive voir dire, whether obviously biased venire persons could be led into saying they could be fair, and whether too much power would then be
in the hands of the judge, who might be reluctant to excuse those jurors.

Minimizing these concerns by saying that England has eliminated peremptory challenges is greatly misleading. Professor Gobert helps us understand the problem in his discussion of the recent history of the jury in that country. The civil jury is all but extinct in England, and Gobert, among other informed commentators, raises a real concern that the criminal jury may be following in its steps.

While the English jury was traditionally composed of males who met property qualifications, a growing dissatisfaction with the elitist composition of juries led Parliament to formally abolish property requirements in 1972. Since 1981 jury pools have been randomly drawn from the electoral register. However, this step must be viewed against the Criminal Justice Act of 1967 that, in effect, requires only 10 of the 12 jurors to reach a verdict. The jury is instructed that it should attempt to reach a unanimous verdict, but after two hours of deliberation it is called back and told that 10 of 12 will do. Thus, even though democratization has increased the possibility of having minority perspectives on the jury, the majority verdict may make the expression of these views irrelevant.

At the same time that representativeness of the jury pool increased, Parliament reclassified many crimes so that they would be tried in magistrates' courts by laypersons who have no formal legal training. Gobert asserts that this trend has accelerated so that the biggest threat to trial by jury in England is not formal abolition of the jury but rather the "creeping expansion of magistrates' court jurisdiction."

The English jury never had the extensive voir dire procedures that exist in the U.S. In almost all trials, members of the jury pool were called to the front of the courtroom and sworn without questioning unless the defense exercised a peremptory challenge or the Crown Prosecutor stood the juror aside. However, in 1988 all peremptory challenges by the defendant were abolished.

Gobert's tracing of the background to abolition provides an interesting story. As early as 1973, Police Commissioner Sir Robert Mark gave a widely publicized speech in which he asserted that there were too many jury acquittals, laying the blame on jurors. In 1986 a government "White Paper" expressed concern that in trials involving multiple defendants the accused were pooling their challenges to obtain favorable juries. A subsequent government-sponsored study found that the pooling claim was exaggerated, and that in fact, there was a higher conviction rate in cases in which defendants exercised peremptory challenges than in those cases in which peremptories were not used. The Home Secretary conceded that the statistical case was weak, but he pushed the reform anyway, and in 1988 Parliament abolished the centuries-old right of peremptory challenge. While the right to challenge for cause was retained, it is functionally useless in almost all cases. Thus, in practice, the defendant must accept the first 12 jurors who are called. That is, unless the Crown exercises its right to stand jurors aside.

At approximately the same time that the property qualifications were abolished in 1972, the Director of Public Prosecutions began the practice of conducting checks of prospective juror's backgrounds in "politically sensitive cases" and exercising the Crown's "stand by" privileges to remove those persons whom, it was believed, might be prone to vote for an acquittal. Standing by—about as old as the peremptory challenge—allows the prosecutor to move a juror to the back of the line.

In theory the juror might still be called if there are no other jurors left, but in practice, standing by operates like a peremptory challenge. Although Lord Denning and others criticized the standing by procedure as unfair, the Court of Appeal has upheld it. This is the basis of my claim that the peremptory challenge still exists in England, albeit only for the Crown.

THE ENGLISH
—and indeed the rest of the world—
often view our jury system as chaotic and corrupting of the ideal of justice. In high profile cases, lawyers hold press conferences before, during and after trials in hopes of influencing the jury. Prospective jurors attempt to be selected for duty so that they can sell the inside story to the National Inquirer.

Consider another change in England's laws. In 1994 Parliament passed the Criminal Justice and Public Order Act. It provides that if a defendant refuses to answer questions while in police custody, a jury can be informed of the refusal. Moreover, if the accused does not testify in his or her own defense at trial, the jury can be told that it may draw inferences from this fact.
places a heavy emphasis on preventing pretrial and trial prejudice and assumes that there is little need, therefore, to screen jurors or have peremptory challenges.

There is also serious discussion afoot about eliminating the right to jury trial in "serious" fraud cases. As with peremptory challenges, the "evidence" of jury incompetence in fraud cases involves unsubstantiated anecdotes and commentaries by some who were dissatisfied with the outcomes of some widely publicized fraud trials. Acquittals are equated with jury failures. If these political pressures prevail, and knowledgeable observers suspect that they eventually will, the right to jury trial will be curtailed at the high end of crime seriousness as well as at the low end.

Alexis de Tocqueville's encomium on the American jury in his classic, *Democracy in America* (1835), is often quoted, but little attention is given to his comparison of the American jury to the English jury. He observed that in England the jury was selected from the aristocratic portion of the nation and that "the aristocracy makes the laws, applies the laws, and punishes infractions of the laws" so that "England may with truth be said to constitute an aristocratic republic." Many commentators within and outside England would endorse that view as still applying today. Gobert, in fact, ruefully cites Blackstone's (1765) concern about "new and arbitrary methods of trial" and his view that "little inconveniences in the forms of justice" are a price that must be paid for "more substantial matters."

In fairness, the English—and indeed the rest of the world—often view our jury system as chaotic and corrupting of the ideal of justice. In high profile cases, lawyers hold press conferences before, during and after trials in hopes of influencing the jury. Prospective jurors attempt to be selected for duty so that they can sell the inside story to the *National Inquirer*. Trials are televised, and some judges have lost control of their courtrooms. Before trial, jurors have to fill out questionnaires that invade their privacy, and these are then used as the basis for days or weeks of lengthy voir dires. Enormous sums are spent on jury experts who give dubious advice and also appear on television along with publicity hungry lawyers who give play-by-play interpretations of the trial and tell us exactly what they think the jurors are thinking.

But this brings me back to the First Amendment issue. The American jury is embedded in a legal and cultural ethos that creates conditions for extraordinary influences that can prejudice the outcome of a trial. Challenges for cause and peremptory challenges, whatever their misuse in corrupting the ideal of the representative jury, act as an offset to screen out persons who have been biased by the atmosphere.

In England, however, the 1981 Contempt of Court Act severely restricts media coverage of almost all proceedings before trial and sometimes of the trial itself. Jurors are forbidden from disclosing anything about their deliberations under threat of a heavy fine and six months in the slammer. Barristers keep a low public profile. In addition the English jury is subject to greater judicial controls than its American counterpart. At the end of the trial the judge not only instructs the jury on the law but summarizes the theories of prosecution and defense and comments extensively on the evidence.

In short, English law places a heavy emphasis on preventing pretrial and trial prejudice and assumes that there is little need, therefore, to screen jurors or have peremptory challenges. American law, of course, operates with quite different views about the role of mass media in democracy. There are other differences between the two systems, which cannot be discussed here. My point, however, is that what works for one system may not work well, or at all, for the other.

Despite the debate about whether there have been failures of justice in some highly publicized criminal trials, the American jury appears alive and well. If there are improvements to be made, the current English system does not seem a good model to emulate for American jury reforms.

*Justice, Democracy and the Jury*, as the title implies, involves more issues than I have covered here. Professor Gobert discusses the jury's function as a provider of justice, and he ties these functions to the philosophical writings of Lon Fuller and John Rawls in an interesting way. In the final chapter he utilizes the jury as model of citizen participation in governance that could be used for communitarian ends. Gobert's most important contribution is tracing the parallel and divergent developments in jury law and practice in England and America. This comparative perspective offers instructive lessons about legal policy and the relative role of the jury in modern conceptions of democracy.

Neil Vidmar is currently editing a book on contemporary common law jury systems around the world.

by Mirinda Kossoff

When *U.S. News & World Report* released its rankings on law schools in late February, Duke Law had fallen out of the top 10. But it was a mistake. After *U.S. News* admitted the error in a press release and made the correction, Duke had risen to eighth.

The error had to do with a mistake in information about the number of the Law School’s 1997 graduates employed at the time of graduation. While the Law School’s 1997 employment rate at graduation was 92.6%, one of the highest among law schools in the nation, it was calculated at a lower rate by *U.S. News*, which led to Duke’s dive in the rankings.

But what exactly do the rankings mean? How useful a measuring tool are they for prospective students? Law schools and the rankings have always had an ambivalent relationship. Most schools would like to dismiss the rankings as misleading fluff, but they also know that prospective students pay attention to them. So law schools are placed in the awkward position of having to court higher ranking while at the same time finding fault with their methodology.

Just before the 1998 *U.S. News* rankings were released, the Association of American Law Schools (AALS) asked the magazine to stop publishing its annual rankings of law schools, saying that the magazine’s survey and others like it could be harmful to law school applicants.

The AALS held a press conference in New York and released a study challenging the validity of *U.S. News*’ system of evaluating law schools. The organization also sent pamphlets, titled “Law School Rankings May be Hazardous to Your Health” to 93,000 law school applicants, advising them to be wary of all ranking systems and not to “substitute someone else’s ranking system for your own best judgment.”

The pamphlet, which also provides a list of two dozen variables that should be considered when choosing a law school, was endorsed by the deans, including Duke’s Pamela Gann, of 164 of the 180 law schools approved by the American Bar Association. Dean Gann, along with John Sexton, dean of the New York University School of Law, spoke at the press conference.

The AALS study found that while *U.S. News* uses a dozen different factors in its rankings, “student selectivity,” measured primarily by LSAT scores, accounts for almost 90% of any differences. The study also criticized the magazine’s use of reputation questionnaires given to law school deans and faculty, claiming that responses can be “easily manipulated by the respondents to make their own schools look better and other schools look worse.” A single respondent out of 200 can push a school into a higher or lower quartile. There are similar problems with the reputation survey sent to lawyers and judges, especially since only about one-third reply to the survey.

The other major contention of the study is that there is no direct assessment of the caliber of the school’s faculty or any student assessment of the school’s quality. Many indicators of a school’s quality, such as curriculum, opportunities for students to participate in legal clinics, summer employment opportunities, number of judicial clerkships and the like, are not considered in the *U.S. News* survey. The bottom line is that the rankings emphasize factors that can be readily quantified—LSAT scores, employment statistics—over those that cannot, such as teaching quality and campus atmosphere.
by Mirinda Kossoff

The Duke presidency was “the fulfillment of my life,” Terry Sanford remarked in an interview last fall with Duke Magazine Editor Bob Blitwise. “Being governor was great; I think I did some good things, some lasting things. But if that had been all I had ever done, it would have been a pretty shallow kind of a lifetime. Having been at Duke and still being at Duke—that’s my life.”

Terry Sanford, president of Duke University from 1970 through 1985, was as important to Duke as Duke was to him. More than anything else, he was beloved by students, because he listened to them and involved them in the life of their university. This decorated World War II veteran, state senator, North Carolina governor, U.S. senator and presidential candidate was faithful to Duke until his death from cancer on April 18th of this year. His funeral service in Duke Chapel was attended by nearly 1700 admirers including some of the country’s best known politicians—political friends and foes alike.

One of his eulogists at the Duke Chapel service was State Rep. Daniel T. Blue Jr. ’73 to whom Sanford was friend, colleague and mentor. The following is excerpted from Rep. Blue’s remarks.

State Rep. Dan Blue ’73 was one of Terry Sanford’s early proteges and worked in Sanford’s law firm after graduating from Duke Law School.

When I was 24 years old with a wife and young son and two weeks experience practicing law, Terry Sanford came to visit me in my office. He walked in, closed the door and sat down. He could tell I was nervous...

After giving me a little fatherly advice on the practice of law, Terry told me, “I came over here to check on you, to see how you’re doing. These fellows will treat you all right. If they don’t, let me know. And let me know if there is anything I can do for you.”

It was his law firm, of course—Sanford, Cannon, Adams and McCullough at that time I later learned that Terry had placed a call to the senior partners in that firm and told them that he had observed this Duke law student and he wanted them to interview me, which was tantamount to telling them to “come hire me.” So, after we had talked a while, Terry also did the greatest tribute to a young lawyer: he assigned me to one of the firm’s major cases, directly answerable to him and two other partners.

Later, Terry consistently urged me and other people in the firm to be politically active, and he urged me to run for the North Carolina House of Representatives, and I did...

The fact that I stand before you today, as a farm boy from Robeson County, one who embodies all of those things that Terry Sanford did and meant for North Carolina, and as I stand to help remember one who is considered one of the 10 greatest governors in America during this century, it’s a clear measure of how far we have come and how far Terry Sanford has led us.

You know, the amazing, almost mystical thing about Terry Sanford, as one of his former law partners told me, was his ability to get ordinary people to do extraordinary things.

Thirty-five years ago, in neighboring states in the South, Ross Barnett in Mississippi closed gates to prevent James Meredith from entering the University of Mississippi. At about the same time, Governor Faubus from Arkansas shut doors to keep students
from integrating the public schools in Little Rock. At about the same time, Governor Wallace of Alabama stood in the school house door to block the entrance. In Virginia, schools closed.

About the same time, Governor Terry Sanford in North Carolina boldly generated the resources to improve public education for my generation, helped establish our statewide system of community colleges for my generation, created the North Carolina School of the Arts, created the Governor’s School in Winston-Salem, created the Learning Institute of North Carolina, increased teacher pay, started the North Carolina fund and established the Good Neighbor Council to discuss racial issues in the state during those tense times.

He had a vision to see across a landscape of hopelessness, hate, distrust and despair, to look through hills of racism and economic deprivation and...see a gate of opportunity for all North Carolinians, for all Southerners, for all Americans.

If I have known any man who has made a difference in my life and in the lives of so many North Carolinians, who believed in people and who was impervious to the pressure of other people’s prejudice, it was Terry Sanford. I’m speaking as just one of the people who owe him a tremendous debt of freedom and gratitude. I told my children many years ago when they were looking at Duke that Terry Sanford was reason enough to look because he was a man who was at least two generations ahead of his contemporaries. The older I get, the more I know I need to revise that: Terry Sanford was at least three generations ahead.

So let me...discharge a personal duty to Terry Sanford, to do for him in his afterlife what he did for us as lawyers who had the privilege of practicing with him, what he did for us as North Carolinians and as Americans—offer a short, persuasive recommendation for admission. And I would start it by saying, Dear Lord: open your gate wide for Terry Sanford; he opened gates for all of us here on Earth. Oh, Lord, open wide your gate for Terry Sanford; he never closed a gate on anyone...

God bless him.

The amazing, almost mystical thing about Terry Sanford, as one of his former law partners told me, was his ability to get ordinary people to do extraordinary things.
Professor Neil Vidmar’s Research Figures in Canadian Supreme Court Ruling

by Mirinda Kossoff

It’s been a long haul, but Duke Law Professor Neil Vidmar feels vindicated.

For more than a quarter century, Vidmar, an expert on the behavior of juries, has been involved with the Canadian legal system and the way it deals with possible pre-trial prejudice among its jurors. He has written and testified that generic prejudice (based on stereotypes of people, such as aboriginals) does exist among Canadians and that in some cases potential jurors should be screened for such prejudice before trial. In June 1998, the Canadian Supreme Court agreed with him in a unanimous decision (in R. v. Williams) that cited Vidmar’s work.

“I fervently believed in this opinion, based on the research,” he said. “I feel a great sense of satisfaction at this ruling.”

But Vidmar is modest about the accomplishment, saying, “I think the court would have leaned this way anyway; social science is often used to support the way the court is already thinking.”

The case that prompted the new ruling was tried in British Columbia and involved a Canadian Indian (Williams) accused of robbing a bank. Drawing on the precedent-setting 1993 Parks case in Ontario, where the Court of Appeal recognized generic prejudice in a case involving a black defendant, Williams wanted to question jurors about possible prejudice. The first trial judge agreed with the request but was overruled by a second judge who asserted that there was no demonstrated connection between attitudes and the jurors’ ability to be fair. The case was appealed to the British Columbia Court of Appeal, which upheld the second judge’s decision. The case then went to the Canadian Supreme Court.

In the process of writing and testifying about pre-trial prejudice in Canada, Vidmar’s name began to circulate widely among Canadian judges and prosecutors—not always favorably.

Traditionally, Canadian courts have looked to English law for guidance on jury issues and did not recognize generic prejudice or the need for the extensive pre-trial juror questioning that occurs in the U.S. legal system’s voir dire. In Canada, jurors are presumed to be impartial, and most jurors are selected without any individual questioning, though there is a process for limited questioning, called “challenge for cause.” Some of Vidmar’s detractors didn’t want to mess with a system they felt was working just fine. Vidmar, on the other hand, was testifying and writing that there is a connection between prejudice and the behavior of juries and that the system should take that into account.

“A number of judges and Crown prosecutors took strong issue with my opinions,” Vidmar noted. “Partly, they worried about sliding down that slippery slope to what they called the ‘Americanized jury.’ They felt the Canadian legal system was under attack, and they didn’t want the costs or burdens associated with questioning jurors or the specter of corrupting the system with an influx of jury consultants.”

Supporters of the status quo also felt that the Canadian system had enough checks and balances to avoid jury decisions based on prejudice, such as important limits on pre-trial publicity and the judge’s duty, after final arguments, to review the case for the jury.

Nevertheless, “some Canadians hold strong prejudices against Canadian aboriginals,” Vidmar concluded. “This small step could at least help in getting a fair and impartial jury, without ‘Americanizing’ the Canadian jury.”
Grandfather’s Struggle for a Legal Education
Inspired Kali Murray ’99

Donald G. Murray’s Fight Led to Brown v. Board of Education

by Olisa Corcoran

Kali Murray ’99 recalls the day in second grade when she first became aware of her grandfather’s legacy as the plaintiff in the Baltimore desegregation suit that eventually led to Brown v. Board of Education.

“I remember it clearly; it was a green library. I was looking at a book on Thurgood Marshall, and I opened the book, and there was my grandfather!”

Donald Gaines Murray, memorialized, along with Thurgood Marshall, with a bronze statue in front of the Maryland State House, had to fight for every opportunity to study and practice law in the segregation-era South.

In 1935, Murray sued the all-white University of Maryland Law School for admission. Backed by Marshall and Charles Hamilton Houston, then attorneys with the active Baltimore chapter of the NAACP, Murray contended that the state must admit qualified blacks and that providing scholarships to other schools, a common practice to steer African-Americans toward black-only schools, was not equal treatment.

The university’s Board of Regents fought Murray’s application all the way to the Maryland Court of Appeals, contending, among other things, that they did not want to be held responsible

Kali Murray ’99 was particularly saddened to learn that her grandfather, after he was admitted to the University of Maryland Law School, was ostracized by the other students. Though he graduated fourth in his class, he couldn’t get a job at a Baltimore law firm.
Thur good Marshall, left, and Charles Houston, right, helped Donald Gaines Murray, center, sue the all-white University of Maryland Law School for admission.

for the 500 white women on campus if Murray were to be admitted.

Murray v. Maryland was the first of Marshall and Houston's systematic attacks on the South's Jim Crow college system and the end to the separate but equal precedent established in Plessy v. Ferguson (1896). The NAACP asserted Murray's right to admission under the equal protection clause of the 14th Amendment. Success with Murray's case eventually lead the NAACP to Sweatt v. Painter (1950) at the University of Texas and Brown v. Board of Education (1954).

After winning the admissions battle, Murray faced three years of silence from all but one of his classmates. "No one spoke to my grandfather, except for one Jewish student, the whole time he was at University of Maryland," Kali Murray says. "I couldn't imagine my law school experience without my fellow students."

After graduation, "none of the major law firms in Baltimore would hire my grandfather even though he was fourth in his class," Kali Murray explains. "Because America was a segregated society, as a black man he had a very limited career. He had to patch a career together. He did a lot of briefs with the ACLU and the NAACP throughout the fifties."

Contrast the grandfather's experience with that of his granddaughter who, at 23, already has earned bachelor's and master's degrees from Johns Hopkins University. She has completed an oral history project on African-American educators in Baltimore, in which her grandmother, Rosa Murray, a teacher for many years, was a participant. At Duke, Murray is active in the Black Law Students' Association.
The Board of Regents of the University of Maryland in their petition to the Maryland Court of Appeals (BLSA) and Duke Bar Association programs and organized a successful 1998 Law School symposium on race. She spent her first summer at Venable Attorneys at Law in Baltimore, a firm that her grandfather could never dream of joining.

"When I think of what he went through, I get so mad," she says. His case has had "a profound influence on me wanting to be a lawyer." After seeing her grandfather’s picture in the Marshall book and discussing the case with her parents, Murray says she began signing her name, "Kali Murray, Esq."

Murray says the rest of her family feels the impact of her grandfather’s struggles and his commitment to the African-American community. "My family has a strong sense of what it means to be responsible to the community. My dad was involved in the Civil Rights Movement in Baltimore after he got back from Viet Nam. On my mom’s side too, there is a real legacy of the black middle class. People tend to look at it as a negative community because there were a lot of issues about skin color, but there was a whole other side of this community that was about service and about being responsible to the people you lived with. I think my grandfather epitomized that. He was involved with service throughout his career and committed to that kind of ideal.

"Ralph Ellison talks a lot about the ideal of elegance and service mixed together," she continues. "My parents have emphasized that in my life, and I think that it has a profound influence on what I do and what my sister and brother do. We see our roles as important in the African-American community.

“When you talk to a lot of young black lawyers today, they just don’t understand. They tend to see things in a much more individualistic sense.

Segregation was bad and it’s not like everything is worked out."

Murray will be the first attorney in her family since her grandfather. Being a pioneer both in law school and in the legal community, "took a toll on my grandfather and he was very ill during the last years of his life. There was tremendous pressure on him to succeed. Here was somebody who was obviously a brilliant guy who for 30 years just hit this wall because of the limited opportunities available for black lawyers.

Guided by the success of both grandmothers and her maternal grandfather, Murray says her family turned to careers in education instead. "My grandmother had a brilliant professional career because teachers were needed and valued in the black community."

"[The] policy of separation has been imposed on the Negroes by the whites to make it easier to exploit and dominate the Negroes, and has been the source of constant suspicion, mistrust and resentment on the part of the Negroes and on the part of white citizens who genuinely believe in full adherence to the spirit and principles of the Constitution..."

— Thurgood Marshall and Charles Hamilton Houston's reply on behalf of Murray.
Stephen Wallenstein, recently named executive director of the Center for Global Capital Markets, has extensive experience in international business in Asia, Latin America and Europe.

Law and Business Schools Launch New Name Stephen Wallenstein Executive Director

The Law School and the Fuqua School of Business have joined in establishing a center to study recent changes in global capital markets. International business law and finance expert Stephen Wallenstein has been named executive director of the new center, which will be located in the Law School. Professor Steven Schwarcz is faculty director and will oversee the work of the center, especially its interdisciplinary activities.

The center is being initially supported by grants from Goldman Sachs & Co., the Wachovia Corporation, First Union Corporation and Financial Security Assurance Inc. “Our center is unique because of its interdisciplinary nature,” Wallenstein said. “We not only have the collaboration between the law and business schools but also the active participation of the disciplines of public policy and economics.”

In the last decade, capital markets have expanded beyond their traditional concentrations in the U.S., London, Hong Kong and Tokyo, and the types and complexities of securities traded have dramatically increased. “It’s clear that our financial system is interconnected globally, and there are questions about what this new global financial architecture should look like,” Wallenstein said. “These questions are critical for small countries and countries emerging from communism. We are looking both at how to foster the growth of new capital markets and how to regulate them so that these emerging economies won’t be de-stabilized. The recent economic crises in Southeast Asia dramatically underscore the problems that can arise in developing capital markets. Our center wants to formulate a “best practice” model for the development of these markets. It’s a unique area where finance, law, economics and public policy come together.”

The center is developing ties with colleges and universities in Europe, Asia and Latin America and looking to experts from government and industry for additional perspective. It will be sponsoring two upcoming invitation-only conferences that will bring together top thinkers in business, industry, academia and government. The first, co-sponsored by the Duke economics department will be held in early December and will focus on globalization, financial crises and economic reform in emerging markets. The second,
titled “Rethinking the United States Securities Laws,” will be held in the spring of 1999. The center has also published a symposium on “International Asset Securitization” in the spring issue of the Duke Journal of Comparative and International Law.

Law professors Schwarz and James Cox and business professors Campbell Harvey and Michael Bradley, who holds a joint appointment in the Law School, were instrumental in developing the center and describe it as “a unique effort to nurture cross-disciplinary work focused on financial transactions and global markets.”

Wallenstein was selected to manage the new center because of his background and experience. Dean Pamela Gann said of Wallenstein, “his keen mind and wealth of international business experience make him ideally suited to lead our new center.”

Rex Adams, dean of the Fuqua School of Business agreed, adding, “Stephen Wallenstein is an outstanding fit with our corporate finance faculty and has broad experience with financial institutions that are important Fuqua partners.”

For 16 years, until 1995, Wallenstein worked for the International Finance Corporation of the World Bank Group in Washington, D.C., structuring international financial transactions, as well as hedge funds and private equity vehicles, in Asia, Latin American and Europe. Since that time, he has been a visiting professor at American University, the University of Denver College of Law and Duke University Law School, teaching courses on international business transactions, emerging capital markets, corporations/business associations and comparative equity capital markets, among others. He earned his J.D. from Yale Law School in 1974, a masters in government from Harvard and a B.A. in government from Cornell.

Earlier in his career, Wallenstein practiced law with a New York firm, Cleary, Gottlieb, Steen & Hamilton. He has extensive experience in Asia and Latin America and speaks fluent Portuguese.

Center for Global Capital Markets

Professor Steven Schwarz, who was instrumental in founding the Center for Global Capital Markets, is the center’s faculty director.
Scott Allan ’99 Works on Legal Team at War Crimes Tribunal

by Olisa Corcoran

Following in the footsteps of Robert Nadelson ’98, Scott Allan ’99 spent five months last spring as a law clerk at the International Crimes Tribunal for the Former Yugoslavia (ICTY) in The Hague, Netherlands. Allan joined law clerks from Canada, Mexico, South America and Europe on the trial team at the ICTY. Unlike clerks from the U.S., his colleagues already held law degrees and were generally fulfilling mandatory public service requirements in their home countries.

Allan found the project varied and challenging. “In one given day I may work on international and comparative legal issues, evidentiary law and may finish up by analyzing documents which will be used to impeach the other side’s witness,” he explains.

Two aspects of the work at the ICTY particularly struck Allan, the first being the level of education of many of the defendants. “Sure, there are a handful of thugs and bullies, but many of the high level indictees have graduate degrees in philosophy, economics and psychiatry. Karadzic (indicted war criminal and former Bosnian Serb leader Radovan Karadzic), for example, was a practicing psychiatrist before the war. It really makes you wonder how such learned people could commit such atrocities.”

Allan was also surprised that “the library at the Tribunal has only a few dozen books and therefore research projects can be frustrating.”

It was this lack of resources that initially brought Duke Law students and the Tribunal together. In the early years, the ICTY relied on outsourcing for research. Responding to that need, in 1994 Professor Madeline Morris created the International Humanitarian Project (IHP) at the Law School.

Duke students who participated in the IHP performed legal research on such issues as the extent to which international humanitarian law applies in dealing with atrocities committed by all sides in the former Yugoslavia. “This was certainly a crucial question that was largely answered by the Tribunal in its decision in the Tadic case,” says Scott Silliman, executive director of the Law School’s Center for Law, Ethics and National Security and an advisor to the IHP. “But prior to that time it was the principal area of focus for our students and one where there were many questions for which there were no clear answers. Our students did a magnificent job of framing the issues and marshalling their research to support the Tribunal as it prepared for the Tadic case to be argued.”

(In 1997 the ICTY concluded its first full trial with the prosecution of Dusan Tadic, a Bosnian Serb. Tadic was found guilty of killing two Muslim policemen and of persecuting and torturing many Muslim civilians between May and December 1992. Tribunal judges ruled that there “was a widespread and systematic attack on the civilian population” in violation of international law and that this attack “was in pursuit of a greater Serbia.”)

Allan and Nadelson’s externships grew directly out of their work in the IHP, which Nadelson coordinated for the 1997-98 academic year.

For Allan, watching the ICTY gain legitimacy in the international community has been satisfying. “Early on in the Tribunal’s history there was quite a bit of speculation about whether a court of this nature could effectively function,” he says. “Such criticism is being disproved as indictees are turning themselves over and saying that they want to clear their names in front of a fair and unbiased international court. Moreover, NATO member countries and even the former Yugoslav states are cooperating with the Tribunal in apprehending those wanted by the ICTY.”

(Above) Scott Allan ’99 was surprised at the number of well educated defendants who came before the war crimes tribunal. (Below) Rob Nadelson ’98 was the first Duke Law student to work at the ICTY.
Dennis J. Shields has succeeded Cynthia Rold, who left Duke last year to return to family in Denver, Colo., as assistant dean for admissions & financial aid. A law school admissions veteran with 17 years experience, Shields left a similar post at the University of Michigan Law School to really ought to.” But the reality is that a law school’s reputation in the market place has an impact on the quality of students it can attract.

Because prospective students put too much stock in the rankings, “the schools are driven by them, and it goes round and round.

“The rankings take a snapshot of a few variables and purport to evaluate almost 200 law schools. You can see how it makes no sense because there are schools that have shifted 10 spots in two years. There are schools that shift from one tier and back from year to year. Things just don’t change that quickly.”

And then there is the dread that accompanies a slip in the rankings. Duke found itself in this position in February when U.S News, because of a calculation error that was later corrected, dropped the Law School from the ranks of its top 10.

Shields praises Dean Gann and the rest of the Duke administration for putting the ratings and numbers issue into perspective. “Many deans have unrealistic expectations about rankings. Everyone says ‘we’re as good as ‘x’ school and their LSAT median is one point higher so ours should be one point higher.’ And then they turn to the admissions person and say ‘you have to make it higher.’ That’s just not realistic. It’s not wise to judge yourself solely by the median LSAT.

“I think most people who have been in the business for a while have seen this cycle before and understand that it very much depends upon how the school feels about itself and the perspective that the dean has.”

Shields puts it this way: the kinds of students Duke attracts are going to do well wherever they go to law school, whether it’s Harvard, Yale, NYU or any other top school. “What you hope
is that the students make an informed choice about the environment and the circumstances that they will place themselves in for three years and make an individual judgement about what's best for them and not be driven by the rankings that say, if you want to do this with your career, you have to go to 'x' school."

Yet another challenge of attracting top students is the almost $25,000 a year price tag. "There is no question that our ability to offer scholarships to the people we'd most like to have makes a big difference. Ideally, money should not be the issue that decides it." A law school wants to be in a position to offer the same aid package as its peer schools so that prospective students can "really focus on the qualities about the schools that they think will enrich their educational experiences. Many students can't make that choice; they never get to that point, because they only see the differing costs."

What can alumni do to help attract these highly desirable students? Shields says they can make themselves available to speak with prospective students at regional admitted student receptions and through individual contact.

"I think no one can sell the school as well as the people who have gotten their education here and have gone out and been successful," Shields says. Talking with alumni gives students a better sense that "there are a lot of ways to think about career opportunities, and that Duke serves as a good starting point."

Shields believes that Duke Law School is a good product to sell. "It has a great climate, a very strong, widely known faculty that are accessible to students, and it's a real community. People at the Law School are invested in this community.

"That means I can make a difference here. It's not just a job. It's the fact you feel you can make a contribution."

New Assistant Dean for Admissions Dennis Shields, with students Christopher Rae '00 and Claire Wofford '00.
News Briefs

Duke's National Moot Court Team Ranks in Top 16

Duke Law School's National Moot Court team turned in an impressive performance in the Regional Tournament in Richmond, Va. last November, advancing to the National Finals in January 1998 and placing in the top 16. The team—Michael Coles '98, Heather Wells '98 and Zephyr Teachout '99—swept the Regionals by winning First Place, Best Brief, and Best Oralist (Michael Coles). Since 142 teams begin the competition at the regional level, ranking in the top 16 nationally is a noteworthy accomplishment.

Charles W. Petty '98 Honored for Service to the University

Charles W. Petty '98 was presented the 1998 William J. Griffith University Service Award at ceremonies during graduation weekend in May. Petty is a joint J.D./M.B.A. graduate who was cited for his tireless work as a role model for young African Americans. As community service chair for the Black Law Students Association (BLSA), he brought several school groups to the Law School for inspirational and educational programs. He also served as team leader in the AIDS Wills Project, which provides legal assistance to HIV infected clients, president of BLSA and as an editor on the Duke Environmental Law & Policy Forum. He has devoted much of his free time to civic and church organizations, working with young people. According to Susan Sockwell, associate dean for student affairs, "while Charles' leadership roles inside the university have been significant, I think his most distinctive contribution is his outreach to the at-risk children of Durham. You can imagine how warmly school children respond to his strength and humor.”

Cummings Colloquium and LENS Conference Address Issues of National Concern

The Law School hosted two major conferences in the spring: The Third Annual Cummings Colloquium on Environmental Law, which examined the relationship between special interest groups and environmental law, and a conference on how government and industry can protect the nation's electronic information systems from cyber threats, sponsored by the Center for Law, Ethics and National Security, the Aegis Center for Legal Analysis and the Center for National Security Law at the University of Virginia. Both conferences brought together top thinkers from government, industry and academia to address problems of national concern.

Brian Stone Endowed Scholarship Fund Tops $100,000

Colleagues and family have not forgotten Brian Stone '63. The scholarship fund created in his memory has crossed the $100,000 mark.

"We are delighted," says J. David Ross '63, a classmate and friend of Stone. “That it happened in time for the class of '63's 35th reunion pleased us very much.”


"We talked about how appropriate it was that the funds from the endowment go primarily to students with public law interests," says Ross. “Brian would be pleased.”

Stone, who died in 1995, maintained close ties to Duke throughout his life, starting with the directorship of the Atlanta development office of Duke University in 1966. He later became a lifetime member of the Law School's Board of Visitors and served as a volunteer leader on the University's Arts & Sciences Capital Campaign. In 1986, Stone was honored with the Charles A. Dukes Award for Outstanding Volunteer Service.
Faculty Briefs

Catherine Admay has been awarded the International Committee of the Red Cross Fellowship in International Law for young international legal academics. The award involves two successive summer symposia, the first in Geneva and the second in New York.

Professor Katharine Bartlett has published the second edition of her *Gender and Law: Theory, Doctrine, Commentary* with Angela Harris. She also published the Brigitte M. Bodenheimer Lecture on the Family she gave at the University of California at Davis, titled “Saving the Family From the Reformers,” in the *UC-Davis Law Review* and a paper titled “Rules for Allocation for Responsibility for Children at Divorce: Achieving Coherence in the Shadows of Complexity” in an edited collection on the post divorce family based on a conference at the University of Nebraska in which she participated last year. Her writings on feminist jurisprudence included a chapter in *A Companion to Feminist Philosophy*, edited by Alison Jaggar and Iris Young. Her latest draft of the child custody chapter in the American Law Institute’s (ALI) Principles of the Law of Family Dissolution was approved by the ALI membership at its annual meeting in May.

Professor Sara Beale completed a term as senior associate dean for academic affairs in July. In September, she gave a plenary address, on the increased punitiveness in American criminal law, at the 35th annual meeting of the Academic Society for American Legal Studies in Kyoto, Japan. Following that talk, she spoke to a group of law professors and students at the University of Tokyo. The second edition of her grand jury treatise was published last year and has already been cited by the Supreme Court and the D.C. Circuit.

Professor Herbert Bernstein has written two articles for the *American Journal of Comparative Law* and presented a lecture on the “Limits of Tort Liability: A Comparative View” to the University of N.C. law faculty. He is a member of the board of directors and executive committee of the American Society of Comparative Law.

Professor Paul Carrington has published a number of articles on topics such as civil justice, law and economics, the reform of civil rules, the new social Darwinism, and dispute resolution provisions in adhesion contracts in the *Harvard Journal on Legislation*, the *Iowa Law Review*, *Green Bag*, the *N.C. State Bar Journal*, the *Boston College Law Review*, the *Alabama Law Review*, and an entry in the *Oxford Encyclopedia of Biography* on Ernst Freund. He was a consultant to the Commission on the Structure of the Courts of Appeals, a consultant to the Judicial Conference of the United States Committee on Mass Torts and chair of a panel discussion at the University of Arizona ILEP Conference on Complex Cases. He is also on the ABA Committee to plan a national conference on Judicial Independence and Accountability to be held in Philadelphia. He is chair of the board of directors of the Private Adjudication Center and a conferee on the Advisory Committee on the Civil Rules, Judicial Conference of the United States in Boston in October.

Professor George Christie has published, with others, a third edition of his case book on the law of torts, with West Publishing. He spoke at a Duke conference on “Redefining Race and Ethnicity in the New Millennium” and moderated a panel on “Affirmative Action and the Law,” sponsored by the Duke Association of Scholars.

Professor Amy Chua’s forthcoming article titled “Markets, Democracy, and Ethnicity: Towards a New Paradigm for Law and Development” received an award in the 1997 AALS Call for Scholarly Papers competition. She presented the paper at the 1998 AALS Annual Meeting in San Francisco as well as at the University of Michigan.
Law and Economics Workshop and at Boston University School of Law. She also spoke on privatization as a guest lecturer at Yale Law School. Professor Chua won the 1998 Distinguished Teaching Award presented by the Duke Bar Association.

Professor Charles Clotfelter was co-organizer of a meeting of the American Assembly, an affiliate of Columbia University that examines issues of U.S. policy, at the new Getty Museum in Los Angeles in April. The meeting, titled “Trust, Service and the Common Purpose: Philanthropy and the Nonprofit Sector in a Changing America,” was attended by over 100 experts from academia, foundations, other nonprofit organizations, business and government and produced a final report which will be included in a book on the subject.

Professor James Cox has written on securities law topics for the Washington University Law Quarterly and the Arizona Law Review as well as an article on equal treatment for shareholders for the Cardozo Law Review. He has also published supplements to Securities Regulation (with Hillman and Lungevoort) and Corporations (with Hazen). Professor Cox lectured on the “Year 2000 Problem and the Securities Laws” to the A.B.A. Litigation and Arbitration Program in New York and moderated the “Courts on Trial” conference in Tucson, Ariz.

Professor Richard Danner, senior associate dean for library and computing services, spoke on “Funding Legal Information Technology in Law Schools” at the AALS annual meeting in San Francisco in January. He also served as a consultant to the University of Arizona College of Law Library on strategic planning. In July, he spoke on “Interpreting Legislation in the 1990s” at the American Association of Law Libraries (AALL) meeting in Anaheim, Ca. His paper “Redefining a Profession,” about the future of law librarianship, won the 1998 AALL Call for Papers award.

Professor Walter Dellinger will be dividing his time between the Law School and the Washington, D.C. offices of O’Melveny & Myers where he will head up the firm’s Supreme Court and appellate practice section. At the same time, he will maintain a reduced teaching schedule at the Law School. During the past few months he has given a number of lectures: three at New York University School of Law, (one of which was given to the Conference for State and Federal Appellate Judges), at the National Humanities Center, the Duke Law Journal Administrative Law Conference, the Research Technology Conference for Institutional Investors in Washington, D.C., the annual meeting of the American College of Trial Lawyers, the Fulbright Scholars Program, the Duke Law alumni weekend, to the U.S. Supreme Court law clerks, the Judge McMillian Society, the Charlotte-Mecklenburg Bar Association, the ABA Appellate Litigation Conference, the Judicial Conference of the U.S. Court of Appeals for the Second Circuit, to the law clerks of the U.S. Court of Appeals for the D.C. Circuit and at the annual meeting of the ABA in Toronto, Canada.

Professor Deborah DeMott has given a number of talks during the spring of 1998: on agency principles and regulatory structures to the Experian Law Conference in Florida; two talks at Francis Lewis Law Center at Washington & Lee University, one on agency and another, “Faces of Loyalty” at a conference on the rights and duties of law partners and their firms; and a lecture on the mechanisms of control at the University of Connecticut Law School. She has an article forthcoming in Law & Contemporary Problems on “Organizational Incentives to Care About the Law.” She completed the second Preliminary Draft for the Restatement (Third) of Agency and discussed it in meetings with members of the American Law Institute and the Advisers to the project (who include Russell Robinson '56, Robert Hillman '73, and Robert Harrington '87).

Diane Dimond made a presentation, with lecturer Jane Wettach, on “Motivating Legal Writing Students,” at the biannual conference of the Legal Writing Institute in Ann Arbor, Mich. She has been named director of writing for the Law School.

Professor Robinson Everett’s suit challenging the North Carolina congressional redistricting plan (as classifying voters on the basis of race in violation of the Equal Protection clause) is still active. In response to an April district court order enjoining the state from conducting elections under the 1997 plan, the state submitted a revised redistricting plan which was accepted by the court in June. Professor Everett plans to appeal the June ruling and defend the April ruling. He also is publishing a book review, on Gary D. Solis’ Song Thang: An American War Crime, in the May 1998 issue of the Michigan Law Review. He moderated a panel on military justice in August at the ABA annual meeting and is chairing a committee to plan the commemoration of the 50th anniversary of the enactment of the Uniform Code of Military Justice and the creation of the U.S. Court of Military Appeals (now the Court of Appeals for the Armed Forces).

Professor Stanley Fish has given a number of talks on the topics of the boundaries between church and state, and procedural justice, principles and hate speech, to the University of Georgia Humanities Center, Grinnell College, Berry College, Hamilton College, the University of Toronto, Yale Law School, the Independent Scholars of the Triangle and UCLA Law School.
Professor Paul Haagen has written an article, "New Wineskin for New Wine: The Need to Encourage Fairness in Mandatory Arbitration," in the University of Arizona Law Review. He also gave a seminar on "Competitive Athletics and the Challenge of Performance Enhancing Drugs" at the Northfield Mount Herman School Conference in Northfield, Mass.

Professor Clark Havighurst has published a revision of his case book, Health Care Law and Policy: Readings, Notes, and Questions, with the Foundation Press. He has an article on antitrust issues and health care in the Institute of Medicine conference proceedings, Collaboration Among Managed Care Organizations for Quality Improvement, and articles on health care reform in Health Affairs, the Georgia Law Review and American Health Care: Government, Market Processes and the Public Interest. He has given a number of talks on managed care, medical malpractice, health care financing and health care reform to the Duke University Eye Center; the North Carolina Medical Society committee on tort reform; the Health Law Teachers Conference in Houston, Texas; the Health Policy Seminar for State Appellate Judges at the Vanderbilt Institute for Public Policy Studies; the Health Care Roundtable on Managed Care, Institute for Law and Economics, at the University of Pennsylvania; and the Institute for Legislative Practice, McGeorge School of Law in Sacramento, Calif. In April, he moderated a conference on "Non-Profit Conversions: Who Owns America's Healthcare Institutions?" at Duke Law School.

Professor Donald Horowitz spoke at the Annual Conference of the World Bank on "Structure and Strategy in Ethnic Conflict: A Few Steps Toward Synthesis" and at the International Studies Association meeting in Minneapolis on "Dehumanization and Rehumanization." He spent the month of May 1998 as a Suntory and Toyota Distinguished Visitor at the London School of Economics. He also spoke on "Constitutional Design for Divided Societies" at Nuffield College, Oxford, and at the University of Cambridge Social and Political Studies Program and moderated a discussion at the London School of Economics on the new Northern Ireland peace agreement.

In June, he presented a paper, "Consociational Democracy and Its Alternatives," at a conference on Multicultural Democracy at the Law faculty of Bar-Ilan University in Israel. He has also published articles in: Ethnicity and Group Rights, one of the NOMOS series (the annual of the American Society of Political and Legal Philosophy); in Electoral Systems in Divided Societies: The Fiji Constitution Review; and National Self-Determination and Secession.

Professor David Lange spoke to the Southeastern Chapter of the Copyright Society of the U.S. and appeared as a panelist and speaker at the Sixth Annual Conference on International Intellectual Property Law and Policy at Fordham University School of Law. In June he was elected to the board of trustees of the Copyright Society of the U.S. at the society's annual meeting.

Professor Thomas Metzloff published, with others, an article on mediation and malpractice in Law & Contemporary Problems. He spoke on that topic at a meeting of the Physician Insurance Association of America in Boulder, Colo. and about ethics and expert witnesses at a meeting of the Kentucky Bar Association in May. He also gave a talk at Vanderbilt University on alternative dispute resolution and malpractice. In July, he took up new duties as senior associate dean for academic affairs. He will continue to maintain an active teaching schedule.

Professor Madeline Morris has written three articles on accountability for international crimes, two in Law and Contemporary Problems and one in the ILSA Journal of International and Comparative Law. Her article, "The
trials of Concurrent Jurisdiction: The Case of Rwanda,” published last year in the Duke Journal of Comparative and International Law, was reprinted in American Diplomacy. Currently, she is working with the American Bar Association's Central and East European Law Initiative (CEELI) on creating an international legal assistance consortium. She is chair of the Drafting Committee for Guidelines Against Impunity for International Crimes and a member of a group of authors creating a United Nations Department of Political Affairs handbook on justice in the peace negotiations process. She is also faculty co-director of the Duke/Geneva Institute in Transnational Law.

Professor Robert Mosteller has published a book, with adjunct lecturer Donald Beskind and others, on North Carolina Evidentiary Foundations. He has written articles for the Oregon Law Review and the Georgetown Law Journal (on the proposed victims’ rights amendment) and made presentations on syndromes, group character evidence and politics in criminal trials at the Judging Science Program of Duke’s Private Adjudication Center and at the Judicial Conference of the United States Court of Appeals for the Armed Forces in Washington, D.C. He gave testimony before the Senate Judiciary Committee in Opposition to Senate Joint Resolution 44, proposing a victims’ rights amendment to the U.S. Constitution. He presented a paper at an international conference in Belfast, Northern Ireland on the judicial role in criminal proceedings and spoke on the victims’ rights movement at a conference at St. Mary’s Law School in San Antonio Texas. He has recently been named the new chair of the Duke University Academic Council.

Theresa Newman has been appointed to the North Carolina State Bar’s Ethics Committee and the North Carolina Bar Association’s Committee on Professionalism. She also traveled to Anchorage, Alaska, to make her second annual presentation to the Alaska Bar Association on recent developments in Alaska law. In July, she assumed new responsibilities as associate dean for academic affairs. She will work closely with Professor Tom Metzloff, the new senior associate dean for academic affairs, in developing the curriculum.

Professor Jonathan Ocko was presented the Jackson Rigney Award for Outstanding Service to International Programs at North Carolina State University. The award is given annually by the NCSU chapter of Sigma Iota Rho, the honor society of international relations.

Professor Jefferson Powell has published an article, with Jed Rubenfeld, on the line item veto and separation of powers in the Duke Law Journal. He has also written two book reviews, one published in Modern Theology and the other
in the *University of Chicago Law Review*. He has recently been named director of the new Duke Law School Program in Public Law.

**Professor William Reppy** has been nominated to represent the Law School on the North Carolina General Statutes Commission.

**Professor Emeritus Horace Robertson** participated in the 11th annual meeting of the U.S. Naval War College Advisory Committee on Operational Law in Newport, R.I. He is a charter member of the committee. He also published an article, titled “The Principle of the Military Objective in the Law of Armed Conflict,” in *The Law of Military Operations: Liber Amicorum Professor Jack Grunwalt*, U.S. Naval War College International Law Studies.

**Professor Thomas Rowe** has written articles appearing in the *Arizona Law Review*, the Washburn Law Journal and the *Notre Dame Law Review* and has an article forthcoming in the *Indiana Law Journal*. He spent the spring semester on Boston research leave as a scholar-in-residence at the RAND Institute for Civil Justice in Santa Monica, Calif. During that time, he spoke on “The Process and Politics of Amending the Federal Rules of Civil Procedure” to the UCLA law faculty. He also has been elected president of the board of directors of the North Central Legal Assistance Program and is a program chair and section chair-elect, Federal Courts section of the AALS.


**Professor Christopher Schroeder** addressed the Third Annual Cummings Colloquium on Environmental Law on “Explaining Environmental Law.” He also published an article in the *Journal of Law and Politics* on “Reforming Government Through Oversight: A Good or Bad Idea?” and wrote a 1998 supplement to *Environmental Regulation: Law, Science and Policy*.

**Professor Steven Schwarcz** was a speaker at the recent United Nations Colloquium on Uniform Commercial Laws, sponsored by the U.N. Commission on International Trade Law (UNCITRAL). His subject was “Cross-Border Securitization” and the impact of the proposed U.N. Convention on international receivables financing. He has published an article in the spring 1998 symposium issue of the *Duke Journal of Comparative & International Law* on “The Universal Language of Cross-Border Finance” and has an article on “Freedom to Contract About Bankruptcy” in the *Texas Law Review*. Professor Schwarcz spoke on bankruptcy to the University of N.C. law faculty, the University of Michigan Law and Economic Workshop, the Duke Law faculty workshop and the annual meeting of the American Law and Economics Association. He is a member of consultative groups on Transnational Insolvency and the Uniform Commercial Code of the American Law Institute and a senior consultant to the International Law Center for Inter-American Free Trade’s Mexican Securitization Project.

**Scott Silliman**, director of the Center for Law, Ethics and National Security (LENS), moderated a panel at the LENS.
Conference on “National Information Infrastructure Protection in the 21st Century.” He also served as guest lecturer on “A National Security Law Update” at the 8th Annual Festival of Legal Learning sponsored by the University of N.C. School of Law and spoke on the law of war to the J.F.K. Special Warfare Center at Fort Bragg.

Carol Spruill made a presentation on pro bono programs in law schools on a panel titled “Law School Culture Changes” at the ABA Pro Bono Conference in Asheville, N.C. She also served as vice president of Carolina Legal Assistance. In June, she was elected vice president of the N.C. Bar Association Board of Governors. As of July, her position changed from assistant dean to associate dean for academic affairs, and she will work with Senior Associate Dean Tom Metzloff and Associate Dean Theresa Newman on Law School academic affairs.

Professor Laura Underkuffler published an article in the Journal of South African Public Law on religious guarantees in a pluralistic society. She was also a panelist at a Georgetown University Law Center Working Group presentation on Law, Culture, and the Humanities titled “Roundtable on Legal Theory: History, Philosophy, Aesthetics and Post-Modernism in Property Law and Rhetoric.”

Professor Neil Vidmar presented a talk on peremptory challenges at a symposium titled “Jury Reform: Making Juries Work,” sponsored by the University of Michigan Journal of Law Reform in Ann Arbor, Mich. He also spoke on medical malpractice jury awards at the Fourth Annual Clifford Symposium on Tort Law and Public Policy at DePaul University College of Law in Chicago. He helped plan a workshop “Teaching Judges About Science” at the National Judicial College in Reno, Nevada and presented a paper, “The Performance of the American Civil Jury: An Empirical Perspective,” at the University of Arizona College of Law “Courts on Trial” Conference. At Duke Law School’s Judging Science Program, he presented a talk on “Social Science Evidence: A Critical Perspective” and was a discussant on two panels at the Law & Society Association in Aspen, Colo.

Stephen Wallenstein, the new executive director of the Center for Global Capital Markets, has co-authored two articles for Preventive Law Reporter, on the millennium and on the year 2,000 problem. He also chaired a panel on “The Legal and Financial Implications of the Year 2,000 Problem” at the Rocky Mountain Computer and Technology Forum, University of Denver College of Law.

Professor Jonathan Wiener spoke on “Benefit-Cost Analysis in Federal Law” at the Harvard School of Public Health in April and on “Choosing Regulatory Instruments for Global Environmental Protection” at Stanford Law School & Institute for International Studies and at Duke Law School in May. He is serving as a consultant to the United Nations Conference on Trade and Development (UNCTAD), helping to design a new global system of tradable allowances for greenhouse gas emissions. He also organized and moderated the Third Annual Cummings Colloquium on Environmental Law, “The Puzzle of Environmental Legislation,” jointly sponsored with the Nicholas School of the Environment and the Center for the Study of the Congress.
HOODING CEREMONY 1998

Immediate past president Bruce W. Baber '79 is a partner at King & Spalding in Atlanta.

**Other members of the LAA Board are:**

Sarah H. Adams '73  
Jan Mark Adler '78  
Anne Micheaux Akwari '95  
Juan Francisco Aleman '91  
Mohammed Al-Sheaibi '90  
James Bradford Anwyll '82  
Robert Flowers Baker '61  
Karen Bussel Berman '92  
Jay S. Bilas '92  
James E. Buck '60  
Jean C. Coker '70  
Mark Alan Fishman '78  
Mark D. Gustafson '86  
Susanne Ingeburg Haas '87  
John L. Hardiman '82  
Martha J. Hays '82  
Terence M. Hynes '79  
Kyung S. Lee '84  
Tanya Martin '89  
Wendy B. Oliver '87  
Erin E. Powell '92  
William L. Riley '67  
Martin Schaefermeier '90  
J. Thomas Vitt III '87

For information about the LAA contact Ellen Hathaway, coordinator of alumni relations, at 919-613-7214.
(Clockwise from above)
Marcy and Richard '78 Horvitz; Andrew O'Malley '78 and son, Ian Duke O'Malley; Charlie Rose T'64, L'68 and Walter Dellinger; John F. Lowndes '58 and Dean Pamela Gunn '73; Len Simon '73, Candace Carroll '74 and Don Mayer '73; Corinne Haywood
Professional Notes

1964
John D. Leech was honored with the Trustees Award by the American Hospital Association. The award recognizes outstanding and noteworthy contributions to AHA's policy development activities or programming. The president of Riverledge Healthcare Consultants in Cleveland, Leech has served on the AHA board and executive committee.

1969
David E. Foscue, a judge in the Grays Harbor County Superior Court, was profiled in the May 18, 1998 issue of the Washington Journal.

Kathleen M. Mills, deputy general counsel of Bethlehem Steel Corporation, has been named to the Academy of Women Achievers of the YWCA of New York City. Mills, who joined Bethlehem Steel in 1973, has been in her current position since 1996. Mills has served on the state bar association's committee on the unauthorized practice of law and currently is a member of its labor law section. Active in the community, Mills is a member of the board of directors of the Visiting Nurses Association of Eastern Pennsylvania, Historic Bethlehem and the Gateway School.

1970
George R. Krouse Jr. a partner at New York's Simpson Thacher & Bartlett, was profiled in the July/August 1998 issue of American Lawyer.


1971
Christine M. Durham has received an honorary doctor of laws degree from the University of Utah.

Thomas F. Zachman has been elected to the Ohio Bar Association board of governors for the 1997-2000 term. Zachman was also elected to the board of trustees for the Ohio State Bar Foundation for the 1998 term. His daughter, Laura, is attending the University of Michigan Law School and daughter Elizabeth is finishing her degree at Cornell University.

1974
John M. Bremer has been elected executive vice president for administration and law by the board of trustees of Northwestern Mutual Life Insurance Company. Bremer, previously senior vice president, general counsel and secretary of the company, will retain his responsibilities as general counsel, secretary and head of the law department and will assume additional responsibility for Northwestern Mutual's actuarial, corporate services, human resources and communications departments. Bremer also chairs Northwestern's management committee, which oversees the day-to-day operations of the company.

1975
Timothy J. DeBaets, a partner in the New York law firm of Cowan, DeBaets, Abrahams & Sheppard, has been elected to chair the New York State Bar Association's 1,550-member entertainment, arts and sports law section. He is a frequent lecturer, panelist and speaker on entertainment and sports law.

Allyson Duncan has left the North Carolina Utilities Commission, where she has served since her 1991 appointment by Governor Jim Hunt, to become a partner at Kilpatrick Stockton in Raleigh. In her new position, she will serve as a regulatory advocate for BellSouth and Enron Corporation.

David B. Sand has been elected chairman of the board of directors of Briggs and Morgan in St. Paul, Minn.

1978
David Kohler, senior vice president and general counsel of CNN, was profiled in the April 20, 1998 issue of The National Law Journal.

Samuel Mason has joined the Philadelphia office of Drinker Biddle & Reath as a partner in the corporate and securities group of the firm's business and finance department. Mason is a former partner and head of the business operations of Montgomery, McCracken, Walker & Rhoads.

Sarah H. Steindel is managing attorney for Natural Gas Utilities of the New Jersey Division of the Ratepayer Advocate in Newark, N.J.

1979
Neil C. Williams III is associate general counsel at St. Jude Medical CRMD, a leading manufacturer of cardiac pacemakers and implantable defibrillators. Williams also designs and teaches labor and employment law courses for attorneys and human resource professionals in the UCLA Extension's Business & Management Program.

1980
H. Glenn Tucker has become a partner in the firm of Greenberg Dauber Epstein & Tucker in Newark, N.J. He concentrates his practice in corporate law. The firm specializes in complex commercial litigation, taxation, business planning and corporate transactions, employee benefits and estate planning.

1981
John J. Coleman III has been elected chair of the Alabama State Bar labor and employment section. In addition, Coleman served as contributing author to the 1997 supplement to BNA's Occupation Safety and Health Law. Coleman is a partner practicing in the labor and employment section of Batch & Bingham's Birmingham, Ala. office.

Michael R. Dreeben, at an awards ceremony in July, received the Attorney General's Award for Distinguished Service—for his exemplary and sustained role in representing the U.S. in criminal matters before the Supreme Court." As deputy solicitor general,
Dreeben is the government’s top criminal advocate in the Supreme Court.

1982

Elizabeth A. Galloway, a partner in the Cincinnati law firm Taft, Stettinius & Hollister, was recently appointed chair of the Professional Women’s Resource Group (PWRG). As chair, Galloway will lead her firm’s women attorneys in the development and implementation of networking and educational opportunities for tri-state women-owned or managed businesses. Galloway focuses her legal practice in the general corporate area.

1984

Sol W. Bernstein, counsel with Reed Smith Shaw & McClay, recently spoke at the Banking Law Committee of the New York County Lawyers’ Association on the topic of “Hidden Issues in Syndicated Loan Agreements.” Bernstein joined Reed Smith in 1996 and has a wide-ranging transactional finance practice for domestic and foreign banks. Previously, Bernstein was vice president and counsel for Fleet Bank in Jersey City, N.J.

1987

John R. Archambault is chair of the labor & employment section of the North Carolina State Bar Association.

Jasper A. Howard has been named a partner at Covington & Burling. Previously, Howard was special counsel to the IRS chief counsel.

Christopher J. Petrini has been named a partner at the Boston firm of Conn, Kavanaugh, Rosenthal, Peisch & Ford. Petrini practices in the firm’s litigation department with an emphasis on employment, construction and product liability cases. He also serves as chair of the Framingham Board of Selectmen, the chief executive board of the town of Framingham, and is acting chair of the Massachusetts Turnpike Advisory Board, a board appointed by the governor to comment on real estate transactions proposed by the Mass. Turnpike Authority.

1985

Janet Ward Black has been named chair of legal services for the North Carolina Access to Justice Campaign.

1986

Robert T. Danforth is a member of the faculty at Washington and Lee University School of Law where he teaches trusts and estates and related tax areas.

Christy M. Gudaitis is chair of the health law section of the North Carolina State Bar Association.

1988

Philip B. Belcher has joined the Duke Endowment staff as associate director of the health care division.

Charles T. Francis has been elected to the Rex Healthcare board of trustees.

Steven A. Schwartz has become a partner at Chimicles, Jacobsen & Tikellis in Philadelphia. After primarily defending corporations in civil litigation at a major Philadelphia law firm, Schwartz changed sides, joining the Chimicles firm as an associate in 1990 in order to prosecute claims against corporations on behalf of investors, consumers and those injured by a wide variety of corporate misconduct.

Beth D. Wilkinson has been named director of alumni relations at Duke Law School.

1989

Carla L. Brown, of the Law Offices of Carla L. Brown, has opened new offices in West Palm Beach, Fla.

Richard N. Cook has been promoted to corporate counsel at Kimley-Horn and Associates in Raleigh, N.C.
Carol L. Ferren has been named counsel in the employee benefit group of Drinker Biddle & Reath in Philadelphia, Pa.

Paul Dietrich is a partner with Stump, Storey & Callahan in Orlando, Fla., practicing in the areas of real estate, business and banking.

Kristyn Elliott has taken time away from her commercial litigation practice at Litchford & Christopher in Orlando, Fla. to stay at home with her and husband Paul Dietrich's daughter, Madeleine.

Terri Johnson Harris has been elected a partner in Smith Helms Mulliss & Moore. Harris, who works in the firm's Greensboro, N.C. office, concentrates her practice in health law, administrative law and general litigation.

Scott L. Kaufman has become a partner at Brock Silverstein McAuliffe, a New York City corporate finance and mergers & acquisitions boutique law firm. Kaufman, who had been at Wilkie Farr & Gallagher since graduation, focuses his practice primarily on securities offerings, mergers & acquisitions and venture capital financing.

Alfred Kossman has become a partner in the Dusseldorf, Germany office of Sherman & Sterling.

Jeffrey Lichtman is a criminal defense attorney in New York City with the law offices of Gerald L. Shargel.

Heather MacKenzie has opened her own law practice in Winston-Salem, N.C., specializing in immigration and naturalization law.

Anne Marie Tanin Towle was elected to the junior partnership of Hale and Dorr in Boston, Mass.

Elizabeth Zirkle Williams is on the faculty of the Georgetown University Child Development Center as director of the Conflict Management Program.

Gary R. Brock was promoted to major in the U.S. Army and assumed the position of legal advisor to Special Operations Command, Pacific, responsible for all Special Operations Forces within the Pacific theater.

Dara Grossinger Redler has been promoted to senior attorney at WORLDSPAN, an Atlanta corporation jointly owned by Delta Air Lines, Trans World Airlines and Northwest Airlines.

Sam Braverman has opened his own law office in the Bronx, N.Y., specializing in the areas of criminal law, real estate closings and wills.

Douglas Jackson has joined the mergers & acquisitions group at BancAmerica Robertson Stephens in Chicago (soon to be renamed BancAmerica Montgomery Securities).

Julian S. Myers has joined PHP Healthcare Corporation's office of legal counsel in Reston, Va., as associate general counsel, specializing in healthcare transactions, mergers & acquisitions and joint ventures.

David K. Park is a litigation associate in the antitrust department of Rogers & Wells in New York City. Previously, Park was an associate at Weil, Gotshal & Manges.

Victoria J. Szymczak is an assistant professor and electronic information specialist at Brooklyn Law School in Brooklyn, N.Y.

Lars Skanvig Bramhelft has become a partner at Lind & Cadovius in Copenhagen, Denmark.

Julio Pereira Gandarillas has become a partner in the Price Waterhouse Tax and Legal Services Department in Santiago, Chile.

Peter L. Levin has joined the Copenhagen, Denmark office of the management consulting firm, Egon Zehnder International.

Daniel E. Smith has joined Crescent Real Estate Equities Company, one of the country's largest publicly held estate investment trusts, as Crescent's senior attorney. Smith had been in the real estate section of the Dallas firm Hughes & Luce since graduation.

Richard D. Strulison is now the director of business and legal affairs at Fox Sports Net in Los Angeles, Calif.

Ruth Tappan Dowling is clerking for Judge Fred Parker on the Second Circuit Court of Appeals in Burlington, Vt.

David A. Pickering recently transferred to the New York office of Merrill Lynch, where he works in private equity principle investment. Previously, Pickering worked in the investment banking division of Merrill Lynch’s London office.

James W. Smith III was recently selected as the officer in charge and chief criminal prosecutor for the 2nd Infantry Division’s Camp Howse Legal Center located in Korea.

Stacie I. Strong is beginning studies as a doctoral candidate in international and comparative law at the University of Cambridge, England. For the last four years, Strong has been working as a general litigator at Weil, Gotshal & Manges in New York. During that time, she published articles in the Southern California Law Review, the Michigan Journal of International Law and the Arizona Law Review, which was cited by The National Law Journal as “worth reading” in the area of jurisprudence. Strong is also admitted as a solicitor in England and Wales.

Jack D. Todd has joined the intellectual property group of Kennedy, Covington, Lobdell & Hickman in Charlotte, N.C. Todd’s practice will focus on trademarks and patent law in the area of electrical engineering, computer engineering and software.

1995

Brian L. Doster has become an associate with Beveridge and Diamond in Washington, D.C., where his practice is focused on environmental law. Doster was formerly associated with Rose, Sundstrom & Bentley in Tallahassee, Fla.

Duane A. Draper has become a partner in the Tampa law firm Bryant, Miller and Olive. He concentrates his practice in state and securities law matters relating to municipal bonds.

Marc Eumann earned a doctorate in jurisprudence from Bochum University Law School in February 1998. Eumann’s dissertation focused on the organization of local government utilities in the United States. In June 1998, Eumann passed the bar examination in the state of Nordrhein-Westfalen, Germany, after a two-year clerkship at the City of Duisburg, NRW District Court.

Sonja Henning, two-year point guard for the American Basketball League’s San Jose Lasers, has been traded to the Portland Power. Portland’s head coach Lin Dunn, who coached Henning at the 1990 World Championships, said, “I think Sonja is one of the best point guards in the league…”

Christopher C. Marquardt is an associate at Alston & Bird in Atlanta, Ga., where he focuses his practice on labor and employment litigation. Previously, Marquardt served a two-year clerkship in the Northern District of Florida.

Jackson W. Moore, former law clerk to the Honorable John D. Rainey, has joined the Houston firm Gardere Wynne Sewell & Riggs as an associate in the trial practice group.

Pedro Oller Taylor has been named regional counsel for GBM Corporation, the company responsible for distributing IBM products in Central America and the Dominican Republic.

Feng Xue, who earned an LL.M. in 1995, received his J.D. from Duke Law School in May, 1998.

1996

Juan Alvarado is working in New York at Davis Polk and Wardwell in the corporate, securities and finance areas.

Victoria Bilousenko has joined the firm of Frere Cholmeley Bischoff where she works in the firm’s CIS department in London.

Paul Brathwaite was recently selected to be a special assistant to the U.S. Secretary of Labor.

Marcel I. Imery is a founding partner of Imery, Trivella, Urdaneta & Alvarez in Caracas, Venezuela.

Ana Maria Legondre has joined the team of legal advisors of the newly formed Maritime Authority of Panama.

Angus Nabers McFadden has become an associate at Bradley Arant Rose & White in Birmingham, Ala. Before joining the firm, McFadden clerked for U.S. District Judge Sharon Loveladen at the firm, McFadden clerked for U.S. District Judge Sharon Loveladen Blackburn, North District of Alabama.

Robert Gerald Schaffer is clerking for Chief Justice William Rehnquist for the 1998 Supreme Court term.
Lardner as an associate. Slone, who practices in the litigation department, was previously associated with Dewey Ballantine in New York.

Joshua Teague has been practicing as a solicitor with Minter Ellison in Sydney, Australia. Later this year he will begin work with the Public Interest Law Clearing House, a pro bono legal center sponsored by a number of large Sydney law firms, where his practice will concentrate on the assessment and conduct of public interest pro bono work.

Pierre Tourres is now practicing in the Warsaw, Poland office of Gide Loyrette Nouel.

Ibnu Wahyuatomo is serving as the third secretary at the information division of the Indonesian Embassy in Ottawa, Canada.

1997

David Buchsbaum is an associate with Steel Hector & Davis in Miami, Fla., focusing on litigation, and commercial and employment law.

Denise Gough is a copyright law associate with the Washington, D.C. office of Proskauer Rose.

James Pomeranz is an associate at Willkie Farr & Gallagher in New York City, practicing real estate.

Jeremy B. Rosen will be clerking with Judge Ferdinand Fernandez of the Ninth Circuit in Pasadena, Calif., for the 1999-2000 term. He will be at Munger, Tolles & Olson until his clerkship.

Takehiko Takatsu is a senior analyst at The Industrial Bank of Japan in Tokyo.

Richard Thornton is a taxation supervisor at Ernst & Young in Brisbane, Australia.

Heather Bell Adams is a litigation associate at Hunton and Williams in Raleigh, N.C.

Births

1984

M. Jane Williamson and Stephen Winthrop announce the birth of their first child, Katharine Christine “Casey” Winthrop, on June 20, 1997.

1986

John F. Grossbauer and his wife, Tracey, announce the birth of their son, John Francis Grossbauer IV, on Oct. 17, 1997.

1987

Frank W. Cureton and his wife, Leadley, announce the birth of their first child, Hannah Leadley Cureton, on March 5, 1998.

Kevin M. LeWinter and his wife, Tyiona Phan-LeWinter, announce the birth of their son, Remy Auguste LeWinter, on Dec. 12, 1997.

1988

Susan L. Beesley’s daughter, Lillian Beesley-Gilman, was born July 25, 1997.

Richard E. Byrne and his wife, Jennifer, announce the birth of their daughter, Colleen Casey, on Feb. 4, 1998.

1990

Sally J. McDonald and her husband, Rich Levin, announce the birth of their son, Grant Benjamin, on July 31, 1997.

Elizabeth Zirkle Williams announces the birth of her daughter, Erin Kay Williams, on Dec. 8, 1997.

1991

Anne E. Connolly and Colm F. Connolly announce the birth of their third son, William Carleton, on Feb. 24, 1998.

1992

Robert E. Kaelin and his wife, Linda, announce the birth of their first child, Ryan Edmund, on April 14, 1998.

1993

Jacqulynn M. Broughton and her husband, Byron Hugue, welcomed their son Tyson Amir Hugue into the world on Oct. 12, 1997.

Seth E. Gardner and his wife Jill announce the birth of their son, Daniel James, on April 27, 1998.

1996

Juan Alvarado’s first daughter, Marina, was born Dec. 1, 1997.

Jennifer Harrod and her husband, Scott de Marchi, announce the birth of their son, Daniel Took Harrod de Marchi on Nov. 24, 1997.

Takeru Tanojiri announces the birth of his daughter, Maho, on April 25, 1998.

Weddings

1990

Jeffrey Lichtman married Nance Dickinson on May 24, 1997, in Florence, Italy. Lichtman is a criminal defense attorney in New York City with the Law Offices of Gerald L. Shargel.

1992

Sandra J. Galvis and David K. Park were married in Montecito, Calif. on Oct. 25, 1997. Both are associates with New York City law firms—Galvis with Cleary, Gottlieb, Steen & Hamilton, and Park with Rogers and Wells.

Edward H. Trent married Sarah Smith in Atlanta on June 20, 1998. Trent is a partner at Coffman, Coleman, Andrews & Grogan in Jacksonville, Fla.

1993


1994

Anne K. Stewart and Adrian E. Dollard ’95 were married on Sept. 6, 1997.

1998

Geoffrey W. Adams and Heather L. Bell were married on April 18, 1998, in Raleigh, N.C.
Obituaries

1933
William C. Lassiter, 89, of Raleigh, died May 8, 1998. A native of Smithfield, N.C., Lassiter earned both undergraduate and law degrees from Duke. He began his law practice in Raleigh in 1933 and retired in 1988. Lassiter served in the U.S. Navy from 1942 to 1946 in the Asian Theater and retired as commander in the U.S. Naval Reserve. He served as Raleigh city attorney from 1947 to 1951 and as general counsel for the N.C. Press Association from 1938 to 1984. Lassiter was a member of many civic organizations including the boards of trustees at both Shaw University (1951-1955) and Meredith College (1953-1956). He was a past president of both the Raleigh Junior Chamber of Commerce and the Wake County Bar Association. In 1984, Lassiter, who wrote a book titled Law and the Press, was inducted into the N.C. Journalism Hall of Fame. In 1988, the N.C. Press Association inaugurated the William C. Lassiter First Amendment Award, which is presented annually. In addition, Lassiter was a deacon at the First Baptist Church in Raleigh. He is survived by two sons, a brother, and two grandchildren.

1939
George A. Burwell died Jan. 15, 1998 in Durham. A retired attorney, Burwell had served in the U.S. Navy and was retired with the rank of captain. He was a member of the Rotary Club, Cribbage Congress and the United Methodist Church. Burwell is survived by his wife, Jeanne Peel Burwell, a daughter, a son and five grandchildren.

1948
Audrey S. Horton died Dec. 26, 1997 in Asheville, N.C. Originally from Louisitown, Penn., Horton attended Duke as an undergraduate and a law student. For 50 years she was a partner with her husband, Shelby E. Horton Jr. ’48, in the law firm Horton and Horton. She was active in volunteer work, especially the Irene Wortham Center, and was a member of the Soroptimist Club, the History Club, and several area bridge clubs. She was a member of Grace Baptist Church, where she was a Sunday school teacher and choir member. Horton is survived by her husband, two daughters, a sister and three grandchildren.

1957
John D. Ayres Jr., of Albany, Ga., died Feb. 25, 1998. A native of Dothan, Ala., Ayres had lived in Pensacola, Fla., before moving to Albany 10 years ago. Before he retired, Ayres was vice president and general counsel of Ayres Corporation. He served in the U.S. Army during World War II. Ayres is survived by his wife, Jo Anne Ayres, three sons, two daughters, one sister and nine grandchildren.

1959
Harry Joseph O’Connor Jr., 66, died Jan. 5, 1998. A lifelong resident of Greensboro, N.C., O’Connor was a graduate of N.C. State University, where he was a distinguished military student. He was a former member of the board of directors of Greensboro Day School, a member of the N.C. Academy of Trial Lawyers and a former member of that organization’s board of governors.

O’Connor, two children, two sisters, two brothers and three grandchildren.

1967
Douglas A. Poe died March 25, 1998. Poe was a partner at Mayer Brown & Platt in Chicago. He is survived by his mother, Marcelia Poe.

1972
Jeff Hughes ’65 Chairs $50 Million Campaign for Duke Law School

by Debbie Selinsky

Duke Law alumnus Jeff Hughes ’65, may have spent only a few years practicing law before he entered business, but the successful vice chairman of the Cypress Group, an investment firm in New York, hasn’t lost sight of the way that education has benefitted him in business ventures throughout his career.

That’s why he counts as his favorite cause these days the Law School where he studied on a scholarship arranged by then Dean Jack Latty. “I want to give something back to the school that gave me so much,” he said.

Hughes attended Duke Law School on a scholarship arranged by then Dean Jack Latty. Now he wants to “give something back to the school that gave me so much.”

Jeff Hughes ’65 attended Duke Law School on a scholarship arranged by then Dean Jack Latty. Now he wants to “give something back to the school that gave me so much.”

Hughes has a message for potential law students: Duke is THE place to go to prepare for a career in law. “It’s important to know what’s in the law books, but professors at Duke Law School are more practical, in a big picture sense. They teach how law fits into the world at large—these are the things you need to know.”

Hughes also advises students to pursue courses they like. “It’s important to get the basics but spend a lot of time learning about areas that interest you. You can do all kinds of things with a law degree,” he added.

In addition to his work on behalf of Duke Law School, Hughes has served in various volunteer capacities for Park Avenue Methodist Church and for the park system in New York. “These are the things that make life fun,” he said.

Law School Committee, in a recent interview. “And what’s exciting about all this is that we have such a high quality product to sell. On the planning committee for the campaign (which he also chaired), we thought a lot about what we want the School to be and developed a whole strategic process to reach those goals and to sell Duke Law School—a process that includes spreading the word about a lot of very talented people and terrific programs such as the new Global Capital Markets Center.”

Hughes recalled what a “wonderful” time he had as a law student at Duke in the 1960s. “Those of us in our class were the first people to go all three years in the new building. And classes were a lot less crowded because there were only about 100 of us in that building,” he said. “I loved tax law and corporate law and could see how they would be helpful to me in business.”

After spending a few years practicing law, Hughes, who received his undergraduate degree from Wesleyan University, went to work in 1968 for Lehman Brothers where he stayed for 26 years. In 1994, he and partners formed Cypress Group.

Hughes lost touch with Duke Law School for some time and said he was brought back into the fold in 1986 by professor and former dean Paul Carrington. “Through Paul, I became involved again and then when Pamela (Gann) came on board, I continued to be involved. She’s been such a catalyst for good things at the Law School— it’s a pleasure to work with her.”

Now a lifetime member of the Board of Visitors, Hughes, with his wife Bettrysue ’65, is a generous donor to Law School projects and sees his work as investing in the future of the School.

“We’re working with people who have specific interests or programs they want to support—such as scholarships for students or work in environmental law—and also trying to convince people to give to the Annual Fund from which we support more basic needs, such as the library and information technology.”

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Campaign Leadership Gifts Top $16 Million

As the Campaign for Duke Law School goes public, the School is pleased to announce commitments of over $16 million toward our $50 million goal. Len Simon '73 and Candace Carroll '74 have joined the list of lead donors by establishing the Candace M. Carroll and Leonard B. Simon Endowment Fund, earmarked to support Duke Law students pursuing careers and activities in public service.

Three other major gifts have been the result of estate planning, which can be a creative avenue for supporting the Law School. Major gifts have come from the estate of Kathrine Everett, mother of Duke Law Professor Robinson O. Everett LL.M. '59, Erma Greenwood '39 and more recently, $600,000 from the estate of Douglas Poe '67 and an additional planned gift from his mother Marcella “Sally” Poe. Mrs. Poe has designated $500,000 from her son's bequest to create the Douglas Poe Scholarship, which will support Duke Law students under the umbrella of the Mordecai Scholars Program.

At alumni weekend 1998, the Law School paid tribute to the late Kathrine Everett, the first woman to argue and win a case in the N.C. Supreme Court, and her heirs, Professor Robinson Everett and his family. From left, Dean Pamela Gann, Greg, Lynn, Robinson and Luke Everett. The Law School was the recipient of a major gift from Kathrine Everett's estate.

WAYS OF GIVING

Outright gifts are the simplest to make, but there are other methods of giving, like planned gifts, that carry additional benefits.

BEQUESTS are gifts to Duke Law School made by provisions in a donor's will or living trust. Such provisions benefit the Law School and reduce the estate's tax liability. They may take a number of forms:
- Specific bequests specify a precise amount for the Law School.
- Residuary bequests usually specify that what is left of an estate, after distributions to other heirs, goes to Duke Law School.
- Contingent bequests usually direct assets to Duke Law School if a designated heir is no longer living.
- Life insurance and retirement plans may provide an opportunity to name Duke Law School as a beneficiary.

LIFE INCOME GIFTS are those in which the donor and/or a designated beneficiary may receive income for life, frequently with significant tax savings, while providing a long-term gift to Duke Law School.
- Charitable remainder trusts are created by a donor to produce income for a specified period of time, often a lifetime, with the assets remaining at the end of that period going to a specified charitable recipient. There are a variety of charitable remainder trusts that may benefit Duke Law School, including charitable remainder annuity trusts and several types of charitable remainder unitrusts.
- Charitable gift annuities provide donors with a fixed income stream for life, with the assets passing to Duke Law School at death. A charitable gift annuity can be structured to begin paying income at the time of the gift or at a future specified date.
- Pooled income funds are invested by Duke for the benefit of the Law School in an investment pool, similar to a mutual fund, to produce income for donors for life, with the principal going to Duke Law School at the donor's death. There are currently two pooled income funds, the Tower Fund and the Quadrangle Fund, each with a different investment objective.

APPRECIATED PROPERTY, usually appreciated securities or real estate, frequently is given to fund life income arrangements and may provide the donor with significant tax savings, as well as the satisfaction of making a significant contribution to the Law School.
Honor Roll of Giving

ALUMNI DONORS BY CLASS

1923
1 donor
Richard E. Thigpen Sr.

1933
1 donor
William B. McGuire

1935
2 donors
$25,228 paid
Lee S. McKeithen
Nicholas Orem Jr.

1936
2 donors
$25,228 paid
Louise Maxwell Barr
Edward Rubin

1937
11 donors
$15,696 paid
Dorothy Airheart
John Mack Holland Jr.
Richard W. Kiefner
Harland Francis Leathers
H. Hale McCown
Helen Lanier McCown
William L. Mosenson
Floyd M. Riddick
Farley Hunter Sheldon
Caroline Phillips Stoel
Thomas B. Stoel

1938
4 donors
$1,423 Reunion Class Gift Total
$1,423 paid
Reunion Chair: Carmon J. Stuart
Edward B. Bullett
James E. Supp Jr.
Carmon J. Stuart
Charles H. Young

1939
6 donors
$1,400 paid
George A. Burwell (Deceased)
R. Campbell Carden
Eugene Desvernine
Stanley P. Meyerson
Ben C. Tomlinson
William F. Womble

1940
7 donors
$3,575 paid
Margaret Adams Harris
Alex R. Josephs
Joseph Lauffer
Harold M. Missal
Benjamin D. Raub
Robert W. Tunnell
Edward C. Vandenburg

1941
10 donors
$12,805 paid
Aute L. Carr
Virgil W. Cooper
Daniel Robert Dixon
George T. Frampoton
Benjamin S. Horacek
W. Frank Malone
James R. Mattocks
Guillermo Moscoso
Nuna L. Smith Jr.
Norman L. Wherrett

1942
6 donors
$3,525 paid
Donald Johnston Bermekemeyer
A. Vernon Carnahan
Robert J. Everett
Frederick Nelson
Adolph Henry Ralston
John F. Repko

1944
2 donors
$4,000 paid
Nathaniel R. Johnson Jr.
Melvin S. Taub

1945
3 donors
$36,100 paid
Edward M. Rich
Frances Fulk Rufty
Julian D. Sanger

1946
2 donors
$800 paid
Elizabeth Parker Engle
Ivan C. Rutledge

1947
14 donors
$3,825 paid
R. Cecil Boutwell Jr.
Bertram J. Dube
Jack DeWeese Hawkins
Carl Horn Jr.
Henry A. McKinnon Jr.
Jonathan Z. McKown
Matthew S. Rae Jr.
Earle M. Rice
Henry Fletcher Sherrill
In memory of Eileen Vogel Gavin
Harold D. Spears
John A. Speziale
Harry Rudd Teel
Calder W. Womble
Kenneth F. Wooten Jr.

1948
15 donors
$23,981 Reunion Class Gift Total
$23,981 paid
Reunion Chair: Robert P. Barnett
Robert P. Barnett
William W. Daniel
Herbert D. Fischer
Wills H. Flick
Edwin P. Friedberg
Lorraine Boyce Hawkins
Richard T. Marquise
Wallace H. McCown
DeRosset Myers
Georgia H. Newcomb
Edward Roper
Frederick H. Stone
A. William Sweeney
John M. Turner
Joe Pitts Vick
William Sidney Windes

1949
15 donors
$12,753 paid
Clifford Charles Benson
Charles F. Blanchard
Bueford G. Herbert
Duncan W. Holt Jr.
Ben F. Johnson
Hugh A. Lee
Ben H. Logan Jr.
William J. Lowry
Edward J. Moppert
Alden G. Pearse
Leila Sears
Sidney William Smith Jr.
David Kerr Taylor
Joe Park Whitener
Silas Williams Jr.

1950
22 donors
$22,546 paid
William H. Adams III
James G. Cate Jr.
Robert L. Clifford
Ralph Clayton Clontz Jr.
W. Warren Cole Jr.
Robert Randolph Gardner
Roy J. Grogan Sr.
Allen H. Gwyn Jr.
Thomas G. Hart
J. William Hoyle III
Thomas O. Lawton Jr.
Kwan Hi Lim
Walter H. Mason Jr.
Henry L. Max
Oren W. McClain
Sue Vick McCown
William R. Patterson
Hugh E. Reams
John Webb Routh
Luther Perry Shields
William R. Winders

1951
23 donors
$8,155 paid
Grace C. Boddie
James Jackson Booker
Thomas T. Chappell III
Wood M. De Yoe
Morton Henry Engelmann
Ned P. Everett
J. Carlton Fleming
Robert Watson Foster
John Allen Harrington
Henry William Koski
James R. Lacey
Edward A. Loeber
John Earl Marsh Jr.
Edward E. Marx
Arnold Borden McKinnon
James F. Perry
William M. Rickman
Frederick D. Rosenberg
Robert L. Styer
George B. Thomasson
James T. Thomasson Jr.
Charles E. Villameau
David Zwanetz

1952
21 donors
$11,710 paid
Edward Carl Berg
James S. Byrd
Charles A. Comer
Robert L. Elkins
<table>
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<th>Year</th>
<th>Donors</th>
<th>Total Paid</th>
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<td>7</td>
<td>$5,575</td>
<td>Paul Hardin III</td>
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<td>9</td>
<td>$4,144</td>
<td>Hans Wolfgang Baade</td>
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<td>21</td>
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<td>12</td>
<td>$8,610</td>
<td>Robert H. Beber</td>
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<td>$114,592</td>
<td>Robert B. Berger</td>
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<td>17</td>
<td>$22,435</td>
<td>Robert B. Bell</td>
</tr>
<tr>
<td>1962</td>
<td>21</td>
<td>$32,426</td>
<td>John Hamilton Adams</td>
</tr>
<tr>
<td>1963</td>
<td>40</td>
<td>$113,090</td>
<td>David H. Allard</td>
</tr>
<tr>
<td>1965</td>
<td>32</td>
<td>$27,157</td>
<td>Robert E. Cooley</td>
</tr>
</tbody>
</table>

Bold denotes Barrister
Bold denotes Barrister

Joseph J. Brigati
Peter O. Brown
Patrick C. Coughlan
William M. Curtis
Thomas A. Edmonds
Paul Revere Ervin Jr.
Donald B. Gardiner
Peter S. Gilchrist III
Thomas W. Graves
John M. Hines
Jeffrey P. Hughes
Frank W. Hunger
William Davis King
Thomas C. Kleinschmidt
William H. Lear
Douglas F. MacPhail
Eric F. Matthies
Raymond A. McGearry
Thomas P. Meehan
Charles B. Mills Jr.
Jay E. Moyer
Thomas P. Owens Jr.
Gordon P. Peyton
E. Lowry Reid Jr.
Gilson L. Smith Jr.
S. Berne Smith
Carter H. Strickland
Richard H. Vincent
Wade Thomas Watson
Robert E. Young

1966
43 donors
$86,278 paid

Andrew Edison Adelson
Richard Marlow Allen
William J. Alsentzer Jr.
Bruce H. Anderson
Charles D. Axelrod
David B. Blanco
Richard W. Buhrman
Judson W. Detrick
Michael W. Field
Jerald A. Fink
Henry H. Fox
John Ganotis
Peter S. Gold
Anthony Stephen Harrington
L. Muffin Hayes
Andrew S. Hedden
Christopher J. Horsch
Jonathan Thomas Howe
James Cary Jacobson
F. Sherwood Lewis
Don Boyden Long Jr.
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Ralph Lee McCaughan
Jerry J. McCoy
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Roy W. Moore III
Thomas H. Morgan
Joel J. Morris
David D. Noble
Sidney Joseph Nurkin
Richard A. Palmer
David Frankman Peters
Thomas B. Pitcher
T. William Porter III
Edward B. Robins
Brian Armit Snow
Robert W. Spangler
Kinch Morgan Varner III

Douglas P. Wheeler
Dale A. Whitman
Neil C. Williams III

1967
40 donors
$161,196 paid

Richard G. Bacon
William G. Bradley Jr.
Daniel F. Bernard
John T. Bertau
Carl E. Borch Jr.
Stephen M. Chiles
Calvin J. Collier
Norman G. Cooper
Donald B. Craven
James B. Craven III
Linwood L. Davis
William A. Davis II
William Lyman Dillon
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Haley J. Frothingham
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Robert J. Hackett
Thomas A. Jorgensen
Peter K. Lathrop
John A. Lockwood
George R. Mahoney Jr.
Antonio Menides
David Meyers
David W. Pancost
E. Raine Rensburg
Wayne A. Rich Jr.
William L. Riley
Homer G. Sheffield Jr.
Hugh N. Smith
Lanty L. Smith
William H. Steinbrink
George Thomas Stonach III
John Craft Taylor
Roger P. Thomassch
W. Ferber Tracy
William F. Wombles Jr.

1968
49 donors
$200,470 Reunion Class Gift Total
$71,352 paid

Reunion Chair: William R. Stewart

Bruce D. Alexander
Carl F. Bianchi
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J. A. Bouknight Jr.
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John R. Brownell
Laurie B. Bruce
Charles B. Burton
Thomas J. Clarke
William Everette Eason Jr.
Paul B. Ford Jr.
Stuart M. Foss
Robert K. Garrow
Gilbert L. Gates Jr.
Stuart N. Hutchison III
Charles O. Ingraham
Carl E. Johnson Jr.
Richard Vaughan Jones
James H. Kelly Jr.
Lawrence M. Kimbrough

1969
49 donors
$71,775 paid

James P. Alexander
Joseph Robert Beatty
Charles L. Beaton
J. Sidney Boone Jr.
William H. Briggs Jr.
Alvis E. Campbell
John A. Canning Jr.
Louise A. Cromwell
Katherine Murray Crowe
James P. Davenport
Norman E. Donohue II
Charles M. Firestone
David E. Foscue
Howard G. Godwin Jr.
L. Alan Goldsberry
John M. Harmon
Robert M. Hart
Paul A. Hilstad
John O. Hoos
R. Randall Huff
Jerry R. Jenkins
M. Scott Johnson
Christine Keller
David G. Klauer
Richard G. LaPorte
Joel M. Lasker
David A. Lauffer
Robert S. Lattrelle
Robert A. Maynes
William J. McMamara III
James R. Moore
Graham C. Mullen
Leonard M. Murphy Jr.
Wilson D. Perry
John B. Platt III
David M. Powell
Robert B. Pringle
Michael C. Ross
Dudley Saleby Jr.
John R. Sapp

1970
21 donors
$88,213 paid

Stephen I. Ahlquist
Howard J. Alpern
Victor A. Cavanaugh
Jean C. Coker
Eugene E. Derryberry
John M. Edwards Jr.
Rodney L. Eshelman
Raymond Back Ferguson
Donald A. Frederick
James Charles Frenzel
Paul M. Glenn Jr.
James K. Hasson Jr.
George R. Krouse Jr.
Jeffrey R. Lapid
Albert H. Larson III
Michael A. Pearlman
Robert J. Shenkin
Kenneth M. Socha
William F. Stevens
Sue Ellen Uffey
William J. Zaino

1971
37 donors
$39,905 paid

J. Ernest Baird
John H.C. Barron Jr.
Arthur W. Carlson
W. Dayton Coles Jr.
Michael W. Condon
Kenneth F. Dorman
Christine M. Durham
Karla Harbin Fox
Robert F. Gerkens
Thomas Adams Harris
Richard S. Harwood
Christopher N. Knight
Philip C. Larson
Randolph J. May
Thomas E. McLean
Peter T. Merskey
H. Todd Miller
Douglas B. Morton
Steven Nacero
Henry J. Ocheltree Jr.
Richard L. Osborne
Jerry P. Peppers
Paul E. Prentiss
Gail Levin Richmond
Michael L. Richmond
James A. Rydzel
Peter R. Seibel
Bryan E. Sharratt
David L. Sigler
John H. Sipple Jr.
Walter A. Stringfield III
Bryan M. Thomas
David L. Vaughan
William Michael Warren Jr.
J. Lofton Westmoreland

Toby L. Sherwood
Ronald J. Summey
Young M. Smith Jr.
R. Keith Stark
Wayne R. Vason
Joseph L. Waldrep
Robert H. Ward
Thomas C. Worth Jr.

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51 donors
$35,523 paid

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Thomas C. Barbrou
Thomas W. Barlow
William C. Basney
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Gregory S. Brown (Deceased)
William Pitts Carr
Bernard B. Clark Jr.
Joseph E. Claxton
Bruce A. Davidson
John D. Enghar
Ronald W. Frank
William J. Galloway III
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John Anderson Sherrill
Karla W. Simon
Daniel C. Stewart
Michael L. Tanchum
Joshua R. Teem
Laurence R. Tucker
James Walter Ummer
John Robbins Wester
Durwood J. Zealke

1973
63 donors
$260,185 Reunion Class Gift Total
$89,252 paid

Reunion Chair: S. Ward Greene

Sarah H. Adams
William Henry Agee
Kenny Washington Armstrong
William H. Avery
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Dana Gibson Bradford II
Jackson B. Browning Jr.
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Lawrence J. Heller
Charles R. Holton
William S. Jacobs
Malcolm Davis Johnson
Patrick Wayne Kelley
Richard M. Kennedy
Eleanor D. Kinney
Paul Robert Koepff
William Lloyd Kuritz
J. Michael Lamberth
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James Edward Lucke
Philip Roscoe Mattix
Joseph W. Moyer
H. Kent Munson
David J. Naftzinger
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Calvin Roderick Phelan
Michael H. Pope
John Robert Previs
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Terrance E. Schmidt
Leonard Bruce Simon
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Kenneth Winston Starr
Michael J. Stewart
Richard William Stewart
Letty M. Tanchum
Robert L. Titley
Marvin Ray Vose
Michael E. Weddington
Donald Ross Williams
John Turner Williamson
Paul E. Zimmerman

1974
85 donors
$89,540 paid

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Susan Elizabeth Barco
Brenda C. Becon
William Philip Bennett
James Wilson Berry Jr.
Thomas Watson Black
William P. Borchert
John Michael Brenner
Colin Wegand Brown
David L. Buhmann
Evelyn Omega Cannon
Candace M. Carroll
Niccolo A. Ciampi
Philip Gary Cohen
Curtis Lynn Collier
John Arland Decker
Gordon Bartle Dempsey
James C. Drenn
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John Vincent Dwyer Jr.
John Wesley Edwards II
James R. Eckel Jr.
Stuart Feiner
Richard Howard Freed
Johnnie L. Gellmermore Jr.
James Garfield Good
Donald Coleman Gregg
Robert Edgar Gregg
James Carlisle Hardin III
James William Harris
George Lipman Henschel
Richard Richard Hiller
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Jerry W. Jernigan
Robert Tifford Kofman
Paul Lendon Lassiter
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Ronald D. Reemeynder
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Mary Ann Tally
Richard Eric Teller
Jean Ellen Vernet Jr.
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Peter David Webster
Tommy Joe Williams
Thomas W. Winland
Raymond L. Yasser
Jonathan Alan Zimmer
Frances Anne Zwenig

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32 donors
$29,737 paid

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Lawrence Harris Babich
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Robert Andrew Baxter
James H. Cell
Bruce Allen Christensen
Frank J. Dana III
Timothy J. DeBets
George William Dennis III
Eric B. Drewry
Michael Fainb Fink
Paul J. Fukushina
John Aubrey Howell
James Austin Lybrand IV
Gary G. Lynch
C.G. Gordon Martin
James W. Merzluft
John Randolph Miller
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Thomas Edwin Prior
Michael Clay Quillen
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Thomas S. Richey
Dale C. Robbins
David Norman Shane
Richard C. Siemer
Michael V. Stajnhara
Lawrence D. Steckemst
David Matthew Wiesendfeld

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57 donors
$43,666 paid

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David Brooks Adcock
Harris Robert Anthony
Hermon Ross Arnold III
Barbara Ruth Arnwine
Todd Hunter Bailey
John Cole Beeler
In memory of Ken Marshall and
Fred Butter
James Russell Brockway
Peter Coleman Buck
Denise Caffrey
Betsy L. Carter
Kenneth Sears Coe Jr.
Dean M. Cordiano
Michael Gordon Culbreth
James D. Drucker
Daniel James Dugan
Paul Bradford Eadlin
Raymond John Etcheyver
Bach L. Everett
Gail Winter Feagles
Prentiss E. Feagles
Mark Stephen Fischer
Karen Gearreald
Daniel William Gepford
Robert Andrew German
John Bernard Gontrum
Erie Hansen
L. Keith Hughes
Kenneth Charles Hunt
Peter Jonathan Kahn
Raye Withrow Kelsey
Mitchell Koltin
Constantine Hanna Kutteh
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Miguel Agustine Orta
Karen Beth Pancost
Ellen Ross Pierce
Celia A. Roady
Stephen Elston Roady
Marvin Schiller
Steven Mansfield Shaber
James Alexander Tanford
Harry F. Tepker Jr.
Clay Burford Tousey Jr.
Daniel Franklin Van Horn
Edward Walter Vogel III
Robert C. Weber
Charles Kenneth Wiggins
Grover Gray Wilson

1977
53 donors
$28,469 paid

Ronald Evan Barab
Donald Haskell Beskind
Mark Boudman
Joosquin Ramon Carbonell
John Robert Cockle
John Martin Conley
Jeffrey Mason Cook
Larry Edward Coploff
Lea Frances Courington
Michael Louis Eckerle
Michael A. Ellis
Charles Ira Epstein
S. Peter Feldstein
Harold I. Freidle

In memory of
Barbara Schmidt Cambria
Michael John Guillagbe
Manasa Taylor Griffith
Raymond Hayes Goodman III
Maxine Patricia Gordon
Edward T. Hinson Jr.
Alma Tina Hogan
Jay Roderick Hone
Lauren E. Jones
Michael David Jones
D. Ward Kallstrom
Carolyn Barbara Kuhl
Pamela Knowles Lawson
Susan Barnett Mansfield
William A. Meaders Jr.
W. Edward Meeks Jr.
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Gary Edward Meringer
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Albert Garver Moore Jr.
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Robert Gary Moskowitz
Susan Freya Olive
James Wilson Parker
Andrew Jay Peck
Gary A. Poliner
Kathleen A. Pontone
Charles L. Revelle III
Stephen Clay Rhudy

Paul Newton Riddle
Neil T. Rimsky
Alvin H. Shrago
Robert E. Spring
Rachel Love Steele
Alan King Steinbrecher
John Lockwood Walker
Jeri Whitfield
William E. Whitney
John E. Zamer

1978
61 donors
$1,667,862 Reunion Class Gift Total
$59,620 paid
Reunion Class gift made in memory of
Barbara Schmidt Cambria

Reunion Chair: Marilyn Hoey Howard

Jan Mark Adler
Jaime Eduardo Aleman
William George Anayan Jr.
Benita Sue Baird
Robert M. Blum
Brook Dennis Boyd
Susan Brooks
Deborah Bernstein Charnoff
Philip Carl Christensen
Reginald J. Clark
Jana banana Cogburn
Richard Earl Connolly
Ronald Joe Dillman
Michael Dockterman
Steven R. Dottenheim
Susan Linda Edelheit
Evans W. Fisher
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Steven Ross Gifford
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Michael Patrick Horan
Richard Alan Horvitz
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Thomas E. Johnson
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Leslie P. Klemperer
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Lawrence G. McMichael
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Arthur M. Miller
Renee J. Montgomery
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In memory of Douglas Poe
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Peter David Rosenberg
Daniel Austin Smith
Rodney Alan Smolla
Stuart M. Stein
Sarah Holzweig Steinfeld
Robert David Stets
James A. Willhite Jr.
Thomas J. Ziko

1979
62 donors
$41,538 paid

Jean Taylor Adams
Louis Jay Barash
Sara S. Beazley
Alan Ronald Bender
Phillip Ross Bevan
Richard Dennis Blau
Anthony Harvey Brett
Valerie Thompson Broadsie
Carol Gray Caldwell
Lorynn A. Cone
Jeffrey C. Coyne
Carl W. Dufendach
Elizabeth Hayes Eshinhar
Carol Murphy Finke
Richard C. Finke
Adrienne M. Fox
Laura Marie Franza
William Francis Giarla
Kevin Patrick Gilboy
Aaron Glenn Graff Jr.
Robert T. Harper
Jerry H. Herman
Mark R. High
John Richard Holzgraefe
Mark John Huling
Terece Michael Hynes
Gary W. Jackson
Gary L. Justice
Edward W. Kalal Jr.
Benjamin C. Kirschenbaum
Thomas Joseph LeChair
Michael B. Lichtenstein
Gray McCallery Jr.
Mark Steven McCarty
Rita A. McConnell
David Welsh Morgan
Nancy Arnole Nasher
Solveig Jan Overby
John Andrew Pelehach
Neil Philip Robertson
Gerald Martin Rosen
Howard Fred Rotto
Carl Jonathan Schuman
Francis B. Semmes
James A. Sherriff
Stephen Ban Spolar
Barbara Ann Sprung
Nita Leslie Stormes
Edward Patrick Swan Jr.
Juliann Tenney
Fred Thompson III
Diane Rowley Toop
William Paul Tuberville
Brian Thomas Tucker
Charles Donald Vogel
Stephen D. Wasserman
J. William Widing III
David H. Wilder
James Edwards Williams Jr.
W. L. Wooleston
Richard Ingram Yankwich
Jon Carl Yergler

1980
47 donors
$34,333 paid

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Lisa Margaret Smith
Richard Scott Toop
Richard Charles Van Nostrand
Kathryn G. Ward
Priscilla P. Weaver
Sally Brenner Wolfsich

1981
61 donors
$26,047 paid

David Spears Addington
Marshall Stuart Adler
Mark Alan Beatrice
Thomas A. Bell
Nancy Dianda Bowen
Phillip W. Campbell
Lauren Fleischer Carlton
Gregory John Coffl
Jonathan Edward Claiborne
John James Coleman III
Thomas E. Cone
Marianne Cora
Timothy John Corrigan
Glenn Edward Chavez
Ted B. Edwards
Patrick Brock Fazzone
David Alan Fine
Keith Estin Gaines
Carl R. Gold
David Douglas Gustafson
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Thomas H. Stark
David Charles Stohler
William Edward Stoner
Richard L. Strouse
David Curtis Tarshes
Neil Robert Tucker
Robert Allen Usedet
W. Robert Vezina III
Michael Lesley Ward
Barry E. Warhit
Sharon Kornish Wasserman
Kevin David Wilkinson
David J. Wittenstein
Michael R. Young
1982
51 donors
$47,156 paid
Clifford Robert Adler
James Bradford Anwyl
James Edson Bauman
Gary Lee Beaver
Karen Koenig Blose
Harris Taylor Booker Jr.
Demetria Theresa Carter
Glen Joseph Carter
Patricia Anne Casey
David Barry Chenkin
Dirk Glen Christensen
J. Michael Dalton
Stephen Melvin Dorvee
Robert Louis Dougherty
Paul Brooks Eason
Morris Arthur Ellison
Richard Wilson Evans
Thomas M. Evang
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Richard Hugh Foster
Sharon Monahan Fontaine
Mary Howell Friday
Anne E. Fulton
Alan Todd Gallant
Margaret Hayba Gonzales
Charles Scott Greene
Gail E. Griffith
Thomas A. Hale
Andrew Steven Haltic
Ruth Cohen Hammer
John Louis Hardiman
Paul Russell Hardin
James Barrett Hawkins
Martha J. Hayes
Richard Ryan Hofstetter
Jonathan Keith Hollin
Richard Louis Horwitz
Larry Dean Inck
Hugh Boydoll Lambe
Donald Craig Lampe
Ann L. Majestic
Vincent John Marriott III
Margaret DeLong Martin
Douglas L. McCoy
Susan Kathleen McKenna
Eva Marie Mappas
James Russell Peacock III
Susan Jean Platt
Frederick Robinson
Elizabeth Roth
Peter Alan Sachs
Hideyuki Sakai
Sally Samuel
Stuart Frederick Schaffer
Paul Josiah Schlab III
Michael J. Schwartz
Mark Donald Shepard
Hezekiah Sistrunk Jr.
I. Scott Sokol
Jeffrey E. Tabak
Joel Barry Toomey
Thomas Richard Travis
Mary Ann Tyrell
Julian Edward Whitehurst
Michelle C. Wilkinson
James Frank Wyatt III
Joseph Richard Young
Richard C. Ziskind
Lynette Remen Zimberg
1983
70 donors
$68,960 Reunion Class Gift Total
$32,035 paid
Reunion Co-Chairs:
Lynn Rosenthal Fletcher
Robert P. Fletcher
James Christopher Reilly
Sally Sharp Reilly
Jeffrey Michael Anders
Coralyn Meredith Benthart
Gary L. Benthart
William A. Bianco
David L. Bisk
Kenneth Richard Breitbeil
Duane E. Brown
Jean Gordon Carter
David Bancroft Chaffin
Angela Diane Davis
Violet Diamant
Emmanuel Faust Jr.
Lynn Rosenthal Fletcher
Robert P. Fletcher
Seth L. Forman
Benjamin Eagles Fountain III
Dieter Fullemann
Robert W. Fuller
Sheila Koiklin Gallanty
Richard Leonard Gurbus
John Baltzly Garver III
Malcolm Brett Gladstone
Rondi R. Gray
Theodore Ronald Hainline Jr.
Richard Douglas Harmon
Scott D. Harrington
Deborah Hylton Hartzog
Rodrig G. Hoek
Dawson Horn III
Charles Wilson Hurst
William Donald Jones III
Nora Margaret Jordan
Daniel Franklin Katz
Christopher C. Kerr
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Kenneth W. Kossol
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Robin Bernstein Taub
Lauri Stuart Taylor
John Robert Welch
Jay Warren Williams
Rebecca Strawn Wilson
Susan Marie Wyngaarden
Nancy L. Zisk
Robert Louis Zisk
1984
59 donors
$15,033 paid
Anonymous
Karen Ann Aviles
Vicki L. Berman
Gary Paul Bich
Margaret Carter Callahan
Leslie Wheeler Chervokas
Gardner E. Davis
Brian Lee Dobben
Jonathan L. Drake
Barbara Tobin Dubrow
David Stewart Eggert
Bruce Michael Firestone
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Kurt Wilhelm Fiorian Jr.
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Matthew Lewis Friedman
Cathy Ann Gay
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Gary Adamson Jack
Lauren Wood Jones
Michael Peter Kaelin
Gregory J. Klin
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Kyung Shik Lee
Scott David Livingston
David Michael Lockwood
Christopher W. Loeb
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Jeffrey Lewis London
Pope McCorkle III
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John David Newman
Peter Petrou
Steven D. Pilsie
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John H. Sokol Jr.
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Jeffrey A. Stonerock
Donald R. Strickland
Edward E. Sueta Jr.
Stephen R. Van Arsdale
Xavier G. Van der Mersch
Howard Frederic Vingan
William Emerson Wright
1985
57 donors
$34,018 paid
Arthur H. Adler
Carla J. Behnfledt
Janet Ward Black
Robert B. Carroll
Brian C. Cary
Nils J. Claussen
John W. Connolly III
Tia Lynn Coutey
Linda M. Crouch
Mary Woodbridge DeVeer
Joseph Portier Durham Jr.
Caroline E. Emerson
Steven G. Fauth
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Joel Kaufman
Anne E. Kriegerboecker
Hidefumi Kobayashi
Marianne Owens LaRivee
Gerald Anthony Lee
James P. Lidon
David S. Liebschutz
1992
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FALL TERM 1998

October 1-3, 1998  Barrister/Campaign Kick-Off Weekend
                    Conference, Durham, NC
October 29-30, 1998  Center on Law, Ethics and National Security
                     "National Security Law in a Changing World:
                     The Eighth Annual Review of the Field"
                     Washington, DC
November 13-14, 1998  Future Forum/Law Alumni Association
                       Board Meetings and Weekend
November 13, 1998  Law School Scholars Dinner,
                   Washington Duke Inn, Durham, NC
December 1998  New York City Alumni Event

SPRING TERM 1999

February 1999  Brainerd Currie Memorial Lecture, Speaker
               Professor Martha Minow of Harvard Law School,
               Law School
February 26-27, 1999  Rabbi Siegel Moot Court Competition, Law School
March 1999  4th Annual Cummings Colloquium on
            Environmental Law, Durham, NC
March 1999  Admitted Students' Receptions,
            New York City and Washington, DC
March 5-6, 1999  ABA/AALS Workshop on the LL.M. Program
                 for Foreign Lawyers, Washington Duke Inn
March 12-13, 1999  Board of Visitors Meeting, Law School
March 26-27, 1999  Admitted Students' Weekend, Law School
April 1999  Securities Regulation Conference
           Washington, DC (by invitation)
April 16, 1999  Graduating Students' Dinner,
                Washington Duke Inn, Durham, NC
April 9-11, 1999  Alumni Weekend Honoring the Reunion
                  1959, 1954, 1949, and Half Century Club, Law School
May 15, 1999  Law School Hooding Ceremony,
               Cameron Indoor Stadium
May 16, 1999  University Graduation Exercises, Wallace Wade Stadium