

# DUKE LAW MAGAZINE

Spring 2015 | Volume 34 Number 1

SPECIAL ISSUE

***Can we close  
the justice gap?***

TAKING STOCK  
AND TAKING ACTION

## From the Dean



Access to legal services is fundamental to the health of our democracy and a special responsibility of all lawyers.

### Dear Friends:

**L**AST FALL, I joined with Charles Holton '73 and George Hausen, executive director of Legal Aid of North Carolina (LANC), to celebrate the launch of the Duke Law Civil Justice Clinic. The clinic, a partnership between Duke and LANC, enables students to build their civil litigation skills under the supervision of experienced lawyers while directly serving needy clients with housing, employment, benefits, and other claims. In this clinic, which Charles leads, our students have the opportunity to draft complaints, take depositions, participate in settlement discussions, and assist at trial. At the same time, our faculty have the opportunity to do empirical research on the delivery of legal services and ask important questions about how it might be improved. Professors Mat McCubbins and Sara Sternberg Greene are developing such studies now, and what we learn could change not just what we do in this clinic but in legal services more broadly.

Access to legal services is fundamental to the health of our democracy and a special responsibility of all lawyers. But today there are tens of millions of Americans who cannot afford to hire an attorney to bring or defend a claim in court, advise them on their rights, or help them deal with family and other matters that require legal advice and training. Closing this justice gap is one of our profession's most intractable challenges.

In this special issue of *Duke Law Magazine* are the stories of Duke Law alumni, faculty, and students who are working to expand access to justice in novel and noteworthy ways — as legal services lawyers, law firm pro bono leaders, teachers, and researchers. Their dedication to this cause is a credit to our law school and to them and a big part of whatever solutions we might devise in the future.

We seem to have been in a transition period in legal services for some time, and there are analogies to other fields and professions such as medicine. Our legal system was designed mostly for those who could afford it, not a mass population. Historically, lawyers and judges aspired to do the very best work even if it was expensive and time consuming to do so. They saw themselves as artisans and scholars. Of course, there is still an important place for excellence in judging and lawyering, but not at the expense of access. Subsequent efforts to make the legal system fairer — I am thinking mostly of the extensive dis-

covery processes that we have allowed since the 1960s in most jurisdictions — have tended to make it even more expensive, even less accessible, and even less responsive. We know that this gap between the needs of most people and what the profession is willing and able to provide is unsustainable. Simply put: Lawyers and state bars cannot continue to claim a monopoly over work that they refuse to do.

The transition to something more serviceable for many more people has been painfully slow, but there are new reasons for optimism and new opportunities.

For many of our graduates, legal services work is inspiring and rewarding. They could be in the private sector, but instead they have chosen to dedicate themselves to helping the underserved. But in this time of change in our profession, we can increase their ranks: Many young lawyers who graduated from law schools that are not, like Duke, in the top group, are finding themselves unemployed and are looking for meaningful work and experience. Many older lawyers are retiring in good health and looking for projects that will serve the community. We need to connect these lawyers and put them to work in legal services projects. There is also the promise of technology. Innovative courts and legal aid offices are using interactive software and forms, informative videos, and various kinds of self-help centers to provide advice and information to a far wider community. This seems a critical development at a time when so many people expect this kind of content — and even access to the courts — through the digital world.

Yet technology can only provide so much. There will always be cases and causes that require a well-trained lawyer able to serve despite the lack of funding from the client. At Duke Law, we believe public service is a core value of the profession that will be a part of every graduate's career. Every day, our students are engaged in the public interest through their work in our 10 different clinics, the thousands of hours they give to pro bono projects in our community, internships and externships with government and nonprofit organizations, and their studies in the classroom. In no small measure, we are preparing these young lawyers to help close the justice gap.

Thank you for your continued support for Duke Law School.

A handwritten signature in dark ink that reads "David F. Levi".

David F. Levi  
Dean and Professor of Law

Spring 2015  
Volume 34 Number 1

## DEAN

David F. Levi

## EXECUTIVE DIRECTOR OF COMMUNICATIONS

Andrew Park

## EDITOR

Frances Presma

## CONTRIBUTING WRITERS

Michelle Hiskey

Valerie Marino

Forrest Norman

Rachel Flores Osborne

Andrew Park

Frances Presma

## ART DIRECTION & DESIGN

Marc Harkness

## PHOTOGRAPHY

Daniel Berman

Jeremy M. Lange

Miguel Bordo

Jared Lazarus

Frank Conlon

Jay Mallin

Courtney Davis

Valerie Marino

Sam Hollenshead

Megan Mendenhall

Jason Getz

Bryan Regan

Les Todd

## ILLUSTRATION

Camille Demarinis

Marc Harkness

## WEB PRODUCTION

Miguel Bordo

Jennifer Carpenter

Courtney Davis

Jonathan Kidder

Michael Wright

## ALUMNI NOTES EDITOR

Janse Haywood

## PRODUCTION ASSISTANT

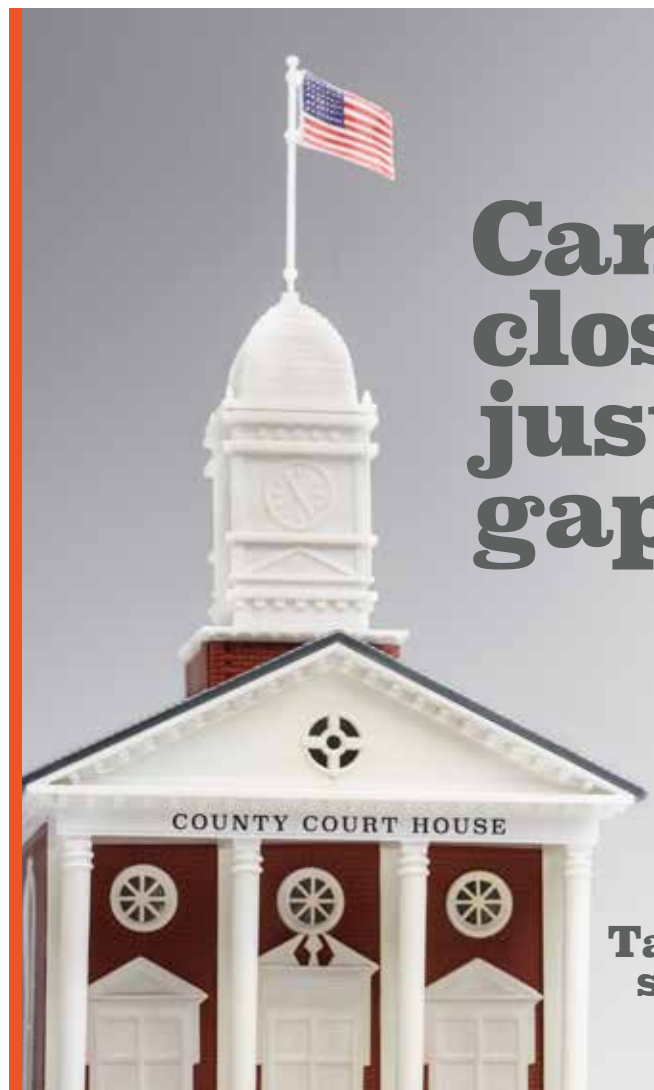
Rachel Flores Osborne



Duke Law Magazine is published under the auspices of the Office of the Dean, Duke University Law School, 210 Science Drive, Box 90362, Durham, NC 27708



This publication was produced using paper which supports Duke's commitment to sustaining our environment.

# Can we close the justice gap?

Millions of Americans can't access the civil justice system. In this special issue, we examine the problem and salute members of the Duke Law community who are working to close the gap.

## Taking stock 20

page



"I don't go to lawyers"



## Taking action

page 31



Dean's Message	2
The Commons	16
» Faculty Focus	48
Alumni Notes	61
In Memoriam	64
Sua Sponte	



2



8



11



16



# The Commons

*Ideas, achievements, and events  
from around Duke Law School*



## A community dialogue: Policing, civil rights, and race

**T**HE ACADEMIC YEAR BEGAN as protests unfolded across the country following the Aug. 9 police shooting, in Ferguson, Mo., of Michael Brown, an unarmed black teenager. National scrutiny of interactions between law enforcement and minority communities intensified when similar incidents came to light.

Members of the Duke Law community have engaged in a parallel examination of policing, civil rights, and race with a series of student-initiated events: a panel discussion that included an assessment of institutionalized racism in police departments; a “die-in” in Star Commons (pictured above), designed as a peaceful protest against the apparent disproportionate use of deadly force by law enforcement

agents against black and Latino citizens; and a Feb. 14 “teach-in” with faculty experts and guests who offered insights on such matters as grand jury process, federal and state laws pertaining to police accountability, and the historical and cultural context for tensions between police and citizens of color.

Judea Davis JD/MA ’15, who helped organize all three events, said the subject demands this sort of frank assessment of the situation in the past and in the present, and a commitment to positive change going forward.

“In America, we don’t do a good job of acknowledging our history or knowing what our history is,” said Davis, who is pursuing a graduate degree in history along with her JD. “The Civil Rights movement



was hugely successful, but it didn't erase all the stigmas and assumptions about black people. We need to find leaders who are invested in the community — lawyers, police chiefs, and representatives of law enforcement — to sit down to continue to talk about these issues."

That's why it's important to keep the dialogue going at Duke Law, said Professor Darrell Miller, a key faculty organizer of the teach-in that was co-sponsored by BLSA, the Center for Law, Race and Politics, and the Office of the Dean. "As a law faculty, we have an expertise with these issues; as a community of professionals, pre-professionals, and future leaders and policymakers, we have an obligation to engage and discuss these vexing and sensitive matters."

In addition to Miller, a scholar of civil rights, constitutional law, and legal history, teach-in speakers included James C. Moore, the police chief of Rocky Mount, N.C., Professor Kami Chavis Simmons of Wake Forest School of Law, an expert on police practice and race, and Christopher Brook, legal director of the ACLU of North Carolina. Professor Guy-Uriel Charles, a scholar of constitutional law, electoral law, and race, who directs the Center on Law, Race and Politics, was joined by faculty colleagues James Coleman Jr., Lisa Kern Griffin, and Samuel Buell, all scholars of criminal law with backgrounds in criminal defense or prosecution. Dean David F. Levi, the former chief U.S. district judge for the Eastern District of California and a former U.S. attorney, also participated.

### The need for data-driven research

One of the first challenges noted was the need for data collection to facilitate an accurate assessment of the state of interactions between police and minority communities. Griffin, a former federal prosecutor,

cited data on traffic stops nationwide and "stop-and-frisk" encounters in New York City indicating that minorities are much more likely to be stopped than whites, yet are far less likely to be found with contraband or to be engaged in criminal activity. The numbers offer a likely reason for members of those communities to distrust law enforcement, but more information is needed, she said. Levi made a similar call for data on police shootings: "We can't understand what's really going on without it."

Brook called, additionally, for public access to police personnel and internal investigation records.

### Grand juries and police oversight

The grand jury purpose and process also came under scrutiny, given the failure of two panels to return indictments against officers involved in the shooting death of Brown and the chokehold death of unarmed Eric Garner on Staten Island. Levi explained that it is unethical for a grand jury to be presented with a case that the prosecutor does not believe can be proved beyond a reasonable doubt. But in politically sensitive cases, said Buell, prosecutors may lack incentive to do so.

"Maybe I'm better off presenting a weak case and having the grand jury decide not to indict than taking the heat for not pressing forward," said Buell, another former federal prosecutor. Reports that the prosecutor in the Brown shooting intentionally presented more evidence than a grand jury would normally hear in hopes of clearing the officer involved "sounded very strange," he said.

Rocky Mount Police Chief James C. Moore discussed the procedures for reviewing police shootings, and the types of training police officers in North Carolina receive to de-escalate possible confrontations. He said a growing number of his peers are

"[A]s a community of professionals, pre-professionals, and future leaders and policymakers, we have an obligation to engage and discuss these vexing and sensitive matters."

— Professor Darrell Miller

## The Commons

paying heed to relations between officers and minority communities and are implementing mandatory training programs on explicit and implicit bias. He also assured students that police departments regularly suspend, fire, or criminally prosecute lawbreakers within their ranks, though often without a lot of media coverage and public activism.

### Cultural and historical context

Moore, Buell, and Miller agreed that the prevalence of firearms, facilitated by U.S. gun laws, have the potential to complicate every interaction between police and citizens. Miller also offered a historical framework for tension between professional police departments in the U.S. and minority — primarily black — citizens.

“Police became professionalized during Reconstruction, which meant that it happened during an upheaval with millions of new citizens who were generally despised by the white populace,” he said. “In 1866, there were three large riots revolving around interaction between black men and police.”

The laws designed to allow citizens to sue police and to allow the federal government to prosecute police for civil rights violations provide many immunities and set a high bar for criminal prosecution, he said. Chavis Simmons advocated an approach that would remove the U.S. Department of Justice entirely from involvement with these cases.

“The federal government can change their approach with each administration,” she said. “Having them oversee changes leaves local police out, creates animus and bad morale, and you often lose any advantage when the federal authorities leave.”

### Moving forward

The dynamics of cultural and political change were addressed by several teach-in speakers. Charles, the Charles S. Rhyne Professor of Law, suggested that “social movement translated to electoral power” is the key to positive change, and said that the Voting Rights Act, which mandated federal oversight in areas proven to have a history of keeping minority voters away from the polls, might provide a model for a solution. “The Voting Rights Act identified locations, practices, and administrative remedies.”

True change can only come with systemic cultural shifts, said Coleman, the John S. Bradway Professor of the Practice of Law, who directs the Center for Criminal Justice and Professional Responsibility and co-directs the Wrongful Convictions Clinic, which investigates and litigates inmates’ plausible claims of innocence. His work has exposed a pervasive lack of empathy within the criminal justice system that allows judges and prosecutors to overlook the profound effect they have on people’s lives, he said.

“Often, at best, they are indifferent. From law enforcement to appellate judges, they just don’t care what happens to these people. They are abstractions.” ♡



A Sept. 18 panel discussion on race and police brutality, moderated by Professor Trina Jones, featured Mark Anthony Neal, Professor of Black Popular Culture in the Department of African and African-American Studies at Duke (pictured); Karla FC Holloway, James B. Duke Professor of English, Professor of Law, and Professor of Women’s Studies; Daryl Atkinson, an attorney with the Southern Coalition for Social Justice; and Melvin Tucker, a former police chief and criminal justice and litigation consultant.



### Davis JD/MA ’15 receives Equal Justice Initiative Legal Fellowship

JUDEA DAVIS JD/MA ’15 has been awarded a two-year postgraduate fellowship with the Equal Justice Initiative in Montgomery, Ala.

The Equal Justice Initiative is a nonprofit law and human rights organization that provides legal assistance to condemned prisoners, children in the criminal justice system, people wrongfully convicted or sentenced, and people facing imprisonment.

The EJI Legal Fellowship promises to engage Davis in an examination of the legal history of racial subordination, exclusion, and segregation as part of a new initiative on race and poverty.

“I’m looking forward to helping facilitate access to justice in poor communities of color and using legal strategies to improve conditions in these communities,” said Davis, who is pursuing a graduate degree in history along with her JD.

During a 2L summer internship at EJI, Davis worked on projects concerning America’s racial history, including the recently released report titled “Lynching in America: Confronting the Legacy of Racial Terror” and the “History of Racial Injustice Calendar,” and with current and former inmates on matters relating to incarceration.

EJI Director Bryan Stevenson praised Davis’ work during her internship, which was supported by a Robinson O. Everett Fellowship from Duke Law.

“I think she can build on that work as a young lawyer with our staff,” Stevenson said, noting, in particular, a new project aimed at challenging the nature of racial difference that has emerged in America. “We hope to do meaningful outreach in communities across the South about racial history and racial justice and I believe Judea will add tremendously to that effort.” ♡





# New dual degree combines law, bioethics, and science policy

JD/MA addresses demand for attorneys who understand the interaction between science and law

**A** NEW DUAL-DEGREE PROGRAM enables Duke Law students to combine a JD with a master's focused on the interrelationships between science, law, ethics, and policy — and complete them both in just three years.

The JD/MA in Bioethics and Science Policy, which was approved by the Duke Law faculty in December, prepares students for careers at the intersection of law, science, and technology, from opportunities in government to positions at law firms, including in highly specialized fields such as genomics, neuroscience, public health, and clinical research.

"Whether in a law firm, a start-up, or a large federal regulatory agency, the demand for attorneys with a firm grasp of the interaction between science and the law is growing rapidly," said Dean David F. Levi. "Through this unique interdisciplinary program, our students can add an advanced degree focused on science and technology — in the same time it takes to receive their JD."

The program is being offered in conjunction with Duke's campus-wide Science & Society initiative with the support of the Duke Institute for Brain Sciences, Trent Center for Bioethics, the Philosophy Department, School of Divinity, and faculty throughout the university.

Students in the program are required to complete 36 additional credits to earn the master's degree. As with its other dual-degree programs, the Law School

will accept 12 of those credits towards the JD to make it possible to complete both sets of requirements in six semesters and one summer.

During the first year, all students take the regular 1L curriculum but exchange one law class for two MA core courses: Science, Law, and Policy and Contemporary Issues in Bioethics & Science Policy, a colloquium series that gives students access to distinguished leaders in science, law, and policy through small group meetings and private dinners. The capstone requirement for the master's is satisfied through a practicum completed during a full summer in Washington, D.C., or other externship locations, after the 1L year. The practicum includes work in a federal agency, nonprofit, or other similar placement and an associated seminar designed for the JD/MA students in the program.

The dual-degree program is tailored to the needs of law students, said Professor Nita A. Farahany JD/MA '04, PhD '06, who holds appointments in both law and philosophy and serves as director of Duke Science & Society as well as the MA program. JD/MA students can choose specialized Intellectual Property or Health Law & Policy tracks that are not available to other master's students, or create their own based on their interests.

"This is a very 'high-touch' master's program," Farahany said. "There's a low student-to-faculty ratio to ensure that students will have excellent opportunities for mentorship and to work side-by-side with our faculty."

Naina Soni '16, who enrolled in the program this spring as a 2L, had been looking for a way to build upon her undergraduate degrees in biology and government and politics.

"I've always had this interest in science and how it overlaps with the law, but more specifically, how genetic ethics entwine with the laws and other bioethics issues," she said.

Soni, who hopes to become a patent litigator, said on-campus interviewers expressed considerable interest in her science background even before she began the program. She will work in the intellectual property practice at Cooley LLP in Washington this summer.

"Many of the most exciting new job opportunities require a background in law, science policy, and ethics," Farahany said. "Our students will be uniquely well positioned to take advantage of those opportunities." ♡

**"Many of the most exciting new job opportunities require a background in law, science policy, and ethics."**

— Professor Nita Farahany



# Notable & Quotable



“Being brought into and being unable to extricate itself from a diplomatic and political morass and asked to judge it as criminal adjudication was always seen as a potential disaster.”

— **Professor Madeline Morris**, calling the Palestinian decision to join the International Criminal Court a “no-win situation” for the court. (National Public Radio)

“I really can’t think of a good example of another market where you really are selling to a lot of people but you still retain the right to keep some people out.”

— **Professor Elisabeth de Fontenay**, commenting on the “blacklist” that is unique to the unregulated leveraged loan market. (Bloomberg)



“Historically, there seems to be a tipping point at which the justices seem more comfortable setting aside state practices. When only a third of the states still retain a practice, the court seems ready to act.”

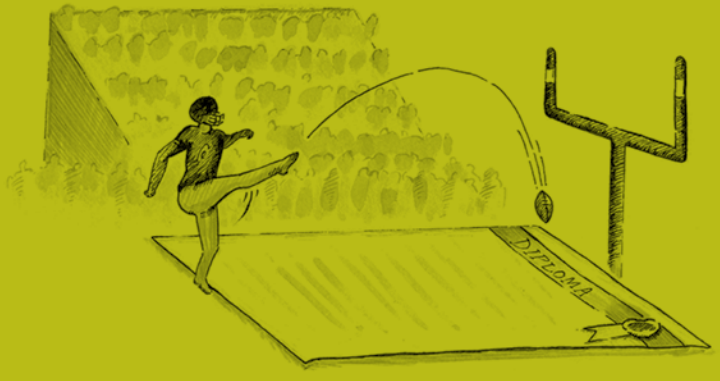
— **Professor Walter Dellinger**, observing that the calculus has changed since the last time the Supreme Court heard arguments on the constitutional right to same-sex marriage, when only nine states permitted it. (The New York Times)





“It’s becoming increasingly tribal in the sense that more and more people in the military are coming from smaller and smaller groups. It’s become a family tradition, in a way that’s at odds with how we want to think a democracy spreads the burden.”

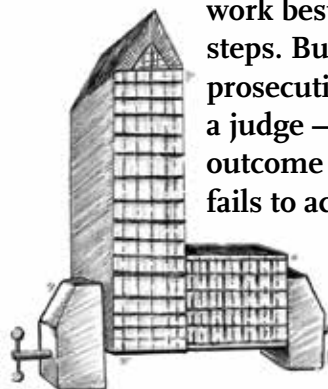
— **Professor Charles Dunlap**, observing that despite its formidable size and strength, the membership of the U.S. military is not representative of the nation. (*The Atlantic*)



“... [I]ndependent of the ability to get damages, this is another opportunity to get discovery and highlight an issue that is going to expose the divide between running an educational institution and running an entertainment wing of a university.”

— **Professor Paul Haagen** on the potential value of a lawsuit brought by a former University of North Carolina football player against the school on the grounds that it failed to provide him and other athletes a quality education. (*News & Observer*)

“In any probationary system, sanctions work best when increased in gradual steps. But the maximum penalty — full prosecution leading to sentencing before a judge — must be seen as a potential outcome for the corporate violator that fails to accomplish rehabilitation.”



— **Professor Samuel Buell**, warning that failing to pursue all available sanctions against repeated corporate wrongdoing can undermine the credibility of the deferred prosecution system. (*The New York Times*)




“... [M]ore attention must be paid to the specific factors that attract women to terrorist groups and the roles they play once there. For example, European women in the Islamic State have spoken of how alienation and restrictions on their religious practices back home, like France’s ban on wearing burqas in public, helped push them into the group.”

— **Clinical Professor Jayne Huckerby**, addressing reports that the female partner of one of the Paris terrorists was possibly the more radical of the two, says the West fails to appreciate the role women play in terror. (*The New York Times*)



# A conversation with Justice Ruth Bader Ginsburg

**J**USTICE RUTH BADER GINSBURG reviewed key decisions and dissents from the 2013-2014 Supreme Court term for D.C. Summer Institute students and Washington-area alumni on July 30. In a subsequent conversation with her former clerk and institute director, Neil Siegel, the David W. Ichel Professor of Law and Professor of Political Science, Ginsburg explained her perspective, evident in her scholarly writing from the 1970s, that women's access to effective and affordable contraception is a matter of sex equality as well as individual liberty. 



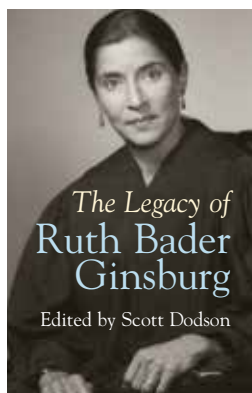
“... [T]he early contraceptive cases were argued from a privacy point of view: ‘Big brother government shouldn’t come in and intrude on marital bedrooms and say it was illegal to use contraceptives.’ But I thought from the start that what those cases really were about was a woman’s equal chance to decide what her life’s course will be. And I haven’t changed in my view. ...

“...[I]f you are treated by the community as a full citizen and an autonomous individual you are able to control your own destiny and able to contribute to the society, in whatever [way] your talent and diligence leads.”

**View a video of this event at**  
[law.duke.edu/ginsburg/](http://law.duke.edu/ginsburg/).

## Considering Ginsburg's legacy

**P**ROFESSORS NEIL SIEGEL AND LISA KERN GRIFFIN contributed chapters to a new book considering Ruth Bader Ginsburg's legacy as a law professor, a groundbreaking litigator focused on women's rights, an appellate judge, and a Supreme Court associate justice. Scott Dodson '00, the Harry & Lillian Hastings Research Chair and a profes-



sor of law at the University of California Hastings College of the Law, edited the volume and also wrote a chapter.

As Dodson notes in his preface, Ginsburg has had a towering impact on women's rights as a jurist, but her influence on gender equality and the law began more than 40 years ago with her work — and many victories — as chief litigator for the ACLU's Women's Rights Project.

Siegel and his co-author Reva B. Siegel, the Nicholas deB. Katzenbach Professor of Law at Yale, focus their article on one of Ginsburg's efforts from that period, her 1972 merits brief in *Struck v. Secretary of Defense*, a case the Supreme Court declined to hear. Her lifelong commitment to substantive equality is clear in the brief, they write.

"The brief demonstrates that, from the start, Justice Ginsburg has viewed laws imposing traditional sex stereotypical roles on pregnant women as a core case of sex discrimination," said Siegel, a scholar of constitutional law who clerked for her during the 2003-2004 Supreme Court term. "She argued in *Struck* that such laws violated equal protection because they denied individual women equal opportunity and imposed on women as a group a dependent, subordinate status in American society."

Griffin, a scholar of evidence and constitutional criminal procedure, addresses the collective impact of Ginsburg's Supreme Court opinions relating to criminal procedure which, she writes, resonate with the justice's work against discrimination.

"Her conception of a fair criminal-justice process is infused with equality principles, and particularly with the conviction that the government should not foster inequality, and should work to remedy the effects of past injustices," writes Griffin. ♡

## Duke Law assumes publication of *Judicature*

**D**uke Law's Center for Judicial Studies has taken over publication of *Judicature*, the scholarly journal of the American Judicature Society (AJS), which is dissolving.

"The missions of the Center for Judicial Studies and *Judicature* are closely aligned," said Dean David F. Levi. "The center is well positioned to combine its institutional strengths in law and political science with *Judicature's* reputation for scholarly and empirical legal writing in ways that will promote an understanding of judicial institutions and law reform."

The acquisition ensures continued publication of the venerable publication focused on the American judicial system.

"We are excited to carry on AJS's legacy by providing a stable financial foundation for *Judicature* and a commitment to maintaining the high quality for which it has been known," said Levi, a former United States district judge who chairs the American Bar Association's Standing Committee on the American Judicial System (see page 10). "We plan to bring a fresh perspective to the publication, tailoring its articles to focus particularly on matters relevant to judges and the improvement of the administration of justice."

"We are very pleased that *Judicature* has a new home at Duke Law School," said AJS President Tom Leighton. AJS was founded in 1913 to advance knowledge of the American judicial system and advocate for judicial selection reform.

*Judicature* will publish quarterly beginning in May 2015. Student judges in the Master of Judicial Studies program comprise the editorial board;

Judge Michael Daly Hawkins of the U.S. Court of Appeals for the Ninth Circuit is serving as editor in chief for the publication's inaugural issue at Duke.

The first issue focuses on "The View from the Bench" and includes, among others, an article on cameras in the jury room by Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit; a roundtable discussion among chief judges on the challenges facing the judiciary; and an examination on proposed reforms to Rule 23 by Professor Richard Marcus of the University of California, Hastings.

Hawkins noted that judges historically have looked forward to receiving *Judicature*.

"Now, paired with one of the nation's finest law schools with a unique insight into the real world work of judges, its pages should be even more interesting to those who study and care about judicial process everywhere," he said. ♡



### Alumni discount for *Judicature* subscriptions

During its 'start-up' phase, *Judicature* is offering Duke Law alumni a 50 percent discount on the regular annual subscription cost of \$50 (\$75 for international subscriptions). To take advantage of the offer, visit [law.duke.edu/judicature](http://law.duke.edu/judicature) and enter

**DUKEALUM** in the discount code box. Subscribe before April 15 to start your subscription with the May 2015 issue or before July 15 to start with the August 2015 issue. *Judicature* also welcomes sponsorships; sponsors are listed in the publication and receive other benefits. For more information, email [judicature@law.duke.edu](mailto:judicature@law.duke.edu).



### Levi heads ABA committee on U.S. judicial system

DEAN DAVID F. LEVI is chairing the new American Bar Association (ABA) Standing Committee on the American Judicial System. ABA President William C. Hubbard appointed Levi in August, after the House of Delegates voted to establish the new committee.

Hubbard said the committee is central to the ABA's efforts to protect the nation's courts and to secure the fair, efficient, and accountable administration of justice. The committee also works to ensure adequate court funding and to defend against unfair attacks on the judicial branch. It supports efforts to increase public understanding about the role of the judiciary and the importance of fair courts within the American democracy.

"Dean Levi's talent and experience as a lawyer, judge, and dean, together with his remarkable and renowned leadership, make him uniquely qualified to assume this important responsibility for the ABA, our judicial system, and our nation," Hubbard said.



Levi, who served as chief judge for the United States District Court for the Eastern District of California prior to his appointment as dean, said he is honored to lead the committee. "As a former judge, I am keenly aware that the independence and efficacy of our judges and judicial institutions are critical to the rule of law and the functioning of democracy."

The committee expands on the work of its predecessor entities, the ABA Standing Committee on Federal Judicial Improvements and the ABA Standing Committee on Judicial Independence, and

continues the work of the ABA Task Force on Preservation of the Justice System. Former ABA President William T. Robinson III serves as a special adviser to the new committee, as does the immediate past chair of the Standing Committee on Judicial Independence, Peter Bennett.

Committee members are appointed by the ABA president and include judges, lawyers, academics, court administrators, and bar association leaders. They convened at Duke Law in early November. ♣

#### On the Record at Duke Law

» Sept. 18, 2014

### Neil Asks: *"How does a strong and independent judiciary protect against threats to the rule of law?"*

A PANEL OF DISTINGUISHED JURISTS, including U.S. Supreme Court Justice Samuel A. Alito Jr., assembled Sept. 18 at Duke Law to discuss the necessity of a robust judicial system in democratic societies.

The event was part of the "Neil Asks" lecture series, which honors L. Neil Williams '61, T'58, an Atlanta lawyer, community leader, and founding member of the Duke Law Board of Visitors, who died in 2012. Each Neil Asks event is held at a different venue and focuses on a provocative question; at Duke, the question was "How does a strong and independent judiciary protect against threats to the rule of law?"

Joining Alito on the panel were Daphne Barak-Erez, a justice on the Supreme Court of Israel, and Wallace B. Jefferson, former chief justice of the Supreme Court of Texas. Dean David F. Levi, who moderated the discussion, noted that all

three panelists have taught at Duke Law. And all three agreed that judicial independence, however defined, is a fundamental element of a healthy democracy, and must be safeguarded not only by lawyers, governments, and the general public, but also by judges themselves.

"A judge has to have a discipline of mind, a different way of thinking," said Jefferson, who was the Texas Supreme Court's first African-American justice when he was appointed in 2001. "What aids the independence of the judiciary is courage to do the right thing, it is intellect to understand the principles that are before you, and a certain amount of wisdom, understanding that not every decision is black or white, so when you reach that decision you have to be thinking about its consequence, not just for the parties in front of you, especially for an appellate court, but for the law in general in the future." ♣



Wallace B. Jefferson, former chief justice of the Supreme Court of Texas.



## “Instead of Suspension”

Children’s Law Clinic report suggests alternatives

**T**HE CHILDREN’S LAW CLINIC, in collaboration with the Duke Center for Child and Family Policy, has released a report proposing an array of strategies for school discipline that can be used as alternatives to suspension. “Instead of Suspension” is co-authored by Clinical Professor Jane Wettach, who directs the clinic, and Professor Jenni Owen of the Sanford School of Public Policy, who directs policy initiatives at the center, with contributions from Katie Claire Hoffmann ’13, who is now an assistant public defender in Mecklenberg County.

Observing that students in North Carolina missed more than 750,000 school days in the 2012-2013 school year due to suspensions, the authors propose alternative measures focused on student development. They describe 11 alternative approaches and interventions that have proven to be effective in schools in North Carolina and elsewhere in the United States, including implementing direct instruction in positive behaviors and expectations for students and corresponding professional development related to discipline alternatives for teachers.

“Well-chosen alternatives to suspension can simultaneously diminish the negative outcomes of harmful discipline policies, boost student achievement, reduce student misconduct, and maintain safe and orderly schools,” they write. Their goal, said Wettach, is to engage school leaders in “a serious conversation about taking a new approach to school discipline that will emphasize supporting and educating students who misbehave instead of excluding them from school.” ♡



Wettach

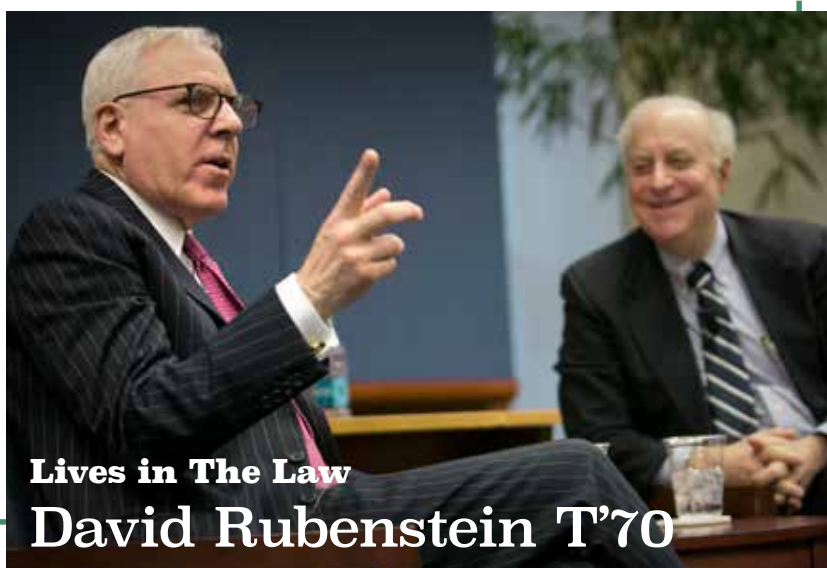


## On the Record at Duke Law

» Feb. 4, 2015

**I**N A WIDE-RANGING CONVERSATION with Dean David F. Levi on Feb. 4, David Rubenstein, who chairs the Duke University Board of Trustees, talked about growing up working class in Baltimore, serving as a domestic policy adviser to President Jimmy Carter, building The Carlyle Group, which he founded in 1987, into one of the world’s largest private equity firms, and his extensive philanthropy.

By his own admission, Rubenstein “hated practicing law because I wasn’t that good at it.” He had been in public service, he told his student audience, during the formative early years “where you learn to be a good lawyer.” And he offered them this advice: “If you don’t love what you’re doing, you can’t be great at it. ... If you’re going to change the world by doing something useful or make your life pleasurable, you have to love what you’re doing for most of your professional life.” ♡



Lives in The Law

David Rubenstein T’70

## Wrongful Convictions Clinic client freed after 22 years of incarceration

**M**ICHAEL ALAN PARKER, a client of the Wrongful Convictions Clinic, was released from prison after 22 years of incarceration for crimes he did not commit, including allegations of child sexual abuse.

At a hearing in Asheville on Aug. 25, Superior Court Judge Marvin Pope overturned Parker’s 1994 conviction — and eight life sentences — and dismissed all charges against him. Parker, 57, is the fifth clinic client to gain release since 2010.

The judge’s ruling came in response to a motion for appropriate relief filed in November 2013 by the Duke Law clinic and criminal defense attorney Sean Devereux T’69. Clinic students, faculty, and alumni had worked with Devereux on the motion for Parker’s release since the summer of 2011. ♡



Michael Alan Parker was greeted by his legal team, including Buffy Skolnick, on his release from prison. (Photo: Asheville Citizen-Times)



"China appears to be addressing the challenges of its own financial system and its relationship to the global system in a considered and thoughtful way," said Professor Lawrence Baxter in his keynote address

### Duke Law co-hosts inaugural financial law symposium in Shanghai

**T**HE INAUGURAL Duke Law-Shanghai Jiao Tong University (SJTU) KoGuan School of Law Financial Law Forum attracted almost 400 scholars and government officials to the SJTU campus last June. Topics discussed at the two-day event included the revision of Chinese securities law, legal implications of financial innovation, and intellectual property and financial law.

"Shanghai Jiao Tong University is playing a leading role in the development of the legal frameworks for governing China's fast-growing financial system, and we look forward to deepening our collaborative relationship with the School of Law going forward," said Dean David F. Levi, who held a public dialogue with KoGuan Dean Ji Weidong prior to the forum. The two schools entered a three-year cooperative agreement in 2014.

"In the long run, no institutional arrangement other than a good legal order can guarantee all the goals of financial liberalization, internationalization, and risk control," Ji said. "I believe that a cooperative venture between our two law schools will benefit the reconstruction of international economic order in the Asia-Pacific region in this post-crisis era."

Lawrence Baxter, the William B. McGuire Professor of the Practice of Law and director of the Global Financial Markets Center, delivered a keynote speech in which he discussed the effects of unilateral reforms the United States has enacted in response to the global financial crisis and the challenge they present for achieving a seamless global financial system. He praised the overall candor of conference speakers, including that of high-level Chinese officials.

"China appears to be addressing the challenges of its own financial system and its relationship to the global system in a considered and thoughtful way," he said.



Dean David F. Levi with Dean Ji Weidong of the Shanghai Jiao Tong University KoGuan School of Law

Xiqing Gao '86, the former president of China's sovereign wealth fund, the China Investment Corporation, and a Duke University trustee, also delivered a keynote address.

Session speakers included Kimberly D. Krawiec, the Kathrine Robinson Everett Professor of Law; Professor Mitu Gulati; Adjunct Professor of Legal History Jonathan Ocko; and Hue Mei '02, board secretary of China Financial Futures Exchange. Professor Paul Haagen, who serves as associate dean for international initiatives at Duke Law, served as conference co-convenor with SJTU Associate Professor and Vice Dean for Executive Programs Yang Li. ♡



## In memoriam:

# Professor Jonathan Ocko

**P**ROFESSOR JONATHAN OCKO, a noted historian of modern China, died suddenly on Jan. 22 at the age of 68. He had been a professor of legal history at Duke Law since 1990, having first joined the extended faculty in 1983. In addition to teaching courses on Chinese law and society and Chinese legal history, Ocko helped build the Law School's presence in China and Hong Kong.



At the time of his death and for more than a decade, Ocko headed the Department of History at North Carolina State University, where he had taught since 1977, becoming a full professor in 1992. He was remembered there for his intellect, goodwill, and wit, his passionate belief in the importance of history and liberal arts as critical

to higher education, and his strong advocacy for the digital humanities.

In a message to alumni, Dean David F. Levi recalled Ocko's participation in a 2005 alumni trip to China and his participation in the inaugural Duke Law-Shanghai Jiao Tong University Financial Law Forum. "He was always willing to share his expertise on modern Chinese culture and law with our students and faculty," said Levi, "and he had ongoing relationships with our graduates in China. I have heard from many of them of their deep sorrow and gratitude."

Ocko earned a PhD from Yale University in Chinese history and taught at Clark University and Wellesley College before joining the history faculty at N.C. State.

Ocko is survived by his wife, Agatha; sons Peter '97 and Matt; their wives; and four grandchildren. ♡

### Memorial Fund

Duke Law has established a fund in memory of Professor Jonathan Ocko. Contributions can be sent to **Duke Law School, attn: Jeff Coates, 210 Science Drive, Box 90389, Durham, NC 27708.**

## Merrill takes helm of Center for Innovation Policy



**S**TEPHEN MERRILL, the longtime head of the National Academies Board on Science, Technology, and Economic Policy (STEP), has joined the Duke Law Center for Innovation Policy as its first executive director. The center's mission is to address issues of innovation law and policy in several sectors, including the life sciences and information and communications technology. Merrill also is a senior fellow at Duke University's Innovation and Entrepreneurship Initiative.

Merrill's extensive work on innovation policy during his 23-year tenure as STEP executive director included a 2004 report on patent system reform that served as a

blueprint for the America Invents Act of 2011. He brings "an unparalleled understanding of the policy process in all areas relevant to the center," said Arti Rai, the Elvin R. Latty Professor of Law and a founding co-director of the center. As administrator of External Affairs at the U.S. Patent and Trademark Office (USPTO) in 2009 and 2010, Rai relied heavily on Merrill's report to assess the merits of competing patent reform proposals.

"It's exciting to strengthen the ties between Duke's outstanding faculty and Washington policymakers and to develop new ideas to promote innovation and growth," Merrill said.

Leaders in the area of innovation policy lauded Merrill's appointment.

"Duke is fortunate to have recruited one of the most knowledgeable and influential insiders in the field of innovation policy," said Rick Levin, former president of Yale University who worked with Merrill on the 2004 report, entitled "A Patent System for the 21st Century." "Steve Merrill is remarkable for the broad scope of his expertise, his connections to everyone in the field, and his unflappable pursuit of sensible, practical solutions to the most complex policy problems."

Paul Michel, former chief judge of the U.S. Court of Appeals for the Federal Circuit, the court that hears all patent appeals in the United States, calls the 2004 patent reform report "a monumental and rational effort that emphasized facts and analysis over ideology and assumptions."

"Steve Merrill was and is a voice of reason in the otherwise overly contentious debate that continues today," Michel said. "Duke Law School demonstrated foresight and deserves great credit in selecting him to head this center."

The 2004 patent reform report was one of many projects and publications Merrill oversaw at STEP. With the sponsorship of numerous federal government agencies, foundations, multinational corporations, international institutions, and individual contributors, the STEP program under Merrill became an important discussion forum and authoritative voice on innovation, competitiveness, intellectual property, human resources, tax, standards, research and development, and related policies.

His work dovetails with the research and scholarship goals of the center, founded in 2013 by Rai, an internationally recognized expert in intellectual property law, administrative law, and health policy, and Stuart Benjamin, the Douglas B. Maggs Professor of Law, a leading scholar of telecommunications law, administrative law, and the First Amendment.

The future of Internet regulation was the focus of the center's second symposium, held in Washington, D.C., on Oct. 17, where speakers included Internet pioneers Vint Cerf and Tim Berners-Lee. Videos of conference panels can be viewed at [law.duke.edu/ir2020](http://law.duke.edu/ir2020). ♡



Wade Penny '60

*Klopper v. North Carolina*

## Civil Rights, Duke, and Durham in the 1960s

**I**N A CONVERSATION with Professor Joseph Blocher, Wade Penny '60 told a student audience about taking the groundbreaking case of *Klopper v. North Carolina* to the U.S. Supreme Court in 1966. The Court's ruling in the case extended the Sixth Amendment right to a speedy trial to the state courts for the first time.

Penny's client, a Duke professor arrested at a civil rights sit-in, faced having a criminal trespass charge hanging over him in perpetuity when the district attorney decided not to proceed with a trial, but retained the right to do so at any time. The Supreme Court of North Carolina unanimously upheld the prosecutor's decision.

"The Supreme Court of North Carolina said that 'We understand there is the right to a speedy trial if there is to *be* a trial,'" said Penny, "the inference being, 'If we deny him a trial we don't have to give him a speedy trial.'"

"I was aware that the Supreme Court had started the incorporation process of bringing specific rights from the Bill of Rights into the 14th Amendment Due Process Clause. And my feeling always was that ... I could have walked out on the sidewalks of the city of Durham, asked the first 10 laymen that I saw, 'Do you think it's possible that the state of North Carolina could charge a person with a criminal offense and never give him his day in court?,' and I'm satisfied nine out of 10 would say, 'Of course not.' ...

"And it was the Warren court, so if you were ever going to bring a question like this to the court that was probably the ideal time, certainly within recent memory, of the court being conducive to hearing that." ♡

In the fall semester, Professor Joseph Blocher taught Urban Legal History, a research seminar focused on the legal issues relating to Durham's political, social, and economic development.



Penny's client, Duke University Biology Professor Emeritus Peter Klopper, also spoke at the event.

Above: Photos from the Duke Archives

## LEADING QUESTIONS

*Intriguing ideas from Duke Law scholars*

### Should there be a market for borders?



Source: "A Market for Sovereign Control?" by Professors Joseph Blocher and Mitu Gulati (working paper)

» See [scholarship.law.duke.edu](http://scholarship.law.duke.edu).

"... Many regions, especially those whose populations are a national minority, feel oppressed and ill-served by their current countries. Some try to secede, but such attempts are resisted even in the most progressive of countries. Other regions yearn not to strike out on their own, but to join different countries. This desire is often viewed with even more disfavor. As a result, undesirable borders typically stay in place until forcibly moved by secession or the intervention of some powerful external actor. As the situations in Kashmir, Jaffna, Iraq, and Ukraine illustrate, violence, instability, and poverty are frequent byproducts.

"It does not have to be this way. Borders are man-made, and they can change. Among other things, borders are a means of allocating a resource: sovereign control. Some characteristics of sovereign control are unique, but the problem of resource allocation is not. A standard legal solution is to assign ownership rights, protect them, and let parties bargain." ♡

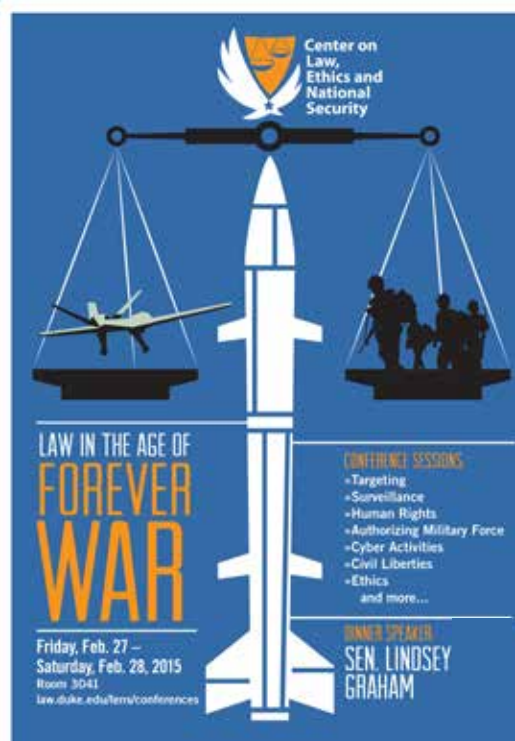
## On the Record at Duke Law

» Feb. 27, 2015

**S**EN. LINDSEY GRAHAM, R-S.C., gave a keynote address at the Center on Law, Ethics and National Security's 2015 conference titled "Law in the Age of Forever War," on Feb. 27. Speaking via Skype after being detained on Capitol Hill to vote on funding for the U.S. Department of Homeland Security, Graham said the rule of law is crucial to stability in Iraq and Afghanistan, and particularly to ensuring equal treatment for people from different religious groups and income levels. Counterinsurgency efforts have been critically undermined by corrupt justice systems in these areas, he said.

"The biggest rise of the Taliban after 2003 was when the Karzai government became corrupted, the justice system was failing at every turn, and the Taliban exploited the lack of justice and replaced it with a very harsh but non-corrupt legal system. The biggest weakness in Afghanistan today is the idea that the justice system is for the few, not the many, that it's corrupt, and that you can't count on it. Counterinsurgency will never work until you get that piece of the puzzle fixed." ♡

» Videos from the conference can be viewed at [law.duke.edu/2015lens](http://law.duke.edu/2015lens).





# Faculty Focus



## Helfer receives honorary doctorate from University of Copenhagen



**L**AURENCE R. HELFER, the Harry R. Chadwick, Sr. Professor of Law, received an honorary doctorate from the University of Copenhagen on Nov. 21. In connection with the honor, Helfer has been made a permanent visiting professor at iCourts, the Danish National Research Foundation's Center of Excellence for International Courts, and delivered a public lecture at the Faculty of Law entitled "Progress and Contestation in Combatting Discrimination: A Global Perspective on LGBT Rights."

Helfer was nominated for the honorary doctorate, the University of Copenhagen's highest academic

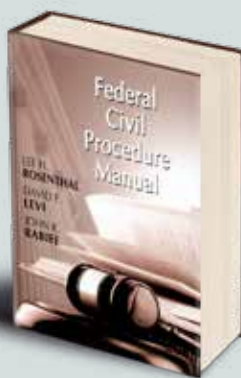
honor, by iCourts director, Professor Mikael Rask Madsen. Madsen called his collaborations with Helfer, a leading expert in the fields of human rights and international law, "inspiring."

"Professor Helfer is not only a brilliant researcher and teacher but also an extremely dynamic person who engages himself in innovative projects that inspire the researchers and students around him," Madsen said in a statement.

In his public lecture, Helfer examined the rapid expansion of protections for lesbian, gay, bisexual, and transgendered individuals in domestic and international law, as well as a contrasting backlash against LGBT rights in some countries, most notably in sub-Saharan Africa and Eastern Europe. The lecture drew on Helfer's advocacy work on international LGBT rights, which includes participating on the first expert panel at the U.N. Human Rights Council on violence and discrimination on the basis of sexual orientation and gender identity, and serving as the inaugural Jacob L. Martin Fellow to the Office of the Legal Adviser of the U.S. Department of State to advise government officials and policymakers on strategies for promoting LGBT rights globally. ♡



**Ernest Young**, the Alston & Bird Professor of Law, focused on federalism as a constitutional principle when he delivered the William Howard Taft Lecture on Constitutional Law at the University of Cincinnati College of Law on Oct. 28. He examined the reasons to value and enforce federalism as a constitutional principle, emphasizing the role of federalism in the constitutional system of checks and balances, as well as factors critical to the survival of federalism. ♡

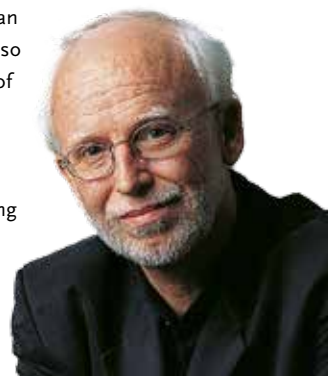


**Dean David F. Levi** and **John K. Rabiej**, director of the Center for Judicial Studies, have joined with Judge Lee H. Rosenthal of the U.S. District Court for the Southern District of Texas to co-author the new *Federal Civil Procedure Manual*. The manual, published by Juris Publications, is a comprehensive treatment of procedural law in federal courts that attorneys can rely on for quick answers to discrete issues. ♡

**Steven L. Schwarcz**, the Stanley A. Star Professor of Law and Business, has joined the Centre for International Governance Innovation (CIGI) as a senior fellow with the independent think tank's International Law Research Program. Schwarcz is the lead author of CIGI's "Paper No. 51," a response to the Financial Stability Board's (FSB) policy recommendations about the global financial system and threats posed by troubled and systemically important financial firms. The paper argues that a statutory approach is more effective than a contractual approach to achieve financial stability in a crisis by ensuring efficient resolution of financial firms. It also recommends that the FSB form a working group to "establish a regime of uniform statutes that provide for enforcement provisions in financial contracts." ♡



**Richard A. Danner**, the Archibald C. and Frances Fulk Ruffy Research Professor of Law and Senior Associate Dean for Information Services, was named the 2014 Distinguished Lectureship Award winner by the American Association of Law Libraries (AALL). He presented his lecture, "What We Know and How We Think About It," at the organization's annual conference, held last July in San Antonio, Texas. He is also one of the AALL's Hall of Fame Award recipients, an honor that recognizes his significant and substantial long-standing contributions to law librarianship. ♡



**Sara Sun Beale**, the Charles L. B. Lowndes Professor of Law, contributed to the American Bar Association Criminal Justice Section's task force report on the reform of federal sentencing for economic crimes that was released in November. The report included proposed draft federal sentencing guidelines to effectuate the recommended reforms. Beale was appointed to the task force of judges, academics, practitioners, and organization representatives on its formation in April 2013. ♡



## The Commons | Faculty Focus

**Neil Vidmar**, the Russell M. Robinson II Professor of Law and Professor of Psychology, received the Litigation Counsel of America's 2014 Justice Janie L. Shores Trailblazer Award. Presented during the LCA's 2014 Fall Conference and Celebration of Fellows in October, Vidmar was honored for his work in the areas of medical malpractice, punitive damages, and caps on pain and suffering. Emphasis for selection for the award is placed on efforts and acts within the legal profession that are cutting-edge in the advancement of justice. ♡

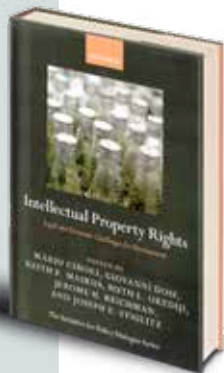


**Carolyn McAllaster**, clinical professor of law and director of the Health Justice Clinic (formerly known as the AIDS/HIV and Cancer Legal Project) and the HIV Policy Clinic was lauded in an August *National Law Journal* feature as one of eight individuals who have worked to improve the status of women in the legal profession in the Carolinas. Praised as a role model and pioneer, McAllaster, who co-founded the North Carolina Association of Women Attorneys and served as its first president, said that women with families still face hurdles to advancement. "Because many legal workplace settings are not set up in a way that allows women who are mothers to advance easily, women often feel the need to choose," she said. ♡



**John de Figueiredo**, the Edward and Ellen Marie Schwarzman Professor of Law and Professor of Strategy and Economics, along with colleagues in Duke University's Departments of Statistical Science and Computer Science, have been awarded a grant of almost \$1.5 million from the National Science Foundation for their research project, "An Integrated System for Public/Private Access to Large-scale, Confidential Social Science Data." They propose a three-part system of data delivery for research studies dependent on the collection of large amounts of sensitive information in order to protect the identity of participants and to offer accessible and reliable mock data. ♡

**Jerome H. Reichman**, the Bunyan S. Womble Professor of Law, is an editor and contributor to *Intellectual Property Rights: Legal and Economic Challenges for Development*, published by Oxford University Press. Reichman is the author or co-author of several articles in the volume, which is part of "The Initiative for Policy Dialogue Series." These include: "Intellectual Property in the Twenty-First Century: Will the Developing Countries Lead or Follow?," "Is Bayh-Dole Good for Developing Countries? Lessons from the U.S. Experience," "Intellectual Property and Alternatives: Strategies for Green Innovation," and the concluding chapter on the role of intellectual property rights in developing countries. Reichman's co-authors include several Duke University scholars from the Nicholas School of the Environment and the Sanford School of Public Policy, as well as Arti K. Rai, the Elvin R. Latty Professor of Law, and Jonathan B. Wiener, the William R. and Thomas L. Perkins Professor of Law and Professor of Environmental Policy and Professor of Public Policy. ♡





**Donald L. Horowitz**, the James B. Duke Professor of Law and Political Science Emeritus, delivered the annual Herbert L. Bernstein Memorial Lecture in Comparative Law on Nov. 3. In his lecture, titled “Federalism for Severely Divided Societies: Possibilities and Pathologies,” Horowitz discussed the ways “scaling down” federalism can be and has been used to separate formerly united areas so they can stay together despite their differences, which usually take the form of ethnic conflicts.

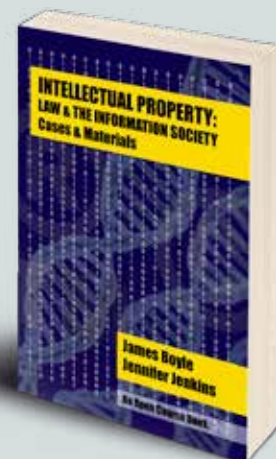
His lecture, co-sponsored by Duke’s Center for International & Comparative Law, can be viewed at [law.duke.edu/bernstein2014](http://law.duke.edu/bernstein2014). 📺



**Christopher Schroeder**, the Charles S. Murphy Professor of Law and Public Policy Studies, testified before the Senate Judiciary Committee on Dec. 10 regarding executive branch action on immigration. Schroeder, a veteran executive branch lawyer, addressed the legality of the policies announced Nov. 20 by Secretary of the Department of Homeland Security (DHS) Jeh Johnson that provide the possibility of deferred action and work authorization for undocumented aliens who meet specific criteria. Calling the policies “wholly constitutional,” Schroeder also told the committee that nothing in the so-called deferred-action policies “runs around or tries to avoid” Congress’s constitutional right to revise immigration laws or DHS actions. 📺



**Jayne Huckerby**, director of the International Human Rights Clinic, organized and moderated a panel discussion titled “Women and Violent Extremism: Participation and Prevention” at the White House Summit on Countering Violent Extremism on Feb. 18. Huckerby, a clinical associate professor of law, advises regional and international institutions on gender, human rights, and countering violent extremism, and co-edited *Gender, National Security and Counter-Terrorism: Human Rights Perspectives* (Routledge, 2012). She was invited to organize the White House panel after *The New York Times* published her op-ed on the need to look past stereotypes to better understand the role of women in terrorism and counterterrorism. 📺



**James Boyle**, the William Neal Reynolds Professor of Law, and **Jennifer Jenkins ’97**, executive director of the Center for the Study of the Public Domain, have published *Intellectual Property: Law & the Information Society — Cases and Materials*, a casebook that is available for free download under a Creative Commons license. It is the first of a series of Duke Open Coursebooks. They also have published a 2014 statutory supplement that can be downloaded.

“Why do we do this? Partly, we do it because we think the price of legal casebooks and materials is obscene,” they wrote in a statement. “... [W]e think that the cost is disproportionate and that the benefit flows disproportionately to conventional legal publishers. Some of those costs might have been more justifiable when we did not have mechanisms for free worldwide and almost costless distribution. Some might have been justifiable when we did not have fast, cheap, and accurate print on demand services. Now we have both. Legal education is already expensive; we want to play a small part in diminishing the costs of the materials involved.” 📺



MILLIONS OF AMERICANS CAN'T  
ACCESS THE CIVIL JUSTICE  
SYSTEM. IN THIS SPECIAL ISSUE,  
WE TAKE STOCK OF THE PROBLEM  
AND SALUTE MEMBERS OF THE  
DUKE LAW COMMUNITY WHO ARE  
WORKING TO CLOSE THE GAP.

---





# Can we close the justice gap?

It's a sobering statistic: About 80 percent of the serious civil legal needs of low-income Americans go unmet. Millions of people with claims to assert, claims to defend, or both, simply never connect with lawyers or obtain the legal help they need. Perhaps it is because they don't know their rights, because they don't know how, or because they can't afford to pay an attorney and can't find one to work for free. Whatever the reasons, the results can be dire for people in or on the edge of poverty — eviction, job loss, untreated illness, deportation, and more. »

by  
**Frances  
Presma**



## Can we close the justice gap?

By this measure, the two sisters whose housing claims Joline Doedens '15 is handling in her Duke Law Civil Justice Clinic caseload are among the lucky ones.

With Doedens' help, the women, longtime tenants of a dangerously run-down Henderson, N.C., duplex, are suing their landlord. "The house had no stove, it had cracked Plexiglass windows, doors that were falling off, a broken sewage pipe in the backyard, and it developed toxic mold that turned the walls black," Doedens says. The duplex was sold twice while her clients lived there and each successive landlord failed to make the necessary repairs. Eventually, the property was condemned. The tenants, who had faithfully paid their rent, were evicted.

They turned to Legal Aid of North Carolina (LANC) for help in recovering rent payments. Doedens took on their case last fall, after the agency partnered with Duke Law to establish the Civil Justice Clinic, in which law students handle cases with appropriate supervision. In many ways, they are typical of the 26,000 people LANC serves each year; matters relating to housing and benefits are common in the agency's caseload.

Doedens was certain they were entitled to far more in damages than their modest monthly rent. Supervised by Clinic Director Charles Holton '73 and lawyers in LANC's Durham office, she drafted pleadings against the landlord claiming breach of warranty of habitability, negligent and intentional infliction of emotional distress, unfair and deceptive trade practices, and unfair debt collection.

"If we prevail in court, the first claim would get our clients their rent payments back, because they were essentially paying to live in a condemned property, one that should never have been offered for rent," says Doedens, who worked on domestic violence actions at LANC during her 2L summer. "With the unfair and deceptive trade practice claim, we can treble the amount of rent they can possibly

recover." The remaining claims pave the way for further compensation, including punitive damages, she says.

In addition to teaching her how to structure her clients' claims, the case underscores the importance of having a lawyer to do so, says Doedens, who notes that the parties are currently trying to settle the case out of court. "In these cases the landlord generally has far more power than the tenant does in terms of knowledge and access to lawyers, and so might be able to run over the tenants," she says. "A lawyer can frame the complaint or a counterclaim in the right language in order to make an argument work."

And making an argument work can be invaluable to a client of limited means, adds Doedens' classmate Karlee Blank '15: "In many cases, a few thousand dollars can make the difference between having a home and being homeless."

## Access to justice: "one of the biggest issues of our time"

AT DUKE LAW, the Civil Justice Clinic satisfies a longstanding goal of helping students build practical litigation skills that are transferable to the wide variety of cases they may face when they enter the profession. But it is also delivering an essential service to the community at a time when the need has never been greater. "Providing access to legal services to the large group of citizens who cannot afford private counsel represents one of the biggest issues of our time," says Dean David F. Levi.

Indeed, a longstanding civil justice "gap" has in recent years widened into a chasm. The recession froze or drastically reduced government support for public legal services and the contraction in the legal economy and low interest rates caused another key source of funding, interest on lawyers' trust accounts, to plummet. In 2013, the Legal Services Corporation reported that based on their income, 65.5 million Americans qualified for the legal assistance the group funds nationwide, an all-time high, but about 80 percent of their legal needs would not receive the professional help they demand.

National and state bar associations and regulators, state-level access-to-justice commissions, the private bar, and the courts are trying to address this crisis with an array of initiatives. Some are attempting to improve the quality and delivery of pro bono representation by private lawyers, others to facilitate legal services to remote and isolated areas, and others to enhance assistance to litigants who are representing themselves in ever-increasing numbers.

American Bar Association President William C. Hubbard, who briefed members of the Duke Law faculty during a November

**"In many cases, a few thousand dollars can make the difference between having a home and being homeless."**

— Karlee Blank '15, a member of the inaugural Civil Justice Clinic class



Charles Holton '73, director of the Civil Justice Clinic, confers on a case with Joline Doedens '15, who is now an advanced clinic student.

## Charles Holton '73: A passion for service

**C**HARLES HOLTON is a longtime volunteer leader with Legal Aid of North Carolina, which he currently chairs. Holton, who specializes in general business litigation, products liability, professional negligence defense, and arbitration in his private practice, was named Pro Bono Attorney of the Year for 2013 by the North Carolina Bar Association and was honored with the 2012 Pro Bono Award from the national Legal Services Corporation. He is also president of the nonprofit Caris Foundation, which provides education, housing, and health services in Honduras and Durham. In addition to directing the Civil Justice Clinic, Holton teaches Arbitration and coaches the Law School's Willem Vis International Moot Court Competition team.

As director of the Civil Justice Clinic, Holton aims to help students build skills that will translate to a wide range of practice areas. "My goal as a litigator with more than 40 years of experience is to teach them critical skills such as client and witness interviewing, how to assess a case, developing theories, putting together pleadings that reflect those theories, going through the discovery process, preparing for hearings on contested motions, and ultimately preparing and handling trials," he says. "I want them to experience every element of litigating a case, including how to communicate effectively with their clients." 🐾

lunchtime program, has put improving legal services delivery to Americans of low and moderate means at the top of his agenda. One notable ABA initiative is the creation, last year, of the Commission on the Future of Legal Services, which is charged with identifying promising ideas and innovations around the country, and proposing improvements and pilot programs. Another is expansion of the ABA's Legal Access Job Corps, through which unemployed or underemployed law graduates serve clients in disadvantaged and underserved communities.

Public service is a critical aspect of a Duke legal education that engages students in a number of ways: through more than 50 student-run programs overseen by the Office of Public Interest and Pro Bono; through externships with local nonprofits, state and fed-

eral prosecutors and public defenders, or congressional offices and federal agencies via Duke in D.C.; through summer internships and fellowships; and through the 10 distinct clinics that comprise the Duke Legal Clinics.

"Our goal is to develop lawyers who are capable leaders and committed to public service," says Levi. "Through the clinics, students strengthen both their lawyering and leadership skills while providing vital services to real clients whose lives and livelihoods are deeply affected by their work. The range of clients and cases students will handle in the Civil Justice Clinic, given the scope of Legal Aid's caseload, serves our goals particularly well."

He adds that students have a "superb" mentor and model in Holton, senior counsel at Womble Carlyle Sandridge & Rice in

## Can we close the justice gap?

Research Triangle Park, who has offered pro bono representation to LANC clients throughout his career and currently chairs its board of directors. “With his intimate knowledge of LANC’s caseload and goals as well as our teaching mission, Charles can maximize the student experience in the clinic while benefitting Legal Aid and building on our already strong relationship with that organization.”

In the spring semester, seven Civil Justice Clinic students are representing clients directly on matters relating to housing, foreclosure, domestic violence, and unemployment, food-stamp, and veterans’ benefits. Like Doedens, each is acting as primary counsel on at least one case before a court or administrative agency, with oversight from Holton as well as from LANC staff attorneys. They also are joining teams of LANC attorneys on more complex cases. Holton teaches a weekly seminar where students learn basic civil litigation skills and substantive law relevant to their caseloads, and can discuss cases and strategy in a confidential setting.

George Hausen, LANC’s executive director, says he is enthusiastic about having law students and a veteran litigator embedded in the agency’s Durham office. The students’ efforts, coupled with Holton’s expertise in complex litigation, have the potential to help LANC build capacity to serve more clients and handle complex cases statewide, he says. More than two million North Carolinians qualify for legal services, yet state funding for his agency has been significantly reduced.

“What the clinic does, what Charles is doing, and what the dean is supporting, is making sure that our law students and our lawyers at Legal Aid are well trained to litigate,” Hausen says. “Having Charles in our offices makes a difference, not only to the experience that those law students get, but in the caliber and the quality of the advocacy my lawyers are delivering. He is an extraordinarily accomplished litigator.”

In the future, a deeper partnership with Duke Law might encompass empirical scholarly research to examine and facilitate improvements in LANC’s service delivery, he adds: “I’m certain the clinic is a model we can build on and one that is going to build our capacity all over the state. This is an extraordinary opportunity for Legal Aid.”

## Helping the self-represented litigant

**A**S THE CAPACITY TO DELIVER critical legal services to those who need them lags across the country, a growing number of people are representing themselves before state and federal courts and administrative agencies. Efforts are underway to collect accurate national data on the extent of self-representation, but many state courts report having at least one pro se party in over 50 percent of civil cases.

Many self-represented litigants are simply lost — unfamiliar with court rules and procedures, the substantive law pertaining to their cases, and the evidence required to prevail. And for the courts, they present a distinct challenge.

Judge Virginia Norton, a trial judge in Jacksonville, Fla., and a student in Duke’s Master of Judicial Studies program, says that presiding over matters involving untrained pro se litigants requires extra effort on the part of courts to ensure equal access to justice.

“I am sometimes concerned that people are not getting their day in court when I have a pro se with a cause of action who is trying to articulate a very complex issue,” says Norton, a member of Florida’s Fourth Judicial Circuit. She does what she can, she says, to make the process “more open” to them: “I always remind them exactly what we’re there for on that day. I acknowledge that the case is more complex, say, than this motion to dismiss, but that’s what is before the court.”

Norton counsels new judges to be mindful of the fear and confusion self-representing litigants experience, and of their emotional connections to their legal disputes. “But, obviously, we can’t be their advocate.”

The view from the federal bench isn’t much different, reports Magistrate Judge Andrew J. Peck ’77 of the U.S. District Court for the Southern District of New York. Peck says about 25 percent of his court’s caseload is pro se. Claims relating to discrimination and “Section 1983” cases that allege violations of constitutional rights in the course of arrest, search, or imprisonment are common in the federal docket and challenging for all parties involved, including judges.

“These claims are very hard to prove,” he says, noting that his district makes a manual on self-representation available to litigants. An instance of alleged employment discrimination, for example, may be quite subtle, and need to be proved by contrasting the way the plaintiff in the protected class was treated with the way an employee in an unprotected class was treated. “That is extraordinarily difficult for a pro se to do — it’s hard for lawyers to do,” he says. Incidents of false arrest, false imprisonment, or malicious prosecution are similarly hard to prove.

When dealing with self-represented litigants, Peck and his fellow judges can “try to walk them through” the discovery process by guiding them to the relevant rules of civil procedure and outline the evidence they can request from and must provide to the opposing party. But the cost of transcribing depositions is generally prohibitive and limits what they can do.

Guaranteed public funding for professionals to handle these cases would help, but Peck says he has little hope of that happening. His large judicial district benefits from an active pro se office through which the court can “beg” lawyers and firms, and in some cases law schools, to take trial-ready cases. “It’s a good way for associates and, frankly, young partners in major firms to get trial experience,” he says.



**“It’s very tough on the judiciary to put the judge in the position of being the lawyer for one side or the other. But that’s in effect what we’re asking when a pro se with a meritorious case is before a judge.”**

— Dean David F. Levi, the former chief judge of the U.S. District Court for the Eastern District of California

Helping pro se litigants help themselves is viewed nationally as a key access-to-justice priority. Court jurisdictions, administrative bodies, and legal services agencies across the country have taken a range of steps to assist individuals with official filings and understanding of courtroom procedure through information kiosks, advice lines, online resource guides, and guidance from courthouse staff. Some have even implemented training programs for self-representation.

“It’s very tough on the judiciary to put the judge in the position of being the lawyer for one side or the other,” says Levi, who served as chief judge of the U.S. District Court for the Eastern District of California prior to becoming dean in 2007. “But that’s in effect what we’re asking when a pro se with a meritorious case is before a judge. It’s a very difficult situation.”

## **Triage: essential for efficiency**

**A**BSENT A CONSTITUTIONAL RIGHT to representation in civil cases (and corresponding full funding for legal services), self-represented litigants will continue to crowd American courtrooms. But the assistance they receive with filing and procedure doesn’t guarantee them access to justice, just access to the courthouse door, says LANC head Hausen.

“In many cases, in giving people pro se help you are raising expectations and consigning them to failure,” he says. “Ultimately — and the rule of law requires this — you have to have a lawyer in the courtroom. Because if you have good law and you have good

## **Helping with pro se appeals: Duke’s Appellate Litigation Clinic**

**F**EDERAL APPELLATE COURTS regularly appoint Appellate Litigation Clinic Director Sean Andrussier ’92 to step in as counsel in appropriate cases on behalf of self-represented parties. Andrussier then oversees teams of law students as they review the trial records, undertake legal research and briefing, and prepare for oral argument.

In 2013, the U.S. Court of Appeals for the Third Circuit appointed Andrussier to represent Horace Branch in appealing a federal district court’s dismissal of his petition for a writ of habeas corpus. Convicted of a shooting death in New Jersey and sentenced to life in prison, Branch claimed on appeal that his trial counsel’s failure

to call two exculpatory witnesses in his defense amounted to a denial of his Sixth Amendment right to a fair trial.

Elise Lyons, Phil Barber, and Adam Garmezy, all 2014 graduates, worked on the appeal from briefing through oral argument, which Lyons delivered last March, in Philadelphia. Melissa Boatner ’14, also assisted with the briefing.

“This was a challenging appeal, requiring the students to master a lengthy record arising from a criminal jury trial and years of state post-conviction proceedings, to sort through a number of legal issues, and to work together to develop arguments and strategy,” says Andrussier. Branch, he says, was “ecstatic” when the court handed down a unanimous decision in his favor on July 9. ♡

## Can we close the justice gap?

# “In many cases, in giving people pro se help you are raising expectations and consigning them to failure.”

— George Hausen, executive director, Legal Aid of North Carolina

facts but the other side is represented and you're not, you are going to lose. It's just that simple.

“At the end of the day, if you're not triaging cases and providing a lawyer when one is needed, you're not serving justice.”

Triage, a concept borrowed from emergency rooms where priority is assigned to critical cases, is gaining traction in access-to-justice circles, says Reena Glazer '94, assistant director of the Law Firm Pro Bono Project at the Pro Bono Institute (PBI), a Washington, D.C.-based nonprofit dedicated to promoting, facilitating, and researching improvements to the delivery of pro bono legal services.

“The realistic construct is no longer one lawyer for every client. That's never going to happen,” says Glazer. People requesting assistance with claims that have little or no chance of success need to be turned down for service, she says, while others need to be assessed to see if something less than full representation can help.

“It's where idealism and pragmatism meet up,” she says. “Could this person benefit from a little advice and then be capable of handling their own matter? If we got their documents in order, could we do a less complex representation? Full service is great, but we need to be thinking about what else makes a difference.”

A number of states are also allowing lawyers to offer clients “unbundled” services of limited scope — legal assistance on, say, document preparation or assistance with only some aspects of a case — without taking responsibility for full carriage of the matter.

Early assessments indicate that this kind of “limited lawyering” has a positive effect, Glazer says, citing results in New York state. “People seem to be satisfied by the outcomes,” of brief advice and

counsel, she says. “They feel like they got a fair shake: ‘I didn't feel coerced into a bad settlement, even if I settled. Someone listened to me and gave me advice and the process was fair.’ That makes a difference in terms of how people perceive the legal system.”

## The difference a lawyer makes

**S**TILL, WHEN A CLAIM DEMANDS a clear resolution through adjudication by a court or administrative tribunal, few would disagree with the assertion that low-income claimants require the expertise of a lawyer. And the view from the front lines indicates that in many cases, more lawyering is needed, not less.

Like Hausen, Joanna Darcus '12 takes an “all-hands-on-deck” approach to helping her clients at Community Legal Services (CLS) in Philadelphia, engaging in direct client representation as well as training members of the private bar to represent consumers on a pro bono basis and providing technical assistance to students at local law schools who handle consumer matters.

As a staff attorney in the Homeownership and Consumer Law Unit, Darcus frequently sees the need for lawyers to intervene long before cases go before a judge. Her clients include borrowers who have struggled to pay student loans and consumers facing lawsuits filed by debt collectors who have a distant connection to the alleged debt at best or, perhaps, none at all.



"Debt collection lawsuits for credit cards and personal loans are often filed in small claims courts," she explains. "Historically, these courts were places where individuals could file and defend small-dollar lawsuits at relatively low costs and even without lawyers, and many relaxed rules of evidence and procedure so non-lawyers could participate."

"Now, small claims courts are overflowing with lawsuits filed in bulk by corporations against individuals who are almost always on their own," she says. "Consumers lose because they don't know their rights or defenses. From mistaken identity to expiration of the statute of limitations, there are strong defenses to collection actions."

She adds that some of the most troubling practices seen in mortgage foreclosures happened at an even more alarming level in the world of unsecured debt, including "robo-signing," documents being carelessly lost, and loans being assigned without documentation. "That also gives rise to defenses," says Darcus, who started working on economic justice matters at CLS as an Independence Fellow immediately after her Duke Law graduation.

"We are hopeful," she says, "that through an ongoing collaborative effort of consumer and creditors' attorneys, pro bono programs, and judges, our small claims court will become a place where consumer defendants can seek limited representation on the spot from pro bono attorneys, apply for full representation by legal services, and access resources that will equip them to participate in the court process. This way, consumers will not have to fend for themselves when they meet with creditors' attorneys to discuss settlement and whether to go to trial."

Clients need to be represented in conciliation and other alternative dispute resolution proceedings as much as they do at trial, she says. "Since there is no shortage of these cases, this is a resource-intensive undertaking for everyone involved."

## Engaging the private bar

**T**O HELP THEM MEET the ever-growing demand for services, Darcus and her peers in the understaffed and underfunded public legal services sector rely on members of the private bar. Across the nation, pro bono service is viewed as a pillar of professionalism, but with demand for legal aid exceeding supply, access-to-justice commissions, bar associations, and bar regulators are seeking ways to boost volunteerism. Some states — notably New York and California — mandate 50 hours of pro bono service as a condition of bar admission.

For David Esquivel '97, who leads the Pro Bono Committee of the Tennessee Access to Justice Commission, it's just the right thing to do. "When people begin to engage in pro bono it becomes

## The Duke Legal Clinics

**W**ITH 10 SEPARATE CLINICS that allow students to serve clients, hone practical skills, and take deep dives into specific areas of substantive law, Duke's clinical program is a teaching law firm with a public interest mission. In fact, in terms of hours of client service, it is one of the state's largest public interest law firms: Last year, clinic students provided more than 20,000 hours of legal services to clients — all under faculty supervision — representing an estimated value of more than \$3 million.

The Civil Justice Clinic, the Health Justice Clinic (formerly known as the AIDS/HIV and Cancer Legal Project), and the Children's Law Clinic, in particular, address civil legal challenges faced by low-income individuals. The Environmental Law and Policy Clinic is the only public interest law firm capable of pursuing a community's claim of environmental injustice, and the HIV Policy Clinic is the only law school-based initiative working across the Southeast to address the systemic challenges faced by low-income people with HIV or AIDS.

Through advocacy for children who need special education services, by helping people with significant health issues secure benefits, or by representing families in unsafe housing to improve their living environment, students gain a head start on their careers and a clear understanding of the lawyer's power to effect positive change.

"I was surprised at the effect this work had on me emotionally this semester," wrote Melissa Morgan '15 in her clinic journal. "I was consistently amazed and challenged in ways I didn't expect. I was touched by our clients' trust and openness. I was devastated by the hardships some clients faced, but simultaneously inspired by their hope and perseverance. Most importantly, I was challenged by their stories and experiences to look more closely at the world around me and to see the systemic unfairness that separated my experiences from theirs." 🐾

an important part of their practice," he says, "It's meaningful to them in addition to being much needed in society."

Esquivel, a partner and financial services litigator at Bass, Berry & Sims in Nashville, first became a "pro bono junkie" while clocking more than 1,800 hours in a successful federal lawsuit on behalf of five plaintiffs whose families were tortured and murdered under military rule in El Salvador in the late



## Can we close the justice gap?

1970s and early '80s. The emphasis has to be on quality pro bono representation, he says.

That's why encouraging law firms to develop areas of pro bono specialization has been a key initiative for his committee. The Pillar Law Firm program is one approach implemented at law firms across Nashville, including his own 200-lawyer firm, one of the city's largest. "It doesn't do clients much good if the lawyer handling their landlord-tenant case doesn't know anything about that area of the law," he says.

Through the program, individual firms choose a specific area on which to focus their pro bono practice and receive training from legal aid specialists, who then direct a significant number of those types of cases to them. "We had someone from legal aid do a two-hour training over lunch and then split up into teams of three that work across all departments," says Esquivel. "Each team has a partner, a transactional associate, and a litigation associate. Now, when we get a referral from legal aid, we go down the list and assign it to a team."

Teams are composed of three people so that there's always likely to be someone on the team to take on the pro bono matter, he adds. His firm has handled more than 50 landlord-tenant cases over two years, whereas they hadn't handled any previously. That success has been replicated in other Nashville firms, he says, and with the Access to Justice Commission's support the program is expanding to Knoxville, Chattanooga, and Memphis.

At PBI, Glazer works with law firms to "start, reboot, improve, or revitalize" their pro bono programs, and is always on the lookout for best practices, like those of the Pillar Law Firm program, to disseminate in the interests of boosting efficiency. She has some good

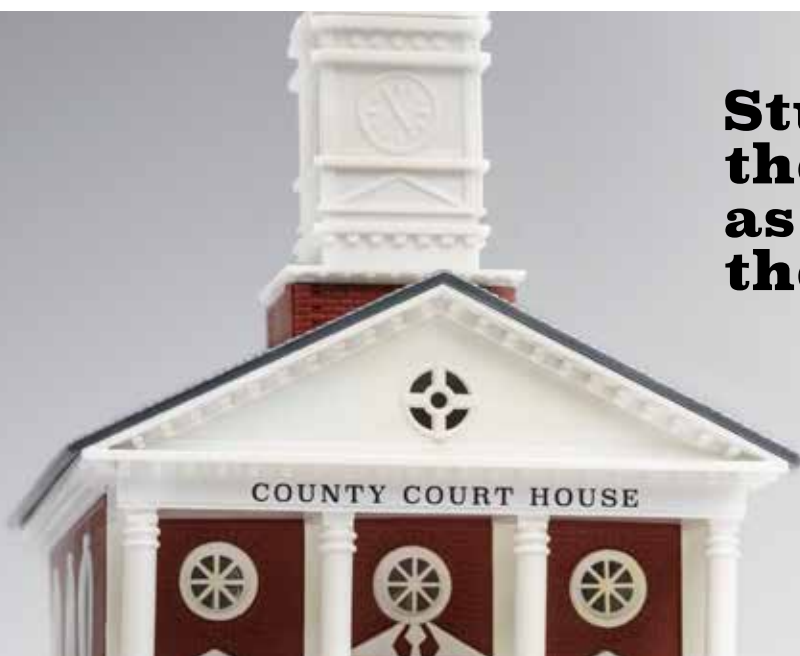
news to report: Even as the recent contraction in the legal economy continues to make profitability a key concern, the law firms with more than 50 attorneys she engages with "are holding their own" on pro bono. In-house legal departments also have become actively engaged with pro bono in recent years, she says.

And Glazer, who got significant experience with appellate litigation early in her career by handling a groundbreaking asylum case in the Ninth Circuit pro bono, says it's a terrific way to train young lawyers, both litigators and non-litigators alike. If professional development teams within individual firms work closely with pro bono teams to align training and career goals with available cases, they can improve the outcome for both the pro bono client and the firm. Law firms are also increasing efficiency by working across departments, offices, and sometimes collaborating with other firms and stakeholders to take on large impact projects, she says.

Training, mentoring, supervision, and support are essential to encouraging lawyers to take on pro bono cases. "You have to make it as supportive and nurturing as possible," Glazer says. "Lawyers don't want to fail, they don't want to embarrass themselves, and they don't want to be in uncomfortable situations. You want as high a comfort level as possible." And while she considers the trend towards specialization through firm-wide adoption of projects or areas of poverty law a best practice, she notes that that most firms have a "big tent" philosophy to their pro bono practices, as a wide menu of opportunities honors the varied interests and passions of their lawyers.

For some firms, pro bono is "in their culture and DNA," she says. "What it means to be a lawyer at those firms is to do pro bono. It's a very self-perpetuating theme. Law students, young

## Students bridge the service gap as "Lawyers on the Line"



# “When people begin to engage in pro bono it becomes an important part of their practice.”

— David Esquivel '97, chair of the Pro Bono Committee, Tennessee Access to Justice Commission

associates, and even laterals that are attracted to firms like that are convinced of its importance.”

At others, that culture can be advanced when partners promote success stories and make it clear that pro bono engagement enhances associates’ visibility in and value to the firm. That management cares needs to be “a consistent, visible, and vocal message from the top down and the bottom up,” says Glazer.

## Toward a healthier legal services system

WHILE PRO BONO IS ESSENTIAL to attempts to narrow the civil justice gap, Glazer cautions that volunteer efforts cannot replace those of a robust professional legal services sector. “Pro bono is complementary to primary legal services,” she says. Because legal services professionals handle intake, vet cases, and then mentor and train pro bono attorneys, reducing their funding

— and their ranks — has the downstream effect of depressing pro bono, she adds.

For Senior Lecturing Fellow Carol Spruill, who examines the justice gap extensively in her Poverty Law course at Duke Law, increasing support for the underfunded legal services system is the most efficient way of addressing the problem.

“Pro bono and other approaches can help around the margins, but we have to make a serious commitment to funding the programs that are designed for it,” says Spruill, a co-author of the 2008 North Carolina Access to Justice Report and former member of the North Carolina Equal Access to Justice Commission. “In fact, one of the ways we have funded the legal services system is through the sacrifices that those who work within it are willing to make by taking the salaries they do. To me, they are really some of the biggest funders of access to justice.”

Spruill commends the idealistic law graduates who continue to apply for legal aid positions and enter the public interest sector in large numbers. But she is concerned by evidence of relatively high turnover as they struggle to pay back student debt and get ahead financially. In this respect, she says, student debt relief

LEGAL AID OF NORTH CAROLINA’S “LAWYER ON THE LINE” program enables low-income individuals to receive legal advice and brief service by phone from staff and volunteer attorneys. Having been introduced to the program during her 2L summer internship at LANC, Caroline Sorensen ’15 offered to get Lawyer on the Line established as a pro bono student initiative at Duke.

So far, more than 40 students have taken part, interviewing clients, undertaking relevant research, and offering concise answers to the legal questions raised, always supervised by a LANC staff attorney. “We educate clients on their legal rights and vulnerabilities, inform them of their options, and advise them based on our assessment of their case,” says Sorensen. Some do more, as Ashton Garner ’17 did on behalf of a client whose landlord was refusing to void a long-term lease in spite of failing to make essential repairs to the rental unit. The letter Garner crafted on the client’s behalf outlining the applicable law persuaded the landlord to terminate the lease without penalty.

“It felt great to help someone who had been wronged get some relief,” says Garner, who adds that she learned, through the experience, the importance of clear, jargon-free communication with her client, a skill she is certain will help her in summer internships and practice. ♡

**“... [O]ne of the ways we have funded the legal services system is through the sacrifices that those who work within it are willing to make by taking the salaries they do. To me, they are really the biggest funders of access to justice.”**

— Senior Lecturing Fellow Carol Spruill, a former member of the North Carolina Equal Access to Justice Commission

programs like Duke Law’s Loan Repayment Assistance Program (LRAP) are an effective way of subsidizing public interest salaries and indirectly helping a few more people to gain access to the civil justice system.

In fact, law schools are crucial to helping the profession provide services to the millions of people who have serious legal needs and no way to access the legal system, says Esquivel of the Tennessee Access to Justice Commission.

“Part of the training to become a lawyer should be the rewards, the responsibilities, and the many different ways that pro bono ought to be a part of your practice, if you’re not a full-time public interest lawyer,” he says. “Another is encouraging students to become full-time public interest lawyers who can spend their careers effecting change.”

As a member of the Law Alumni Association, he’s been cheered by Duke’s initiatives in both areas, noting, among others, the support and oversight the Office of Public Interest and Pro Bono offers to student-led activities; the establishment, in 2013, of the Office of Public Interest Advising within the Career Center to support post-graduate entry into the government and public sector; graduates’ receipt of prestigious public interest fellowships like the Skadden Fellowship; and the robust development of the clinical program. Indeed, there is a wealth of anecdotal evidence that exposing lawyers to pro bono service as early as possible in law school or practice results in a lifelong commitment.

Joline Doedens, who is now enrolled in the Civil Justice Clinic for a second semester as an advanced student, will

launch her career as a “low-bono” defense attorney in the Washington, D.C., area, to further her goal of working in public interest law and making legal services accessible to clients of modest means. Working directly with LANC clients under the guidance of Holton and staff attorneys is her “favorite part of law school,” she says.

“Every time I go to the Legal Aid office I learn something new and develop a skill. I learn how to write interrogatories. I learn to draft a complaint. I learn how many facts to include in a complaint. You can learn all of these things in the abstract, but it’s really been helpful to get the input of experienced lawyers.”

According to Levi, the clinical collaboration with LANC benefits the Law School beyond allowing students to tackle real-world problems and build solid skills transferable to a range of practice areas; he hopes it will also give rise to empirical research and scholarship on access to justice and how to meet the civil legal needs of millions of underserved Americans.

“We’re a profession and we care deeply about access, and we are a school committed to our mission of knowledge in the service of society,” he says. “So this is a service mission as well.

“If you can pull all those things together, it’s highly motivating, and a wonderful opportunity.”

At LANC, where the mantra, Hausen says, is “we don’t underserve our clients,” the agency’s deepening partnership with Duke Law School represents even more. “This is real access to justice,” he says. ♡





# Taking action

to close  
the  
justice  
gap



**"I don't go  
to lawyers"**

Can we  
close the  
justice  
gap?

# A second career in service

AFTER A SUCCESSFUL CAREER IN PRIVATE PRACTICE, DAVID TARSHES '81 FINDS RENEWAL IN LEGAL AID

**D**AVID TARSHES IS CLEAR about his motivations for becoming a lawyer: to help people, to work for justice, and to make the world a better place.

During a 30-year practice in Davis Wright Tremaine's Seattle office, where he was a litigation partner, he felt fortunate that many of the cases he worked on served those goals.

For nearly two decades, Tarshes was immersed in litigation stemming from the massive 1989 Exxon Valdez oil spill in Alaska. Davis Wright was one of the lead firms representing commercial fishermen, landowners, processors, Native American tribes, and others harmed by the spill. Tarshes headed the "law team," which oversaw such matters as motions, appeals, and jury instructions. He also worked on a number of pro bono matters over the years, including a successful decade-long asylum action to reunite a married couple separated by conflict in the Democratic Republic of Congo.

When the Exxon Valdez and asylum cases finally wrapped up in 2009, Tarshes felt it was time for a change. "My sense was that there would be more opportunities to help people and have a positive impact on the world in a new job than if I stayed where I was," he says.

He had a longstanding interest in legal aid, one sparked by a summer job at Indiana Legal Services (supported by Duke's PILF) during his student days, and stoked by service on the board of Washington Appleseed, a public interest advocacy organization. His Appleseed work also introduced him to attorneys at Northwest Justice Project (NJP), Washington's largest civil legal aid provider. He decided to seek a position in legal aid.

In spite of his stellar qualifications, his active search for a position took more than two years, slowed by the recession that brought big funding cuts to legal services organizations dependent on public funding and interest from lawyers' trust accounts. But in March 2013 he made his move, becoming one of three staff attorneys on NJP's new Foreclosure Consequences Advocacy Team (FCAT).

Today, Tarshes works with people across Washington who have been affected by foreclosures, including homeowners who are losing or are in danger of losing their homes and tenants in properties being foreclosed. The work includes assisting victims of loan-modification scams, helping with clients' transition to new housing, dealing with loan servicers who have prematurely entered clients' homes and improperly disposed of their possessions, defending foreclosures by taxing authorities and condominium corporations, and addressing the systemic consequences of the foreclosure crisis. Tarshes' unit was new at NJP when he came on board, so the team also was developing policies and procedures from a blank slate. For a lawyer with more than three decades of work experience, his first year involved a very steep learning curve.

"I had essentially no experience with real estate or foreclosure matters, so I was learning a new area of law from scratch, while getting used to the logistics of an organization new to me," he says. "There were many days I went home exhausted." Still, he and his colleagues quickly developed a fruitful collaboration. His colleagues had more expertise in the relevant substantive law and more knowledge about the social services resources available to clients, while Tarshes had more experience with strategy and tactics.

"David brings a wealth of litigation and practice experience that has provided significant benefits to our client community," says Debi Perluss, director of advocacy and general counsel at NJP. "He mentors less experienced staff; he understands efficiency in providing services; he is able to quickly identify and call on private attorney resources to provide pro bono services to our clients on matters outside our immediate expertise; and he is able to interact and work with a diverse team. These are skills he brings with him from a long period of big firm practice experience."

At his former firm, Tarshes generally worked on very large matters that took years to resolve. Few of his client contacts — institutional employees — faced personal consequences if a case was won or lost.

"Now I work on a few dozen matters at a time, many of which come to us with very short fuses," he says. "It's not unusual to be called by a new client who faces a threat of losing their home in a matter of days. If we can keep them in their homes, or get them more time to move, or recover some money from someone who has cheated them, it makes a huge difference."

"I'm sure I've had more clients thank me, more clients cry — some from gratitude and some from fear — and more clients offer to bake me cookies in the past two years than I had in the previous 30."

Tarshes adds that he has come to appreciate the major impact that the clients' limited resources have on their ability to deal with the demands of everyday life, not to mention the threatened loss of their homes. "They may not be able to afford to

**"I'm sure I've had more clients thank me, more clients cry — some from gratitude and some from fear — and more clients offer to bake me cookies in the past two years than I had in the previous 30."** — David Tarshes '81

keep their phones in service and may have to think hard about whether they can afford to drive somewhere to drop off documents."

The value of his team's work is reflected, Tarshes says, in the "inappropriate" actions too often taken by opposing parties and counsel, who expect their opponents will be acting pro se. Tarshes has seen counsel file papers on the morning of a hearing without serving them, obtain orders ex parte without notice, and seek excessive fees in connection with default judgments without support from time records, to give just a few troubling examples.

"This sort of behavior may arise from carelessness or it may be intentional," Tarshes says. "But in both scenarios, it stems from the fact that these counsel know that most of the time they will not face lawyers on the other side. The odds are that they can disregard the law with impunity."

"It's not much of a stretch to say that low-income people don't have rights if they don't have a lawyer to help enforce their rights."

Given the enormous need for legal services and the relatively small number of lawyers providing them, Tarshes is skeptical that recruiting senior lawyers to take on legal aid clients pro bono can significantly plug the civil justice gap. "The demand for civil legal services for low-income people is too great and the supply of lawyers is too small," he says. The Legal Services Corporation has estimated that less than 20 percent of civil legal needs of poor people are addressed with lawyers' help.

But Tarshes does counsel those moved to make career transitions similar to his to use their civic and pro bono activities to "test the water," as he did through his pro bono cases and Washington Appleseed work. He also advises that those seeking to make such a change have patience: "Because funding is limited, there aren't that many opportunities available."

More than anything, he says, they should think deeply about what will give them pleasure and what will make a contribution to the world.

"Those two things go together," he says, quoting the advice of Dr. Albert Schweitzer: "I don't know what your destiny will be, but one thing I do know: The only ones among you who will be really happy are those who have sought and found how to serve."

"A number of people have told me that they can see I am happier since the move," he says. "Knowing that I've helped make a positive difference in a person's life is very gratifying. It's especially so when we can remedy a situation in which someone has taken advantage of the client or when we can come up with a creative solution to the client's problem." ♡ — Frances Presma



**“I want the justice system to work better, so that even if you never call us, you still have a better chance of getting meaningful justice.”**

— Maryann Flanigan '12

# Legal first response

MARYANN FLANIGAN '12 STARTS HER CAREER AMID THE LEGAL DISASTER LEFT BY HURRICANE SANDY

**W**HEN IT MADE LANDFALL on Oct. 29, 2012, Hurricane Sandy left more than a swath of destruction along the New Jersey coast. The damage to homes and property created a tangle of legal challenges that would only grow in the aftermath of the storm.

Basic legal needs were apparent immediately after the storm as victims attempted to file insurance claims, secure assistance from the Federal Emergency Management Agency (FEMA) and other agencies, and begin to repair, rebuild, or relocate. Many would run into roadblocks: Tenants returned to flooded rentals to find their landlord had disposed of their belongings; displaced homeowners saw expenses double as they covered mortgage and rent payments while their homes were being repaired; insurers failed to turn over

policies and endorsements detailing full coverage and benefits to victims; or out-of-state adjusters low-balled replacement costs for lost property, to name just a few.

In the midst of this turmoil, Maryann Flanigan '12 found herself in an unexpected role: legal first-responder. Fresh off a Duke Bridge to Practice fellowship working on domestic violence matters at Legal Services of New Jersey (LSNJ), Flanigan learned she had passed the state bar exam a few days after power was restored. Almost immediately she was invited to return to LSNJ, to join the new relief project that was being set up to handle the requests for legal assistance that were pouring in via the agency's hotline.

“We are still getting a steady stream of calls,” says Flanigan, who became supervising attorney on the Hurricane Sandy Legal Assistance Project less than a year later.

Already, the initiative has handled more than 2,500 cases. Some storm victims were defrauded by contractors and public adjusters they hired to negotiate with their insurance companies, but who take a significant percentage of any claim. Others

found themselves having to appeal denials or undervaluing of federal flood-insurance claims, and some were surprised by attempts by FEMA to recoup emergency aid payments. Now, more than two years after Sandy hit, many homeowners are facing foreclosures.

“Homeowners who have been paying rent while they rebuild or repair still have to pay property taxes and have fallen seriously behind in their mortgage payments,” says Flanigan.

Few people, whatever their means, can negotiate the bewildering post-disaster legal landscape without a lawyer's help, she says: “People find themselves in situations they have never dealt with before, and they don't know their rights.”

This is particularly true when flood-insurance claims are routinely undervalued, underpaid, or erroneously denied by insurers — a key concern for hundreds of clients who faced bills for repairing, rebuilding, or replacing damaged property. The process for proving, appealing, or supplementing claims is extremely complex and the timeline for filing legal challenges is tight, as she told the members of a U.S. Senate subcommittee last summer in testimony aimed at improving the process.

“After we explain the flood-insurance appeals process, clients often express gratitude for the information and state that they did not understand the appeals process before speaking with LSNJ,” Flanigan wrote in testimony submitted to the Committee on Banking, Housing & Urban Affairs Subcommittee on Housing, Transportation and Community Development on July 30. “That is to say, the client did not receive a clear explanation of the appeal process from the flood claim agent.”

LSNJ Vice President Dawn Miller says that advocacy by Flanigan and her colleagues has facilitated some positive developments in the uncertain post-disaster landscape that has seen multiple changes to FEMA and flood-insurance rules. “We try to talk to whoever will listen to us about things that can change and improve the situation for people going through the disaster,” Miller says. “We learned that from being in the trenches and on the ground immediately after the storm.”

While some clients can go forward to navigate the appeals process on their own, most cannot do so effectively, and in any event, are unlikely to be aware of the nuances of consumer-fraud statutes and an emerging body of disaster-related case law that could help their claims, Flanigan says.

The complexities of the flood-claim appeal process and other legal issues raised by the hurricane have a particularly negative impact on people of low and moderate means. Many lost income as their jobs were impacted by Sandy, even as they incurred expenses relating to displacement damage, and even to proving their claims — such as retainers charged by structural engineers.

One client, who was evacuated from her shore-front, second-floor apartment, returned to find her

**Can we close the justice gap?**



possessions destroyed by rainwater that flooded the unit after Sandy's cyclone-strength wind blew the shingles off the roof. The carrier of her renters' insurance denied the claim, arguing that flood was not a covered peril. "That wasn't true," says Flanigan, who was ultimately able to recover \$15,000 for the client for personal property damage and the loss of use coverage in her policy. "This client was so grateful. \$15,000 is a lot to anybody, but particularly for a low-income individual who doesn't have an extra emergency fund."

She has also represented senior citizens who fell prey to unscrupulous home-repair contractors in the storm's aftermath. "Many clients have told similar stories: They gave \$25,000 or \$40,000 or more to a contractor who then disappeared — and that's all the money they had, so they can't rebuild," she says. "They want to get their houses repaired quickly and move forward, so they put their trust in someone only to be victimized again."

The work transcends pure poverty law; Flanigan's project is not subject to the same asset and income limitations as are most services offered by LSNJ. Hurricane Sandy was an equalizer, she says: "People of moderate incomes — or even higher — may be dipping into their savings to repair while they wran-

gle with their flood insurer. And if their home was destroyed, they may be renting while still carrying mortgage payments. So now you can be paying pretty much the equivalent of two mortgages. And that can bring some people down pretty close to low-income."

Flanigan hit the ground running when she returned to LSNJ after Sandy's retreat, aided in large part, by the training she received during her Bridge to Practice fellowship, Miller says. "She's fantastic. She's energetic, she's willing to take things on, she learns quickly, and she has a great attitude." Miller adds that Flanigan was instrumental in organizing and helping to supervise the law students who came to handle post-Sandy cases during spring breaks and summers. The need was and is critical; even before the storm, LSNJ had the resources to help only one in six low-income New Jersey residents who needed legal assistance.

At Duke, when Flanigan thought about a career in public interest law, she never imagined practicing consumer law. "It's amazing how much I love this job," she says. "This work is meaningful, and exactly what I wanted to do." She particularly enjoys the mix of direct client representation, public education, and policy that her days entail: In addition to recommending modifications to the federal flood insurance system in her testimony before the Senate subcommittee, she has testified before New Jersey lawmakers on improving the state-level response. And she now represents LSNJ on a statewide commission seeking to improve the system of alternative dispute resolution.

"I always wanted to work one-on-one, but I also wanted to effect broad-impact change. And that's exactly what I get to do here," she says. "I want the justice system to work better, so that even if you never call us, you still have a better chance of getting meaningful justice." ♡ — *Frances Presma*

# Leading by example

## LISA CLEARY '83 DISCUSSES BUILDING AND LEADING A PRO BONO POWERHOUSE

**F**IRST AS PRO BONO CHAIR and then as managing partner, Lisa Cleary '83 has helped instill service into her law firm's culture.

As a young lawyer in private practice, Cleary spent 10 years helping an elderly, disabled man with mental illness and developmental disabilities secure safe housing and benefits that substantially improved his quality of life. The experience cemented both her commitment to pro bono service and her connections with public interest lawyers in New York City. Over 20 years as chair of the Pro Bono Committee at Patterson Belknap Webb & Tyler and now as the firm's co-chair and managing partner, Cleary, a litigator who concentrates her practice in commercial and employment law, has been instrumental in building a pro bono powerhouse, one routinely acknowledged as such in national surveys. For 11 consecutive years, all 200 attorneys have participated in the firm's pro bono program, engaging in direct-client representation on such matters as housing, benefits, asylum, not-for-profit incorporation, and misdemeanor and criminal appeals and capital cases; in impact litigation in areas affecting civil rights, disability rights, special education, and housing; and in cases involving children and adults with mental illness, one of Cleary's personal passions. In 2014, Patterson Belknap lawyers logged more than 22,000 pro bono hours — an average of more than 110 apiece — and 15, including Cleary, were honored with Pro Bono Publico Awards from the Legal Aid Society.

"We're a law firm of approximately 200 lawyers, and we pack a mighty punch," Cleary says. She discussed her firm's pro bono culture with *Duke Law Magazine*.

**Duke Law Magazine:** How do you get busy lawyers to participate in your pro bono program to the extent that you do?

**LISA CLEARY:** In my first decade as chair of the Pro Bono Committee, firm partners, counsel, and associates were already tremendously active in pro bono projects. Then, 13 years ago, the executive director of Volunteers of Legal Service, Inc., reached out to our then-chair of the firm to challenge us to achieve 100 percent attorney participation.

For the next three years, we asked that every partner engage in pro bono work. All of them did. Once we had established this track record of partner participation, we decided it was reasonable and appropriate to ask our associates and counsel to join us in meeting the 100 percent challenge. The Pro Bono Committee identified many opportunities that tapped into individual lawyers' skill sets as well as their passions and interests. In 2003, we achieved full 100 percent attorney participation and have done so every year since.

**DLM:** How do you factor pro bono into billable-hour expectations for associates?

Can we  
close the  
justice  
gap?

Lisa Cleary, center, with members of a Patterson Belknap Webb & Tyler pro bono team



Photo: Sam Hollenshead



**CLEARY:** Internally, we have asked that lawyers spend at least 30 hours annually on pro bono matters, which is the aspirational goal that Volunteers of Legal Service suggested many years ago to private law firms in New York City. In practice, we encourage more extensive participation and, generally, get more from every firm lawyer. Of course, people have years when work for clients is extremely demanding and they are unable to reach 30 hours of pro bono work. We have found in those cases that they make up for it in the following year.

Our firm asks each attorney to meet an annual goal of 1,850 billable hours and 250 related non-billable hours. The expectation is that the 250 hours will be spent primarily on pro bono projects. In cases in which a lawyer has not met the 1,850 billable target, but has spent a significant amount of time on pro bono efforts, we give that work special consideration when determining whether they've met their overall goals. Each year, there are a number of associates for whom we count pro bono hours for purposes of their annual discretionary bonus.

**DLM:** How do you manage the pro bono cases and supervise junior lawyers?

**CLEARY:** Firm attorneys work in teams. Every case has at least one responsible partner as well as a range of junior, mid-level, and/or senior associates. Legal assistants and practice-support personnel also assist on e-discovery and related matters. For example, we currently have a team of 12, including three senior associates, working with me on a case pending in the Eastern District of New York involving runaway and homeless youth for whom the City of New York has not been providing shelter and appropriate supportive services. The City contests the claims we have asserted in our complaint and we are vigorously advocating for changes to the system. On a special education law reform case in New Orleans, on which we are partnering with the Southern Poverty Law Center and the Lawyers' Committee for Civil Rights Under Law, we have a team of 10. We also have 10 or 12 attorneys working on a death-penalty case in Alabama.

Because every matter requires partner supervision, no associate is left without adequate support. For example, a mid-level associate recently made his first argument in a state appellate court on a pro bono criminal appeal. The week before the argument, I organized six partners to moot him at our offices. By the time he got to court he was very well prepared and felt confident. One of our partners attended the hearing and wrote a wonderful email to the rest of us praising his stellar performance.

We all feel strongly, and I personally feel passionately, that every pro bono client deserves the same kind of sweat and toil that our paying clients receive from us.

**DLM:** How did your own commitment to pro bono service evolve?

**CLEARY:** My first pro bono client was then a man in his 60s, dual-diagnosed with mental retardation and mental illness. After his parents died he was placed in an adult home called "The Garden of Eden" that was anything but that — living conditions for people with mental illness residing in the home were terrible. Even so, the home tried to evict him and litigation ensued. I became a guardian ad litem and then some, spending 10 years preventing an eviction that would have forced him out onto the streets and advocating for other benefits for him. I was able to find an appropriate placement for him and secured government benefits so that he could get van transportation to a sheltered workshop to improve the quality of his life. I kept in touch with him until his death.

Through that case, I became involved with MFY Legal Services, Inc., which represented him in this adult-home litigation. Staff attorneys at MFY asked me to join their board and that eventually led to my becoming board chair. I was in that role when I joined Patterson Belknap.

At the firm, we subsequently litigated a major four-year case with MFY in which we obtained a \$10 million settlement for 17 mentally ill men whom we alleged were subjected to unnecessary prostate surgery at the hands of the adult home where they resided, a social services agency providing services to them, and the

**"...I personally feel passionately that every pro bono client deserves the same kind of sweat and toil that our paying clients receive from us."** — Lisa Cleary '83

doctors who were involved in the surgery. It was an atrocity. We put the settlement proceeds into a supplemental-needs trust for the benefit of our clients. We also secured significant attorneys' fees and our firm made the decision to donate our fees to MFY and to the other legal services provider that co-counseled the case with us. MFY graciously established the Patterson Belknap Fellowship in our firm's honor.

There is no question that from the desire to assist even one person, systemic changes can ultimately result. And each individual victory can help improve the lives of the people involved in important ways that would otherwise have been impossible but for our legal advocacy. Looking back from my first pro bono matter to all of the wonderful accomplishments of the teams with which I have been fortunate enough to work, I am reminded that from little acorns mighty oak trees grow.

**DLM:** New York now mandates pro bono service as a condition for bar admission. Should pro bono be required of all lawyers?

**CLEARY:** I don't believe so. My view is that if you lead by good example, enthusiasm for helping others is contagious. We don't require people to take on projects they're not happy to work on. Also, one important reason that attorneys choose to practice at Patterson Belknap is because they know we strongly support and encourage pro bono service. We believe that it is a professional obligation we have for the privilege of practicing law. It would be difficult for the court system or anyone else to engender the kind of quality legal representation needed by low-income New Yorkers by making pro bono work mandatory. Our role should be to educate lawyers as to how pro bono work hones critical legal skills and fosters connections in the community, while making invaluable contributions to those less fortunate than ourselves. All the laudable goals behind why we became lawyers — those are the things that should motivate people to do pro bono, not a mandate from on high. ♡ — F.P.

**Can we  
close the  
justice  
gap?**

# Realizing *Olmstead*

**“Just because people with disabilities had rights, it didn’t mean anybody would enable their enforcement.”**

— Talley Wells '98

Talley Wells visits client Andrew Furey, in his Gainesville, Ga., home. Wells helped Furey, who has muscular dystrophy, retain the nursing care he needed to stay there and stay in school.

THE SUCCESS  
TALLEY WELLS '98  
HAS HAD  
ADVOCATING FOR  
GEORGIANS WITH  
DISABILITIES ONLY  
DEMONSTRATES  
THAT MORE  
WORK IS NEEDED

**B**EFORE RHEUMATOID ARTHRITIS put him in a nursing home, 6-foot-6 Harold Anderson lifted 200 pounds without much thought and handled jackhammer duty for a Georgia road paving crew. But at age 48, he began to lose his strength. “I couldn’t hold anything, and then my legs and knees couldn’t hold me up and it was hard to walk,” he says. “When I sat down, it was hard to get up, and then I got to the point where I could not get back up at all.”

Anderson, who uses a wheelchair, spent the next seven years in nursing homes. He was sick a lot, catching whatever viruses circulated among the residents. After being denied state support, he feared he would never live independently again. Then a social worker suggested he call Talley Wells at the Atlanta Legal Aid Society.

“I went out to see him and wondered what the heck he was doing there wasting away,” Wells recalls. “How could the bureaucracy and the

people who assessed him not think he was capable of living and doing all sorts of things in the community instead?”

Wells brought an administrative action challenging the state’s assertion that Anderson’s care would be too expensive in the community. The case was resolved after a judge mediated the action in the nursing facility. Thanks to Wells’ advocacy, Anderson has been in his own apartment since March 2010, with the assistance of an aide for daily tasks.

Anderson’s call echoed many that Wells takes at the Legal Aid Society, where he directs the Disability Integration Project, an epicenter of the legal fight to integrate people with disabilities into community settings. Through litigating, advocating, and educating, Wells is pushing the state of Georgia to meet its obligation to help people like Anderson regain their lives outside of institutions.

It is a duty imposed by the landmark 1999 Supreme Court decision in *Olmstead v. L.C.*, which many people involved in disability rights call their version of *Brown v. Board of Education*. Landmark or not, a legal decision means nothing without implementation.

“Just because people with disabilities had rights, it didn’t mean anybody would enable their enforcement,” says Wells. He credits the founder of the Disability Integration Project, Sue Jamieson — who was the lead lawyer in *Olmstead* and who he considers his mentor — with being a true access-to-justice pioneer by first questioning whether mentally ill and developmentally disabled people should be housed in institutions against their will. “She found a group of people who needed lawyers and advocates that even legal services had not connected with,” he says.

Taking over leadership of the project from Jamieson in 2007 was a natural move for Wells, who had earlier been in general practice at the Legal Aid Society. Wells and his wife, Laura Magistro T’93, have been deeply involved as volunteers with L’Arche, a global organization that builds communities around people with intellectual disabilities, since they first heard of it as Duke undergraduates, and they helped lead a successful, multi-year effort to establish one in Atlanta. He welcomed the opportunity to apply his professional skills to a similar cause.

“I had gone into legal services work because that’s where my passion was — providing legal services to folks who otherwise wouldn’t be able to afford an attorney,” he says. “And working with people with developmental disabilities had become a passion of mine.”

The Supreme Court ruled in *Olmstead* that a disabled individual with a desire to live outside an institution has the right to do so if that person’s medical team determines that the community setting is appropriate and the provision of services is a reasonable accommodation — that is, it is not unduly burdensome on the state. Otherwise, forcing someone to live in an institution is a violation of the Americans with Disabilities Act.

But in Georgia, the promise of *Olmstead* met grim reality: In the five years that followed the decision, 115 mentally ill and developmentally disabled people in state hospitals died under suspicious circumstances linked to overcrowding and poor care. The U.S. Department of Justice (DOJ) investigated and ultimately reached a settlement in which the state agreed to enable each person with a developmental disability housed at a state-run regional hospital to transition into the community. Another 9,000 people with severe and persistent mental illness would get support and housing to live in the community.

A Venn diagram of Wells’ work and influence would feature overlapping circles. One is directly representing clients such as Anderson. Another is working closely with state and national policymakers — including the independent reviewer of the state’s compliance with the DOJ settlement — to identify solutions that work in Georgia and might be replicated elsewhere and policies that aren’t working or obstructing progress. Wells’ influence rests on maintaining relationships across the political spectrum, and in this regard, his open, energetic disposition serves him well.

“He’s brilliant and tireless at accomplishing *Olmstead* enforcement,” says Jamieson. Adds Atlanta Legal Aid Litigation Director Charles Bliss: “Talley has come up with solutions to problems and pointed the way for the state and state actors to continue implementing this. A major social shift like this takes years to implement, and in that way, *Olmstead* is on the same path as *Brown*. Major things have happened but major things still need to be done so [people with disabilities] can really maximize their humanity.”

In some cases, one fight gives way to another. That’s what happened after Keith McGarity, a 58-year-old man with Down’s Syndrome and congenital heart problems, moved from a state institution into a group home near his elderly parents. When county officials tried to close McGarity’s group home, one of only three in the area, Wells and his colleagues relied on *Olmstead* and the Fair Housing Act to keep it open.

McGarity’s father shared his story last October in a StoryCorps interview and on the “I Am *Olmstead*” website Wells created. The site, [olmsteadrights.org](http://olmsteadrights.org), rep-



Harold Anderson

resents the third circle of his work, in essence marketing *Olmstead* so the public, legal community, and institutionalized clients know about these rights. The “I Am *Olmstead*” campaign, anchored by the website, offers a detailed, plain-language history of the decision and advocacy resources.

Most memorable are the stories of the people, like McGarity and Anderson, who crusaded for, benefited from, and can be helped by *Olmstead*.

“When you Google *Olmstead*, my goal is that you find something powerful,” says Wells. He constantly feeds his social media channels with variations on the message: *Olmstead* is helping disabled people live as they wish, but thousands more are still in need.

“The website is about access to justice in all sorts of ways,” he says, noting that in a recent month, almost 700 unique visitors from across the country accessed it. “Legal services and other public-interest attorneys use it for thinking about *Olmstead*’s use in their worlds. It’s also for people to advocate for justice for themselves, and for the community to understand that this is happening and it’s exciting.”

Access and justice, as envisioned by *Olmstead*, have far to go, says Wells, who regularly speaks to law students about the case. This year, as the ADA celebrates 25 years (and *Olmstead* just passed 15 years), more than 7,000 Georgia residents with disabilities are waiting for Medicaid waivers, a necessary step to realize the ruling’s benefit. And last September, four years after the DOJ settlement, the independent reviewer called Georgia’s system of supports for individuals with intellectual and developmental disabilities still “seriously compromised.” “We’ve made extraordinary progress, and that’s shown how much more work is needed,” says Wells.

Through Wells’ advocacy, people like Harold Anderson, who now serves on the board of the Atlanta Legal Aid Society, continue to gain independence and show what access to justice can mean to an individual. Anderson says he hasn’t had “one bad day” since he left the nursing home five years ago. He recalls his first conversation with Wells.

“After we talked, it was like I saw a light at the end of the tunnel. I knew I was going to get out. Talley was more determined than I was to get me out.” ♡

— Michelle Hiskey T’86



# Following a call

DRAWN TO HUMANITARIAN LEGAL WORK, LIBBY MAGEE COLES '08 FOUND A PRESSING NEED CLOSE TO HOME



Can we close the justice gap?

Photo: Jeremy M. Lange

The reception area in Libby Coles' office is stocked with books and toys, as many clients arrive with children in tow.

OVER TWO-AND-A-HALF YEARS as a litigation associate at Parker Poe in Raleigh, Libby Coles spent her days working with corporate clients, drafting pleadings and taking depositions in complex construction and surety bond disputes. Today, she spends much of her time helping survivors of sex and labor trafficking resolve their legal matters, an important step toward rebuilding their lives shattered by unimaginable traumas.

Coles, a Christian, first felt the call to pursue humanitarian legal work during law school, and she envisioned going abroad to join the fight against human trafficking. But as she launched her career in private practice and put down roots in Durham, she had to seek out ways to use her legal training

in service closer to home. She soon learned of a tremendous need for civil legal services among Triangle residents who cannot afford an attorney — many of whom, such as undocumented immigrants, might not qualify for legal aid. In 2009, she founded the nonprofit JusticeMatters based on a belief that offering high-quality representation to materially poor, vulnerable, and marginalized members of the community constitutes “loving our neighbors in word and deed.”

“I believe our professional resources — our education, networks, expertise, skills, and influence — are ‘ours for others,’” she says, quoting theologian Os Guinness.

In the beginning, JusticeMatters organized legal clinics at shelters and service organizations where

volunteer attorneys and supervised law students — many from Duke — offered consultations on such matters as housing, child custody, and immigration law. Rather than simply give advice on the law, Coles and her colleagues sought to provide holistic services by identifying the social, economic, cultural, spiritual, or physical challenges that often intertwined with clients' legal issues.

Five years later, that approach has developed into an expansive intake screening that helps determine clients' non-legal challenges and ensures they are offered options for appropriate referrals along with legal services.

"Our holistic model of client service is rooted in one of our core values — the dignity of the individual," says Coles. "We've provided referrals for a broad range of needs, from job-training classes to mental-health services, and we do this in a culturally sensitive manner."

One client, from West Africa, survived abuse and exploitation in her home country as well as in the U.S.

"During her intake interview, she requested information about churches, counseling, and job-placement services, but expressed concern about how she had been treated, as a West African woman, by service providers previously," Coles says. The client ultimately declined legal help, but after extensive research by an intern with expertise in social work and public health, JusticeMatters was able to connect her to a counseling agency with knowledge of her culture.

"That's a success to us, to know that she is moving forward on her path to healing and restoration," says Coles. "That is our hope, our prayer, and our goal for all of our clients, whether it's through us or another agency."

Coles left Parker Poe to become JusticeMatters' executive director and managing attorney in 2011. In a suite of offices above a busy Latino community center in East Durham, she and three staff lawyers specialize in what she calls "restorative legal services" for survivors of human trafficking and other forms of abuse or exploitation. North Carolina, she notes, is believed to be among the top-10 states with the highest numbers of individuals trafficked for sex and labor. A steady stream of clients has found JusticeMatters through the North Carolina Coalition Against Human Trafficking and the Triangle Rapid Response Team, of which it is a member, referrals from Legal Aid of North Carolina (LANC), as well as case managers at social service agencies like The Salvation Army of Wake County. JusticeMatters also has received referrals directly from U.S. Immigration and Customs Enforcement (ICE) and other public and private agencies.

Helping immigrant victims of crime and abuse secure humanitarian visas is a key component of Coles' practice. Many come from traditional, rural, and highly religious communities in Central or South America, lured into the U.S. on promises of employment and then forced to engage in commercial sex through physical abuse and psychological coercion. A crucial step in recovering from these traumas

is obtaining legal status in the United States and work authorization to help them gain independence, access to medical and mental-health services, and hope for eventual reunion with their families.

Jennifer Stuart, a staff attorney with LANC's Battered Immigrant Project, has referred clients to JusticeMatters when LANC cannot assist due to capacity or funding restrictions, and conferred with its lawyers on trafficking cases that have spiked in volume as the state has increased its identification of victims. "It's been encouraging to have more legal service providers like JusticeMatters delving into humanitarian immigration law and playing an active role in statewide anti-trafficking efforts," she says.

Coles believes JusticeMatters is on the cutting edge in providing "trauma-informed services" to trafficking survivors and others; the organization's approach conforms to best practices in caring for victims of trauma in the behavioral-health field, and reflects input from experts in that area. Because trauma-related stress is often long-lasting, those experts emphasized the need for patience as clients struggle through their stories of displacement, abuse, and escape.

"We are careful to shepherd each client through the legal process in a way that doesn't re-trigger their trauma," says Coles. "Even little things, like where we sit in a room or the pictures we hang on our walls matter."

When JusticeMatters attorneys enlist volunteer lawyers to assist with secondary legal issues faced by clients, they serve as the primary point of contact for both. They also liaise with their clients' case managers and work closely with local and federal law enforcement agencies to help clients report and aid in the prosecution of their traffickers.

"By providing trauma-informed services, JusticeMatters attorneys give clients the empowering opportunity to advocate for themselves, exercise choice, and have their voices heard after they were silenced by abuse and exploitation," says Karla Siu Daugherty, a therapist and the clinical director at El Futuro, a behavioral-health provider for the Latino community. A JusticeMatters board member, Siu Daugherty helped Coles and her colleagues incorporate best practices from the behavioral-health field into their legal practice. "This helps trauma survivors regain their autonomy and reengage as active members in our society," she says.

Although JusticeMatters accepts clients regardless of and without religious identification, if clients indi-

**"Our holistic model of client service is rooted in one of our core values — the dignity of the individual."**

— Libby Magee Coles '08

cate, during intake, that they would like to pray during their appointments, Coles and her team are happy to oblige, often building trust with trauma survivors that would otherwise be difficult.

"I see many clients visibly relax when they hear we are a faith-motivated organization," she says. "Especially for some of our immigrant clients who have been interacting primarily with governmental agencies and law enforcement, which are often corrupt in their home countries, it helps them understand they are in a safe place."

Coles' expertise in representing trafficking survivors and advocacy for systemic solutions to the problem has garnered notice. In 2013 she was appointed by Gov. Pat McCrory to chair the new North Carolina Human Trafficking Commission. The commission recently won approval for mandatory training in human trafficking for all law-enforcement officers in the state that will take place in 2016.

Now, Coles and her team are expanding their services to include family law, often helping caregivers get legal custody of children in their care so they can obtain medical services or enroll the children in school. "Referrals from Durham Public Schools and self-referrals have created a stream of clients, both immigrant and citizen, in need of these services," says Coles. "By helping children gain a legal connection to a family, we hope to reduce the risk of them entering the foster-care system or becoming trafficking victims." The organization also now represents undocumented minors who are eligible for a special immigration status for juveniles after surviving parental abuse, neglect, or abandonment.

"My heart is fully engaged in this work," says Coles, who welcomed her second child in November. "Walking with each client" through the legal process, establishing trust, and ultimately seeing the stability and hope a visa confers fulfills the calling she felt early in her career.

"These are resilient, courageous individuals who have suffered immensely," she says. "It's a gift to know them and to be part of their healing process as a lawyer." ♡ — F.P.

**"Those Duke students,  
they pushed my claim  
through and got me the  
help I needed."** — Michael Morgan

OVER A PERIOD OF FIVE YEARS, THREE STUDENTS AND ONE ALUMNA FOUGHT TO GET A VETERAN BENEFITS — AND THEY WON



## A client's story

WHEN MICHAEL MORGAN met Christine Lehr '96 at a client intake meeting organized by Duke Law School's Veterans Disability Assistance Project (VDAP) in July 2009, he was homeless, destitute, and sick. Morgan, who served in Vietnam as a radio operator during an eight-year career in the U.S. Navy, had several claims and appeals in process with the Veteran's Administration relating to his military service. He was unable to pursue his career as a photographer due to myriad health problems, living in his truck, and "understandably frustrated" by long delays and repeated denials of his claims, said Lehr, a partner and the pro bono coordinator at DLA Piper in Raleigh, who had volunteered to supervise Duke Law students on veterans' disability claims.

"Who knew that it would take nearly five years, three law students, and countless hours for Mike to finally receive an award of 100 percent disability," said Lehr after the VA came to that conclusion last summer. She supervised successive student VDAP volunteers — Thomas Crosby '11, Ben Kastan '12, and Nick Atallah '14 — as they worked on several separate claims and appeals on Morgan's behalf, including a hearing before the Board of Veterans' Appeals. The claims, including ones relating to post-traumatic stress disorder (PTSD) and neck and shoulder injuries, stemmed specifically from a beating Morgan sustained on a U.S. naval base in Okinawa in 1972. Morgan shared his story with *Duke Law Magazine*.



Michael Morgan, far left, celebrated the successful completion of his case at a Durham steakhouse with members of his Veteran's Disability Assistance Project team. Clockwise from left: Tom Crosby '11; Nick Atallah '14; Christie Lehr '96, the supervising pro bono attorney; Kim Burrucker, director of Public Interest and Pro Bono; and Ben Kastan '12.

“ I’M DIABETIC from exposure to Agent Orange. I filed my original claim with the VA in 2002 just for the diabetes, and that’s what I got benefits for. But the reason why I ended up needing [the students’] help is an incident I had mostly blocked out. I didn’t know much about PTSD, and nobody knew about it back when I was serving.

I had worked through the pain of injuries and psychological trauma as long as I could. But as a photographer you have to carry around a lot of equipment and it became impossible to work.

My main problem is cervical damage — major neck problems. Four vertebrae have major damage, and my whole upper left side, hand, arm, it all goes dead, it shuts down. I never know when it’s going to happen.

I kept telling doctors that it was from this beating that happened in 1972. There was an incident report in my medical file, but I never knew what to make of it before.

To this day, I still don’t remember everything that happened. All I remember is getting to Okinawa after an 18-hour mission. We were on our way over [to the Enlisted Men’s club] and we got jumped by five guys. I woke up three hours later in the Air Force dispensary. I should have been taken to the hospital, but I never was. I was in bed for

three days before I finally fully came to and asked what had happened.

My shrink diagnosed me with PTSD in 2006 or 2007. It became a long, drawn-out thing trying to get my benefits. Instead of fully investigating my medical record, they — the VA — fought and fought. I had so much medication for the psychological issues resulting from PTSD, and from the pain, it was unbelievable. And I couldn’t get the Navy to give me what I was owed. I was stuck in the claims process. I became very depressed and attempted suicide at one point.

But it said, right there on the incident report [after the beating], that in addition to the injuries, I was recovering from ‘post-traumatic amnesia.’ That was the link that eventually helped me fight for my benefits. The last claim that the Duke students worked on was successful.

I’m a fighter and they helped me fight. They used that report from 30 years ago to show my PTSD and to show that my neck injuries were something I deserved help with. I did for myself as long as I could, but things had gotten to a low point. Those Duke students, they pushed my claim through and got me the help I needed. I don’t have to wonder about my housing situation, how to get money for food. I can concentrate on my health. ♡ — *Forrest Norman*

”



# “I don’t go to lawyers”

PROFESSOR SARA STERNBERG GREENE  
EXAMINES THE **INACTION GAP**

**W**HILE INTERVIEWING recipients of the Earned Income Tax Credit for her doctoral research in sociology, Professor Sara Sternberg Greene was surprised how many of her subjects had legal issues they were neglecting, even when free help was available. “Sometimes I would follow up and say, ‘Have you seen a lawyer?’ And it would always be, ‘No, no, I don’t go to lawyers,’” recalls Greene, an interdisciplinary scholar who joined the Duke Law faculty in August.

Greene had encountered a similar dynamic several years prior as a student working in Yale Law School’s legal aid clinics. The clients often had to overcome a fear of the civil justice system before coming to the clinic for help to resolve a housing dispute or sue for benefits they were owed. “They were just very clearly very scared of lawyers and were there as an absolute last resort,” she says.

Historically, access to justice scholarship has largely focused on the problem of too few lawyers serving the legal needs of too many low-income Americans. Studies show that legal aid agencies’ limited resources force them to turn away about half of all potential clients. But Greene has begun exploring a separate issue: why many who qualify for legal aid never seek it out. A 1994 study by the American Bar Association found that as many as three in four poor people fall into this category.

“Many, many poor Americans, when they are experiencing civil justice problems, do nothing about them,” she says. “It’s not a question of is there a lawyer available to them. It’s are they even going to contact a lawyer?”

Greene’s research, which is the subject of a forthcoming article, is one of the first attempts to understand this problem and why it is so prevalent, part of her larger scholarly agenda examining the relationship between law and inequality. Her experience working in legal aid clinics had shown her that legal problems that go unresolved often exacerbate the effects of poverty, an impression that was cemented as she completed a PhD in social policy and sociology at Harvard after practicing at a Boston law firm.

“There’s been research that shows that inaction perpetuates inequality and it’s not hard to figure out why that might be the case,” she says, giving as an example a mother who is evicted for complaining about code violations in her apartment and winds up in less adequate housing that causes her to lose her job or triggers action by a child-welfare agency. “There can often be this cascade where they have this civil justice problem and they don’t do anything about it and that leads to something else and it goes downhill from there.”

In 2007 and 2008, Greene and a research assistant conducted in-depth interviews with 97 residents of public housing in Cambridge, Mass. The questions focused on the residents’ experiences with civil justice issues and attitudes toward courts and lawyers.

Almost immediately, she detected a pattern: Many interviewees confused or conflated the criminal and civil justice systems. They cited negative past experiences, such as a relative who received poor representation from a public defender, as a reason not to take a landlord or a spouse to court, even though doing so

would involve different judges, different lawyers, and much lower stakes. Many took it as proof that it was pointless to pursue a legal claim if they couldn't hire a high-priced lawyer, citing the 1995 acquittal of O.J. Simpson on charges of murdering his wife as proof that "money buys justice."

"One woman thought that to get a divorce, she would have to talk to a public defender, or as she called them, a 'public pretender,'" Greene says.

"When they think about lawyers and court, it's all bundled together. They think they might go in for a divorce and end up in jail."

And it wasn't just their experiences with the criminal justice system that discouraged them from taking action on a civil justice problem. Greene's subjects recalled bad experiences with government agencies of all types, from administrative hearings to retain their public benefits to meetings with their child's school principal, as leaving them feeling confused, fearful, or humiliated. If they could avoid that feeling again by ignoring their civil justice matters, they would.

"Worst day of my life," one woman said of a welfare hearing she attended, the memory of which would keep her from trying to resolve a civil legal problem, Greene writes in her draft article. "'They were wrong. I'll tell you that. I had all this documentation and papers and things with me, and no one cared.'"

Research has shown that experiences like those erode poor people's trust in public institutions that exist to help them, particularly among racial minorities. Greene's research found the same pattern: 75 percent of white respondents in her study said they trusted courts, compared to only 22 percent of the black subjects, a divide that is particularly noteworthy in light of the debate over racial disparity in the criminal justice system.

"What wasn't before known in sociology is how much courts and the law are coupled into that insti-

tutional fear and that it's not just that people don't like welfare offices," she says. "There isn't a sense — particularly among African Americans — that because the law is focused on justice and there are actually these laws regulating it, things will go better."

And this lack of trust in the civil justice system contributed to a third reason for inaction, what Greene calls a "narrative of self-sufficiency" on the part of many whom she interviewed. They perceived themselves to be the type of people who, faced with a problem, would take care of it themselves, not needing the assistance of lawyers and courts. They refused to be like "sue-happy" rich people who too often relied on others to resolve their issues, abusing the system.

Whether this is a genuine feeling, or a rationalization of the mistrust, fear, and helplessness that low-income Americans feel, Greene says it suggests simply increasing the supply of legal aid lawyers will not be enough to close the justice gap. Courts may need to provide many more opportunities for self-help or the resolution of issues outside of the courthouse. Legal help may need to be offered from within more institutions that are "safe," such as churches, community centers, or doctors' offices. Legal aid organizations may need to shift resources to increase their outreach to the poor.

"If people or their friends or family members have had some sort of positive experience with a lawyer, they are more likely to go to one," Greene says.

Christopher Winship, the Diker-Tishman Professor of Sociology at Harvard, says Greene is one of a small number of researchers studying the connection between these issues and poverty.

"Sociologists have studied the criminal justice system and its impact on inequality and the poor," he says. "With the exception of employment and other related forms of discrimination, little to no attention has been paid the impact of the civil justice system. This is most surprising given that bankruptcy, foreclosures, and evictions, to name just a few, are clearly important in the lives of the poor. There are decades worth of research to be done here."

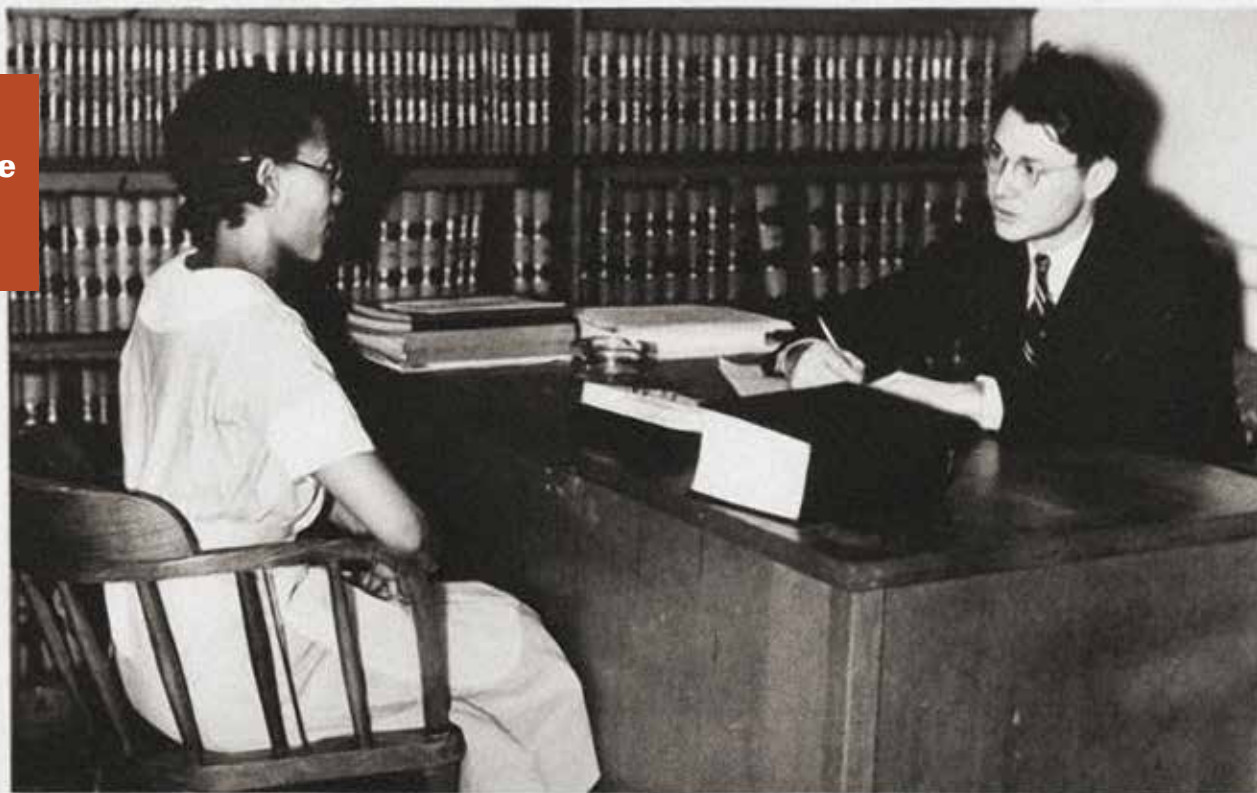
Indeed, Greene hopes that her research will spur wider, national studies of inaction on civil justice issues and lead to greater attention to this dimension of the justice gap and not just the scarcity of available lawyers. She also hopes to extend her research into specific areas of civil law where the contours may be very different, such as bankruptcy and family law.

"There is much more research to be done," Greene says. "The people who do not seek help are some of the hardest to find and sample, but they may be some of the neediest — the most isolated and the most powerless. We need to learn much more about them, and this is just a start." ♡ — Andrew Park

**"Many, many poor Americans, when they are experiencing civil justice problems, do nothing about them."** — Professor Sara Sternberg Greene



Can we  
close the  
justice  
gap?



IN ESTABLISHING THE FIRST LAW SCHOOL  
CLINIC, JOHN S. BRADWAY INSTILLED IN  
DUKE AN ETHOS OF SERVICE

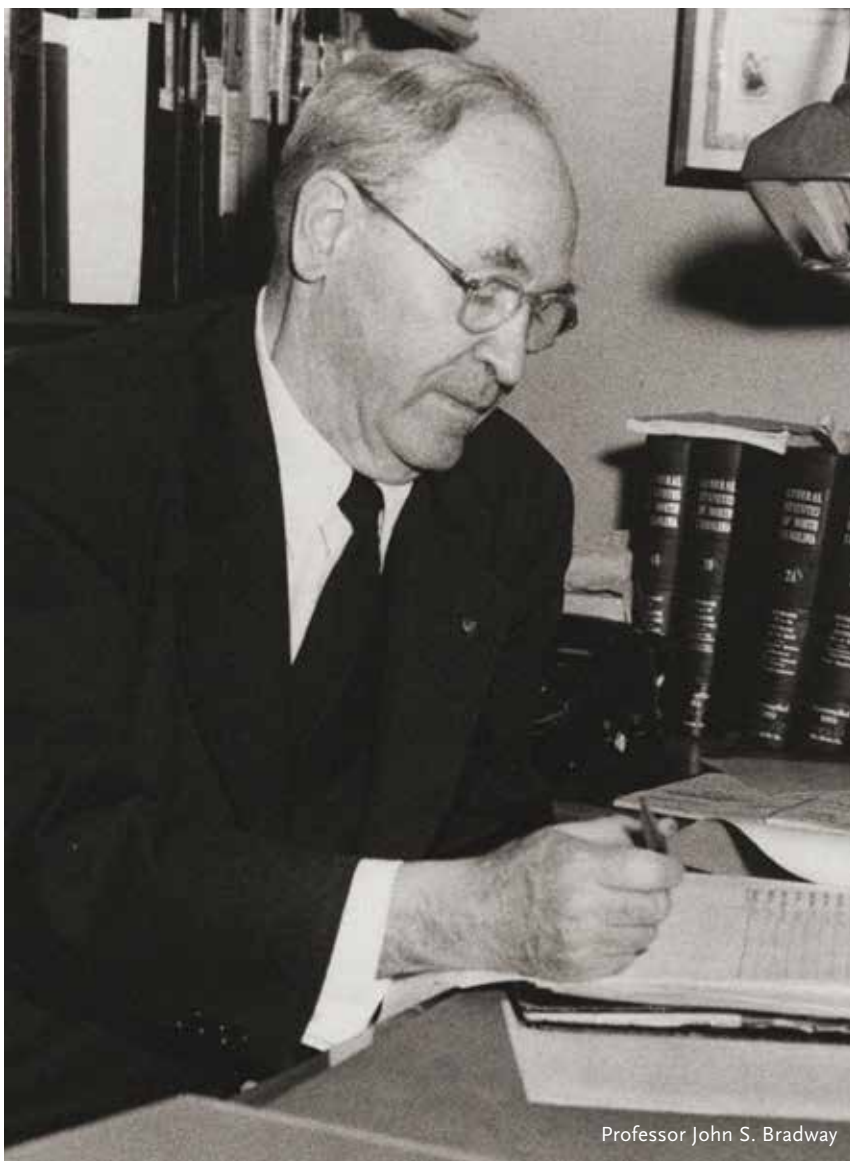
## The meaning of legal aid

**I**N 1930, WHEN JUSTIN MILLER became dean of Duke Law School, one of his first hires was a former colleague from the University of Southern California, John S. Bradway. A former legal aid lawyer, Bradway had organized an experimental summer course in which USC students handled simple cases for indigent clients under the supervision of faculty. While a number of law schools had opened “dispensaries” operated either by students or in partnership with legal aid societies or the local bar, none had established a viable in-house legal aid clinic. With Miller’s encouragement, Bradway would travel east to make Duke the first.

This was no small undertaking. Among the potential obstacles the clinic faced were Durham’s small population and the conservative, rural character of North Carolina, not to mention the fear that Duke wanted to take business from local lawyers.

“Preliminary predictions of failure were not wanting,” Bradway later wrote. But after he and Miller met with the Durham Bar Association to assure it that the clinic would follow the standard legal aid practice of limiting clients to those who couldn’t pay, opposition dissipated. Within six months of opening in the basement of the Law School building in October 1931, it had received 129 applications from potential clients from as far away as California and Great Britain.

Bradway would direct the Duke Legal Aid Clinic for the next 28 years. In frequent writings, he argued that clinical education benefited many more than just the needy. It helped the bar ensure new lawyers were admitted with experience serving “flesh and blood clients” with “actual human problems.” It helped law schools such as Duke build relationships in the community, just as medical school clinics had done. And it provided an opportunity for the legal profession to show its more humane side, as he wrote in the 1954 *Louisiana Law Review* article excerpted here. Under Bradway’s pioneering leadership, the belief in a lawyer’s duty to all people would take hold at Duke Law, and it remains a core value to this day.



Professor John S. Bradway

“SOME PEOPLE SEEM TO ASSUME that the term “legal aid client” is synonymous with “dead beat,” “pan handler,” the man who makes a profession of getting something for nothing, something for which he should pay. He is imagined to be one who seeks to gain his objective by misrepresenting his economic condition. There is no particular value in attempting to deal with this misconception by argument. The best answer is for any interested person to spend a few hours as a spectator in the office of a busy legal aid society. There he will be able both to see for himself and to draw his own first hand conclusions. A similar lay misunderstanding obscures from some clients the humanitarian impulses of the lawyer. Too many people jump to the assumption that no applicant will be received in a lawyer’s office unless and until he has money in his hand to pay a fee or at least a sizable retainer. Here again is a matter in which argument is of little value per se. The best answer is for any interested lay person to consult a lawyer and find out for himself. In fact, clients would find it a good habit to see their lawyers twice a year.

Legal aid work is not only the client’s state of mind. It is also a professional point of view. The statutes in the various jurisdictions which define the phrase “practice of law” award to the members of the bar what amounts to a monopoly. The privileges of this monopoly, of course, are fully balanced by the obligations. One of these obligations, recognizing that laws and principles of justice do not implement themselves, devolves upon the members of the bar a large portion of the duty to see that justice

according to law is actually administered to each of our fellow citizens, if, when and as he needs it.

The federal and state constitutions, in various wordings, promise the public “the equal protection of the law.” *Inter alia* this promise seems to require that in a republic the quality of justice a man receives should depend upon the merits of his cause rather than upon the amount of money he happens to have in his pocket. If the client can pay a fee commensurate with the quality and quantity of services rendered by the lawyer the transaction presents few complications of present concern. If, on the other hand, the client can pay only a token fee, or none at all, the professional obligation on the lawyer to serve him would appear to be every bit as great as it is to assist his more fortunate neighbor.

Legal aid work is evidence of the lawyer’s recognition of that professional obligation not only to the individual client but to the general public. Sometimes it is assumed individually. At other times it is a matter for joint action through the bar association.

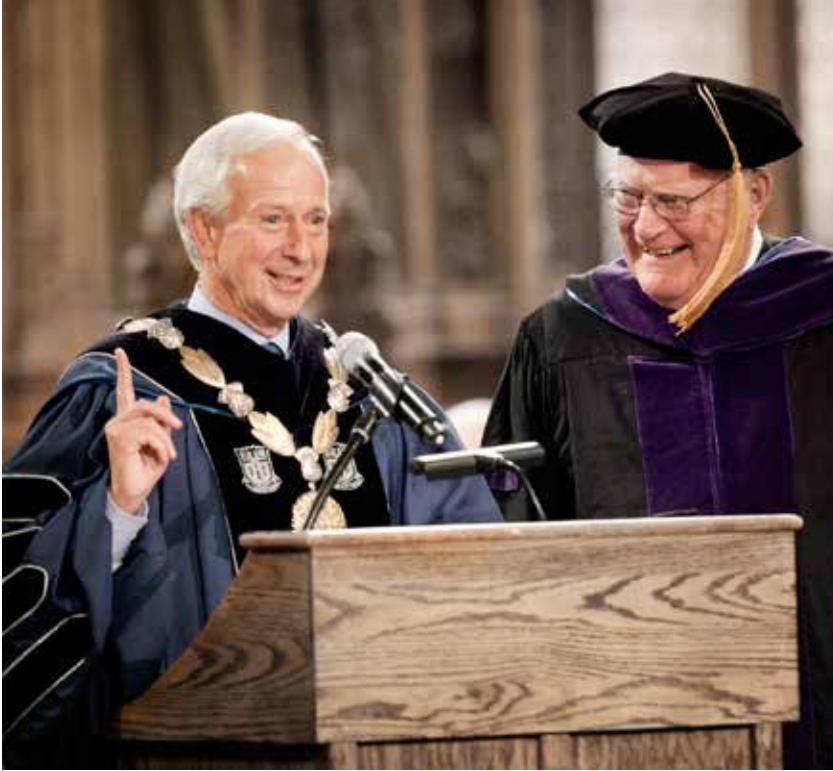
In still other places the service is performed in a sense vicariously through a legal aid society staffed by lawyers and supported financially by the public, a system somewhat analogous to the organization of the free clinics operated by our sister profession — medicine. To a lawyer legal aid work is a part of the overall public relations program of the organized bar. In some respects it is the most effective part of that program. It does not limit itself to promulgating a statement of general principles. It is a realistic humanitarian implementation. It comes home individually to every man’s fireside.

Legal aid work finally is an answer of the organized bar to a demand from the general public. The public, not unreasonably, requires that the legal principles implicit in what we call the American way of life should function realistically. The legal aid movement is a front line trench in the present global cold war. The prize in that war is the enthusiastic approval of reasonable men. What we say about the American system may win our side converts. What we are able to demonstrate as to its relative effectiveness in comparison with the performance of foreign ideologies speaks louder than words. In the light of this challenge we may understand the zeal of those who man the legal aid front line trenches. We may also wonder whether there might not be more replacements. ♡ — Andrew Park

From “Legal Aid: Its Concept, Organization and Importance,” *Louisiana Law Review* vol. XIV 1954 (554-67)  
Photos courtesy of Duke University Archives



# Alumni Notes



**G**erald Bard Tjoflat '57, a judge of the U.S. Court of Appeals for the Eleventh Circuit and the longest-serving, active federal appellate judge in the nation, received Duke University's 2014 Distinguished Alumni Award at the Founder's Day Convocation on Sept. 19. The highest award given by the Duke Alumni Association, the Distinguished Alumni Award is given to alumni who have made significant contributions to their fields, in service to the university, or for the betterment of humanity. In presenting the award, Duke President Richard H. Brodhead, pictured at left, praised Jerry's leadership and integrity as a member of the legal profession and his devotion to Duke Law School, noting, in particular, his mentorship to 99 Duke Law graduates who have served as his clerks during his judicial career; he has hired more than 60 since he has been on the Eleventh Circuit. Many of those clerks paid tribute to Jerry at a luncheon at Duke Law on Sept. 19, as did **Dan Bowling '80**, in a multi-part profile published in "Gerald Bard Tjoflat: A Profile," 11 *11th Circuit Historical News* 1, 18-23 (Spring 2014).

Jerry spoke at the 2014 hooding ceremony at the University of Missouri School of Law in May. **BOV** (Read more, page 64.) 🐾

## Let your classmates know how you've been!

» Drop us a line at [law.duke.edu/alumni](http://law.duke.edu/alumni).

For *Super Lawyers* and other professional kudos, see page 56.

## 1962

**Johnie L. Joyce Jr.** married Patricia Robbins on July 27, 2013, in Durham, where they reside.

## 1964

**Kent Weeks** has authored *Doing Civility: Breaking the Cycle of Incivility on Campus* (Morgan James Publishing, 2014). This follows his 2011 book, *In Search of Civility: Confronting Incivility on the College Campus* (Morgan James Publishing). Kent, who has worked in and written extensively about higher education, also maintains a law practice in Nashville, Tenn.

This section reflects notifications received by Nov. 30, 2014.

**BOV** denotes membership on the Law School's Board of Visitors.

## 1965

**Charles Bateman** retired, in August, as full-time attorney for the City of Burlington, N.C., as well as on-call attorney for several other nearby cities. He also retired from his private law practice in Burlington, turning the practice over to his son. Over 49 years, Charles served as attorney for all of the cities and municipalities in Alamance County.

## 1966

**Reece Bader** joined WGK-ADR after 45 years of litigation practice with Orrick, Herrington & Sutcliffe. WGK-ADR is a dispute resolution practice focused on complex litigation matters launched by the firm of Wiand Guerra King in Tampa.

**Alexander Denson**, a retired magistrate judge for the U.S. District Court for the Eastern District of North Carolina and a veteran, has been honored for his longtime advocacy for homeless people in the Triangle by the naming and dedication of the Denson Apartments for Veterans in Durham. The complex, which opened in November, includes 11 units of permanent supportive housing for Durham veterans who are homeless and have disabilities. Fundraising is underway to build 12 additional units.

## 1967

**William "Bill" Constangy** retired, on Aug. 31, as a Mecklenburg County (N.C.) Superior Court judge. He had been a judge in the county for a quarter-century, serving previously on the District Court.

## 1968

**Tommy Boroughs**, a partner in the Orlando office of Holland & Knight, received a VALOR Project Award of Excellence from the Orange County Legal Aid Society for his role in the creation of the Veterans Pro Bono Legal Clinic, as well as an Outstanding Service Award from the Orange County Bar Association for his role in the establishment of the OCBA Veterans Committee and the Orange County Veterans Court.

**Lon Bouknight** rejoined Steptoe & Johnson in Washington, D.C., as a partner in the electric power group. Lon was a partner at the firm from 1994 to 2005, and from 2008 to 2009. He is also a former chair of the firm. Most recently, he was executive vice president and general counsel for Public Service Enterprise Group, and from 2005 to 2008, he was executive vice president and general counsel for Edison International. **BOV**

**Don Messinger**, a partner at Thompson Hine in Cleveland, was honored in July at The Milestones of Success Party, celebrating the 40th anniversary of his service on the board of directors of the Cleveland Hearing & Speech Center (CHSC). During his tenure on the board, Don twice served as president, co-chaired a capital campaign, and spearheaded the building of a new facility for CHSC.

**Charlie Rose** was named 2014 North Carolinian of the Year by the N.C. Press Association at its annual meeting in February 2014. He has hosted "The Charlie Rose Show" since 1991 and co-hosted "CBS This Morning" since 2012. NCPA Board President Les High praised Charlie for setting and meeting exceptionally high standards of journalism — specifically broadcast journalism — and making interviewing "an art

form." In October, Charlie received an honorary doctorate of humane letters from the State University of New York at Oswego.

## 1969

**Franklin Wallis** has become a member at Muhm & Reilly in St. Louis, Mo., where he specializes in estate planning. He previously was a partner at Bryan Cave.

## 1971



**Mike Warren** received one of the inaugural Vulcan Awards, given by the Vulcan Park & Museum of

Birmingham, Ala., to honor people who have inspired and pushed that city forward. Mike, the CEO of Children's of Alabama hospital, was given the Game Changer Award, in part for his leadership of the hospital as it

built a new campus. Mike was chair and CEO of Energen Corp. and a longstanding board member at Children's before becoming CEO in 2007.

## 1972

**Cary Moomjian** has been appointed to the board of directors of Ensign Energy Services, a Calgary, Canada-based company engaged in global oil and gas drilling and well services. Cary conducts public and in-house training on oil drilling and service contracts, and in 2015 is scheduled to present courses in Malaysia, Indonesia, and Dubai.

**Karla Simon** has been serving as a visiting scholar at Harvard's Fairbank Center on Chinese Studies since Aug. 1, 2014. Karla is chair of the International Center for Civil Society Law and an affiliated scholar at the New York University U.S.-Asia Law Institute.

## 1973

**Kenny Armstrong** was appointed by Gov. Bill Haslam to the Tennessee Court of Appeals, Western Section, effective Sept. 1. He had served as a trial judge on the Shelby County Chancery Court since 2006.

## 1974



**Candace Carroll** has been appointed to the seven-member board of directors of the San Diego

Convention Center Corporation and is serving as its secretary and treasurer for 2015. Candy is an appellate practitioner and of counsel at Sullivan Hill Lewin Rez & Engel. **BOV**

**Curtis Collier**, United States district judge for the Eastern District of Tennessee, took senior status in October, after serving 19 years on

**R**oger Ferland '74 was named the 2014 Outstanding Disabled Veteran of the Year by *DAV Magazine*. Roger, now retired from partnership in Quarles & Brady's Phoenix office, where he practiced in the areas of environmental and natural resources law, has served on the Military Legal Assistance Committee of the Arizona State Bar, where he spearheaded the creation of several clinics that provide pro bono legal assistance to veterans. He attended law school after serving in Vietnam as a squad leader and platoon sergeant, losing both legs and badly injuring one arm in a combat explosion. He received the Bronze Star for combat heroism as well as the Purple Heart and Combat Infantry Badge. ♣

» Read a profile of Roger Ferland at [law.duke.edu](http://law.duke.edu).



## Alumni Notes

the court. Curtis sits and resides in Chattanooga. He plans to spend more time with his family and on his civic and charitable interests. **BOV**

**Thomas McLain**, senior counsel at Arnold & Porter in Los Angeles, was the 2013 Distinguished Lecturer for the Pacific Basin Research Center at Soka University of America and Claremont McKenna College, speaking on Chinese investment in the U.S.

**Rory Olsen** was re-elected in November to a fifth term as judge of Probate Court Number Three, in Harris County, Texas.

## 1977

**Henry Blinder**, a retired Durham N.C. city attorney, received the Ernest H. Ball Award for Excellence in Municipal Law from the N.C. Association of Municipal Attorneys in August 2014. The award recognizes his distinguished career in the area of municipal law and government.

## 1978

**Wendy Collins Perdue**, dean and professor of law at the University of Richmond School of Law, was selected by *Virginia Lawyers Weekly* to join the Class of 2014 Influential Women of Virginia, which recognizes the outstanding efforts of women in the commonwealth in all fields, including law, business, health care, education, and the arts. The honors are given to individuals who are making notable contributions to their chosen professions, their communities, and society at large. **BOV**

**Bill Price** was elected chair of the Institute of Illinois Business Law at IIT Chicago-Kent College of Law for 2014-15. The institute's volunteer membership includes leading attorneys in private and corporate

practice and legislators who work to improve laws and regulations by reviewing, drafting, and revising relevant state laws. Bill's solo firm is GrowthLaw in Warrenville.

## 1979

**Joel Feldman** gave a presentation in January 2014 to undergraduate students at Georgetown University on "Marriage & Divorce: An Interfaith Perspective." Joel practices matrimonial and family law in Boca Raton, Fla.

**Tom West** has joined North Carolina Independent Colleges and Universities as vice president for government relations and general counsel. NCICU represents North Carolina's 36 independent, nonprofit institutions of higher education. Over 17 years as a partner at Poyner Spruill in Raleigh, Tom led the government relations group. He earlier served for 11 years as an administrative law judge with the N.C. Office of Administrative Hearings.

## 1980



**John (Jack) Hickey** of Hickey Law Firm in Miami spoke at the Dade County Bar's "Road to

Becoming a Superlawyer" event, and moderated a panel titled "Initial Case Evaluation" at the Dade Bar's Annual Bench and Bar Conference. He also spoke on a panel at and prepared a paper on tour operator liability for the Torts and Insurance Practice Section meeting of the ABA in Boca Raton last May. Jack has been appointed vice chair of the Certification Plan of Appeals Committee of the Florida Bar Board of Governors.

**Claire Moritz** was selected to serve a two-year term on the board of visitors of the Norman Adrian Wiggins School of Law at Campbell University. Claire is vice president, legal services/general counsel at WakeMed in Raleigh.

**Mark Prak**, a partner in the Raleigh office of Brooks, Pierce, was inducted into the N.C. Association of Broadcasters (NCAB) Hall of Fame at its annual meeting last June, in recognition of his significant contributions to the state's broadcasting industry. The NCAB recognizes individuals who have made significant contributions to the state's broadcasting industry. Mark has practiced communications law for more than 34 years, and is legal counsel to the NCAB. He has taught a course on communications law and public policy at both Duke Law School and Duke's Sanford School of Public Policy.

**Lisa Smith**, a U.S. magistrate judge for the Southern District of New York, has co-authored "The Professor and the Judge: Introducing First-Year Students to the Law in Context," 63 *J. Legal Education* 460 (February 2014). The article is the result of a five-year teaching experiment she conducted with her co-author, Professor Michael Mushlin of Pace Law School, in an effort to make civil procedure more meaningful to first-year law students. Lisa also received the 2014 Judith S. Kaye Access to Justice Award from the Women's Bar Association of the State of New York.

## 1981

**Mark Beatrice** leads the bankruptcy department at Alliance Legal Group in Sarasota, Fla., where he focuses on consumer bankruptcy filings. He previously served, for 17 years, as a chapter 7 panel trustee in Region 9 of the United States Trustee divisions, based in Ohio.

**Ted Edwards** has opened the Law Office of Ted B. Edwards in Winter Park, Fla. He previously was a partner at Foley & Lardner in Orlando. Ted was elected to the Orange County, Fla., Board of Commissioners in 2010, and re-elected in 2012. He had previously served as the District 5 commissioner from 1996 to 2004.

**Don Rendall** has been named CEO and president of Vermont Gas. Don previously served as senior vice president of financial and strategic affairs at Green Mountain Power.

**Bill Richardson** has been named interim director of the University of Hawai'i Office of Technology Transfer and Economic Development. Bill is a venture capitalist and entrepreneur who founded and built a series of venture funds that invested in 17 Hawai'i-based companies, including two that went public on the NASDAQ exchange. Bill also teaches courses in the university's business and law schools as an adjunct professor.

**Bruce Saul** has joined the Federal Insurance Office in the U.S. Treasury Department in Washington, D.C., as a senior regulatory policy analyst. He previously served as vice president and chief counsel for insurance and annuities at Ameriprise Financial.

**Pam Silverman**, who has a solo practice in Charlotte, was featured in the *North Carolina State Bar Journal's* "Profiles in Specialization" section in its summer 2014 issue. Pam is a board-certified specialist in estate planning and probate law practicing in Mecklenburg and Union Counties.

**David Sturgess** has been appointed senior vice president, secretary, and general counsel of the Affinia Group, Inc., in Gastonia, N.C., which designs, manufactures, distributes, and markets

## Have news to share?

» Drop us a line at [law.duke.edu/alumni](http://law.duke.edu/alumni).



industrial-grade products and services. David previously oversaw legal activities at Charlotte-based ReCommunity Recycling.

## 1982

**Peter Cotorceanu** has joined the law firm of Anaford AG as a partner in its Zurich office. He specializes in cross-border tax and structuring for private clients and implementation of FATCA for the fiduciary and financial services industries. Peter previously was in-house counsel at UBS.

## 1983

**Kate Battuello** has been elected second vice president of the board of trustees of the King County Bar Association in Seattle. She will become president in 2016. Kate is an assistant attorney general in the Washington State Attorney General's Office, assigned to the health care team at the University of Washington.

**Lisa Cleary** has been elected co-chair and managing partner at Patterson Belknap Webb & Tyler in New York City. Lisa leads the firm's employment law practice, advising corporations and tax-exempt organization clients on employment issues related to their highest level executives and other key employees. (Read more, page 36.)

**Violet Diamant** has joined Morningstar Credit Ratings as managing director of asset-backed securities ratings and research. She is based in New York City, and most recently was director of credit risk management for Credit Agricole.

**Matt Firestone** has joined the Orlando office of Shuffield Lowman & Wilson as a partner in the firm's litigation section.



**David Trott '85** won election, in November, to represent Michigan's 11th Congressional District in the U.S. House of Representatives. He was sworn into office on Jan. 6. Dave is the chairman and CEO of Trott & Trott law firm in Farmington Hills, and the owner of several financial services companies. He is serving on the House Committees on Foreign Affairs and the Judiciary. ♡

**Brett Gladstone** is a partner and head of the land use practice group at Hanson Bridgett in San Francisco. The land use practice group includes 10 attorneys in two of its Northern California offices. Brett joined the firm in February 2013.

**John Knight** has been named general counsel of Olayan America, the American division of The Olayan Group, a privately owned investment group. He previously was COO of the Bahrain Sovereign Wealth Fund. **BOV**

**Carolyn Woodruff** is featured in the TLC reality show, "Ballroom Blitz," about the competitive world of ballroom dancing. Carolyn and her dance partner, Alosha Anatoliy, are current and three-time Fred Astaire National Dance Champions in Open Smooth and current National Fred Astaire Pro Am Cabaret Champions. Carolyn practices at the Woodruff Family Law Group in Greensboro, N.C.

## 1984

**Virginia Antipolo-Utt** has authored *Letters to My Child's Guardian, Together with My Very Personal Gift and Legacy to My Unbelievably Amazing Child*, published in November by WestBow Press. Virginia practices estate planning at the Antipolo & Paul Law Firm in Everett, Wash.



**Gary Biehn**, a partner and chair of the international group of White and Williams, has been appointed

board chair of the World Trade Center of Greater Philadelphia (WTCGP). Gary has been a member of the WTCGP board since 2008 and served as vice-chair from 2012 through November 2014.

**Ann Gales** has been sworn-in as a district associate judge in Iowa's Third Judicial District. She previously was a sole practitioner in Algona, as well as assistant Kossuth County attorney.

## 1985



**Brenda Hofman Feis** has founded the Chicago-based employment law boutique, Feis Goldy, which

represents executives, managers, and employees. Brenda previously was a partner at Seyfarth Shaw, where she represented Fortune 100 employers in a wide range of employment matters.

**Randy Friedberg** has been elected partner in the New York office of White and Williams, where he is a member of the intellectual property group, with particular focus on the protection, licensing, and enforcement of intellectual property rights.

**Manuel Sager** was appointed head of the Swiss Agency for Development and Cooperation (SDC), effective Nov. 1. Manuel had been the Swiss ambassador to the United States since 2010. Last fall, he was in residence at the Law School teaching a course on development finance.

## 1986

**Bharat Dube** has relocated to Singapore, after 25 years in Switzerland. He is the founder and chief executive of IP Gurus, a boutique intellectual property practice based in Delhi, India, and the CEO of Strategic IP Information, an online brand monitoring company.

**Toni Jaeger-Fine** has co-authored and published *The U.S. LLM: From Whether to When, What, Where and How* (2014). The book is part of "Mastering the Masters (of laws)," a series of books and online materials designed to help prospective and current students and graduates get the most of their LLM experience. Toni is assistant dean for international and non-JD



## Alumni Notes

programs at Fordham Law School, where she is also director of the International Judicial Research and Training Program, director of Recent Developments in U.S. Law, and co-director of the Summer Institute in New York City.

### 1987

**Elizabeth Roesel** has been appointed administrative law judge on the Patent Trial and Appeal Board of the U.S. Patent and Trademark Office. She previously was counsel at Latham & Watkins.

**Brian Rubin** now heads litigation in the Washington, D.C., office of Sutherland Asbill & Brennan. He is also the administrative partner for the securities litigation and enforcement team.

### 1988

**Doug Christensen** has joined Littler as a shareholder in the firm's Minneapolis office. Doug previously chaired the national labor and employment law practice group at Dorsey & Whitney.

**Jody Debs** has been named chief legal officer for ARCADIS North America, a Netherlands-headquartered global engineering and consultancy firm. She is based in its U.S. headquarters in Highlands Ranch, Colo. In January 2014, Jody was named to the board of directors of Engineers Without Borders.



**Mark Labaton** has joined two of his former colleagues from the U.S. Attorney's Office in Los Angeles in the

14-lawyer firm of Isaacs Friedberg & Labaton, a full-service litigation firm. Mark continues to represent plaintiffs/relators in whistleblower cases and other complex litigation, including securities class actions and corporate governance cases.



**Mike Turzai '87** was elected by acclamation, in January, as the 138th speaker of the Pennsylvania House of Representatives. Last November Mike, a Republican, was elected to his eighth term as the representative for Allegheny County, having first been elected in a special election in 2001. Mike had served as House majority leader since 2011. In his legal career Mike has worked as a prosecutor in the Allegheny County District Attorney's office and in private practice. ♣

**Peter Volmink** is executive manager: governance, supply chain management at Transnet Corporate SOC, a rail, port, and pipeline company in South Africa.

### 1989

**Robin Rosenberg** was sworn in on July 25, 2014, as a U.S. District Court judge for the Southern District of Florida, taking the seat of Judge Adalberto Jordan, who was elevated to the U.S. Court of Appeals for the Eleventh Circuit. She had been a circuit judge on the Fifteenth Judicial Circuit of Florida since 2007.



**David Starr** has been appointed vice president and general counsel of The LaSalle Group, Inc., a

national provider of memory care assisted living communities and other businesses throughout the country. David previously was vice president and deputy general counsel at Belo Corp., a national media company.

### 1990

**Karen Cashion** has founded and is president of the Greater Alpharetta Tech Network, a nonprofit organization dedicated to serving

the interests of the 900 technology companies in the Greater Alpharetta, Ga., region. Karen is also a partner at Hipes & Belle Isle.

**Nadine Faruque** was named global head of compliance at Deutsche Bank on Dec. 1. She previously was general counsel and group compliance officer at UniCredit.

**Jan Maarten Gerretsen** has joined Lexence, N.V. as a partner in Amsterdam, where he specializes in construction law and real estate transactions. He previously was affiliated with Loyens & Loeff.

**Kristo Katmeridis** has been promoted to senior vice president, legal and strategy, nuclear development at GDF SUEZ. He is based in Brussels, Belgium.

### 1991



**J. Mark Coulson** was sworn in on Aug. 1 as a magistrate judge for the U.S. District Court in

Baltimore. He was previously a principal at Miles & Stockbridge, where he was practice group leader for the firm's products liability and mass torts practice group.

**David Greene** has been named civil liberties director at the Electronic Frontier Foundation in San Francisco. David joined EFF in 2013 as a senior staff attorney. He previously had been executive director of the First Amendment Project and was a founding member of the Internet Free Expression Alliance.

### 1992

**Tom Clyde** has joined the Atlanta office of Kilpatrick Townsend & Stockton as partner. His practice focuses on complex business and appellate matters, with an emphasis on representing print, television, internet, and communications companies. Tom moved to Kilpatrick from Dow Lohnes.

**Rob Kohn**, chair of the Federal Litigation Section of the Federal Bar Association, accepted the FBA's Sections and Divisions Award on behalf of the section for its stellar performance in 2013-2014. The award was presented at the FBA Annual Convention in September. Working with a governing board of lawyers and judges from across the nation, Rob was credited with re-energizing the section as chair. He leads the Kohn Law Group, Inc., in Los Angeles.

**David Maxwell** is a founding partner of Maxwell & Anderson, a business and intellectual property law firm in Atlanta. He previously was a partner at Duane Morris.

## 1993

**Jeff Benson** has been named chief operating officer and executive vice president of the Dilweg Companies, a commercial real estate firm in Durham. He previously practiced for more than 20 years at Kilpatrick Townsend & Stockton in Raleigh, where he was a partner and head of the real estate department.

**Tara Corvo** has been named chair of the communications section at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo. Based in the firm's Washington, D.C., office, Tara counsels and represents communications companies in connection with federal and state governmental matters, as well as transactions and litigation.



**David Cox** has joined Barnwell Whaley in Charleston, S.C., as a member. He focuses his practice in the areas

of business litigation, products liability, trade practices, intellectual property, and media. David was previously a partner at Womble Carlyle and a principal at Buist Moore Smythe McGee, also in Charleston.

**Pete Roth** has been elected to the American College of Real Estate Lawyers (ACREL). He is one of only 40 attorneys nationwide elected to ACREL in 2014. Pete is a partner at Allen Matkins in Los Angeles.

**Richard Smith** has joined the New York office of Reed Smith, where he is a partner in the firm's corporate & securities group. He was previously senior counsel in the corporate group at Allen & Overy in New York.

## 1994

**Michael Elston** has been promoted to associate general counsel/chief ethics & compliance officer for the U.S. Postal Service. He joined USPS in 2010, after a long tenure at the U.S. Department of Justice.

**Richard "Tad" Ferris** was admitted as a partner and named co-chair of the greater China regulatory practice at the Washington, D.C., office Foley & Lardner in June. He previously was a partner at Holland & Knight, where he headed the China practice.

**Paul Genender** and his wife, Wendy, welcomed a daughter, Lucy Rose, on Sept. 2, 2014. She joins big brothers Jack and George.

**James Hanson** has been named vice president and general counsel for GE Healthcare. He rejoined GE after holding senior leadership roles at Valeant Pharmaceuticals International, Inc. and Medicis Pharmaceutical Corp. He previously held general counsel roles for GE Healthcare Technologies and GE Healthcare Americas and Healthcare Services.

**Adam Safwat** has joined Weil, Gotshal & Manges as counsel based in the Washington, D.C., office. Adam most recently served as a deputy chief in the fraud section of the U.S. Department of Justice, Criminal Division, where he prosecuted a number of FCPA and complex securities fraud cases. He focuses on white collar criminal defense, regulatory enforcement, and internal investigations in Weil's white collar defense and investigations practice.

**Michael Sorrell**, president of Paul Quinn College in Dallas, is a recipient of an NASPAA Public Service Spotlight Award, for outstanding contributions toward solving public-sector problems. NASPAA is the Network of Schools of Public Policy, Affairs and Administration.

## Notable & Quotable

"I've never identified as a female investor or a female CEO. And if I wasn't bothered, I couldn't expect anyone else to be. I really grew weary of seeing an imbalance that I couldn't explain logically. It seemed to me the best way to address this was to create an accelerator (where teams) had at least one member who was a female in a leadership position."

— Entrepreneur **Sue Heilbronner '91**, on why she and a partner launched MergeLane, a 12-week accelerator program in Boulder, Co., for women-led businesses. (*Denver Post*)

## 1995

**Marc Eumann**, a judge at Landgericht (District Court) in Bonn, Germany, was promoted by the governing council of the court to preside over a trial court panel of three judges hearing major economic crime cases, including those involving tax evasion, bankruptcy crimes, and major fraud. Since 2011, he has heard appeals for minor crimes as a single judge.

**Erika Lietzan** has joined the faculty of the University of Missouri School of Law as an associate professor. She teaches food and drug law, as well as various intellectual property courses. Erika previously was a partner at Covington and Burling.

**Mari Ann Simovart** is associate professor of law at the University of Tartu in Tallinn, Estonia. She joined the faculty as a lecturer in 2008.

**Quin Snyder** was named head coach of the Utah Jazz of the National Basketball Association in June 2014. In the 2013-14 season, Quin served as assistant coach for the Atlanta Hawks.

**Robert BJ Stolz** has been named *Triangle Business Journal's* 2014 Corporate Counsel of the Year. He is general counsel of The Apple Gold Group in Raleigh, the parent company of the Applebee's Neighborhood Grill and Bar chain of restaurants.

## 1996

**Michael Bonella** has joined Condo Roccia Koptiw, a Philadelphia-based IP boutique, as a partner in the firm's patent prosecution practice. He previously co-chaired the patent litigation practice of Kessler Topaz.

**Shuang Liu** has been promoted to COO of Phoenix TV, a leading Chinese language satellite television network based in Hong Kong. It is the parent company of Phoenix New Media Limited (ifeng), which he has led as CEO and as a director since its inception in 2007.



**Linda Martin**, a partner at Simpson Thacher & Bartlett in New York City, has been named chair of the

board of directors of the Children's Tumor Foundation. Linda has been a member of the board since 2007.

## Alumni Notes

**Gregory Mose** teaches English literature and philosophy at the International Bilingual School of Provence in France. He is also working on a new novel; his first, *Stunt Road*, was published in 2010.

### 1997



**Pete Dosik** co-founded the Atlanta business and franchise law firm of Shipe Dosik in 2012. He previously was in-house counsel at Church's Chicken and Starwood Hotels.

**John Giambalvo**, vice president of finance, CFO, and treasurer of Radio Free Europe/Radio Liberty has been appointed by the board of directors to serve as one of the corporation's interim managers. Based in Washington, D.C., John joined RFE/RL in 2009.

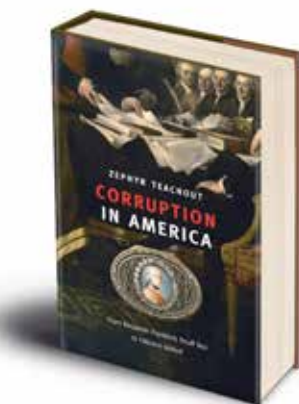
**Geoff Krouse** has been named to a three-year term on the board of trustees of the Montessori School of Raleigh. Geoff is a partner at Smith Anderson, where his practice includes representing public and private companies in mergers and acquisitions and recapitalization transactions, public offerings and private placements of securities, and other corporate and compliance matters.



**Jason Scott** took the oath of office on Feb. 28, 2014, as an Idaho state district judge, chambered in Boise, following his appointment by Gov. C.L.

"Butch" Otter. Jason has been a partner in the Boise law office of Hawley Troxell Ennis & Hawley since 2007.

**Robert Wrzosek** has been appointed president of the mortgage banking division of Centerline Holding Co. in New York.



**Zephyr Teachout '99** has published *Corruption in America: From Benjamin Franklin's Snuffbox to Citizen's United* (Harvard University Press, 2014). She discussed her book at Duke Law on March 24. (See [law.duke.edu/teachout](http://law.duke.edu/teachout).) An associate professor of law at Fordham University, Zephyr challenged New York Gov. Andrew Cuomo for the 2014 Democratic nomination, receiving more than one-third of the primary vote. ♡

### 1998

**Eric Gribbin** joined Akerman as a partner in the firm's new Chicago office, where he represents financial institutions in complex commercial litigation.

**Veronique Isart** has received an appointment as a sub-prefect by the French Ministry of Justice. Her post is in the town of Nancy, in the Metz region of France.

**Amanda McMillian**, vice president, deputy general counsel, corporate secretary, and chief compliance officer of Anadarko Petroleum Corporation, has been named by *Houston Woman Magazine* as one of its 50 Most Influential Women for 2014.

**Alan Parry** has co-founded the firm of Parry & Tyndall in Chapel Hill. Alan is a civil litigator who previously practiced at Baker Botts in Dallas, Smith Anderson in Raleigh, and Walker Lambe in Durham.

**Richard Rogers** has authored Bloomberg BNA's Litigation Practice Portfolio Series no. 604, "Judgments," published in 2014.



### 1999

**Barb Goffman** recently opened a freelance editing service that specializes in crime fiction. She is the author of the short story collection *Don't Get Mad, Get Even* (Wildside Press, 2013). "The Lord Is My Shamus," a story from the collection, won the 2012 Macavity Award for best mystery short story and was nominated for the Anthony and Agatha Awards, and two others, "Evil Little Girl" and "Nightmare," received Agatha Award nominations in 2013. Barb has been nominated for the Agatha Award a record seven times.

### 2000

**Kevin Cuddy** has joined the Anchorage office of Stoel Rives as of counsel in the litigation group. He previously practiced with Feldman Orlansky & Sanders in Anchorage and Ropes & Gray in Boston.

**David Szekeres** has been named to the executive management team as chief business officer and general counsel at Regulus Therapeutics, Inc., a biopharmaceutical company in La Jolla, Calif. Most recently, David served as deputy general counsel, chief M&A counsel, and assistant secretary at Life Technologies Corporation. He has also joined the board of directors of Annai Systems, Inc., a genomic data management solution provider.

### 2001

**Nicolle Snyder Bagnell**, a partner in the Pittsburgh office of Reed Smith, has been named a 2014 Lawyer on the Fast Track, by *The Legal Intelligencer*, Pennsylvania's legal news journal.



**Sharon Binger** has been named director of the Securities & Exchange Commission's mid-Atlantic regional office in Philadelphia. An eight-year SEC veteran, she has been assistant director for the New York area for the past three years.

**Rodney Bullard** has been recognized by the National Bar Association as one of its Trailblazers Under 40. The awards honor young lawyers who have achieved prominence and distinction; the honorees were celebrated at a July gala in Atlanta. Rodney is vice president of community affairs at Chick-fil-A, Inc., and executive director of the Chick-fil-A Foundation.



**Collin Cox**, a litigation partner at Yetter Coleman in Houston, has been named chairman of The

Texas Lyceum, a statewide leadership organization focused on identifying the next generation of top Texas leaders. Collin is also vice chair of the 2014 board of directors of the Buffalo Bayou Partnership, a nonprofit organization dedicated to revitalizing and transforming the Buffalo Bayou, a significant Houston park and natural resource.

**D'Iorah Hughes** has joined Wayne State University Law School as associate director of clinical education and director of externships. She previously was associate professor of law and director of criminal clinics at the University of Arkansas School of Law in Fayetteville. She was honored in June with a Special Merit Award by the Arkansas Bar Foundation and Arkansas Bar Association.

**Rawn James**, an author and senior trial attorney for the Department of the Navy, is featured in the documentary "Mr. Civil Rights: Thurgood Marshall and the NAACP," by filmmaker Mick Caouette and South Hill

Films. The film, which also features Justices Elena Kagan and John Paul Stevens, began airing on PBS stations in October.



**Peter Tomasi**, a partner in the Milwaukee office of Quarles & Brady, was elected to the Milwaukee

Science Education Consortium's board of directors. The board oversees the operations of the Academy of Science, an independent charter school that emphasizes science, technology, engineering, and math to prepare inner city youth for college and subsequent careers.

**Jonathan Werner** joined AlvaradoSmith in Orange County, Calif., as a shareholder in May 2014. He is a member of the employment counseling and litigation practice group, where he exclusively practices labor and employment law.

## 2002

**Terry Eaton** has joined Price Benowitz as a partner and head of the white collar and government investigations group. Terry previously was an assistant U.S. attorney in Washington, D.C.



**Jill Fraley**, assistant professor of law at Washington and Lee University, received a Fulbright U.S.

Scholar Grant to Trinity College in Dublin for the 2014-15 academic year. She is conducting research on the development of property law in colonial Scotland and Ireland and is delivering several public lectures in the course of her fellowship.

## Notable & Quotable

"Gifted students need specialized instruction to reach their full potential. However, due to a lack of funding, only 56 percent of high achievers from low-income families remain successful by fifth grade."

— **Sabrina Truong '01**, a co-founder of Authentic Manhattan, arguing for increased funding for at-risk students who also are gifted, and who may comprise as much as 20 percent of prison inmates. (*Quartz*)

**Kyle Grimshaw** has been named patent counsel at Eli Lilly and Company in Indianapolis. He previously practiced with Austin, Rapp & Hardman.

**Victoria Jalo** is president of ProConciliation Solutions, a conflict management organization in Houston.

**Vonne Jacobs** has joined Duke University's Office of University Counsel, where she advises on a variety of health care operational, regulatory, and transactional matters. Prior to returning to Duke in February 2013, Vonne was in-house counsel at Erlanger Health System in Tennessee.

**Christy Kiely** has been promoted to counsel in the Richmond, Va., office of Hunton & Williams, where her practice focuses on employment law and regulatory compliance.

**Amy Richardson** has rejoined the Washington D.C.-based firm of Wiltshire & Grannis as a partner based in Raleigh. Amy focuses on government enforcement actions in the firm's government investigations practice.

**James Segroves** has joined the Washington, D.C., office of Hooper, Lundy & Bookman as a partner. He focuses his practice on the representation of health care providers in sig-

nificant appellate matters throughout the U.S., as well as litigation against federal agencies. James was previously senior counsel with Proskauer Rose. He and his wife, Danette, welcomed their first child, Samuel Quincy, on July 29, 2014.



**Jennifer Tomsen**, a shareholder in the Houston office of Greenberg Traurig, has

been appointed as a founding member of the Kids in Need of Defense (KIND) Houston Advisory Committee. KIND matches pro bono attorneys with unaccompanied immigrant children in removal proceedings who would otherwise face the legal system alone.

## 2003

**Dhamian Blue** and his wife, Jenna, welcomed a second daughter, Leni Grace, on Aug. 13, 2014. Dhamian practices with Blue Stephens & Fellers in Raleigh.

**John Bolin** has been named senior international counsel at the Jincheng Tongda & Neal law firm in Beijing.



# Kudos

The following alumni have been recognized by their peers for excellence in their respective specialty areas as listed in such publications as *Best Lawyers in America*, *Super Lawyers*, *Chambers USA*, *Law 360*, *BTI Client Service All-Stars*, and *Thompson Reuters*. See details at [law.duke.edu/alumni/news/classnotes/](http://law.duke.edu/alumni/news/classnotes/). This list reflects notifications received by Dec. 1, 2014, and includes such designations as "Rising Stars."

**Edgar Fisher '61**  
**Erwin Fuller '64**  
**David Lougee '65**  
**Donald Messinger '68**  
**James Fox '71**  
**John Wester '72** BOV  
**Laurence Tucker '72**  
**David Nafzinger '73**  
**Fred Fulton '74**  
**Paul Mandelkern '74**  
**H. Joseph O'Shields '76**  
**Mark Thimke '79**  
**Mark Prak '80**  
**Fred Ungerman '80**  
**Rich Van Nostrand '80**  
**Glenn Cravez '81**  
**Jeff Donaldson '81**  
**Irene Keyse-Walker '81**  
**Sharon Fountain '82**  
**T.R. Hainline '83**  
**Toshio Nakao '83**  
**Bruce Ruzinsky '83**  
**Jeffrey S. Schloemer '83**  
**James Smith '83**  
**Thomas Zych '83**  
**Elizabeth Wright '84**  
**R. Joseph Morris '88**  
**Bill Brian '89**  
**Bill Mureiko '89**  
**Donald Nielsen '90**  
**Mark Claypool '91**  
**Caryn Coppedge McNeill '91**  
**Amy Meyers Batten '92**  
**Rob Marcus '93**  
**David Kushner '96**  
**Geoff Krouse '97**  
**Ginger Shields '97**  
**Geoffrey Adams '98**  
**Dustin Rawlin '00**  
**Peter Tomasi '00**  
**Nicole Crawford '03**  
**Nicole Williams '03**  
**Britt (Whitesell) Biles '05**  
**Douglas Britt '06**

## Alumni Notes

**Brian Damiano** has been promoted to special counsel with Stern Tannenbaum & Bell in New York City, where he is a litigator with a particular emphasis on commercial and appellate litigation. On Sept. 22, 2013, he and his wife, Barbara Brody, welcomed daughter Marissa Brody Damiano.

**Amy Horner** married Adrian Hanley in the Endless Mountains in Pennsylvania on Aug. 23, 2014. Amy works in the Office of the Solicitor of the Department of the Interior.

**Matthew Kane** has joined Z Capital Partners as a director, deputy general counsel, and member of the investment team. He previously was an associate with the firm Storch Amini & Munves in New York City.

**Gregory Manter** has joined DLA Piper as partner in the firm's technology, sourcing, and commercial practice. He focuses his practice on technology transactions and strategic sourcing matters and splits his time between Chicago and San Diego. He previously was a partner in Mayer Brown's Chicago office.

**Keith Porcaro** has joined FrontlineSMS in Washington, D.C., as legal project director of its social impact lab.

**Adam Rogers** has been promoted to partner in the Miami office of DLA Piper, where he focuses his practice on health care transactional, regulatory, and litigation matters.

**Kerry Drozdowicz Varbaro** and her husband, Gian, welcomed their son, Edward Joseph, on Aug. 29, 2013.

**Nicole Williams** has been elected to the executive board of directors for Rainbow Days, Inc., a Dallas-based nonprofit organization that

provides counseling, assistance, and summer camps for homeless and other displaced youth. She began a three-year term Sept. 1. Nicole is a partner in the trial practice group of Thompson & Knight.

## 2004

**Sarah Bell** and her husband, Jay Wechsler, welcomed a son, Zachary Ethan Wechsler, on June 16, 2014. Zach joins big sister, Eliza. Sarah is an associate with Pryor & Cashman in New York.

**Phil Bezanson** and his wife, Thea Handelman, welcomed a son, Elias Archer, on July 12, 2014. Phil is a partner in the New York office of Bracewell & Giuliani.

**Rob Gallagher** and his wife, Lauren, welcomed a son, Thomas Robert, on Oct. 16, 2013. Tommy was also welcomed by big sisters Maggie and Caroline.

**Thomas Godwin** has joined the Los Angeles office of Carlton Fields Jordan Burt as a shareholder and trial attorney.

**Tim Kuhner**, associate professor of law at Georgia State University, received two awards for his scholarship: the GSU Law Faculty's Patricia T. Morgan Award for Outstanding Scholarship, the highest honor the law school gives to faculty members; and the GSU Provost's Faculty Fellowship Award for fall 2014. Tim's book projects and articles explore campaign finance reform, the changing nature of liberal democracy, and the relationship between the market and the state. He teaches courses on international law, comparative law, human rights, campaign finance, and alternative dispute resolution.

**Cindy Levine** earned an LLM in taxation from NYU School of Law in 2013 and joined KPMG's New York office as a senior associate.

**Olivia Dickerson McLaren** has moved from New York City to Edinburgh, Scotland, where she has established Olivia McLaren, Ltd., a firm dedicated to providing U.S. immigration legal services. Prior to her move, she co-authored the *New York Law Journal* column on immigration law, while practicing with Satterlee Stephens Burke & Burke. She continues to serve on the board of directors of the American-Scottish Foundation, a nonprofit based in New York. She married Billy McLaren in February 2014 in New York.

**Grainne Murphy** has joined the litigation and dispute resolution department at LK Shields, a commercial law firm in Dublin, Ireland.

**Ashwin Sapra** has joined the New Delhi, India, firm of Clasis Law, where he is practice head — IP and health care. He previously practiced at Luthra & Luthra in New Delhi, as well as with two U.S. law firms. Ashwin married Ranjeeta Rohatgi on Feb. 19, 2014.

**Emily Su** received the Federal Bar Association's Transportation Security Attorney of the Year Award on Oct. 23, 2014. As assistant chief counsel for civil enforcement at the TSA, Emily was honored for improved security measures and compliance among regulated entities which, in turn, have resulted in improvements to transportation security.

**Walt Wood** has joined Bell Legal Group in Georgetown, S.C., where he represents plaintiffs in personal injury, insurance, and business litigation in the Carolinas.

## Tell us how you're doing!

» Drop us a line at [law.duke.edu/alumni](http://law.duke.edu/alumni).

## 2005

**Jessica Bohrer** has joined Forbes Media as associate general counsel for the Forbes Editorial Department. She previously was senior counsel at WNET New York Public Media.

**Sam Forehand** received the Charles F. Blanchard Award as Young Lawyer of the Year during the N.C. Bar Association's annual meeting last June. Sam has a solo practice in Raleigh. He and his wife, Yasmin, welcomed a daughter, Ella Anne, on July 4, 2014. Ella joined big brother, William.

**Leigh Harlan** has been promoted to senior vice-president, secretary, and general counsel of Tiffany & Co., with responsibility for the company's worldwide legal affairs. She practiced corporate law at Cravath, Swaine & Moore prior to joining Tiffany in 2012.

**Sarah Kammer** has been named head of public, faculty, and student services at the McKusick Law Library at the University of South Dakota Law School.

**Mangyo Kinoshita** has joined the Tokyo office of White & Case as a local partner in the corporate/M&A practice. He previously was a partner with O'Melveny & Myers in Tokyo.

**Tako Matsumoto** and **Akiko Matsumoto** announce the formation of the firm Yebisu Matsumoto Law Office in Tokyo. Both Tako and Akiko previously practiced with TMI Associates, and Tako served as visiting professor at the University of Tokyo School of Law from 2010-13. Their second son, Ryujiro, was born in 2013.

**Jessica Nielsen** has joined PRA Health Sciences in Raleigh as legal counsel. She previously was an associate at Shearman & Sterling in New York.

**Ian Ross** has been promoted to shareholder in the Miami office of Greenberg Traurig, where he is a member of the litigation practice group. His practice focuses on commercial and securities litigation, professional liability actions, and government investigations.



**Brett Stohs** has joined the faculty of the University of Nebraska College of Law as assistant clinical professor of law. He established and is Cline Williams Director of the school's Entrepreneurship Legal Clinic which opened in January 2013. Brett previously was in private practice in Washington, D.C., and Lincoln, Neb.

## 2006



**Yendelela Neely Anderson**, a partner at the Atlanta office of Kilpatrick Townsend & Stockton, was named to the 2014 40 Legal Rising Stars Under 40 class of Georgia lawyers by the *Daily Report*.

**Douglas Britt** married Alice Fortune-Greeley on May 17, 2014, in Raleigh. He is an associate at K&L Gates, where he focuses his practice on employment, antitrust, litigation, and dispute resolution.

**Emily Coward** has co-authored *Raising Issues of Race in North Carolina Criminal Cases*, published by the School of Government at the University of North Carolina at Chapel Hill, where she is a research attorney for the Indigent Defense Education team.

**Jieni Gu** has joined Weil Gotshal as counsel in the firm's Shanghai and Beijing offices, where her practice focuses on cross-border mergers and acquisitions, private

equity, foreign direct investment, and general corporate matters. She previously practiced at Sullivan & Cromwell in New York and Beijing.

**Venroy July** has founded Hardwork Promotions, to schedule fights and promote his professional boxing career which he launched in 2009 after winning the D.C. Novice Golden Glove. Venroy, who is also a corporate associate in the Baltimore office of Hogan Lovells, competes in the cruiserweight division.

**Glenn (Bo) Ketner III** and his wife, Katherine, welcomed a son, Glenn E. Ketner IV, on Aug. 6, 2014. Bo is an associate in the Charlotte office of Moore & Van Allen.

**Garrett Levin** has joined the staff on the U.S. Senate Judiciary Committee, as counsel. He focuses on intellectual property and antitrust. Garrett previously worked at the U.S. Patent and Trademark Office.

**Krista Patterson** has joined Annaly Capital Management, Inc. as associate general counsel and vice president in the commercial real estate group. Krista previously practiced in the New York office of Gibson, Dunn & Crutcher.

**Jena Reger** married Jonathan Drew on April 12, 2014 in Atlanta. They subsequently moved to Durham, where Jena taught U.S. Legal Analysis, Research & Writing in the fall semester at Duke Law.

**Marc Roark** has been granted tenure at Savannah Law School, a branch of Atlanta's John Marshall Law School, where he teaches property, law and literature, and sales and secured transactions. He joined the faculty in 2012.

**Teddy Schwarzman** has been included on *Variety's* "10 Producers to Watch" list spotlighting top new independent and studio producers working in the film industry. The 10 were honored at the Napa Valley Film Festival in November. Teddy is

the president and CEO of Black Bear Pictures, a New York-based film production and financing company. He and his wife, **Ellen Schwarzman**, welcomed their third child, Mary Josephine, on Nov. 24, 2014.

**Megan Walsh** and her husband, Chris Soper, welcomed their daughter, Margaret 'Greta' Hughes Soper, on Feb. 11, 2014. Megan practices with Greene Espel in Minneapolis.

## 2007

**Camilla Knorr Braat** and **Bram Braat** were married on May 10, 2013, and welcomed their son, Julian Johannes Sebastian on Nov. 15, 2014.

**Curt Clausen** has been named general counsel of Tickets.com in New York City. Curt previously practiced with Skadden Arps.

**Nichole Hines** has joined the Miami office of Squire Patton Boggs as an associate. She focuses on litigating and policy advising in the health care and life sciences industries. She previously worked at Eli Lilly & Company as a corporate affairs manager in its global public policy group.



**Jennifer Csik Hutchens**, an attorney with Robinson Bradshaw & Hinson in Charlotte, has

been named chair of the American Health Lawyers Association Young Professionals Council. She practices in the area of corporate and commercial law, with an emphasis on health care, joint ventures, and mergers and acquisitions.

**Mwanga Mtengule** has been named vice president, legal at Markit, Inc. in New York City. He has also been elected president of the Jackie Robinson Foundation

## Alumni Notes

Alumni Association, where he provides overall leadership and direction, and serves as an ambassador for the association.

**Jessica Bodger Rydstrom** and her husband, Justin, welcomed daughter Ansley Bodger Rydstrom on May 15, 2014. She joins brothers Nathaniel and John. Jessica is an associate at Williams & Connolly in Washington, D.C.

**Jonathan Shallow** has joined Dorsey & Whitney in Seattle as an associate in the corporate group. He previously was an associate at Paul Weiss in New York.

## 2008

**Jen Avery** and **Ranjan Emami** were married in Chicago on Oct. 18, 2014. Jen is a corporate associate at Kirkland & Ellis. Ranjan is in the Office of the General Counsel at the Social Security Administration.

**Yuo-Fong "Benni" Amato** has been named partner in the San Diego office of Gordon & Rees. Her primary focus is intellectual property litigation.

**Emilia Beskind** has joined the N.C. Office of the Capital Defender in Durham as assistant capital defender. She was previously a supervising attorney in the New Orleans Public Defender's Office.

**Anthony Brichta** has launched a distillery, County Seat Spirits, with the help of a business incubator in Allentown, Pa. He also practices in the litigation group of Buckley Brion McGuire & Morris in West Chester.

**Libby Magee Coles** and her husband, Jeff, welcomed a son, Daniel Kuyper Coles, on Nov. 30, 2014. He joins big sister, Camille. Libby is executive director and managing attorney at JusticeMatters in Durham. (Read profile, page 40.)

**Marisa Darden** has joined the U.S. Attorney's Office in the Northern District of Ohio, in Cleveland, as an assistant U.S. attorney in the Criminal Division. She was previously an ADA in the New York County District Attorney's Office.

**Joshua Faber** has joined Toshiba Global Commerce Solutions Inc. in Research Triangle Park, N.C., as senior corporate counsel. He previously was an associate at Simpson Thacher & Bartlett.

**Kate Gibson** has joined Covington & Burling as an associate in Washington, D.C. She previously served as a legal adviser to Judge O. Thomas Johnson Jr. on the Iran-United States Claims Tribunal in The Hague.

**Nate Good** has joined the Bozeman, Mont., office of Crowley Fleck, where he is an associate in the commercial department. He previously practiced in the Denver office of Hogan Lovells.

**Adam Hill** and his wife, Lyndsey, welcomed their second son, Rex Jefferson, on April 18, 2014. Adam is an associate at Thompson & Knight in Dallas, where his practice focuses on commercial real estate and banking.

**Jerome Maiatico** and his wife, Nicole, welcomed son Nicholas James on Nov. 18, 2013. Jerome is a trial attorney with the U.S. Department of Justice in Washington, D.C.



**Justin Outling**, an attorney at Brooks Pierce, has been elected to serve as chairman of the Greensboro

(N.C.) Minimum Housing Standards Commission. The commission hears and determines appeals to decisions made by the city's building

inspectors, and studies rental rates, and the need for reconditioning or condemnation of buildings, among other housing matters.

**Serena Rakhlin** has been named vice president, real estate at MacAndrews & Forbes Holdings, Inc., in New York City.

**Sean Roberts** recently began working at the National Oceanic and Atmospheric Administration (NOAA) as an attorney-adviser in the Fisheries and Protected Resources Section of the Office of General Counsel.

**Yong Hong Ting** has been named Asia Pacific corporate counsel at BDP International, located in Singapore. He previously practiced with Rajah & Tann.

**Scott Skinner-Thompson** has been recognized by the National LGBT Bar Association as one of its Best LGBT Lawyers Under 40 — Class of 2014. Scott is acting assistant professor of lawyering at NYU Law.

**Catherine Wang** has joined Banyan Capital as general counsel in Hong Kong. She previously was an associate at Simpson Thacher & Bartlett.

**Sarah Hawkins Warren** has been promoted to partner in the Washington, D.C., office of Kirkland & Ellis. She and her husband, Blaise, welcomed their daughter, Elizabeth Carter Warren, on March 26, 2014.

**Jeanette Wingler** has joined the Office of the General Counsel of the Financial Industry Regulatory Authority, Inc. (FINRA) as an assistant general counsel. She previously practiced at Dechert.



**Patrick Wooten**, an associate in Nelson Mullins Riley & Scarborough's

Charleston office, has been elected president-elect of the South Carolina Bar Young Lawyers Division for the fiscal year beginning July 1.

## 2009

**Evan Krick** has joined the Wilmington, Del., office of Ballard Spahr as a litigation associate. He previously was an attorney at the Defenders Association of Philadelphia, and clerked for Judge Christopher J. Burke of the U.S. District Court for the District of Delaware.

**Elissa (Flynn) McClure** and **Sean McClure '10** welcomed daughter Laila Corinne, on Jan. 5, 2014, in San Diego. She joins big sister, Alexa.

**Patrick MacDonald** has joined the San Diego office of Duane Morris, where he practices in the area of real estate law.

**Timothy McGinn** and **Natalie Bedoya '10** were married on Feb. 15, 2014, in Miami. They reside in New York City, where Tim is an associate with Willkie Farr & Gallagher. Natalie is an assistant district attorney in the Appeals Bureau of the District Attorney's Office in Manhattan.

**Kesav Mohan** has been named director of business development of Veniam Works, a tech start-up seeking to provide vehicular networking solutions. It is headquartered in Silicon Valley, Calif., and Portugal.

**Jessica Neiterman** has joined the Securities & Exchange Commission's Office of Administrative Law Judges as a clerk. She was previously a litigation associate at Fried, Frank, Harris, Shriver & Jacobson.

**Andrew Prins** and **Sarah Ribstein Prins** welcomed a daughter, Naomi Livia, on March 1, 2014.

**Sonja Ralston** married Daniel Winik on July 19, 2014, in Washington, D.C. Sonja is an appellate attorney in the Criminal Division of the Department of Justice.

**Tommy Thekkekandum** and his wife, Sindhura Citineni, welcomed a daughter, Ava, on Feb. 17, 2014. The family returned to the Durham area from New York in September, and are making and selling a gluten free candy, Tommy and Jenny's Candy, that is made with xylitol instead of sugar.

**Michael Vernace** and **Laura Bull '10** welcomed a daughter, Annabel Alice Bull-Vernace, on Aug. 26, 2014.

**Eric Wiener** married Eleanor Anne Smith on June 28, 2014, in Glenbrook, Nev. Eric is an associate at Williams & Connolly in Washington, D.C.

## 2010

**Natalie Bedoya** and **Timothy McGinn '09** were married on Feb. 15, 2014 in Miami. They reside in New York City, where Natalie is an assistant district attorney in the Appeals Bureau of the District Attorney's Office in Manhattan. Tim is an associate with Willkie Farr & Gallagher.

**Laura Bull** and **Michael Vernace '09** welcomed a daughter, Annabel Alice Bull-Vernace, on Aug. 26, 2014.

**Kimberly Gordon** has joined the real estate practice group of Gibson Dunn & Crutcher as an associate in the New York City office. She previously practiced with Paul Hastings.

**Curtis Griner** has joined the mergers & acquisitions and cross-border transactions group of McGuireWoods in Charlotte, where he previously practiced as a commercial litigator.

**Daniel Mandell** has co-authored "It's Blonder-Tongue All Over Again," 13 *Chi.-Kent J. Intell. Prop.* 379 (Spring 2014), with Chief Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit. Daniel is an associate in the New York office of Mishcon de Reya.

**Peter McCary** has been appointed to a one-year term on the Aviation Law Standing Committee of the Florida Bar. Peter is a senior attorney in the IRS Office of Chief Counsel in Jacksonville.

**Sean McClure** and **Elissa (Flynn) McClure '09** welcomed daughter, Laila Corinne, on Jan. 5, 2014. She joins big sister, Alexa. Sean is an associate at Vinson & Elkins in San Diego, where he focuses on commercial lending and financial transactions.

## 2011

**Javier Bedoya** has been elected deputy mayor of the district of San Isidro, Lima, Peru. He heads the district's legal, labor, and social affairs.

**Brandon Coleman** has been hired as legislative correspondent to Rep. G.K. Butterfield, D-N.C. Brandon previously worked at The Banks Law Firm in Durham, where he focused on affordable housing laws.



**C. Elizabeth Hall** has joined the Raleigh office of Troutman Sanders as an associate practicing in the area of

complex civil litigation. She focuses on appellate practice, administrative matters, and environmental disputes. She formerly worked at Williams Mullen.

**Anastasia Klimenko** has joined Rheem Bell & Mermelstein in New York City as an associate.

**Cassie Lenning** has joined the Washington, D.C., office of Conrad & Scherer as an associate practicing international human rights litigation. Cassie previously worked for several nonprofit organizations.

**Leslie Mahaffey** has joined Williams & Connolly in Washington, D.C., as an associate after completing two federal judicial clerkships.

**Phil Rubin** is now an assistant U.S. attorney for the Eastern District of North Carolina, in Raleigh.

## 2012

**Lauren Kellis Ackermann** and her husband, Jeffrey, welcomed daughter Madeline Victoria on May 19, 2014.

**Yana Britan** has joined Goltsblat, the Russian practice of Berwin Leighton Paisner, as a legal trainee. She previously worked at the Russian American Chamber of Commerce in New York.

**Upasana Garnaik** has joined the Jindal Global Law School in India as a research associate, working on projects relating to family law.

**Naama Hasson** has been named regional manager Australia for the Tamuz Group, a consulting group for foreign companies and organizations operating in Israel.



**Alyssa Kahn** married David Fiedler on Nov. 15, 2014, in Washington, D.C. She has joined the Austin, Texas,

office of Winstead as an associate in the corporate, securities/mergers and acquisitions practice group. She previously was an associate at Hunton & Williams in Washington, D.C.

**Sara Wexler Koblitz** has joined the Washington, D.C., office of Fish and Richardson as an associate in the firm's regulatory group. She previously was an associate with Sidley & Austin. Sara married Marcus Koblitz on Sept. 8, 2012.

**Einat Levy** has joined the New York City office of Skadden Arps as an associate. She previously practiced with White & Case in London.

**Daniel Roberts** has joined Andrews Kurth in Austin, Texas, as an associate focusing on corporate and securities law.

**Jorge Luiz de Santa Ritta** is a PhD candidate in public policy at the University of North Carolina-Charlotte. His research focuses on justice systems in constitutional democracies, and their ability to promote and fully protect human rights, especially the fundamental right of access to justice.

**Lia Smith** has joined the Silicon Valley office of Latham & Watkins as an associate in the firm's corporate department. She previously was an associate in the Palo Alto office of Cooley.

**Stephen Strickey**, a lieutenant colonel in the Canadian Armed Forces, was awarded the Leslie Green Award for Scholastic Excellence at the Canadian forces military justice conference in Ottawa in October.

**Shiyuan Wang** has joined the securities and capital markets department at King and Wood Mallesons in Beijing.

**Ashley Watkins** and **Nels Vulin** were married on Sept. 13, 2014, in Swan Lake, Mont.



## Alumni Notes



**Patricia Timmons-Goodson '14**, a retired associate justice of the North Carolina Supreme Court and a graduate of the Master of Judicial Studies program, was appointed, in July, to the U.S. Commission on Civil Rights by President Barack Obama, who also selected her as vice chair of the body on Jan. 30. The members of the commission unanimously confirmed her to the leadership post. Created by the Civil Rights Act of 1957 and reauthorized by Congress in 1994, the commission is an independent, bipartisan, fact-finding federal agency charged with informing the development of national civil rights policy and enhancing enforcement of federal civil rights laws. ♡

## 2013



**Timothy Capria** has joined the intellectual property law firm of Wadley Patterson in

Nashville, Tenn. His practice focuses on acquiring intellectual property, patent opinion, and enforcing intellectual property rights, primarily in the life sciences.

**Ana Denmark** has launched Skandicrush, a subscription box for housewares, particularly home goods from Scandinavia, from her San Francisco home.

**Elisa Greenwood** has joined The Van Winkle Law Firm in Charlotte as an associate in the business group.

**Donata Marcantonio** married Jeff White on May 17, 2014, in Chapel Hill. Donata is an associate at Gibson, Dunn & Crutcher in New York City.

**Farris Martini** has joined the litigation team in the Greensboro, N.C., office of Smith Moore, after completing his clerkship with Judge John R. Jolly Jr., chief judge of the North Carolina Business Court.

**Michael O'Mara** and **Daniela Juvani O'Mara** were married on Jan. 19, 2014, in Incline Village, Nev. They currently reside in Washington, D.C.

**Katharina Riedl** has joined Baker & McKenzie in Vienna, Austria, where her practice focuses on litigation and arbitration.

**David Roche** married Megan Deakins on Aug. 17, 2014, near Aspen, Colo. David is a staff attorney with the Environmental Law Institute, based in Palo Alto, Calif.

**Steven Scoggan** has joined Ellis & Winters as an associate in the firm's Greensboro, N.C., office.

## Notable & Quotable

“Although the court can be reluctant to render a decision on the merits in tech privacy cases, when it does, it understands perfectly how applying an old rule to new technology can upset the established equilibrium.”

— **Athul Acharya '14**, arguing that the Supreme Court's 2014 ruling in *Riley v. California* and in two other cases, demonstrates that the “court knows *exactly* what it's doing” when it comes to applying the law to emerging technology. (*Salon*)

## 2014

**Heather Groves Black** married William Robbins Cox Jr. on Aug. 16, 2014, in Duke Chapel. They reside in Durham.

**George Hanks** has been nominated by President Barack Obama to serve on the U.S. District Court for the Southern District of Texas. He has been a magistrate judge on that court since 2010. He is a member of the Law School's first Master of Judicial Studies class.

**James Hardin**, a North Carolina Superior Court judge and member of the inaugural Master of Judicial Studies class, has been selected as the chief trial judge of the United States Army Reserve.

**Hyatt Howard** married Michelle Wolfe on Aug. 9, 2014 in Rancho Santa Fe, Calif. They reside in New York City.

**Tell us how you're doing!**

» Drop us a line at [law.duke.edu/alumni](http://law.duke.edu/alumni).

# In Memoriam

(received March 16, 2014 – December 31, 2014)

---

## Class of '40

**Margaret Adams Harris**  
April 14, 2014

---

## Class of '44

**John W. Bronson**  
July 31, 2014

---

## Class of '47

**Henry Fletcher Sherrill**  
November 12, 2014

---

## Class of '49

**Hollis M. Owens Jr.**  
September 12, 2013

---

## Class of '50

**David Kerr Taylor Jr.**  
April 25, 2014

---

**Bachman S. Brown Jr.**  
August 24, 2014

---

**Robert L. Clifford**  
November 29, 2014

---

**Charles Franklin Griffin**  
May 12, 2014

---

---

## Class of '51

**James Carlton Fleming**  
August 27, 2014

---

**James R. Gregg**  
July 23, 2014

---

**James Theodore Holmes**  
March 21, 2014

---

**Edward E. Marx**  
May 22, 2014

---

**William Imber Millar**  
December 20, 2014

---

**John R. Surratt**  
August 5, 2014

---

## Class of '53

**Harry R. Chadwick Jr.**  
July 16, 2014

---

## Class of '54

**J. Roger Shull**  
August 1, 2014

---

## Class of '56

**Donald B. Strickland**  
November 26, 2014

---

---

## Class of '60

**Rufus S. Hill Jr.**  
September 29, 2014

---

## Class of '63

**Roger L. Decker**  
March 24, 2014

---

**Thomas Eugene Rohricht**  
June 28, 2014

---

## Class of '64

**William A. Kyler**  
August 27, 2014

---

## Class of '67

**William Lyman Dillon**  
November 29, 2014

---

**William Spence Shelfer Jr.**  
April 1, 2014

---

## Class of '69

**Bruce W. Lilienthal**  
July 22, 2014

---

---

## Class of '73

**William T. Fahey II**  
March 31, 2014

---

## Class of '77

**Jud Everett McNatt**  
May 25, 2014

---

**Dennis E. Wieczorek**  
July 12, 2014

---

## Class of '80

**Charles R. Perry**  
November 27, 2014

---

## Class of '82

**Ann L. Majestic**  
August 16, 2014

---

## Class of '85

**Joel Kaufman**  
October 29, 2014

---

## Class of '86

**Paul T. Stagliano**  
May 3, 2014

---

# » Thank you

» FOR HELPING US TO RECRUIT THE BRIGHTEST STUDENTS — AND TO LAUNCH THEIR CAREERS



Mark '77 and Marsha Bookman with Rory Gledhill '17, center, the inaugural Bookman scholarship recipient.

Since 2007 we have more than doubled our scholarship awards — from \$5 million to almost \$12 million. And in the past two years 58 new scholarship funds have been created at Duke Law, bringing our total of endowed scholarships to 133. Eight scholarships were awarded for the first time in this academic year:

- » **The Mark and Marsha Bookman Scholarship**
- » **The Colin W. Brown Scholarship**
- » **The Class of 2008 Scholarship**
- » **The Judy Horowitz LLM Scholarship**
- » **The Jerry J. McCoy Scholarship**
- » **The James S. Rowe Scholarship**
- » **The Lee and Mariann Schmudde Scholarship**
- » **The Phillip K. Sotel Scholarship**

» FOR YOUR SUPPORT OF FACULTY EXCELLENCE



**Karl '83** and **Fay Leo** have endowed a new faculty chair in business law and entrepreneurship with their \$1.25 million gift to the Law School.

The Karl W. Leo Professorship is the latest of eight professorships secured at the Law School as part of the Duke Forward campaign, and the fifth new professorship to be created with matching funds from the Stanley and Elizabeth Star Professorship Matching Program. Karl Leo, the vice president and chief legal officer of ABC Supply Co., Inc., and founder of the Leo Law Firm in Huntsville, Ala., credits Duke Law for building the foundation for his career success.

## Our campaign progress

DUKE  
/forward

We are here!  **88%**

(as of 3/23/2015) **\$74,900,000** raised **GOAL: \$85M**

## Every gift counts.

### » FOR YOUR SUPPORT OF OUR CENTERS, PROGRAMS, AND CLINICS



A \$1 million commitment to the Wrongful Convictions Clinic from **William Louis-Dreyfus '57** has the potential to change clients' lives by supporting the work of students and faculty to investigate and litigate claims of actual innocence. Louis-Dreyfus' pledge will fund activities essential to the clinic's teaching and service mission: investigative research and travel; retaining expert witnesses; developing legal strategies; making legal filings; and purchasing transcripts, to name a few.

## LEADERSHIP. COMMITMENT. COMMUNITY.

BARRISTER DONORS are leaders at the forefront of a proud tradition of philanthropy. Barrister Society members account for 60 percent of all giving to the Annual Fund. They guide a community of dedicated benefactors who together ensure that the Law School is able to finance its educational mission.

BECOME A BARRISTER TODAY with your leadership gift of \$2,500 or more. Make your gift online at <https://www.gifts.duke.edu/law>.

 **DUKE LAW**  
BARRISTER DONOR SOCIETY



# Sua Sponte



## Paying tribute to a mentor

**B**EFORE HE WAS PRESENTED with Duke University's Distinguished Alumni Award at the Founder's Day Convocation on Sept. 19, Judge Gerald Bard Tjoflat '57 was celebrated by friends, faculty, and a small army of former clerks (pictured) over lunch at the Law School. Tjoflat, a judge on the U.S. Court of Appeals for the Eleventh Circuit, has hired almost 100 Duke Law graduates as clerks since he began his judicial career in 1971, and many of them offered recollections that were collected for him in a book.

In addition to lauding his towering intellect, broad judicial influence, tireless work ethic, and longstanding devotion to Duke Law where he is a founding member of the Board of Visitors, they spoke of the profound impact he had on their lives as a mentor and friend. All characterized membership in the Tjoflat "law clerk union" as lifelong.

"He's an absolute workhorse who still prioritizes people, public service, and his faith," wrote Harold Chen '96, who clerked for Tjoflat in 1996 and 1997. "[H]e has blessed me with his love and wisdom, both during and after the clerkship.

"My co-clerks and I labored long and hard during the clerkship, but my fondest memories involve our laughter together with GBT. Take his penchant for nicknames. We started the clerkship as John, Hal, Dirk, and John. We left a year later as Mills, Halloysius, the Dutchman, and Slouchy. ... Judge Tjoflat would proudly announce whenever a member of the law clerk union was blessed with a new bundle of joy: 'This is the 135th silver spoon I've ordered from Underwood's Jewellers. The law clerks are a fertile bunch — it's getting expensive.'" ♡

# *Join Us*

## **DUKE LAW Alumni Trip & Reunion 2015**

**June 14-24  
ISRAEL & PETRA**

Duke Law invites you to join an extraordinary insider's tour with members of our faculty and leadership boards, experts on the ground, and fellow alumni from around the world.

### **HIGHLIGHTS INCLUDE:**

- » Tours of Jerusalem, Yad Vashem, the Israel Museum, Tel Aviv, Rabin Square, the Golan Heights, and the 2,000-year-old city of Petra, in Jordan
- » Meetings with ambassadors, dignitaries, judges, and government officials at the Knesset and the Supreme Court of Israel
- » Receptions with local alumni and law firms
- » Optional trip extension to Istanbul, Turkey, June 24-28

Find the full schedule and registration details at  
[law.duke.edu/alumni/internationalreunion/](http://law.duke.edu/alumni/internationalreunion/).





**Duke Law Magazine**  
Duke University School of Law  
210 Science Drive  
Box 90389  
Durham, NC 27708-0389

CHANGE SERVICE REQUESTED

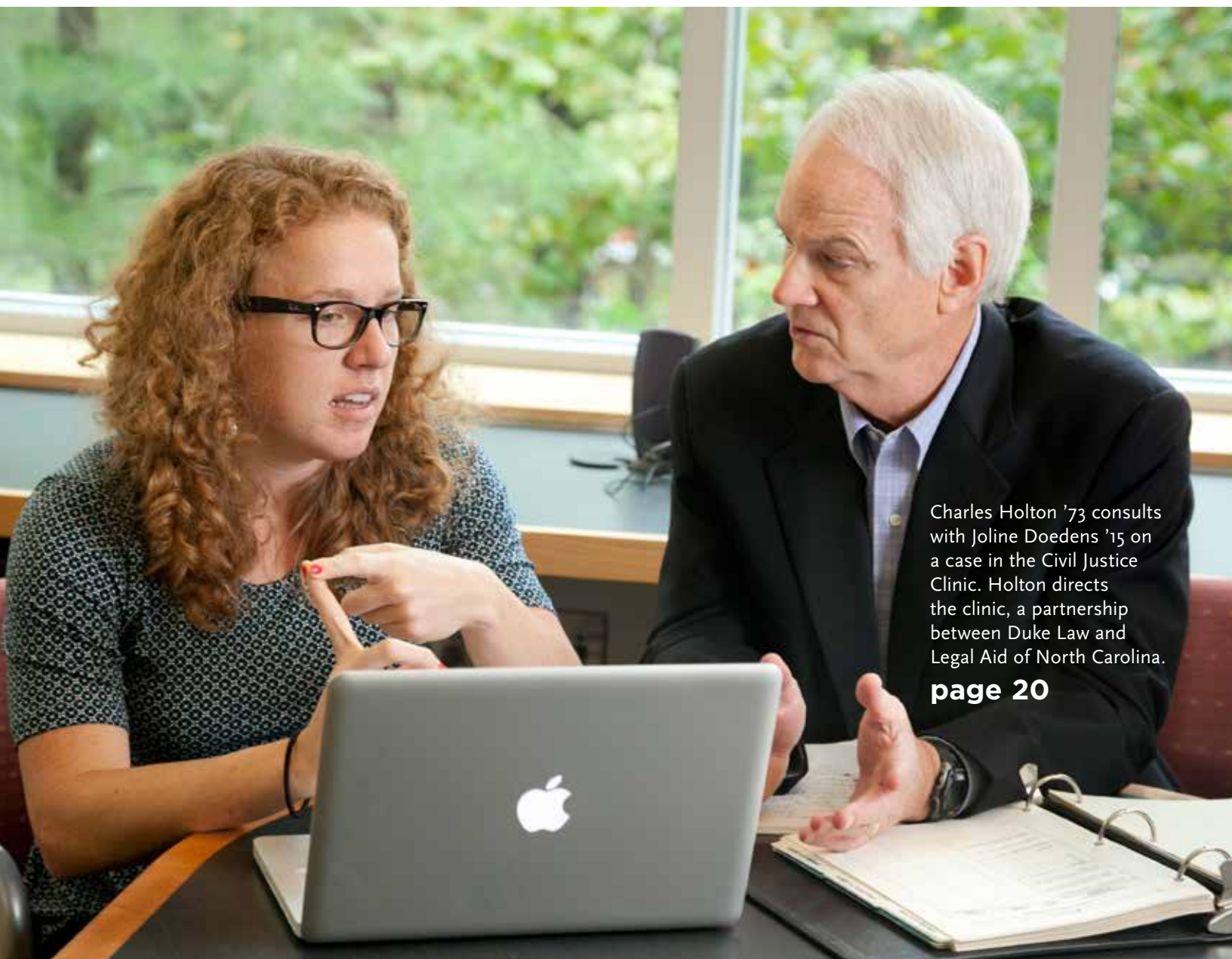
NON-PROFIT ORG.

U.S. POSTAGE

**PAID**

DURHAM, NC

PERMIT NO. 60



Charles Holton '73 consults with Joline Doedens '15 on a case in the Civil Justice Clinic. Holton directs the clinic, a partnership between Duke Law and Legal Aid of North Carolina.

**page 20**