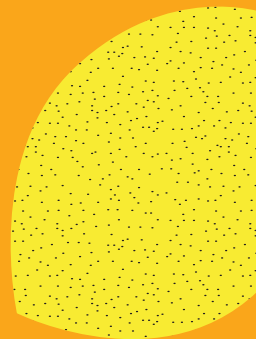
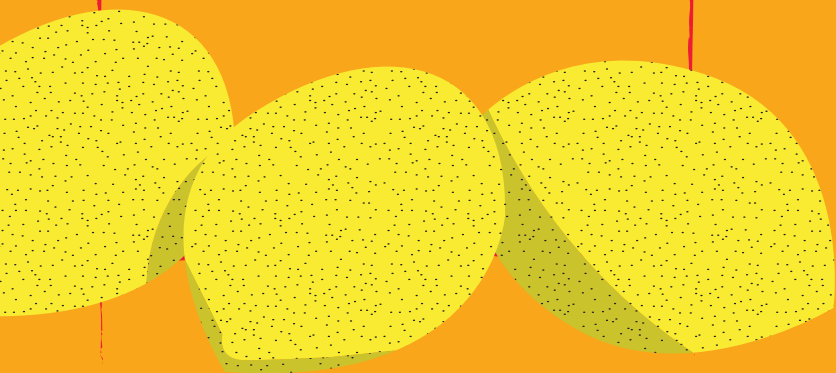


# DUKE LAW MAGAZINE

Summer 2010 | Volume 28 Number 2

## MAKING IT WORK

Assessing, adjusting,  
and innovating  
in law firm practice



## From the Dean



DEAN DAVID F. LEVI

### Dear Friends,

**L**AST FALL, DURING an alumni event in New York City, a 2008 graduate greeted me warmly. She could hardly contain her enthusiasm as she talked about her job, her life in the law, and her gratitude to Duke Law. She seemed a different person from the 3L who just a year and a half earlier had been so discouraged, her natural stock of optimism depleted by her unsuccessful job search.

She was among the first of our students to participate in our Bridge to Practice program. In 2008, the program was small, focusing on the needs of the few students who had not secured permanent employment by

spring of their third year. The students' situations varied; some sought careers in public service, with employers who often do not hire until after the bar exam. A few others had not succeeded in securing the jobs they wanted with firms or employers in their desired cities or practice areas.

Within this group were some of our very best students, and we could not allow them to leave law school without a plan. I believed then, as I believe now, that Duke Law School — indeed, the entire Duke Law community of alumni, faculty, and friends — has an obligation to help our students begin their careers in the law. Our students are exceedingly bright. They have made a large commitment of time and resources to attend Duke Law School. They work very hard while they are here. They are well prepared and capable when they graduate. And they deserve every opportunity for success.

So we built a bridge. The Bridge to Practice program provides students with a short-term fellowship after the bar exam. They work for public defenders, public interest and advocacy organizations, district attorneys' offices, firms, and more. They are supported by stipends provided by the Law School through contributions from alumni. They work throughout their fellowship with mentors, many of whom are alumni, and our staff to pursue full-time employment. In many cases, the fellowship provides a direct transition to an offer of employment. In every case, the fellowship provides an important professional experience that furthers the student's professional goals and serves as a springboard to a permanent position.

This year, a larger number of our students needed this bridge. They faced one of the most difficult hiring years in recent history. More than 46,000 legal-sector jobs have been lost, including 12,000 at the largest 140 firms. Funding for nonprofits and advocacy organizations has withered. Government hiring has been strong, but not necessarily at the entry level. The Class of 2010 entered law school at the peak of a strong economy, and they graduated in the deepest valley of a recession.

But they rose to the challenge, as did the entire Duke Law community. I went to the faculty and asked them to help students find jobs, and they sprang into action, calling their professional contacts, writing letters of recommendation,

### I believe that Duke Law School — indeed the entire Duke Law community of alumni, faculty, and friends — has an obligation to help our students begin their careers in the law.

and advising students. I asked our alumni to help, and they funded fellowships, served as mentors, helped with mock interviews, provided contacts, and offered short- and long-term opportunities. I particularly acknowledge the many contributions of Associate Dean Bruce Elvin '93 and his staff in our Career and Professional Development Center, who took the lead in putting together the Bridge to Practice program and worked tirelessly, calling employers, encouraging students, creating opportunities, and making sure that the students' long-term goals were kept uppermost. Indeed, all of the students who received a Bridge to Practice offer this year will be working with a supervisor who has committed to mentor them and help them in their searches for permanent employment. And all will work in a position that will advance the student's long-term career goals. It is a program, and a team effort, of which we can all be proud.

For my young friend from the Class of 2008, the Bridge to Practice was an opportunity to prove, to herself and others, that she had the skills, the knowledge, the judgment, and the maturity needed to be an effective and successful lawyer. It was an opportunity to focus on her goals, both personal and professional, and to find the long-term position that would meet them. It was an affirmation that her law school was on her side, for the duration.

I am grateful to all of you who assisted our efforts this year. Your contributions have made a tremendous difference in the lives of our graduates. Nearly every member of the Class of 2010 had secured a position by graduation in May. But our work is not done. Those who have Bridge to Practice positions may need additional help to find permanent positions. The Classes of 2011 and 2012 will need the same show of support and creativity. We must and will see them through.

Please join us in this worthy effort. There is no shortage of work for idealistic, energetic, bright, and innovative young lawyers. Consider, for example, the 54 million low-income Americans who qualify for and need legal services; that is just a small part of the overall need, and just one way our graduates can make a difference when given the chance.

Here's hoping that the economy and the legal profession continue on the path to recovery in the coming months.

Best wishes to you and your families for a wonderful summer.

Sincerely,

David F. Levi  
Dean and Professor of Law



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News Briefs

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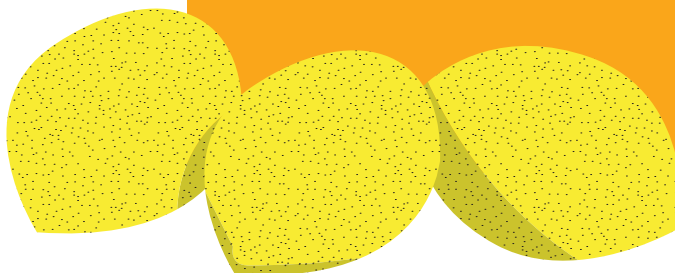
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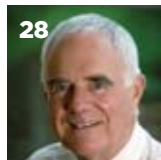
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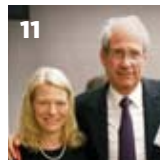
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# News Briefs



PROFESSORS JAMES COLEMAN, LEFT, AND THERESA NEWMAN (NOT PICTURED), GREETED SHAWN MASSEY ON HIS RELEASE FROM PRISON, MAY 6.

## Wrongful Convictions Clinic secures client's release after 12 years in prison

ON MAY 6, Shawn Giovanni Massey was released from prison after 12 years of incarceration for crimes he didn't commit.

Massey, a client of the Law School's Wrongful Conviction Clinic, was released from the Maury Correctional Institution in Maury, N.C., after Mecklenburg County District Attorney Peter Gilchrist '65 secured a Superior Court order vacating his conviction on multiple counts of second-degree kidnapping, as well as one count each of felonious

breaking and entering and robbery with a dangerous weapon. Incarcerated since his May 1998 arrest for the crimes against a Charlotte woman and her two young children, Massey, 37, had two years left to serve on his sentence.

"I thank God for being free," Massey said following his release. "I'm thankful to Duke for helping to free me. And I thank God for my grandmother and family believing in me." His grandmother, Rev. Anne Massey, always believed in his innocence, he said.

Clinic co-directors James Coleman and Theresa Newman '88 picked Massey up from prison and took him to Charlotte where he was reunited with his jubilant family, including his teenage son. Coleman, Newman, and Kim Kisabeth '07, then a fellow with Duke's Center for Criminal Justice and Professional Responsibility, worked with numerous other students, alumni, and friends for more than four years to build their argu-

**“Having access to the D.A.’s files was a very important development because it permitted us to evaluate the case against Shawn.”**

— James Coleman

L-R: NEWMAN, KISABETH, MASSEY, AND COLEMAN AT MASSEY’S FAMILY HOME, MAY 6



L-R: MASSEY, COLEMAN, KIM KISABETH '07, AND EMILY SAUTER '09 AT A MAY 27 DUKE LAW PRESS CONFERENCE



ment that Massey was a victim of erroneous eyewitness identification.

Their case turned on the perpetrator’s hair style and weight, two key issues at Massey’s trial. On noting his resemblance to her attacker in a series of photos, the victim told police he lacked her attacker’s cornrow braids. She made the same observation on seeing him in person for the first time prior to the start of his trial, and also observed that he weighed less than her attacker. These observations, and photo notations uncovered years later by Duke students investigating the case, were not passed on to Massey’s trial lawyer. They later proved that Massey never had cornrows and, in fact, had always worn his hair too short to be braided.

“We believe the evidence is clear that Shawn is innocent and this was an erroneous eyewitness identification,” said Coleman, the John S. Bradway Professor of the Practice of Law. “We think when the victim identified him at trial she did so in good faith, but we think she made a mistake. She confirmed to us that the person who committed the crime had cornrows. We are certain that Shawn did not have cornrows at the time — he couldn’t have had cornrows. And we presented evidence to the district attorney that supports that.”

Three teams of Wrongful Convictions Clinic students worked on Massey’s case:

Kisabeth and Aleksandra Kopec ’07; Susan Pourciau ’09 and Emily Sauter ’09; and Jessica Neiterman ’09 and Toby Coleman ’10. Last fall, Pourciau joined Kisabeth in Georgia to interview the victim about her identification of Massey as her attacker. As the case neared a resolution, the clinic also enlisted the assistance of Tommy Holderness and Adam Doerr ’06, a partner and associate, respectively, at Robinson Bradshaw & Hinson in Charlotte.

“These cases really do take a village,” said Coleman. “This is an effort that a lot of people worked on. And I think all of them contributed something that was important to the result.”

The cooperation of the assistant district attorney who prosecuted the case, the victim who submitted to an interview with Kisabeth and Pourciau, and District Attorney Gilchrist were key to Massey’s release, Coleman said at a May 27 press conference about the case.

“Having access to the D.A.’s files, as we did in this case, was a very important development because it gave us an insight as to what the prosecutors and police were thinking about the evidence and the case and permitted us to evaluate the case presented against Shawn.”

The students who worked on Massey’s case “knew it better than anybody else

did,” and were able to build on the original investigation, Coleman said, adding that justice would be well-served if police and prosecutors routinely viewed innocence investigations as a necessary part of the justice system and “opened their files.”

Kisabeth credited Newman and Coleman’s “level of excitement and joy in their work” as inspiring students to immerse themselves in innocence investigations. She recalled her first meeting with Massey, during her student days, as being her first lawyer-client interaction — and her first-ever visit to a prison. “It was a great learning experience,” she said. Being able to share in his return to his family offered another, she added. “I think it’s easy to lose sight of the fact that the legal system impacts people, and this is really about people.”

Addressing the Law School’s incoming class of dual-degree students on May 28, Massey spoke of the hope that the clinic students who worked on his case brought him when they visited him in prison. “For a long time, I thought nobody would help me. When they started to come see me ... I stopped being so depressed. I really enjoyed it — it was like a family visit,” he said. Now back with his own family, “I’m still adapting and adjusting,” he added. “At least I’m on solid ground now.” ♡





JUSTICE STEPHEN BREYER WITH DEAN DAVID F. LEVI, APRIL 14

### Lives in the Law:

## Associate Justice Stephen G. Breyer

**S**UPREME COURT Associate Justice Stephen G. Breyer offered insights into the Court's process and place in American democracy during a wide-ranging "Lives in the Law" conversation on April 14. Dean David F. Levi and Professor Walter E. Dellinger III, a former deputy U.S. solicitor general and frequent Supreme Court advocate, interviewed Breyer before an overflow audience of students, faculty, and alumni.

Like others faced with complex decisions, a judge "never goes into anything with a blank slate," said Breyer. "My job is to figure out a better answer. I'll start by reading the question presented and I'll have an answer. But the point is, by the time I read the next brief, I am perfectly willing to change my view. I have nothing at stake in keeping to my original answer. Zero."

In their private weekly conference, the justices offer their individual views on the cases before them, speaking in order of seniority and without interruption, he said. Their subsequent exchange is always civil, he added.

"If you listen to what the other person is saying and see where they're coming from, then sometimes you will say something that they will see as a contribution to their thought and you, at that point, have a better chance of getting together on something."

Breyer, who served on the U.S. Court of Appeals for the First Circuit prior to his 1994 nomination to the Supreme Court by President Clinton, dismissed the notion that the justices form coalitions based on ideology or politics. They all start their consideration of cases by examining the text of the constitutional or statutory provision at issue, he said. "The words are important. They exclude a lot of things."

Beyond consideration of the text, he said, they consider the history of the statute or provision; the tradition that surrounds the words; precedent, which may or may not be dispositive; the purpose or value that underlies the words; and the possible consequences of a given decision.

"All judges have these six legal tools," said Breyer. "Some judges tend to emphasize the

first four, and they think that by trying to avoid purpose and consequence they are more likely to be objective. Some judges emphasize the last two — I'm probably in that category — because they are afraid that the first four lead to a kind of frozen Constitution nobody would want if they had it.

"Which of those tools that you use does not make you a good judge, a bad judge, a better judge, or a worse judge," he said. "It's how you use them to apply to particular cases that matters."

### The Court as "boundary patrol"

A former chief counsel to the Senate Judiciary Committee and member of the U.S. Sentencing Commission, Breyer likened the work of the Supreme Court to that of a boundary patrol.

"We're patrolling the boundary to make sure these institutions fit within the constitutional framework," he said. "It's not always easy to say on which side of the boundary line lies abortion, on which side of the boundary

## Three grads land Supreme Court clerkships

Three Duke Law graduates have secured Supreme Court clerkships for the 2010–2011 term. **Amy Mason Saharia '05** will clerk for Associate Justice Sonia Sotomayor; **Garrick Sevilla '07** will clerk for Associate Justice Samuel Alito; and **Allison B. Jones '07** will clerk for Associate Justice Clarence Thomas.

Saharia and Jones are colleagues in the litigation department of Williams & Connolly in Washington, D.C. Sevilla is a litigation associate at Ellis & Winters in Raleigh.

Dean David F. Levi was delighted by the latest achievements of these three recent graduates.

“Having clerked for Justice Powell on the Supreme Court myself, and then having forged so many wonderful relationships with my own law clerks during my time as a United States district judge, I know the value of clerking to the clerk, the judge, and the legal profession,” said Levi. “This will be a wonderful experience for Garrick, Amy, and Allison, and we are proud of their accomplishments.

“Many Duke Law graduates will clerk this year in state and federal courts, at all levels,” he added. “Our clerkship committee of faculty and staff works incredibly hard to help students find these unique opportunities. Fortunately for us, over the years, many judges have come to see Duke Law graduates as among their very best law clerks.”

Saharia previously clerked for Judge Robert N. Chatigny of the U.S. District Court for the District of Connecticut and Judge Jon O. Newman of the U.S. Court of Appeals for the Second Circuit. Sevilla previously clerked for Judge Janice Rogers Brown of the U.S. Court of Appeals for the D.C. Circuit. Jones clerked for Judge Neil M. Gorsuch of the 10th Circuit Court of Appeals in Denver and Chief Judge David Sentelle of the D.C. Circuit Court of Appeals.

Jones said she's proud to be in Duke's first trifecta of Supreme Court clerks and credits Levi for expanding the clerkship program. “I know he has a real heart for that,” she said. “We've always had this caliber of students and I'm glad we're finally getting the national recognition. It's about time!” ♡



SAHARIA '05



SEVILLA '07



JONES '07

is prayer in schools ... [or] the Miranda warning. Those are much harder cases than you think ... and people of good faith really disagree about it and have good legal arguments on both sides, and genuinely think that the other side is seriously wrong. That's where we operate. It's hardly surprising that we're not too popular.

“But between those boundaries is a vast, vast area where everybody — everybody — agrees,” said Breyer, who explored related themes in his 2005 book, *Active Liberty: Interpreting Our Democratic Constitution*. “It's up to the people of the United States to decide, through their elected officials, what kind of communities they want.” Citizen participation in government and community life is essential for the democracy to work, he said.

## Advice to a new justice

Breyer said he will miss his “wonderful colleague,” Associate Justice John Paul Stevens, who retired at the end of the 2009–10 Court term. “He's very intelligent, very learned in law and, I think, is a good example of how you work with law in order to get some kind of result that makes sense for the people the law applies to,” said Breyer. “That is not inconsistent with being a heck of a good lawyer.”

His advice for his new colleague on the bench? “Relax. It takes time.” ♡

## Annual national security conference tackles emerging issues

Participants in Duke's annual national security conference in April took an in-depth look at emerging and unresolved issues that are likely to be challenges into the next decade, such as radicalization and terrorist recruitment, cyber security and cyber warfare, and the implications of environmental changes for national security, as well as the ongoing challenges of trying terrorism suspects and the use of force. The two-day conference featured experts from the top levels of the military, intelligence, diplomatic, legal, and academic communities, as well as keynote addresses by **Jeh Johnson**, U.S. Department of Defense general counsel (pictured); **Aziz Mekouar**, the Kingdom of Morocco's ambassador to the United States; and **Robert S. Litt**, general counsel to the director of National Intelligence.



The annual event is sponsored by the Center on Law, Ethics and National Security, the Center for International and Comparative Law, and the Program in Public Law at Duke Law School, and co-sponsored by Duke's vice provost for international affairs and development and the Sanford School of Public Policy.

## 2010 Civil Litigation Conference

Duke Law School hosted a unique conference on civil litigation in the federal courts May 10–11. Sponsored and organized by the Judicial Conference Advisory Committee on Civil Rules, the conference brought together more than 180 federal judges, practitioners, and academics for a comprehensive examination of issues of access, fairness, cost, and delay in the civil litigation process. New data from several empirical studies on current litigation practice was unveiled during the event, including data on actual litigation costs incurred by law firms and major corporations.

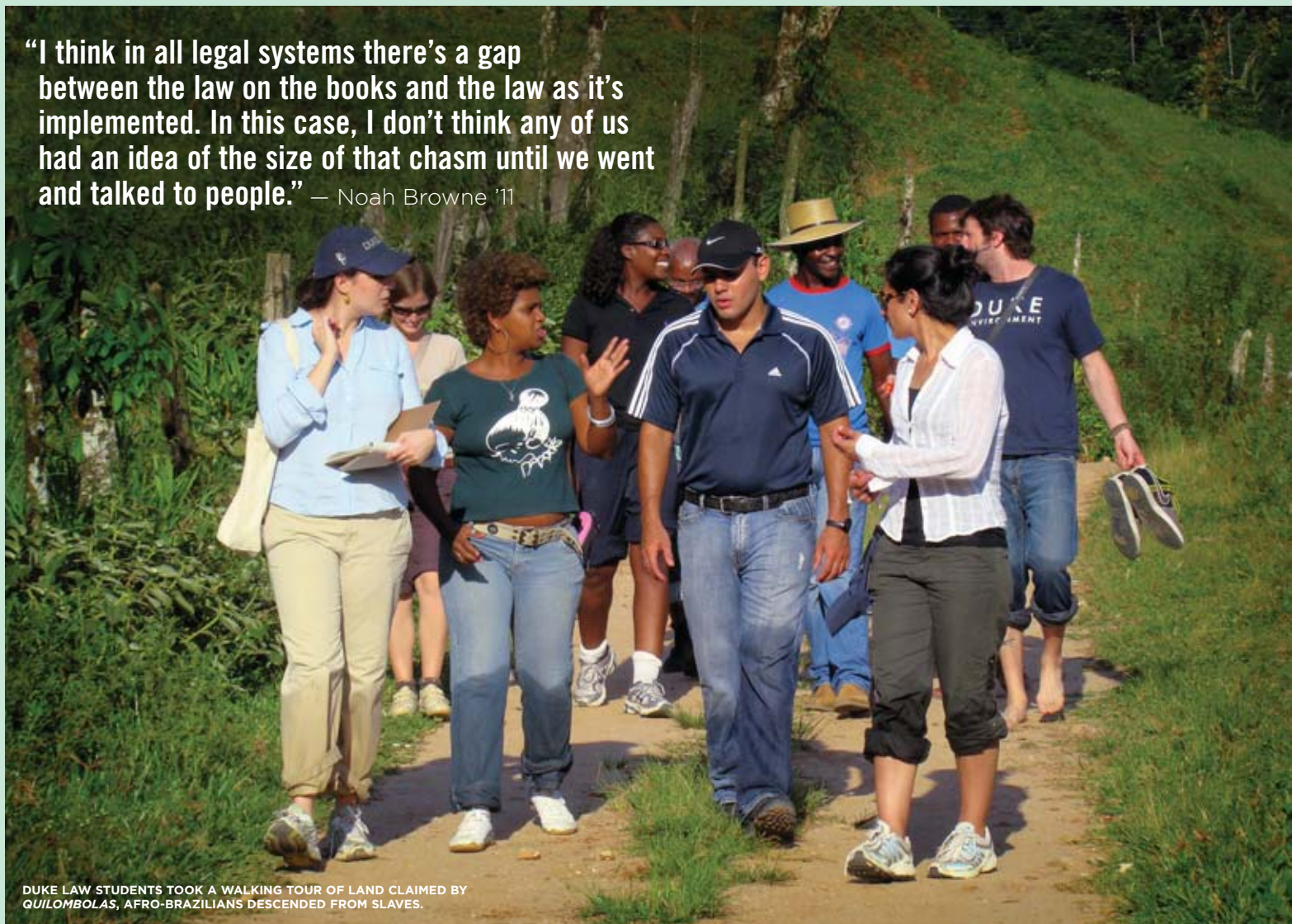
## Workshop considers open-source law

Should “America's operating system” be open source? The pros and cons of making legal materials publicly and freely available online were examined during an April 28th workshop organized by the Center for the Study of the Public Domain. **David Ferriero**, archivist of the United States, **Andrew McLaughlin**, deputy chief technology officer in the Executive Office of the President, and **Carl Malamud**, the main architect of the Law.gov initiative, joined legal scholars in their discussion of the definition of primary legal materials, privacy issues, the challenges of preserving and authenticating legal materials online, and the underlying value of making those materials freely available.

» View webcasts of conferences at [www.law.duke.edu/magazine](http://www.law.duke.edu/magazine)



**“I think in all legal systems there’s a gap between the law on the books and the law as it’s implemented. In this case, I don’t think any of us had an idea of the size of that chasm until we went and talked to people.” — Noah Browne ’11**



DUKE LAW STUDENTS TOOK A WALKING TOUR OF LAND CLAIMED BY QUILOMBOLAS, AFRO-BRAZILIANS DESCENDED FROM SLAVES.

# Students study land rights in Brazil

## Field research informs ad hoc course

**T**EN DUKE LAW STUDENTS, led by Professor Laurence Helfer, spent their spring break in Brazil, doing field research on the land rights of Afro-Brazilian communities. A part of their semester-long ad hoc seminar, the trip allowed students to work with communities of *quilombolas*, Afro-Brazilians descended from slaves, who are seeking legal title to lands they have long occupied.

Their trip was underwritten in part by donations from Duke Law alumni and friends and Duke’s Center for Comparative and International Law. The students met with quilombola communities, collaborated with counterparts at Fundação Getulio Vargas Direito Rio (FGV), one of Brazil’s leading law schools, and interviewed officials from the Brazilian government and non-governmental organizations (NGOs) involved in addressing the legal and political issues surrounding quilombola land rights.

Kat Shea ’10, Noah Browne ’11, and Anne Dana ’11 proposed the ad hoc seminar underlying the trip. Challenged by Helfer,

the Harry R. Chadwick Sr. Professor of Law and an expert in international human rights law, to identify a concrete legal issue to combine with a service trip abroad, the students learned of the quilombola land-claim situation through Global Imprints, a company specializing in the organization of educational and legal service trips.

With Helfer’s guidance, the students developed a rigorous curriculum that included a comparative look at similarly situated Afro-Latin groups in Nicaragua, Ecuador, and Colombia.

Brazil’s 1988 constitution included a provision allowing rural quilombola communities to gain official title to lands where they live, but implementation has been problematic, leaving many quilombos enmeshed in a bureaucratic quagmire.

“We went to Brazil to hear, from their perspective, what [the quilombos] thought this title would gain for them, and to identify the big hurdles in the process,” said Jacy Gaige ’12.





After a briefing by Brazilian law students and NGOs that work on land rights issues, the students traveled to the quilombola community of Alto da Serra, comprised of 30 to 60 families who occupy rural lands in the state of Rio de Janeiro; over two days they met with the leaders of two other quilombola communities in the Alto da Serra community church, learning the history of the communities and differences between quilombola groups, and talking in detail about the land-titling process.

“I think in all legal systems there’s a gap between the law on the books and the law as it’s implemented,” Browne said. “In this case, I don’t think any of us had an idea of the size of that chasm until we went and talked to people.”

The trip offered the students a visceral sense of the importance of land that can’t be found in a classroom, he observed. “We assumed, going down there, that getting land title was simply a prerequisite for socioeconomic development. I still think that’s largely true, but we didn’t quite understand, despite the fact that it sounds so simplistic and commonsensical, that having land is so fundamental to one’s own sense of peace and security.”

They learned that officials of the federal land-titling agency are sympathetic to the plight of the quilombolas, but overwhelmed by their applications, said Helfer. “They don’t have sufficient resources for the anthropologists who need to write the relevant reports, to process the applications, to compensate the private landowners who have valid competing titles to parts of the land.”

After presenting their preliminary findings to the quilombolas, the Duke Law students worked with them to identify useful legal research and other projects; they subsequently compiled a report summarizing their research findings that will be sent to the quilombo communities, to NGO leaders, government officials, and FGV faculty.

“One of the reasons I supported this initiative is that there is a very strong demand among students for experiential learning opportunities relating to international and comparative law,” Helfer said. “The Brazil fact-finding trip was one way of satisfying that demand in the short term. I’m hopeful that the students’ excitement about the trip will translate into other sustainable experiences in the future — the kinds of experiences that give students the opportunity to take what they learn in the classroom and translate it into practice.” ♡

## Duke Law awards first LLM certificates in environmental law

**T**HREE LLM GRADUATES in the Class of 2010 were the first to obtain Duke Law’s new certificate in environmental law.

Ismael Barrios, Max Larrain, and Clemens Schmied completed a specific track of courses and research to earn the certificate, which was developed last year to provide international students an opportunity to specialize in a quickly growing area of international law.

“Environmental law is expanding at a high rate in my country,” said Barrios, a construction-industry lawyer who hopes to work in the field when he returns to Peru after a few years abroad. “Peru has vast natural resources, and its economy depends strongly on industries such as mining, fishing, and agriculture. All these require specialized lawyers in the area and also institutions and laws to correctly manage our natural resources.”

The interdisciplinary nature of the coursework he received at Duke was particularly valuable, he added.

“Especially in the seminars, the discussions reflected different types of concerns, and law students could take advantage of a really deep technical view from various areas,” he said. “It [also] is of great help that the faculty members have both an outstanding academic perspective and past practical experience.”

“Duke’s strength in environmental law is very attractive to international students,” said Jennifer Maher ’83, assistant dean for international studies. “In addition to the Law School’s leadership in the area, we have a very close interdisciplinary relationship with the Nicholas School of the Environment, the Sanford School of Public Policy, and the Fuqua School of Business, all of which provide deep resources for study and research in environmental issues. The certificate program allows students to take advantage of these strengths and earn formal recognition for the specialized knowledge and skills they develop.”

The certificate program requires a combination of courses that include Environmental Law and Readings in Environmental Law, a course for certificate-program students focusing on important readings in the field. As part of that course, students studied briefs on a case handled by the Duke Environmental Law and Policy Clinic, attended a court hearing, and met afterward with the clinical professor to discuss the legal issues at hand and the differences among various judicial systems.

During two semesters, students must take a total of nine credits in environmental law, in addition to 15 credits through the standard LLM curriculum, and complete a substantial research project in a related field.

Schmied, a native of Austria, said the environmental law certificate program factored into his decision to attend Duke Law. “I knew that Duke Law School had an excellent reputation in environmental law before I came to Durham,” he said. “The fact that I could be one of the first to receive the environmental law certificate was one of [the reasons] I chose to go to this wonderful law school.”

After taking the New York bar exam this summer, Schmied plans to practice environmental law in Austria. “The certificate is surely going to help me, since not many people in Austria are educated in both Austrian and U.S. environmental law,” he said. ♡



VICE PRESIDENT AL GORE RECALLED HIS FRIENDSHIP WITH FRANKLIN DURING REMARKS OPENING THE CONFERENCE.



» To view conference panels, see  
<http://www.law.duke.edu/magazine>

L-R: PROFESSORS ELIZABETH ALEXANDER OF YALE AND KARLA HOLLOWAY OF DUKE

### Center on Law, Race and Politics:

## Conference pays tribute to work and life of John Hope Franklin

LEADING SCHOLARS from a range of disciplines gathered at Duke Law April 8–10 to identify and examine critical issues surrounding race in 21st-century America.

Co-sponsored by the Center on Law, Race and Politics (LRP) and the John Hope Franklin Humanities Institute at Duke, “From Slavery to Freedom to the White House” honored the late historian John Hope Franklin’s life and work, which were devoted to understanding the impact of racism on American life. Franklin taught at Duke Law School late in his career.

Vice President Al Gore opened the conference, recalling the various lessons he learned from Franklin; during the 1992 presidential campaign the two forged a friendship that deepened as they subsequently worked together on initiatives surrounding race.

“The central lesson that I learned from him was that race is always present and cannot be ignored. Anyone who believes that transcending the issue of race involves ignoring race is on a dead-end path,” said Gore. “He said ... the path to transcendence is a two-step process. The first step, he said, is an open and full acknowledgement of difference — difference in experience; difference in life trajectory; difference in the relationship one has to the majority and to the society as a whole; respect for those differences; communication about those differences; and acceptance of those differences in the context of mutual respect.

“Once that step has been genuinely and sincerely taken, then and only then is it possible to transcend race. It is still present, but it is redefined and recharacterized.”

Franklin, said Gore, also stressed the necessity of respecting the differences between the unique experiences of Americans of different cultural and racial backgrounds — Native Americans, Hispanic Americans, Japanese Americans, and other Asian Americans, to

name a few. Without diminishing the experiences of those groups, Franklin believed the experience of African Americans had a special character and specific gravity as the result of slavery, “America’s original sin,” said Gore.

“Just as each of these sets of ethnic and race-based differences have to be treated differently, the experience of African Americans is quite unique and must be dealt with in a special way, following that same formula of acknowledging differences, respecting them, discussing them, accepting them. And then, once that bond has been established, transcending them,” said Gore.

Franklin’s work was frequently invoked by panelists from law, history, social psychology, economics, political science, and the humanities as they examined such issues as the role that race plays in politics and the significance of the Obama presidency; the future of voting rights, civil rights and racial justice; the causes and implications of interracial disparities in wealth; how social psychology can inform our understanding of societal disparities; and how immigration factors into many of these issues.

“The conference raised a lot of important questions,” said Professor Guy-Uriel Charles, who is co-director of LRP and convened the conference with Professor Kenneth Mack of Harvard Law School. “For example, many panelists focused on the great disparity in wealth between whites and many people of color. Similarly, we also focused on the tremendous racial disparities in criminal justice.

“As importantly, there was some consensus among the participants that the current civil rights model is not extremely useful for thinking about the problems of racial inequality in the 21st century. Part of the task going forward will be to develop a new model that effectively addresses the racial challenges that we face today.” ♡



## Duke Law expands loan repayment assistance

**D**UKE LAW SCHOOL HAS APPROVED changes to its Loan Repayment Assistance Program (LRAP) that will increase aid to graduates working in public interest positions.

Key changes include an increase of the salary cap for eligible graduates, which will increase from the current cap of \$60,000 to \$75,000, and the elimination of the lifetime loan forgiveness cap of \$80,000.

The new program will take effect in the 2010-11 academic year, but current LRAP participants and all graduates of the Class of 2012 and earlier will have the option to choose between the new plan and the current plan.

“Duke Law has a longstanding tradition of supporting our students and graduates who commit to public service careers,” said William J. Hoye, associate dean for admissions and student affairs. “This enhanced LRAP will greatly reduce the degree to which financing the cost of a legal education limits career options. During a time of increased interest in public service, it is especially important that we support our graduates in every way possible.”

The changes are tied to the College Cost Reduction and Access Act of 2007 (CCRAA) and aim to help graduates take greater advantage of federal government assistance for loan repayments. The new LRAP program will cover 100 percent of loan payments for graduates making \$60,000 or less. Graduates making between \$60,000 and \$75,000 will receive assistance on a sliding scale. Only federal loans qualify for the program, and recipients must be making payments using federal income-based repayment (IBR) guidelines.

Duke Law’s current LRAP plan provides 100 percent loan repayment coverage to graduates making \$35,000 or less; assistance is provided on a sliding scale for graduates making up to \$60,000.

“These changes will greatly benefit our graduates who are committed to public service careers,” said Kim Bart ’02, assistant dean for public interest and pro bono. “The new program also opens the door to public service careers for more of our students by providing a path for total loan forgiveness.”

Under the new plan, graduates who earn \$60,000 or less could have all loan payments covered by LRAP during the entire 10-year period necessary to qualify for the Public Service Loan Forgiveness (PSLF) provision of CCRAA, which forgives remaining loan debt after 10 years in a qualifying public service position. This means that a participant whose salary remains under \$60,000 for 10 years could achieve total loan forgiveness with zero out-of-pocket cost. ♡

» For information on LRAP revisions and CCRAA, visit [www.law.duke.edu/admis/financial/lrap](http://www.law.duke.edu/admis/financial/lrap)

## Duke Law students secure high-level fellowships

**Fellowship success reflects interest in, support for public service activities**

**S**EVERAL DUKE LAW STUDENTS and new graduates have secured highly competitive fellowships to pursue intensive academic study and public service work.

**Katherine Record JD/MA ’10** has secured the **O’Neill Fellowship in Global Health** at Georgetown University’s O’Neill Institute. The fellowship supports work on policy and writing projects and independent academic research. Record will spend her fellowship year conducting research and drafting policy proposals and regulations pertaining to public health law preparedness, which includes planning for disaster relief and pandemic outbreaks.

**Veronica Allen ’10** has received a two-year **Skadden Fellowship** to work on expanding access to civil legal services for at-risk youth in Central Georgia. She will work at Georgia Legal Services Program (GLSP), offering legal representation to students who qualify under that program’s guidelines. As reported in the winter 2010 issue of *Duke Law Magazine*, her project is specifically designed to increase access to legal services for black males between the ages of 12 and 18 who are eligible to attend secondary school, but whose unmet civil legal needs may be affecting their academic performance.

**James Gillenwater ’12, Tricia Hammond ’11, and Derrick Raphael ’12** were selected as **2010-11 Albert Schweitzer Fellows**. They will join approximately 200 other fellows across the country in conceptualizing and carrying out service projects that address the unmet health-related needs of underserved individuals and communities. Gillenwater and Raphael aim to empower middle-school youth by creating a rugby program paired with academic mentoring for students in the John Avery Boys & Girls Club in Durham. Hammond, in partnership with Duke School of Medicine student Simon Ascher, is working on a project that will provide incarcerated youth at the Durham County Youth Home legal and health education, literacy classes, and mentoring opportunities.

**Allison Heaney ’12 and Nadia Prinz ’11** were invited to participate in the **Fellowships at Auschwitz for the Study of Professional Ethics (FASPE)** program and spent two weeks in June traveling to New York, Berlin, Krakow, and Auschwitz with other law and medical school students from across the country. ♡

### Gifts launch Law and Entrepreneurship LLM inaugural class

**A**LUMNI AND FRIENDS of Duke Law School have given more than \$100,000 over a six-month period to help launch the Law and Entrepreneurship LLM program, which welcomes its inaugural class in August.

The two-semester, 23-credit program focuses on the legal, business, institutional, strategic, and public-policy frameworks that apply to entrepreneurs and innovation, combining rigorous academic study with practice and research opportunities that help students develop skills in representing clients.

**Stanley Star '61, Scott Arenare '89, and Glenn Sarno '92** are among the donors who have provided financial support based in part, they say, on an appreciation for the program's hands-on approach to training students in areas related to their professional work.

Star is the principal of Cliffstar Corp., a private-label juice manufacturer headquartered in Dunkirk, N.Y. Arenare is managing director and general counsel in the New York office of Warburg Pincus; he serves on the private investment funds committee of the Association of the Bar of the City of New York. Sarno is a partner in the corporate department of Simpson Thacher & Bartlett in New York, where he focuses on private

investment funds and other facets of alternative-asset management.

"It's exciting and important for the Law School to undertake this type of program that goes beyond general coursework to provide specific, useful skills and information," Star said. "We're giving students a chance to work with entrepreneurs, with real experts in the field. It's very appropriate."

During a second-semester practicum, students will be placed in relevant externships with law firms, general counsels' offices, venture-capital firms, trade associations, government agencies, and similar settings in the field. A capstone project will allow students to work closely with faculty on scholarly research tied to entrepreneurship and entrepreneurship policy.

"The program will address the intersection of legal principles and practical business applications, in the context of entrepreneurship and the early-stage enterprise," Arenare said. "This is particularly appealing to me, as a lawyer focused on private equity, venture capital, and growth investing."

The core curriculum of the Law and Entrepreneurship LLM includes courses on Entrepreneurship and the Law, Intellectual Property, and Financial Information.

Students also will take a Venture Capital and Private Equity course that uses a case-study approach to expose students to the life cycle of a startup venture, with a particular focus on the different types of financing leveraged as a company matures.

"It is important to be well-versed in the fundamentals of entrepreneurship and the regulatory frameworks while also having real, hands-on experience that brings these lessons to life. This program qualifies on both counts," Sarno said. "Students will be challenged to translate their ideas into action and realize the tangible outcomes of their decisions."

"We've been impressed by the enthusiasm so many alums have expressed for the program. It is off the charts," added James Cox, Duke's Brainerd Currie Professor of Law, who helped develop the LLM proposal and will serve as the program's faculty director.

"Because the program is so deeply experiential, we need the ongoing assistance of alumni in securing internships that embed the students in the vortex of venture activities and later in networking with the program's graduates so they obtain positions that can reap the benefits of the education and training provided by the program," he said. ♣

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## Ichel gift establishes endowed chair

**A** \$1.25 MILLION GIFT from Board of Visitors Chair David Ichel '78 and his wife, Jan, will create an endowed Chair in Constitutional Law and Government at Duke Law School, adding further depth to the School's highly regarded constitutional law faculty and programs.

The Ichel gift, matched by funds from The Duke Endowment's Strategic Faculty Initiative, also advances Duke Law's strategic goal of adding 10 new faculty positions in coming years.

The holder of the new professorship in constitutional law and government will teach courses at the Law School as well as undergraduate courses at Duke's Trinity College, a factor that Ichel says appealed to him as an alumnus of both schools.

"This gift is a wonderful affirmation of the strength of our faculty, programs, and scholarship in constitutional law," said Dean David F. Levi. "It will allow us to expand our programming and deepen our faculty strength in a subject that is of tremendous interest to our students and of great relevance and importance to the larger community. I am grateful to David, Jan, and The Duke Endowment for their marvelous display of leadership in support of our faculty and of Duke Law."

The Ichel gift will be matched dollar for dollar by The Duke Endowment, the Charlotte-based charitable foundation created by Duke University founder James B. Duke. In 2008, Duke University President Richard H. Brodhead announced that The Duke Endowment had committed \$40 million to support strategic growth of the faculty by helping to fund more than 30 new faculty positions.

"The Duke Endowment is proud of its longstanding partnership with Duke Law School," said Russell M. Robinson II '56, chairman of the Endowment's board. "In his Indenture, James B. Duke specifically directed support for the school, and that legacy continues today. With the Ichels, we're excited about creating new opportunities for students and legal scholars."



**"This gift is a wonderful affirmation of the strength of our faculty, programs, and scholarship in constitutional law."**

— Dean David F. Levi

JAN AND DAVID ICHEL WITH DEAN DAVID F. LEVI

Ichel is a partner at Simpson Thacher & Bartlett in New York City where he focuses on complex commercial litigation. In addition to his law degree, he holds a bachelor's degree in political science, *summa cum laude*, from Duke University.

"Our interest in this particular gift was sparked by Dean Levi, who made the point that if Duke alumni and friends can fund a number of new professorships, we can help bring Duke Law School to an even greater level of excellence," Ichel said. "We decided on constitutional law and government because they are the foundations of our law and organized society, and I really enjoyed studying those subjects as a student.

"Duke has always been strong in these areas," he added. "Even in my cor-

porate commercial litigation practice, it continually amazes me just how often my cases present constitutional law issues. I received a great foundation as a lawyer from the strength of the teaching on constitutional law at Duke and still today consult Duke Law professors on these subjects."

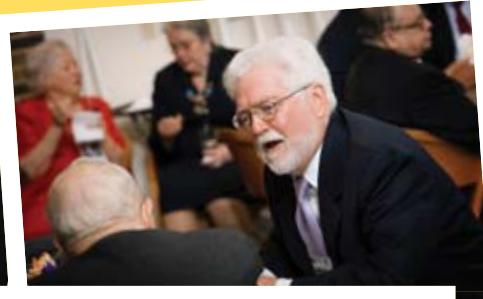
The Ichels previously funded a named scholarship, as well as a seminar room during the Law School's building expansion and renovation effort that was completed in 2008. Ichel also joined with his fellow alumni partners at Simpson Thacher & Bartlett to establish the Simpson Thacher & Bartlett professorship that was awarded to Professor Richard L. Schmalbeck in April 2009. ♣

## News Briefs



# REUNION2010

**R**EUNION 2010 brought members of classes ending in "o" and "5" back to the Law School April 16-18 to share memories and renew friendships. The Law Alumni Association honored **Janet Ward Black '85**, **Xiaoming Li '90**, **Adrian Dollard '95**, and **Professor William Reppy Jr.** for their career accomplishments, service to the community, and dedication to Duke Law School. ♫





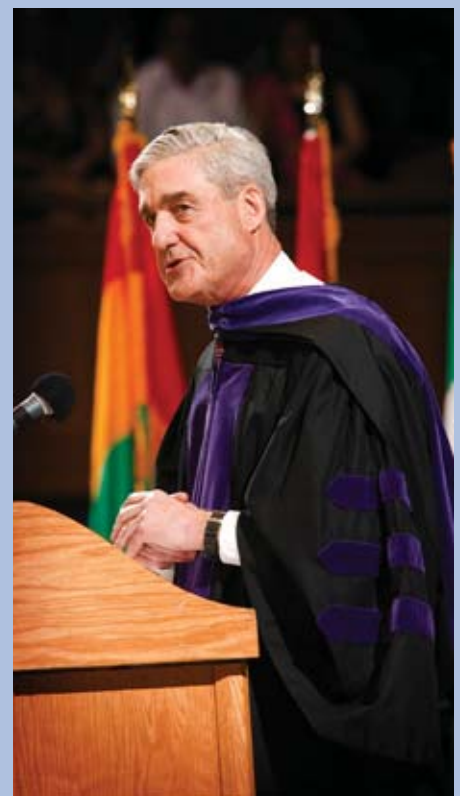
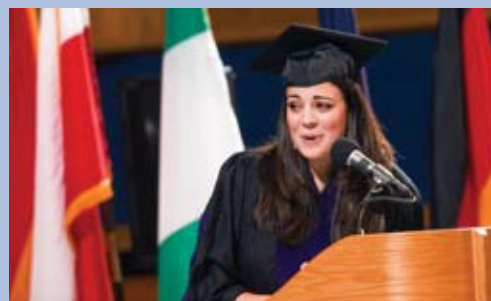
# Hooding 2010

**D**UKE LAW CELEBRATED the Class of 2010 at a hooding ceremony at Cameron Indoor Stadium on May 15.

The event honored 213 JD graduates, including 20 who also earned advanced degrees from other Duke schools and departments and 25 who received an LLM in international and comparative law. Eighty-two international lawyers received LLM degrees; among them, three earned Duke's new certificate in environmental law.

In his address to the graduates, **FBI Director Robert S. Mueller III** (pictured, bottom right), advised them to embrace change, devote themselves to service, and adhere to the highest standards of honesty and integrity. "These are the truest and best ways to ensure a fulfilling career," he said.

Dean **David F. Levi**, JD Class Speaker **Katherine Shea '10**, and LLM Class Speaker **Constantin von Schoening '10** also paid tribute to the graduates. ♡





# MAKING IT WORK

Assessing, adjusting,  
and innovating  
in law firm practice



**M**ANY LAW FIRMS, like most other businesses, have gone through a lengthy period of cost-cutting and contraction, unrest and introspection, sparked by the near collapse of the global economy. This spring, members of Duke Law School's alumni advisory boards — the Board of Visitors, Law Alumni Association, and the LAA's New Lawyers Division — gathered with faculty to look at current and likely future trends in law-firm practice.

To get the conversation started, Rob Harrington '87 facilitated a panel discussion about notable developments in management approaches, staffing, and client relations. »



**ROBERT E. HARRINGTON '87**

Robinson Bradshaw & Hinson, Charlotte

Attorney/Shareholder

Firm profile:  
130 lawyers

**PRENTISS E. FEAGLES '76**

Hogan Lovells (formerly Hogan & Hartson), Washington, D.C.

Partner and Finance Co-head

Firm profile:  
Approximately 2,500 lawyers in 40 offices worldwide, as of May 1, 2010

**SUSANNE I. HAAS  
LLM '85, JD '87**

Honeywell, Inc., Minneapolis

Vice President and General Counsel, Environmental and Combustion Controls

**XIAOMING LI '90**

White & Case, Beijing

Partner, Head of China Practice

Firm profile:  
Approximately 2,200 lawyers in 36 offices worldwide



THIS YEAR HAS PROVED TO BE OPTIMISTIC AND GOOD AND PERHAPS BACK TO NORMAL — A NEW NORMAL. ... IT'S BEEN A TIME TO REASSESS, TO FIGURE OUT WHAT WE DO BEST AND WHAT OUR ADVANTAGES ARE.”

— ROB HARRINGTON '87

**Harrington:** The last year has been a particularly challenging year for all of us. We are a fortunate firm in that we had a relatively easy go of it. This year has proved to be optimistic and good and perhaps back to normal — a new normal.

Last year caused us to think maybe more than in past years about attorney compensation, about growth, and about how we relate to clients and potential clients. I think we're now in a position to take advantage of practice opportunities going forward.

Our corner of the world in Charlotte has changed. Charlotte's financial firms have gone through a couple of years of well-reported adaptation. The real-estate sector may have been hardest hit, and it's probably not a sector that's going to come back — in Charlotte anyway — in any “V-shaped” recovery soon. So there are just some realities we had to deal with. But it's a region that's still blessed with some very good clients. The past year has caused us to rededicate ourselves to what we need to do with and for our clients. It's been a time to reassess, to figure out what we do best and what our advantages are.

One of the things that affects us with the Law School is how much will we be recruiting in the future? We've had a summer program each year. We will this summer, but it's smaller. And we're adjusting to growing, but growing at a smaller scale.

**Feagles:** For eight years I have had the distinction of being the managing partner with responsibility for all financial matters at Hogan & Hartson. As you know, for the first six, legal business was on a steep upward trajectory. The last couple of years, as Rob indicated and as all of you know, have been a whole different kettle of fish. It's been a lot more challenging of an environment for every law firm. It impacts us differently depending on where we are and what we do, but it does impact all of us and, in turn, has a more dramatic impact on new lawyers coming into our firms. A lot of law firms, including ours, have taken steps like deferring the start date of new associates, deferring the start of people who received offers in the summer program and things like that. So it has impacted not just the lawyers within these firms but it's rippled down and impacted the law schools and their graduates as well.

The second trend that we have seen, which prompted our upcoming merger with Lovells [one of the largest London-based firms], is the increase in globalization of the legal practice. As business becomes global, that's where we as a law firm need to be. That's not the answer for everyone, but it is the answer for us.

The last change involves the shifting nature of the relationship between clients and their lawyers. It has lots of ramifications and it presents a lot of opportunities. But it also puts a lot of pressure in places where firms aren't historically used to experiencing it.

Clients are very savvy today with their external counsel. They are very focused on managing their legal services, not just managing costs. They are focusing on the overall quality of what they get. So anyone who is in a major law firm or in a company is on one side or the other of that continuing evolution.

**Harrington:** Susi, give us a sense of what kinds of expectations and changes you're feeling in the corporation, and expectations of outside counsel.

**Haas:** We are challenged all the time, especially now, to control outside-counsel costs. We have enormous budget pressure and therefore have to put a lot of pressure on our outside counsel. There are a number of ways we do that.

We require discounts from our outside counsel — 10 percent off the top — and we don't accept fee increases. Because we are a large client we have more leverage now than ever before. We see competition between law firms for our business that is unheard of. And I've seen some very interesting and creative ways to work with outside firms on fees.

**Harrington:** What percentage of the work you're sending out now involves some non-hourly rate arrangement?

**Haas:** It's probably about 20 percent, but growing. In litigation, especially, these fee arrangements are made. It keeps the cost down for us and it's manageable. You know what you're in for.

**Harrington:** What other types of cost-cutting client-firm relations measures are you taking?

**Haas:** We haven't done this yet, but [many] ... clients are no longer willing to pay for first- and second-year associates' work. They'll just say, "We don't want first- and second-year associates to work on this case. And if they do, it's got to be for free. You can't bill their work."

We also have to figure out how to spend our dollars the smartest way. There's a certain amount of tension between [deciding] to hire a national or even global firm that's naturally going to charge you a higher fee, or a local firm, that might do just as good a job. You really decide based on the complexity of your case whether you can give that to a local firm and the local firm has the wherewithal to handle it for you, and if you have something extremely complicated, you do still go to the very large firms just because they have the resources and they also have the name. So we try to figure out a balance.

**Harrington:** Xiaoming, what's the view on the ground in the China practice, with a firm that also has a significant international practice?

**Li:** First, we increasingly see clients who say, "We can't hire you unless you're on our panel of lawyers." So there is a huge competition to become a "panel" firm for institutional and major corporate clients. You have to negotiate a special package of fees with your panel client, which usually represents a substantial reduction of our normal billing rates, and the reduced billing rates are usually required to be applied uniformly to work done for that client across the entire world. But that creates a problem, because law firms of our size and kind



“THE FIXED-FEE ARRANGEMENT, IN OUR EXPERIENCE, GOES FURTHER THAN LEGAL FEES — IT GOES TO COST, AS WELL.” — XIAOMING LI '90

have many offices around the world and different offices tend to have somewhat different rates to reflect the economic conditions of the countries where the offices are located.

Second, in the aftermath of the financial crisis, most panel rates remain the same while firms like ours continue to increase their rates. This dichotomy is heading to a course of collision and nothing much has been done to avoid it from happening.

Third, English firms used to have what they called "Heathrow partners." They say you can't be a partner unless you are willing to relocate: "Here's a ticket. Go to Abu Dhabi or leave the firm." It used to be a unique British practice, but I see that gradually becoming a U.S. law-firm practice, too. Willingness to relocate from one's comfort zone may become an express requirement of international law firms.

Finally, offices of international firms based in China are increasingly helping the Chinese to deploy the country's huge foreign reserve, which stands at approximately \$2.5 trillion, in a series of outbound investment and financing transactions. Our lawyers based in Beijing are traveling more globally than lawyers based in many other offices of the firm. This trend is expected to last for some time to come.

**Harrington:** I want to talk a little bit about what all of these things mean for young attorneys. Susi's talked about the fact that there's a real push-back against using lawyers who are straight out of school on regular billing matters. I have had increased scrutiny of bills involv-



## CASE STUDY

## CRAFTING A NEW APPROACH TO TRAINING EARLY-STAGE ASSOCIATES

“What clients really want is value,” says **Gregg Melinson '89**, the chief marketing partner at Drinker Biddle & Reath in Philadelphia. But they often don't see value in the work of junior associates, he adds. “They would rather pay \$800 per hour for a senior partner and get the answer they want in 10 minutes than have somebody relatively new to the profession spin their wheels.”

As the economic downturn led many firms to defer start dates for their incoming associates — or even revoke offers — Melinson says his firm looked for opportunities to provide “better value” for clients. “We want to have valuable lawyers that our clients *are* willing to pay for — and we didn't see how our clients or our associates would be better served by bringing ill-trained lawyers to the fore a year later. So we decided to invest in our first years instead.”

That investment started by crafting a new deal with the firm's fall 2009 class of associates. They started, as planned, in September, at a reduced salary. In return, they had no billable-hour requirement for six months as they went through an intensive, three-phase training program. Once their training was complete, the first years' salaries were adjusted to a market rate based on their location.

Teaching “core competencies” was at the heart of the program's first phase, says Melinson. “These are the general principles applicable to all of our lawyers. Many have to do with client service, how to comport yourself as an attorney, and how to interact with clients and learn about your client's business.”

Phase two focused on practice-specific skills, such as learning all the details of mergers and acquisitions or defending a deposition. The third component was client focused.

“It was a process of ‘shadowing’ senior lawyers around to depositions, closings, court hearings, and so on, and just learning by doing — without billing clients,” he says. In several instances, he adds, associates spent time in the clients' workplaces, “because we've learned that the number one thing you can do to bring clients value is understand their business, their competitors, and their industry. That's at the top of every client's list.”

Melinson reports that the firm's training experience has been a resounding success — and will be continued with Drinker Biddle's fall 2010 class of associates. “We've found that both our clients loved it and our first years loved it. We've gotten a number of calls and emails from clients saying, ‘We think this is a fantastic idea.’” It has served as a bonding experience for the associates, he notes. “New lawyers have traditionally just jumped into their practice area and started practicing. That can make it hard for them to feel like they're part of a larger community. This training program helped greatly because for the first six months, these associates are like classmates at Duke.”

Melinson admits that he loves the business side of law-firm practice, which is why he says he's having “a blast” helping his firm address changes in the legal profession on a number of levels: The firm is teaching all of its attorneys about “matter management;” setting flexible guidelines for alternative-fee arrangements; and actively participating in the “Value Challenge” initiative of the Association of Corporate Counsel, which seeks to realign the cost of legal services with the value clients want.

“Any time there is major change going on, there's major opportunity, and it's fun,” he says. “For anybody who puts clients first, this is the perfect storm. It gives them the opportunity to really learn much more about their clients and strengthen and deepen those relationships.” ♣ — *F.P.*



» **Gregg Melinson '89**

ing very young lawyers — what are they doing, is it efficient, was the amount of time right? But it ties into this issue also of “exporting” certain types of legal chores.

We are increasingly — on our own initiative, and due to pressure from clients — sending out some of the work that some might have found brain-numbing to start with, some of the due-diligence work and the bottom-line discovery review-of-documents work. I'm curious to get Susi's view of the client's insistence or concern about that, and Prentiss's about how Hogan has addressed that issue.

**Haas:** We have a number of different companies that will do a document review under contract. And we require our law firms to work with those people because we have special rates negotiated with them. And there is even some outsourcing to India and other places where you pay a lot less per hour for lawyer services.

I think the times when young associates could do that sort of work may also have come and gone. There is a lot more competition right now out there.

**Harrington:** From a firm's perspective, that work has traditionally been lucrative. More importantly, firms have had a concern about having work on any case or matter of significance exported out to folks that we don't control. We are extremely conservative and we're extremely cautious. We're nervous about having others do work for which we're ultimately responsible, whether it's for a court or a client.

**Feagles:** We have seen corporate clients who, in their billing guidelines, will not pay for hourly rate charges for first- and second-year associates. It presents a challenge for law firms. These are the people who are the future of your firm, and the way that someone my age got trained as a young lawyer was by senior lawyers giving us projects for the first three to five years. We learned by doing. That's not quite so easy today for a lawyer who is starting out. There's a lot more pressure for law firms to provide training in house ... and it's critical that you do it well.

The alternative-billing arrangements Susi mentioned present an opportunity to deal with some of that. If she says, “I am going to pay

\$250,000 for this stage of the litigation,” her only real demand is that it be done really well. She doesn’t care if it is done with a first-year associate or a fourth-year associate. She is taking herself out of that mix. She’s saying, “I’m looking for really high-quality work. If it isn’t, you won’t work for me again. Secondly, I’m fixing a price.”

From a firm’s point of view, we approach those alternative-billing arrangements with trepidation, because we don’t totally know how to price them. But they actually help deal with some of the issues we’ve mentioned here.

We also see more and more discussion within the profession about separate contract-attorney tracks where the people are quite capable, conscientious, and able to do the job, properly defined, that the client is looking to buy.

So we’re seeing a lot of that; I don’t think that’s going away. And it’s a challenge for [Susi] and for us to figure out how best to get what the client really wants in the end, which is a successful outcome at a fair price.

**Li:** The fixed-fee arrangement, in our experience, goes further than legal fees — it goes to cost, as well. If you tell clients, particularly those based in China and Asia, that you plan to charge for fax, email, overtime, and a secretary’s time, they say, “Forget it. Why don’t you tell me what the cost for this transaction is going to be?” They want it fixed.

For us this is a challenge, because very often the project is not in China — it may be in Venezuela or Angola or Congo. You need

to think, “Do I need to travel myself? Do I need local counsel to travel with me? Do I need other offices’ lawyers who can speak Spanish or Portuguese to travel with me?” Because all of this will come in, at the end of the day, as to whether you will make money or lose money.

**Harrington:** Where are we, both with associate promotion and associate pay, for those who are on, more or less, a traditional track? What are firms doing with entry-level pay and with this traditional idea of essentially lock-step promotion for those who are doing a good job?

**Feagles:** I think associate compensation has plateaued since about 2007, when the New York firms led the associate entry salary to \$160,000. It’s been there since. You’ve seen some movement in some areas to try to roll that back a little bit, but not a whole lot.

Susi’s right — the corporate cost-control efforts really started in 2005 and 2006. I have the sense, from feedback we got, of, “What is it that you people are not hearing? We want your costs to go down, and you’re telling us that you’re increasing *your* costs of providing the services we want. There is a huge disconnect here.” And I think that reinvigorated the view on the corporate side that there really wasn’t a connect between the law firms on the one hand and the clients on the other, and the clients needed to be more clear about the message they were delivering.



“ IN TODAY’S WORLD, BEING A FIRST-RATE LAWYER ISN’T NECESSARILY ENOUGH. YOU REALLY HAVE TO BE A FIRST-RATE LAWYER THAT HAS FOUND AND IDENTIFIED A NICHE.”

— PRENTISS FEAGLES '76

## CASE STUDY

## BUILDING EFFICIENCY, CONTROLLING COSTS THROUGH “LEGAL PROJECT MANAGEMENT”

As head of Morris Manning & Martin's Atlanta-based Corporate Technology Group, **John Yates'** practice includes a full range of legal services for technology businesses and technology-enabled companies, including many that are backed by venture capital and private equity and headquartered in the Southeast.

Yates notes that, given his firm's focus on legal project management, they were able to benefit from the “tech wreck” of 2000.

“Our clients were concerned about controlling expenses so they could use cash to grow their businesses — and we knew this would be a long-term concern for general counsel,” recalls Yates '81. “We observed that our tech-savvy clients tended to use efficiency tools, many of which were driven by the use of project management.

“About seven years ago, we noticed that our clients were using project management to fix-fee IT projects. One client asked me an enlightening question: ‘Why don't you use project management in the law?’ That was our ‘aha’ moment.”

With that kernel of an idea, says Yates, the firm began to construct its “Legal Project Management” system, on which a patent is pending. The dynamic, technology-based system allows attorneys to construct project plans and budgets for client matters in practice-specific areas, and then monitor progress to ensure compliance.

“Up front you build the project plan with the specific tasks, so you know exactly what needs to be done, how much time is to be allocated to each task, and the hourly rates for performing them,” Yates explains. “You can tell the client, before billing the first minute of time, what's involved in that project. If it's an M&A matter, for example, you have a good idea of what's involved — from the term sheet or letter of intent through the

due-diligence process, negotiations, document preparation, government filings, clearance, and closing.

“The system allows you to set expectations with your client up front — you provide a road map indicating what you're going to do and what the expected costs are. You align their expectations with yours.” Variable fee arrangements for all or any portion of a project can be built into the model and, should facts change or a transaction be discontinued, they can be incorporated quickly so that all parties sign off contemporaneously, “rather than after the deal, when memories fade,” Yates notes.

Training of early-stage associates is built into the model, he adds, again using a transactional matter by way of example. “You can point an associate to two or three templates that illustrate the whole process for certain types of M&A transactions. They can see the timing, budget, costs, and how the deal transpired. So they can see, in an efficient manner, how a deal is done.” If the associate takes more time on a specific task than the model calls for, the firm can adjust the client-cost to conform with the fixed-fee model, he says. “There's an appreciation and advance discussion of how much additional time is required, rather than the associate guessing about the amount of time needed to complete the task.”

Yates' firm has hired a professional project manager to oversee use of the project-management system and educate attorneys on the new system of delivering legal services — not one that depends on a certain number of billable hours available, he notes. “The new model is based on the idea that clients want services performed efficiently based on a predetermined and mutually agreed upon project plan.” ♣ — *F.P.*



» John Yates '81

I think over time, associate compensation will be demand driven. If you reach the point in the economy that the top-tier law firms cannot get the people they need to do the very best work, someone will ultimately break out and increase the salary and then each firm will assess whether to follow that or not.

Promotion to partner has been becoming harder for the last 15 years. In today's world, being a first-rate lawyer isn't necessarily enough. You really have to be a first-rate lawyer who has found an identified niche that is important to the firm going forward.

**Harrington:** The traditional model has been that you have to make partner, in part because if you don't, you might just be out. That is sort of a questionable idea — here you've got a very good lawyer who is in demand, but not self-sustaining, who is out. How do you deal with that situation of the very good lawyer in a traditional “up-and-out” system?

**Feagles:** I think most firms are trying to move away from the up-or-out system and have flexibility and alternate career arrangements. It makes no sense whatsoever to say that on the first day of the ninth

year there is no place for someone whose work is of high quality and for which you charge the highest associate billing rates.

To be perfectly frank, in today's world, being a partner in a law firm is not what everyone aspires to do. A lot of people have other goals and other interests. The key is to fashion career paths that make sense to bright, talented people, so you aren't just taking really good people and throwing them off the roof at some arbitrary point in time.

**Li:** Associate pay represents a challenge for us. At global firms, wherever they are based, New York-based and London-based associates are paid the most, but associates elsewhere in the world want to be treated, eventually, the same if they think they perform just as well as their New York or London colleagues. And relocation of associates from higher-paid jurisdictions to lower-paid jurisdictions also exacerbates the problem. But clients around the world are not uniformly paying the New York or London rates for work done outside such high-cost jurisdictions.

**Harrington:** Susi, how much of this change is here to stay? I think there's some consensus that much of this change is here, particularly





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**IF I LOOK AT THE FUTURE LAWYER WHO WILL BE SUCCESSFUL WITH CLIENTS LIKE MY COMPANY, IT WOULD BE SOMEONE WHO UNDERSTANDS THE BUSINESS, WHO UNDERSTANDS BUSINESS IN GENERAL — BUSINESS EXPERIENCE IS VERY, VERY IMPORTANT. YOU WANT SOMEBODY WHO UNDERSTANDS THE PRESSURES AND IS WILLING TO BE A PARTNER TO THE IN-HOUSE COUNSEL.”** — SUSANNE HAAS LL.M. '85, J.D. '87

on the cost-cutting side. So much of this is driven by cost cutting — all of it — and once you've successfully cut costs, you don't voluntarily increase them. What's your view, looking out?

**Haas:** Absolutely. There's no turning back. There's no reason why the business should all of a sudden start increasing its payments to outside firms. That, I think, is part of this real significant downturn that must be a very significant challenge for outside law firms. It's not going to be rolled back.

**Harrington:** What should law students be thinking about as they come into law school and prepare to go out into the practice, and perhaps things that the Law School can be thinking about? What types of things might increase your viability?

**Feagles:** There are several things I would emphasize to a new lawyer. First, the world is becoming more global. For a lot of people, it helps to have a better understanding of how things fit together and not focus just on my particular city, my particular region. It is a global economy.

Second, clients are asking more and more for a lawyer who is not just a great litigator or a great corporate lawyer, but somebody who knows their industry. Industry specialization and focus are very important. They don't want to have to educate their lawyer on their company and their business. So be focused on developing expertise wherever your interest lies.

Third, taking ownership of their training and development is crucial. It is absolutely the responsibility of the law firms, it's the responsibility of the law schools, but in the end, for the individuals, the best chance of assuring themselves that that happens is to always be focused on that. Never lose sight of the ball. They have the greatest interest in their development as lawyers, learning to be great lawyers, and training. Law schools will do a great job, law firms will try to do something, but it's got to be their number-one priority.

**Haas:** I think any kind of practical experience, before or after law school or during law school is very valuable. If I look at the future lawyer who will be successful with clients like my company, it would be someone who understands the business, who understands business in general — business experience is very, very important. You want somebody who understands the pressures and is willing to be a partner to the in-house counsel. That's what you're looking for. If you don't have some experience and some understanding of the financial pressures, then you just won't be able to serve your clients as you should.

**Li:** U.S. law students and U.S. lawyers used to be among the best in the world, much like NBA players in basketball. When you are NBA players, you can almost always beat non-NBA-quality opponents. The common wisdom in New York used to be that if you didn't know China it didn't matter — “We'll parachute in an NBA-quality lawyer and get the job done.” It worked for awhile.

## CAREER LINK: LAW ALUMNI OFFER GUIDANCE TO COLLEAGUES IN TRANSITION

Last year, **Amy Yeung '06** took a detour from her planned career path. She left a mutual fund regulatory practice at WilmerHale in Washington, D.C., and became assistant general counsel at ZeniMax Media, Inc., a company that develops video games.

"It wasn't an easy choice," says Yeung of her decision to leave her practice after two years. "It wasn't something that was part of my plan, and I talked to a lot of people and did a lot of thinking before I made my decision.

"I talked to professors, partners, associates, and friends who know me well but aren't in the legal profession. A lot of people have experiences that can really broaden your perspective. People can challenge your assumptions and help you reorganize and reevaluate your goals. Seeking that advice gave me an objective view that really helped me reframe my career."

Aware that other young alumni are in career transition and a firm believer in strong support and networking systems, Yeung has been active in helping develop Career Link, a new initiative of the Law School's alumni and development office, in concert with the Law Alumni Association (LAA) and its New Lawyers Division (NLD), to which she belongs.

Career Link consists of a nationwide network of alumni who can offer career advice and tips that might be useful to those pursuing jobs in a given region. Individuals looking to transition, regardless of their experience level, also can submit resumé information to Career Link's anonymous intake committee and receive tailored advice about how best to proceed in their job search.

"It's anonymous, aggregated advice from several different points of view," Yeung says. "It's the next step in refining the organic networking that is already out there."

The alumni network is also available to offer guidance relating to relocation, such as housing, schools, and local bar and professional associations.

"A lot of us know people in the community who have been directly affected by the economy," Yeung says. "And changing jobs generally is an inevitable aspect of our profession for all but a few. On the flip side, there are experienced lawyers in the Duke Law community who become aware of jobs and industry changes, and have the experience to help young lawyers contextualize their professional aspirations. People are reaching out for help and to help, and I think that Career Link is a way for the alumni community as a whole to collaborate."

Yeung, who clerked in the Delaware Court of Chancery, is certain she made the right choice to step away from her preconceived career plan and go in-house, and she is grateful to the network of friends and colleagues who helped guide her through her transition.

"As assistant general counsel, my work cuts across different areas of corporate and regulatory law, and I'm enjoying it tremendously," she says. "I don't have to bill hours, which changes the entire culture. It allows me to just focus on getting my work done, and they're giving me as much as I can handle. I can't ask for more than that." ♡ — F.N.

**"THERE ARE EXPERIENCED LAWYERS IN THE DUKE LAW COMMUNITY WHO BECOME AWARE OF JOBS AND INDUSTRY CHANGES, AND HAVE THE EXPERIENCE TO HELP YOUNG LAWYERS CONTEXTUALIZE THEIR PROFESSIONAL ASPIRATIONS."**

— AMY YEUNG '06



This strategy is less viable now. First of all, the quality of lawyers in other countries has improved substantially over the years and knowledge of local law is more important to clients, as the skill sets of local lawyers are adequate to get the job done. Secondly, the type of work they do in countries outside the U.S. not only has become mainstream, but in some cases, avant garde. Take, for instance, nuclear power projects. The U.S. has not done nuclear power projects for over 30 years, so when a U.S. law firm is looking for the most recent nuclear-power experience, it may have to look elsewhere — in China, for example — for guidance.

Thirdly, clients are not willing to pay the costs that are incurred in parachuting lawyers into foreign countries. That means we have to have real expertise on the ground. We have to localize all the time.

**Harrington:** It's clear that young lawyers have to take responsibility for their careers. At least for now, it's more competitive throughout the professions and, going forward, there is less work to go around. We've had a more targeted approach to recruiting.

The lawyers who stand out are the ones who come in intuitively understanding that legal practice is a business, and who are efficient enough to avoid Prentiss' feeling the need to write off a lot of their time. Firms are more selective in recruitment and promotion. It's supply and demand within the firm — and my impression is that it's the same in firms as it is in the market. ♡

» Visit Career Link at  
[www.law.edu/career/alumni](http://www.law.edu/career/alumni)



# Faculty Focus



## Samuel Buell

Scholar of federal criminal law, white-collar crime, and corporate regulation joins faculty

**S**AM BUELL JOKES that his research agenda was neatly summed up in a *New Yorker* cartoon depicting two executives examining documents, while one says to the other, “These new regulations will fundamentally change the way we get around them.”

Buell, who joins the Duke Law faculty July 1 from the Washington University School of Law in St. Louis, focuses his teaching and scholarship on federal criminal law and white-collar crime and on the regulatory state, particularly the regulation of corporations and financial markets. His scholarly work is informed by his decade of service as an assistant U.S. attorney in the Eastern District of New York and the District of

Massachusetts, during which he served as lead prosecutor in multiple complex investigations that involved fraud, racketeering, and public corruption. Buell also served on the Enron Task Force from 2002 to 2004 and headed the investigation that led to the indictment of Jeffrey Skilling, Enron’s chief executive officer.

His latest project examines how legal doctrine can best target and tame the pervasive problem of legal evasion — the actions of those who actively pursue methods for deriving profit or other benefits that undermine the intent, if not always the letter, of the law, all while escaping sanction. The problem is particularly acute, he observes, in white-collar

**“It is quite significant that the members of our business faculty are as excited by Sam’s addition to our faculty as are our criminal law scholars.”**

— Dean David F. Levi

crime and corporate governance, areas where the people being regulated are at least as sophisticated as lawmakers and regulators, and who are “accustomed to making behavioral decisions in the shadow of the law.”

“Here we have individuals who not only are paying close attention to the rules that have

## Faculty Focus

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*"These new regulations will fundamentally change the way we get around them."*

been set down, but are designing their behavior with an eye to those rules," says Buell. "This presents a really difficult challenge for the law. To some extent, every time you make a law, you're just giving somebody instructions as to how to do what they want to do.

"I'm trying to refine doctrine to more accurately identify the cases we're really trying to get at — the Enron type: sophisticated exploitation and evasion through the accounting and reporting regime, in that case," he says. And the best way to identify evasion, he argues in "Good Faith and Law Evasion," forthcoming in the *UCLA Law Review*, is through inquiry into the alleged evader's mental state.

"By focusing on the state of mind by which the individual acts, we are better able to identify the people who are really aware of the fact that what they're doing is contravening the purpose of the law, even if it's complying with the letter of the law," he writes. Identifying evasion in this way, he adds, is far preferable to other methods of addressing the problem, such as frequent rule-making that will inherently be limited and riddled with loopholes due to "lack of legislative foresight," or crafting broadly worded regulations that may also capture inoffensive behavior or overly impede risk-taking.

Buell offers a conceptual framework for determining which cases and forms of evasion are worth pursuing, noting that efforts to combat evasion should turn on a cost-benefit analysis in each case. He posits that the "heart" of the evasion problem is found in fields involving strong norms and high complexity. "Complexity breeds evasion and strong norms produce abundant motivation to do something about it," he writes, explaining that strong norms offer clarity to the objective of the regulation at hand, making it easier to distinguish between a good-faith — if failed — effort to comply and a purposeful attempt to evade the intent of the law.

A member of the American Law Institute, Buell practiced at Covington & Burling in Washington, D.C., before joining the Department of Justice. He later started his academic career at the University of Texas School of Law. Buell visited Duke Law during the 2009–10 school year, teaching Criminal Law and Federal Criminal Law.

"Students who were in Sam Buell's courses know he is a tremendous teacher," says Dean David F. Levi. "Our students are in for a real treat with him. And it is quite significant that the members of our business faculty are as excited by his addition to our faculty as are our criminal law scholars."

PROFESSOR SAMUEL BUELL JOKES THAT HIS RESEARCH AGENDA IS NEATLY SUMMED UP IN THE *NEW YORKER* CARTOON AT LEFT.

### Samuel Buell

#### Recent and forthcoming scholarship

*Good Faith and Law Evasion*, Vol. 58  
*UCLA L. Rev.* (forthcoming 2010)

*Potentially Perverse Effects of Corporate Civil Liability*, in *PROSECUTORS IN THE BOARDROOM: USING CRIMINAL LAW TO REGULATE CORPORATE CONDUCT* (Anthony S. Barkow and Rachel E. Barkow eds., NYU Press 2010) (forthcoming)

*The Sources of Overbreadth and Decision Rules as Notice: The Case of Fraud*, in *CRIMINAL LAW CONVERSATIONS* (Paul H. Robinson, Stephen P. Garvey and Kimberly Kessler Ferzan, eds., Oxford University Press, 2009)

*Time for a Twenty-First Century Justice Department*, 20 *Fed. Sent. Rep.* 326 (2008)

*The Upside of Overbreadth*, 83 *N.Y.U. L. Rev.* 1491 (2008)

"This is a terrific catch for Duke," comments Kate Stith, the Lafayette S. Foster Professor of Law at Yale Law School. "Sam Buell's scholarship on criminal law is creative, analytically powerful, cutting-edge, and important. He has unusually strong real-world experience, and deep knowledge of the relevant literatures. Because he is highly knowledgeable, acknowledges the contributions of those who preceded him, and proceeds on the assumption that others are acting in good faith (even if their arguments are wanting), his work has great credibility and is highly and deservedly influential."

For his part, Buell says he is delighted to be staying on at Duke. "I care deeply about community, student excellence and engagement, and intellectual culture on a faculty. Duke Law scores off the charts on all of these," he said. "This faculty is full of people with whom I fit — in terms of intellectual temperament, fields of research, and practical wisdom and experience. Durham is both lively and easygoing, providing a great place for our family to live and learn. A happy and productive future awaits." ♡ — Frances Presma



## More faculty additions:

## Empiricists John de Figueiredo and Daniel Chen

### Scholars deepen faculty strength in law and economics

**J**OHN M. DE FIGUEIREDO and Daniel Chen join the governing faculty on July 1, along with Samuel Buell.

De Figueiredo, a leading scholar in the areas of political and legal strategy, innovation management, law and economics, and competitive strategy, has been, most recently, on the faculties of the Anderson School of Management and School of Law at UCLA.

Chen, an innovative scholar in the areas of law and economics and the development of legal institutions, comes to Duke from the University of Chicago Law School where he was a Kauffman Fellow.

#### John de Figueiredo: Research interests intersect law, economics, political science

De Figueiredo maintains a research agenda squarely at the intersection of law, economics, and political science; he engages in formal mathematical and statistical modeling of business problems that integrate all three disciplines in such areas as law and economics, political and legal strategy, the management of technology and innovation, and competitive strategy.

“Throughout my career, I’ve been looking for interdisciplinary solutions to problems,” says de Figueiredo, who taught a short course at Duke Law in spring 2009. “The problems are getting more complex and the only way to understand them is through interdisciplinary approaches.”

A key aspect of his current research concerns how companies’ strategic agendas shape the policies developed by legislatures, agencies, and courts. One stream of inquiry examines how companies interact with the political and legal process, the ramifications of those interactions for society at large, and how government might improve the policies and processes in these areas.

De Figueiredo also is interested in how companies design their technology strategies to respond to differences and changes in the market and in intellectual property law. “Developing technology strategies which are robust to the dynamics of the fast-changing



JOHN M. DE FIGUEIREDO

business and institutional environments is a strategic and legal challenge that all firms face in retaining their competitive advantage,” says de Figueiredo.

In the field of administrative law, de Figueiredo studies when and why companies might work through the legislature, the courts, or regulatory agencies to pursue changes in federal regulatory policy. He also continues to write and consult in the general area of competitive strategy.

De Figueiredo, who has won several teaching awards, has taught at the Sloan School of Management at the Massachusetts Institute of Technology (MIT) and the Woodrow Wilson School at Princeton University. He also was the Olin Senior Visiting Research Fellow at Harvard Law School and is currently a research associate at the National Bureau of Economic Research. At Duke, he will hold a joint appointment in the Law School and the Fuqua School of Business.

“In bringing John de Figueiredo to Duke Law School we are increasing our strength in law and economics, empirical legal studies, and law and business strategy,” says Dean David F. Levi. “John will be a significant contributor to our new focus on law and innovation and law and entrepreneurship.



DANIEL CHEN

He will also strengthen the interdisciplinary ties between the Law School and other parts of the University, particularly the Business School, but also the Sanford School of Public Policy and the Economics and Political Science departments. He is a wonderfully creative and insightful scholar and teacher.”

For his part, de Figueiredo says a number of factors attracted him to Duke Law, including the quality of the faculty and students and the interdisciplinary opportunities available within Duke University.

“The faculty are very broad in their interests, and they are engaged both in pure academic research as well as in the application of their research to real-world problems and public policy. That is very attractive,” he says. “And when I taught at Duke [in 2009], I was impressed by the quality of the students in the Law School. They were bright, they could handle complex problems, and they were able to integrate disparate literatures.

“One of the attractive features of Duke, as well, is that it’s strong not just in law, but also in business, economics, political science, and public policy — and it seems to have this ability and desire to communicate across all the units of the University to solve interdisciplinary problems.”

## Faculty Focus

**“One of the attractive features of Duke ... is that it’s strong not just in law, but also in business, economics, political science, and public policy — and it seems to have this ability and desire to communicate across all the units of the University to solve interdisciplinary problems.”** — John M. de Figueiredo

“John de Figueiredo is one of the more intriguing hires made by a top law school in the last five years,” says Emerson H. Tiller, J. Landis Martin Professor of Law and Business at Northwestern Law School. “He brings a remarkable level of energy and skill to both his teaching and research — it’s a hire that other top law schools will notice and envy. He’ll be a faculty leader upon arrival and will be a most enjoyable colleague. Most importantly, he will help position Duke Law School among the top of the elite law schools in the fields of law and economics and empirical legal studies. Hiring de Figueiredo was a gutsy — and brilliant — move by the Duke Law faculty.”

### **Daniel Chen: Empiricist examines how legal institutions develop**

A 2009 Harvard Law School graduate with a PhD in economics from MIT, Chen is an emerging scholar in the field of law and economics with research and teaching interests that span the areas of tax, contracts, and procedure. His empirical research focuses on the development of legal institutions and whether people obey the law because of the incentives provided by the law or because of some inherent sense of legal legitimacy.

A key aspect of Chen’s research agenda involves measuring the moral and economic consequences of judicial discretion and the effects of particular laws.

“Daniel Chen is an exciting entry-level hire for Duke,” says Levi. “He is already a prolific scholar, and as an economist and empiricist he is a great addition to our faculty.” ♡ — *F.P.*

## **Lawrence Baxter, Bill Brown join governing faculty**

**A**FTER VISITING FOR THE PAST two academic years, Lawrence Baxter and Bill Brown ’80 join the governing faculty July 1 as professors of the practice of law. Both are gifted teachers who bring an exceptional depth of practical experience to their courses.

Baxter, who served on the governing faculty from 1986 to 1995, has held senior positions at Wachovia Bank and Wachovia Corp. He focuses his research and teaching on the evolving regulatory environment for financial services and beyond. A faculty adviser to Duke’s Law and Entrepreneurship LLM program, he co-directs the Duke in D.C. program on federal regulation and teaches classes in domestic and international banking regulation, among others.

In leadership positions at Goldman Sachs & Co., AIG International, and Morgan Stanley, Brown specialized in currency and fixed-income markets, most recently serving as global co-head of listed derivatives at Morgan Stanley. Also an entrepreneur, he is co-founder of Palmer Labs, LLC, and 8 Rivers Capital, LLC, companies that focus on financing and commercializing technologies.

Brown focuses his teaching and research on business law, business planning, capital markets, and corporate finance, and is also advising and teaching in the Duke Law and Entrepreneurship LLM. ♡



LAWRENCE BAXTER



BILL BROWN

## »VISITING FACULTY



### **Maj. Gen Charles Dunlap: Former Air Force deputy JAG**

**M**AJOR GENERAL Charles J. Dunlap Jr., former deputy judge advocate general of the United States Air Force, joins the Duke Law faculty as a visiting professor of the practice of law on July 1.

Dunlap will co-teach national security law and military justice as well as seminars on related topics. He also will join Professor Scott Silliman in leading Duke’s Center on Law, Ethics and National Security (LENS).

Dunlap served as deputy judge advocate general from May 2006 through March 2010. In that capacity, he assisted the judge advocate general in the professional oversight of more than 2,200 judge advocates, 350 civilian lawyers, 1,400 enlisted paralegals, and 500 civilians around the world. In addition to overseeing an array of military justice, operational, international, and civil law functions, he provided legal advice to the Air Staff and commanders at all levels.

His post at the Pentagon capped a 34-year career in the Judge Advocate Corps that has included service as staff judge advocate at Headquarters Air Combat Command at Langley Air Force Base in Virginia and at Headquarters Air Education and Training

## Harvard's Evelyn Higginbotham visits as inaugural John Hope Franklin Chair

**E**VELYN BROOKS HIGGINBOTHAM, the Victor S. Thomas Professor of History and of African and African American Studies and Chair of African and African American Studies at Harvard University, will be the inaugural holder of the John Hope Franklin Chair in American Legal History at Duke Law School during the 2010-11 academic year.

Higginbotham will hold the chair on a visiting basis. While at Duke, she will teach a course on Race, Law and Civil Rights History and a seminar exploring, through a study of biographies and autobiographies, how personal life experiences might influence the actions and works of lawyers and judges.

"We are delighted that Professor Higginbotham has agreed to serve as the inaugural holder of the John Hope Franklin Chair," says Duke Law Dean David F. Levi. "It is only fitting and proper that Professor Higginbotham should be the first holder of this chair. Not only is she a distinguished historian of civil rights, but she is also Dr. Franklin's close friend and co-author of the new edition of his important work, *From Slavery to Freedom: A History of African Americans*. Our students and faculty are eager to welcome her to Duke for the coming year."

Higginbotham is a leading scholar of African-American religious history, women's history, civil rights, constructions of racial and gender identity, electoral politics, and the intersection of theory and history. One of her most cited and reprinted articles is "African-American Women's History and the Metalanguage of Race," winner of the best article prize of the Berkshire Conference of Women Historians in 1993. In addition to co-authoring the ninth edition of *From Slavery to Freedom*, which she substantially revised and rewrote with Franklin's blessing, Higginbotham is the co-editor, with Henry Louis Gates, Jr., of the *African American National Biography*, which presents African American history through the life stories of more than 4,000 individuals.

Higginbotham is the recipient of numerous awards. She is a member of the American Philosophical Society, and she is the recipient of the Carter G. Woodson Scholars Medallion from the Association for the Study of African American Life and History and the Legend Award from the Urban League.

"John Hope is a hero to me, so I can't overstate what it means to be the inaugural John Hope Franklin Chair," says Higginbotham. "To say that I've taught at such a wonderful law school, and to teach under the title of his name, for me, this is a historic moment. I only wish I could co-teach the course with him."

She adds that, as a historian and teacher of history, she looks forward to working with students who are steeped in the law. "I teach about the law, but I teach from a different perspective," she says. "I want my students to understand the context of the cases that have played such important roles in our history, to understand what was going on at the time, and who the people were who were there. All these details are so important to understanding what these decisions were really about."

The John Hope Franklin Chair was established in 2009 to honor the late Franklin and his tenure as a professor of legal history at Duke Law School from 1985 to 1992. Gifts from Duke Law alumnus William Louis Dreyfus '57 and The Duke Endowment helped to endow the chair. The Law School will award the chair on a visiting basis each year to a distinguished scholar until a permanent appointment is made. ♡ — Melinda Myers Vaughn



Command at Randolph Air Force Base in Texas, among other leadership posts.

Dunlap's commentary on a wide variety of national security topics has been published in leading newspapers and military journals. His 2001 essay written for Harvard University's Carr Center on "lawfare," a concept he defines as "the use or misuse of law as a substitute for traditional military means to accomplish an operational objective," has been highly influential among military scholars and in the broader legal academy.

He is the author of "The Air Force and 21st Century Conflicts: Dysfunctional or Dynamic?" in the newly-released *Lessons for a Long War: How America Can Win on New Battlefields* (Thomas Donnelly and Frederick

Kagan, eds., AEI Press, 2010). A widely-published legal scholar, Dunlap's essay, "A Tale of Two Judges: A Judge Advocate's Reflections on Judge Gonzales' Apologia," is forthcoming in the *Texas Tech Law Review*.

"General Dunlap will be an excellent addition to our faculty both because of his recent experience in government and because of his thoughtful scholarship," says Dean David F. Levi. "He is a perfect fit for Duke Law School, which has been a leader in national securities law study for quite some time."

"General Dunlap brings a special expertise to the classroom, and a unique perspective of one who dealt extensively with the cases, statutes, and treaties discussed in the courses he will be teaching," says Silliman,

LENS' executive director. "He also brings a wealth of knowledge in national policymaking. He has been at the table when many of the crucial recent national security decisions in the Pentagon have been made."

With national security representing a \$650 billion per year business in the Department of Defense alone, Dunlap notes, national security law and policy is foundational to a well-rounded legal education. "A lawyer needs a familiarity with the architecture of national security to be in a position, in the 21st century, to effectively advise clients, particularly those with a globalized businesses," he says. He adds that he is pleased to be starting this phase of his career at Duke. ♡ — F.P.



### » VISITING FACULTY

#### Visiting in fall 2010



» Taking a leave of absence from the Department of Justice, Deputy Solicitor General **Michael R. Dreeben '81** will teach Appellate Practice and a new seminar on Constitutional Litigation and Criminal Law that will explore the relationship between various theories of constitutional interpretation and the practical application of those theories in litigation. ♣



» **Charles L. Becton '69**, a leading trial lawyer and former judge on the North Carolina Court of Appeals, will add Rhetoric and Advocacy to his course offerings and continue to teach in the Trial Practice program. A longtime principal in Becton, Slifkin & Bell in Raleigh, Becton is a fellow in the American College of Trial Lawyers, the American Board of Trial Attorneys, and the International Society of Barristers. He also is the John Scott Cansler Lecturer at the University of North Carolina School of Law in Chapel Hill. ♣



» **Myles V. Lynk** will teach Civil Procedure at Duke Law this fall. He is the Peter Kiewit Foundation Professor of Law and the Legal Profession and Faculty Fellow at the Center for the Study of Law, Science, and Innovation at the Sandra Day O'Connor College of Law at Arizona State University. He also is an affiliated faculty member in the Social Inquiry School of Social Transformation at the College of Liberal Arts and Sciences at Arizona State. ♣



» **Ben Depoorter**, professor of law at the University of California Hastings College of Law, will teach Property at Duke Law this fall. He previously was a Santander Research Fellow at the University of California at Berkeley, a John M. Olin Fellow in Law, Economics, and Public Policy, and the recipient of Fulbright and British American Educational Foundation (BAEF) scholarships. ♣

## William A. Reppy Jr.

Retirement calls Duke Law's expert in matrimonial property and animal law — and premier pianist

**B**ILL REPPY SAYS THAT LAW was never part of his career plan, although his father was a lawyer, city attorney, and judge in his hometown of Oxnard, Calif. But a course in constitutional law that he took in his senior year at Stanford University, where he majored in journalism, changed his mind.

"I just *loved* it. I thrilled to it," recalls Reppy, the Charles L.B. Lowndes Emeritus Professor of Law. "So I was a late applicant to law school, but I got in." He excelled, graduating first in his class at Stanford Law School and eventually clerking for Supreme Court Justice William O. Douglas.

A leading scholar in the areas of matrimonial property, conflict of laws, and animal law, Reppy officially retires Sept. 1. He joined the faculty in 1971, recruited and recommended by the dean at the time, the late Joseph Sneed, who had been his tax law professor at Stanford.

Reppy, whose co-authored casebook, *Community Property in the United States*, is currently in its seventh edition, began his study of community property regimes early in his career.

"It fascinated me that a number of Western states chose not to use the common law in the area of matrimonial property," he says, noting that community property has now been adopted in nine states. "Louisiana was totally a civil law jurisdiction so that made sense, but there were seven other states, California, Arizona, Washington, Idaho, and Nevada among them, that adopted a Mexican-based matrimonial-property regime — a civil-law regime — that was thought to be more fair. I was interested to see how much the courts would look to Mexican and Spanish authorities. The answer turned out to be, 'Very rarely.'"

In the early 1980s, Reppy undertook a study for the California Law Revision Commission, published in the *San Diego Law Review*, that was influential in the state's reform of its community-property regime. "Equal management was an important aspect of it," he says, both of his recommendations and the reforms subsequently implemented. "Previously, husbands had almost exclusive management powers over community property that was equally owned by the wife. But the study covered many other issues as well."

Over the past decade, Reppy has devoted more of his time to scholarship and advocacy in animal law, a longstanding professional interest. He has emerged as one of the top scholars in the field, with numerous academic works and several practice-oriented publications to his credit.

**“He was the force behind expanding the scope of statutes in North Carolina that give citizens standing to bring a civil suit in animal-cruelty cases. No other state has such an effective tool for protecting animals through civil litigation.”**

— Marilyn R. Forbes

“Professor Reppy is known across the United States for his work,” says Marilyn R. Forbes, a partner at Womble Carlyle Sandridge & Rice in Raleigh who teaches Animal Law and supervises student out-placements in that field. “For example, he was the force behind expanding the scope of statutes in North Carolina that give citizens standing to bring a civil suit in animal-cruelty cases. No other state has such an effective tool for protecting animals through civil litigation. These laws have protected literally thousands of abused and neglected animals in North Carolina.”

A longtime member of North Carolina’s General Statutes Commission, which considers and recommends amendments to all of the state’s uniform laws, Reppy also has helped implement various other improvements in legislation pertaining to animals.

Although he is loath to make a direct connection, others credit Reppy’s stature as a scholar with attracting television personality Bob Barker’s \$1 million gift to Duke Law School in 2005; the Bob Barker Endowment Fund for the Study of Animal Law supports teaching, research, and student work in animal law and advocacy. With the assistance of the endowment, Reppy also has spearheaded two major interdisciplinary conferences on issues relating to animal law and the use of animals in bioengineering.

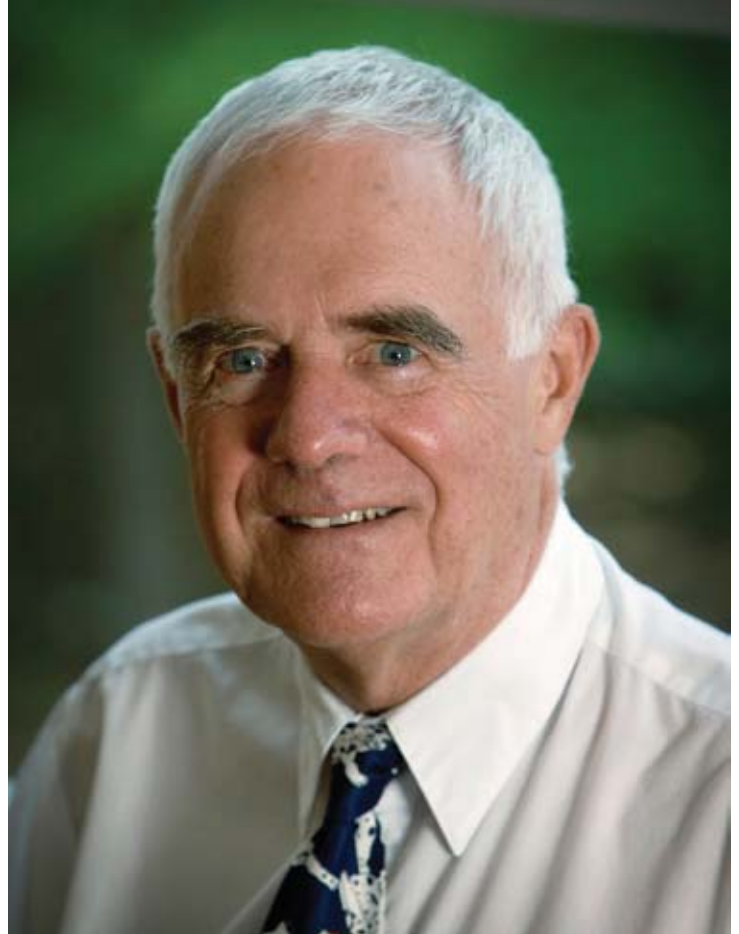
Reppy notes there is still work to be done; his tone is forceful as he discusses the need to end agribusiness exemptions — which in North Carolina include an exemption from malicious felony cruelty — from animal-cruelty laws. In a 2007 article published in *Law & Contemporary Problems*, Reppy argues that the blanket exemption is unconstitutional.

“You have no reason, as a farmer, to be torturing animals except to see what happens,” he says. “The argument is that all the exceptions have to be knocked out, and the legislature has to do it over again with a rational basis. And there can’t be a rational basis ever for exempting malicious acts done not for commercial profit but just for the thrill of torture.” His argument is being used in a current challenge to similar exemptions in Washington state law.

Having regularly taught classes in community property, conflict of laws, animal law, and property, and served as faculty adviser to the *Alaska Law Review* since 1991, Reppy also is remembered as a rigorous and effective teacher of legal writing over a 20-year period.

“He was a devoted instructor in our writing program at that time — a real leader. He always imposed high standards to get good results,” recalls David Lange, the Melvin G. Shimm Professor of Law and Reppy’s colleague since 1971. Students appreciated that “meticulousness,” Lange adds. As one of Reppy’s small-section Property Law students who also had him for legal writing — a group known as “the Repptiles” — Jennifer Maher ’83 agrees.

“Bill would respond to our papers with pages of typed, single-spaced comments, sometimes longer than the paper itself,” says Maher, Duke’s assistant dean for interna-



tional studies. “In some ways he was intimidating. But we came to realize that he was interested in our welfare and in teaching us as much as possible.” In April, the Law Alumni Association honored Reppy with its A. Kenneth Pye Award for excellence in teaching and compassion toward students.

Apart from outdoor pursuits and animals — he and wife, Juliann Tenney ’79 currently have four dogs and a soft spot for Dalmatians — music is an abiding passion for Reppy. An accomplished pianist who started playing by ear as a young child, he began moonlighting at various Durham nightclubs shortly after he arrived at Duke and served as the official pianist at the Chapel Hill Country Club for 28 years. He has shared his talent — and happily taken requests — at countless Duke Law gatherings.

“I have been extremely happy teaching and writing at Duke Law for almost 40 years,” says Reppy. “It’s a great institution, as evidenced by the fact that almost none of the faculty ever leaves Duke for a different law school.” ♣ — F.P.



# Tigar style

As Professor of the Practice of Law Michael Tigar retires from classroom teaching, a former student bids him a fond farewell

By Jeffrey Chemerinsky '09

**I**F YOU HAVE EVER HAD the privilege of sitting in Professor Michael Tigar's classroom, you know that he is both a storied man and a man of stories.

I can recall many favorite stories — about how legendary trial attorney Edgar Bennett Williams prepared for arguments (with an empty conference room and a ton of legal pads); of how to develop a theory of a case or a theme for a trial (when defending Terry Nichols in connection with the 1995 Oklahoma City bombing, his theme was “Terry Nichols was building a life, not a bomb”); or of standing before the Supreme Court on numerous instances. (And his quip about what to say to a client who offers to pay cash: “Thank you!”)

Whether Professor Tigar is presenting a speech, telling a story, or teaching a class, he draws his audience in not only with masterful rhetoric but also his own obvious excitement about the possibilities a legal career presents for — to use the title of his book — fighting injustice. And he shows that a lawyer can have a good amount of fun doing it.

Explaining the art of effective opening arguments to first-year law students before the opening round of their mock trial tournament, Professor Tigar demonstrated a tactic he used in Terry Nichols' trial: He held out his right hand, palm open, and asked the students rhetorically, “Do you see my hand? No, you can't see my hand until you have seen both sides.” A number of the students later opened their arguments with exactly this technique (but with considerably less impact).

Professor Tigar has a wealth of experience to draw upon for his stories: He is the author of numerous books; he has represented numerous high-profile clients — Nichols, Angela Davis, and Lynne Stewart, to name just a few; and he has several times presented arguments before the Supreme Court. He was named one of the “lawyers of the century” by California Attorneys for Civil Justice; the vote placed him third, behind Clarence Darrow and Thurgood Marshall. By sharing his own experiences, Professor Tigar made life in the law tangible to students. We



» FACULTY NEWS BRIEFS

## SCHROEDER CONFIRMED AS HEAD OF DOJ OFFICE OF LEGAL POLICY

On April 21, **Christopher Schroeder** was confirmed by the United States Senate to the post of assistant attorney general for the Office of Legal Policy in the Department of Justice. Schroeder, the Charles S. Murphy Professor of Law and Professor of Public Policy, was nominated for the post by President Obama on June 4, 2009.



Schroeder serves as the primary policy adviser to the attorney general and deputy attorney general and develops and implements significant policy initiatives of the Department of Justice. His duties include assisting the president and attorney general in the selection and confirmation of federal judges.

The longtime director of Duke Law School's Program in Public Law and co-director of the Duke in D.C. program, Schroeder served in the Clinton administration as acting assistant attorney general in the Office of Legal Counsel at the Department of Justice, where he was responsible for legal advice to the attorney general, the executive office of the president, and other executive branch agencies. He also has served as chief counsel to the Senate Judiciary Committee.

"... Chris Schroeder has the experience, the intellect, and the judgment necessary to be a superb leader of the Office of Legal Policy," said Sen. Ted Kaufman, D-Del., speaking in support of Schroeder's nomination on the Senate floor. Kaufman noted their close friendship and working relationship; in addition to working together as Senate staffers, they co-taught a course together on Congress at Duke Law and on federal regulation in the Duke in D.C. program. ¶



» **Donald L. Horowitz**, the James B. Duke Professor of Law and Political Science, has been awarded a fellowship from the Woodrow Wilson International Center for Scholars (the Wilson Center) in Washington, D.C., in order to advance his work on constitutional design for severely divided societies. It is the second time he has received the prestigious fellowship that funds projects relevant to governmental and public-policy problems.

Having already completed case studies on constitutional design in Northern Ireland, Fiji, Bosnia, and Cyprus, Horowitz plans to devote his fellowship to the analytical portion of an upcoming scholarly work. He also will undertake a review and analysis of such matters as the disparate electoral systems that can be used in such societies and survey the results that different systems have brought about. ¶



» **Steven L. Schwarcz**, the Stanley A. Star Professor of Law and Business, has been awarded the Leverhulme Visiting Professorship at the University of Oxford, for the fall 2010 term. At Oxford, Schwarcz will research the causes and consequences of the global financial crisis and will give three university-wide, public lectures on that topic.

Granted by The Leverhulme Trust, the professorship recognizes the recipient's top academic standing in research and teaching and the ability of the host U.K. institution to benefit from "imported skills and expertise," according to the Trust's website. Schwarcz focuses his scholarship and teaching on commercial law, bankruptcy, international finance and capital markets. He has published extensively on issues relating to the current financial crisis and is the author of the leading article on systemic risk. ¶

learned not through abstraction, but through real action.

Working as his research assistant for two years, I witnessed the qualities so often cited by his colleagues, friends, and even his adversaries as the reasons Professor Tigar is such a remarkable lawyer. I saw his mastery of the material, his development of a theory of the case, and his understanding of what arguments would be persuasive. I worked with him on two cases he took pro bono — a parole application from an elderly inmate and a First Amendment case — and observed firsthand Professor Tigar's extraordinary skill as an advocate.

As Professor Tigar retires from the classroom, I regret that future students will not have the example of this great lawyer and person to emulate. But I am so thankful that I did. And I am glad that this marks the end of just one chapter of this storied man's career. Indeed, he leaves open the possibility that he will be teaching again after a respite of a year or so.

A couple of summers ago, Professor Tigar presented a talk to gifted high school students who were participating in a two-week class on wrongful convictions at Duke Law. I sat in on the class and watched as students reacted to the talk. One might have thought that they had just been the private audience of a movie star or a guitar legend rather than a lawyer. After Professor Tigar left, the room was filled with shouts of "Man! He is amazing!" and "How did you ever get *him* to come speak to us?"

One curly-haired boy in the front row shouted out: "Wow! I wasn't even sure that I wanted to be a lawyer ... now I just want to be *him*!"

My sentiments exactly. ¶

*Professor Michael Tigar concluded his teaching career this spring after four years at Duke; he has been appointed professor emeritus at Duke. He is also professor emeritus at American University and the author of numerous books, including Nine Principles of Litigation and Life (2009, American Bar Association). He will continue to participate in litigation, mostly in pro bono human rights cases, and to do research and writing.*

*Jeffrey Chemerinsky was a research assistant to Tigar during his time at Duke Law and is now a clerk to Chief Judge Robert Henry of the U.S. Court of Appeals for the 10th Circuit.*

# Profiles

## David Payne '88

### Online advertising entrepreneur



**D**AVID PAYNE'S BUSINESS MISSION is "to keep Internet content free with a better ad model," one that allows online media clients to serve a video ad in front of any type of content. He got the idea for his entrepreneurial venture while heading CNN.com from 2004 to 2008 as senior vice president and general manager; he was frustrated by the two-dimensional display ads that generate revenue from the advertiser only when a user clicks on them. It's a problem endemic to digital publishing, he says, and is leading high-traffic, high-value, and high-cost news providers like *The New York Times* to launch plans to charge readers for access to their content.

"This is about turning your computer screen into a television screen and then, over time, increasing the commercial load and expectation that users have," Payne explains. "At that point, the website can remain free by charging advertisers more for its ad space."

The target audience for ads already has shifted online, he observes. "Younger consumers already spend more time on their laptops than they do watching television. If you want to have a brand message reach that audience, you need to serve a quality ad, and the highest-quality ad you can get is a 15-30 second video spot." Brand advertisers who currently have to produce custom ads for the Internet would be able to leverage production costs from their television ads, he points out.

A series of somewhat nontraditional career moves — and a high tolerance and appetite for risk, change, and challenge — prepared Payne for his entry into the entrepreneurial sector. The first came two years after his graduation from Duke Law, when he left his associate's position at Gibson Dunn & Crutcher in Washington, D.C., to join the Office of the U.S. Attorney in the District of Columbia. The move cut his pay but freed him from billing hours, he jokes, and allowed him to try numerous cases over the course of three years.

Having worked in television news prior to entering law school — he also interned on "Meet the Press" after his 1L year — Payne next followed his passion for media to Turner Broadcasting in Atlanta. He started

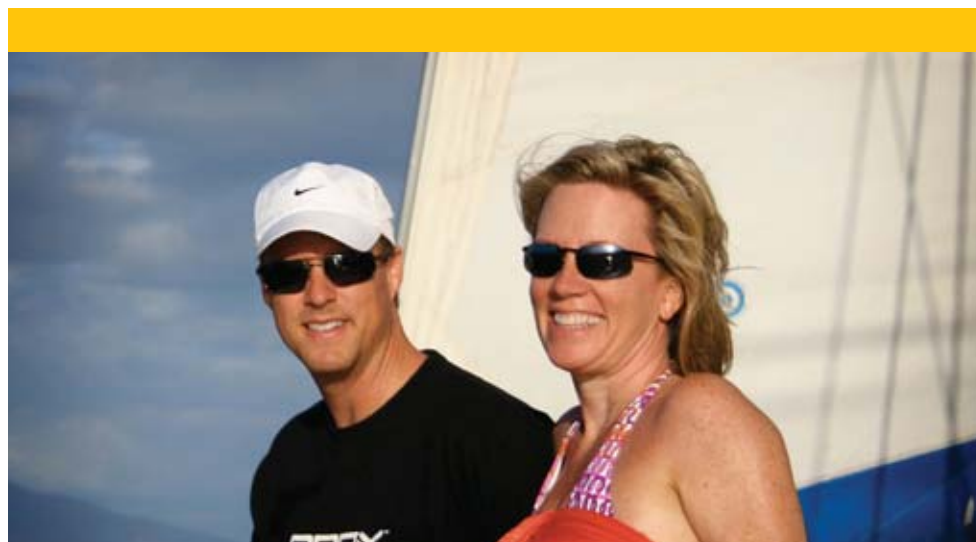
**“The breadth and scope of things I got to do as a lawyer at Turner Sports was unbelievable — contracts, events, distribution, sponsorships, television agreements, everything. [Adding] ‘business affairs’ ... was one of the key pivots for me in getting to where I am now.”**

— David Payne. Payne spoke to Duke Law students about his career transition from lawyer to entrepreneur Feb. 12, as part of the “Open Doors” series on career alternatives.

as a copyright lawyer, researching sequel and licensing rights to the various video libraries the company owned. He admits that he had little interest in copyright law, but had his eye on other Turner assets: its sports teams and CNN. While keeping up with his rights work for the entertainment group, he volunteered to work with Turner Sports on the side, whenever the opportunity arose. And when Turner Sports’ counsel moved to the business side of the company, Payne moved into his job, becoming counsel to its professional sports teams, the Atlanta Braves, Hawks, and later, Thrashers, as well as its television-production arm.

“The breadth and scope of things I got to do as a lawyer at Turner Sports was unbelievable — contracts, events, distribution, sponsorships, television agreements, everything,” he says. He soon added “business affairs” to his roster of duties at Turner Sports, negotiating the business, not just the legal, terms of deals.

“That was one of the key pivots for me in getting to where I am now,” he says. “I negotiated deals with all of our talent and then I would go paper them.” The deals went beyond “talent”; among others, he was part of the team that reached agreement with



### Kathy Payne '87 and David Payne '88

IN THEIR INDIVIDUAL CAREERS, Kathy and David Payne each note a point at which they made a significant crossover from law to business — the point when each moved from just “papering” deals to negotiating them, too. For each it was a move that paid off handsomely. Kathy is now vice president of programming for Cox Communications and a leader in the cable industry (see Page 34), and David, the former head of CNN.com, is founder and CEO of ShortTail Media, an Internet advertising start-up. On the home front, they share the enterprise of raising their two teenage daughters. ♡

the City of Atlanta for the conversion of its Olympic stadium to Turner Field and for the construction of the Atlanta Arena.

Payne “left legal behind entirely” in 2000 when he became general manager of CNNSI Interactive, an online joint venture between CNN and *Sports Illustrated*. “It didn’t mean I stopped thinking like a lawyer, but it was the critical break for me,” he says. “I started managing people from all different backgrounds and skill sets, from product developers, to designers, to software engineers.” A year later, he took over business operations for all of CNN’s networks and websites.

After a few years in CNN Corporate, Payne had the opportunity to really get in the weeds of a business by convincing his boss to let him focus full-time on CNN’s fastest-growing business, CNN.com. Heading CNN.com offered Payne the opportunity to fully engage in building and grow-

ing a \$100 million business. “We completely redid CNN.com, from soup to nuts,” he says. “I had the opportunity to blend my passion for journalism with a vision for a new set of video, mobile, and online products — getting my hands into the technology, marketing, software development, and design aesthetics.” Creating CNN Pipeline, a multi-screen, broadband, live Internet service providing access to all of CNN’s live streams, was “way ahead of its time” and is one of the products of which he is most proud.

Now heading his own company, Payne observes that he still calls on his legal skills and knowledge as needed. What’s changed most in his career, he says, is the way he thinks about decision-making. “A lawyer’s job is to advise his or her clients about the risks and then let them decide what to do. As a businessman, your job is to make the decisions. I’ll take that job any time.” ♡





**“I always tell lawyers that their skills transfer easily to business. We communicate well, we write well, and we’re very analytical. And being at a law firm for three years taught me how to work under pressure.”** — Kathy Payne

## Kathy Payne '87 Cable industry leader

AS VICE PRESIDENT of programming for Cox Communications, Kathy Payne negotiates and oversees the cable carrier’s agreements for the programming it delivers to more than 6 million subscribers. She operates in an ever-more consolidated and competitive arena; programming giants can own dozens of channels that they can bundle and license as a package, giving them considerable leverage with cable distributors, and competition has increased as satellite operators and telecoms enter cable distribution. Her content agreements need to be tight on one hand — she doesn’t want to pay for programs that can also be found for free online — and flexible enough to keep pace with evolving technology, covering high-definition as well as standard-definition channels and video-on-demand content, and rights for Cox subscribers to view their favorite shows on their laptops and other mobile devices.

“What I like most about handling negotiations is being able to see the deal’s business implications,” Payne says. “Negotiation is all about trying to find a mutual place where you both can meet your business objectives. You have to be creative, you have to analyze the situation, you have to look at the pros and cons, you have to know what you find most important, you have to figure out

what’s important to the other side, and how you meet in the middle to bridge that gap.”

Payne first went in-house with a company that purchased and franchised travel agencies after three years of practicing commercial and communications law at Dow Lohnes in Washington, D.C. When she arrived in Atlanta, following husband David’s acceptance of a position at Turner Broadcasting, she interviewed at Cox, a Dow Lohnes client, at the suggestion of one of her old firm’s partners. “It was right when regulation was hitting the cable industry,” she recalls of that period in the early 1990s. “They felt the franchise-regulatory skills I had could transfer to the communications-regulatory work.” She started doing the legal work for Cox’s programming department in 1998, after undertaking an analysis of the way work was distributed between in-house and outside counsel.

“We were outsourcing our programming agreements — our core business — and that didn’t make sense. You shouldn’t outsource your core business, just the big things like litigation and acquisitions, the matters for which you need a lot of manpower at once,” she says. “I suggested we keep the programming agreements in-house and said I’d like to do them.” When she was asked to move over to the business side in 2001, she was ready.

“I had been practicing law for 13 years and I felt it would be a really good change. I thought it would be more fun to work on the entire deal rather than to just handle the legal aspects of a variety of deals.” It was, initially, a bit harder than she anticipated, she admits. “I had never really seen an Excel spreadsheet, let alone been asked to create one. And I had to learn how a single penny makes a huge difference in any one of our deals.”

Her move to the business side has given her broad visibility within the cable industry, she notes. “Because I negotiate externally with so many other companies, I have a much broader network than I ever would have had in the legal department,” she says. “From a career perspective, that’s been very helpful to me.”

Payne has long been active with Women in Cable Telecommunications (WICT), an organization dedicated to leadership training and advancement within the cable industry; she is both a graduate and past chair of its premier leadership institute, and will chair the national organization for two years after completing her current term as vice chair.

“I feel like I have been able to be successful at Cox and have a family and a full life,” she says. “It’s important to me to be a role model and to let other people see they can do that, too — though it wasn’t easy. There were a lot of times when I needed to reach out to others to make it to where I am.” Her industry leadership has been acknowledged with numerous honors; she has twice been named one of the “50 Most Powerful Women in Cable” by *CableWorld* and was named a 2009 “Wonder Woman” by *Multichannel News*.

Like David, Payne is grateful for her professional roots in law.

“I always tell lawyers that their skills transfer easily to business,” she says. “We communicate well, we write well, and we’re very analytical. And being at a law firm for three years taught me how to work under pressure.”

Her advice for students and new graduates? “You don’t have to do it all at once. It really is a marathon and there are a lot of curves in the road. You don’t always have to be on the perfect path — you might be doing something that will give you great skills you’ll use later on.” ♡ — Frances Presma

**“I am convinced that the members of the legal profession are the lifeblood of a society built on the rule of law and are, in large numbers, wonderful community servants. People need to know there is much good we do.”** — Janet Ward Black

## Janet Ward Black '85

### A call to serve

FOR JANET WARD BLACK, service to others is both a personal avocation and a professional responsibility. She has participated in international mission trips annually for more than a decade with organizations including International Cooperating Ministries and Habitat for Humanity. Meanwhile, in 2008, she led the single largest volunteer service effort in North Carolina Bar Association (NCBA) history.

Black's personal and professional interests often merge at Ward Black Law, her personal injury and workers' compensation firm in Greensboro. In April, the firm sponsored several individuals on a Habitat for Humanity building trip to Honduras. It is the third year that the firm has provided such sponsorships.

Her efforts have not gone unnoticed.

In January, the North Carolina State Bar presented Black with its Distinguished Service Award acknowledging exemplary service to the legal profession. She also is the 2010 recipient of the Duke Law Alumni Association's Charles S. Murphy Award honoring a graduate's commitment to the common good through his or her work in public service or dedication to education.

“My service work provides an opportunity for members of the community to see that there are lawyers in the community just working as volunteers — caring about important things in the world and not doing it for financial reward,” Black says. “I'm doing what I can to have at least a bit of an impact on the image of the profession.

“Often, lawyers are able to help only one person at a time,” she adds. “Although lawyers can sometimes be involved in efforts that allow us to impact policy systemically, that doesn't happen often. So, for me, service opportunities are tremendously rewarding, and they make it exciting for me to get up in the morning.”

Black is one of only two lawyers to have served as president of both the NCBA (2007-2008) and the North Carolina Academy of Trial Lawyers (2001-2003). In her role as NCBA president she created the 4ALL program, a statewide service day during which NCBA members provide free legal services to those in need through projects identified by each section of the organization.

The centerpiece of 4ALL is a collection of statewide phone-in centers where lawyers field legal inquiries at no charge to the caller. Volunteer lawyers participated in nearly 8,500 calls during the third annual 4ALL Statewide Service Day on March 5, 2010, which for the first time included a dedicated Spanish-language call center.

“Lawyers do good things in the community all the time for which they receive no recognition,” Black says. “If a lawyer steals \$10,000 from somebody's trust account,



that makes the front page of the paper, but if a lawyer has chaired the school board for 15 years or has represented some civic organization without charge for 20 years that gets no coverage.

“The bad news gets the coverage,” she continues. “So my thinking was, if we can't get attention to our good works one at a time, what if we have hundreds or potentially thousands of lawyers on one day doing good works?”

More than 1,000 lawyers participated in the first 4ALL Day in 2008, which made it the largest NCBA volunteer event in history. The program has since been replicated in Tennessee and two Canadian provinces. Several other states have inquired about the

## Profiles

details of the program, and Black hopes that 4ALL will become a nationwide effort.

“Think what it would say to the people of the United States if lawyers banded together and provided free legal services one day a year,” Black says. “I think we have touched the heart of something important here — to demonstrate that lawyers are generous people, that we are willing to give back to the community, and that we are proud to do that.”

Black credits her Christian faith with inspiring her service.

“The legal profession strives for truth, justice, and integrity, and, to my mind, those are faith-based values,” she says. “I was born into a Christian family, and the older I have gotten, the more hungry I have been for a relationship with God and serving him. I continue to grow, hopefully, every day. I’m not where I want to be, but I’m certainly better than where I was.”

She brings that passion for justice to her daily work as a trial lawyer, which she says provides her the opportunity to be “the voice for people who otherwise would not be able to have a level playing field in the justice system.”

Black handles asbestos litigation and regularly deals with drug and medical device litigation as a principal of Ward Black Law. She says it is an honor to represent the families of people like Tammy Williams, a 27-year-old nurse’s assistant and mother of two. Williams was killed in a drunk-driving accident by NASCAR driver Rob Moroso in the early 1990s. Twenty years later, Black remembers it as one of her most meaningful cases.

“I am convinced that the members of the legal profession are the lifeblood of a society built on the rule of law and are, in large numbers, wonderful community servants,” she says. “People need to know there is much good we do.” ♡ — *Matthew Taylor*



## Alex McLin '99 Overseeing worldwide equestrian sport

**A**S SECRETARY GENERAL and CEO of the Fédération Equestre Internationale (FEI), Alex McLin oversees the governance and operations of equestrian sport across seven disciplines in 135 countries. It’s a job that requires expertise in sports law, business, and management, but equestrian skills are purely optional.

With a laugh, McLin calls the fact he doesn’t ride a likely advantage in making objective decisions in an institution traditionally run by insiders and governed, at its highest levels, by European aristocrats and royals.

“One typically comes to work here because of interest and involvement in the sport,” he says of the FEI. “It’s not uncommon to find



**“We have a big debate, for example, about the use of common non-steroidal, anti-inflammatory drugs, which are not a concern for human athletes and are not banned. But you could give a drug to a horse that would otherwise be lame and unable to compete and make it compete. That creates a welfare issue.”** — Alex McLin

somebody who at the same time is a horse owner and a veterinarian and a rider or an event organizer. There are so many roles within the sport that actually dealing with the issue of where one comes from and whose interest is being represented is tricky.”

Having started his legal career at Baker & McKenzie in New York, where he practiced litigation and international arbitration, McLin returned to his native Switzerland, where he had previously worked for the World Economic Forum, in 2000. He joined CNET Networks as general counsel for its data-licensing division, CNET Channel. When he was approached in 2005 and asked to look into an opportunity to join the FEI as general counsel, McLin says he was quickly intrigued.

“I scratched the surface and the more I scratched, the more it really looked interesting in terms of everything that needed to be done and how I could contribute to it,” he says, explaining that the FEI is restructuring and modernizing on a number of fronts, including its governing structure, approach to commercialization and branding of the sport, and response to the challenges posed by doping and the pursuit of “clean” competition.

Based in Lausanne, Switzerland, McLin and his staff of 60 work closely with a parallel structure including committees and a board of international volunteers, the members of which are elected by the FEI’s General assembly. Together they develop and enforce the rules for the disciplines of show jumping, dressage, and three-day eventing, all of which are Olympic sports, as well as endurance riding, reining, vaulting, carriage driving, and their corresponding para-equestrian competitions. The FEI’s member federations adopt and enforce the rules at the national level.

McLin joined the FEI in the aftermath of doping incidents and controversy in equestrian competition at the 2004 Athens Olympics. “It was clear that there needed to be a better definition of the roles of

the in-house prosecutor and that of the decision-making body,” which is now called the FEI’s Tribunal, he says. “Essentially I came on board to establish a legal department that could act as the in-house prosecutor for those cases and represent the interests of the federation or international sport as a whole before the Court of Arbitration for Sport, which is where our cases go if they are appealed.”

The use of prohibited substances by athletes remains a challenge in equine sport as it does in others; riders and mounts again were disqualified from the 2008 Beijing games amid allegations of doping. As a signatory to the World Anti-Doping Code, the FEI tests its two- and four-legged athletes in and out of competition, but concentrates the bulk of its efforts on horses; for the animals, McLin notes, the medication-control program reaches beyond cheating and into animal welfare.

“We have a big debate, for example, about the use of common non-steroidal, anti-inflammatory drugs, which are not a concern for human athletes and are not banned,” says McLin, who became FEI secretary general in 2008 after serving in the role on an interim basis. “But you could give a drug to a horse that would otherwise be lame and unable to compete and make it compete. That creates a welfare issue.”

Along with current FEI president Princess Haya Bint Al Hussein, a former Olympic equestrienne and member of the International Olympic Committee, McLin launched the federation’s “Clean Sport” initiative to address issues of conflicts of interest, fair competition, and use of prohibited substances. Recommendations from two expert commissions, one focused on doping, testing, and disciplinary protocols and another on integrity and anti-corruption, came into effect this year. One significant development is the proactive formation of the FEI’s

“Integrity Unit,” something that McLin says is fast-becoming a “best practice” in sport.

“This is essentially a private, investigatory arm of the FEI, which will allow us to make sure we have solid evidence to go on if we need to bring a disciplinary action,” McLin explains. It also will serve a deterrent, preventive, and educational function, he adds.

On other fronts, McLin has worked to modernize the FEI’s governing statutes, implementing corporate mechanisms, such as an audit and compliance committee, to ensure checks and balances and transparency throughout its operations. He continues efforts to commercialize the sport and the FEI brand, expanding media coverage of its disciplines with considerable success. Its flagship quadrennial event, the World Equestrian Games, which will be held in Lexington, Ky., Sept. 25 to Oct. 10 — the first ever held in a non-European venue — has a corporate title sponsor for the first time.

McLin, who was raised both in the United States and Switzerland and has traveled widely, says his job calls on all parts of his varied background, from his language skills and comfort in navigating different cultures to his legal training, which included participation in Duke’s first summer transnational law program in Geneva.

“I will typically dissect an issue with a legal approach, first and foremost,” he says. “But I’ve had to learn that that is only part of the analysis that needs to happen. I need to also make an assessment as to the political ramifications of a given decision. ... An initiative can be sound from a commercial perspective and it can be sound from a legal perspective, but if it doesn’t have the political support, it could be dead in the water. So it’s really about referring to all of those skills, and dialogue and diplomacy — really speaking to people on their own terms and in their own language and being open to the multiple points of view.” ♣ — *F.P.*

# Thomas Thekkekandam JD/MBA '10

## Pursuing social good in a business career

**T**HOMAS THEKKEKANDAM developed a passion for entrepreneurship during his undergraduate years at the University of North Carolina-Chapel Hill when he became involved with a student club called Hunger Lunch.

“The purpose of the group was to eradicate poverty by enlisting students to do entrepreneurial ventures on their college campuses and then use the money raised to fund sustainable development projects,” he

says. He says his interest in advocacy sparked his decision to pursue a dual JD and MBA, but then his business studies at Duke’s Fuqua School of Business increased his desire to do social good through entrepreneurial ventures.

While at Duke Law, Thekkekandam served as vice president of the JD/MBA Club, was a member of the Moot Court Board, and recently reached the semi-final round of the Duke Start-Up Challenge, a yearlong

entrepreneurship competition, with a concept called YourStory.com.

“The idea was to essentially create the Shutterfly for oral histories — to create a means for people to record and preserve their family stories, share them online in a safe environment where they can restrict access, and then provide a means for friends and family

go with it and the more we talk about it and explore it, the more sense it seems to make.”

Throughout his Duke experience, Thekkekandam says he has enjoyed numerous classes that he believes have set him on track to achieve his career goals. Some that stand out include Business Associations taught by Professor Mitu Gulati, Professor Barak Richman’s Contracts course, and a series of courses offered through Fuqua’s Program for Entrepreneurs that allow students to pursue a business idea from conception to inception.

“[The series] forces you to go through the very fundamental thought processes of what the consumer wants and what they’d buy, all the way to thinking through strategy, thinking through operations, knowing what you had to achieve and how much money it would take to achieve that, and anticipating challenges and obstacles,” he says. “I think it was a really holistic approach.”

For his course project, Thekkekandam investigated the financial feasibility of developing the infrastructure for clean energy in developing countries. “In America, the energy derived from burning fossils is much cheaper than the energy derived from wind,” he says. “At the same exact cost, if you take wind energy to Central and South America or to Asia or even into Africa — if you can get the infrastructure — it is much cheaper than the cost for those same consumers burning fossils.”

Renewable energy is a field Thekkekandam hopes to learn more about when he joins McKinsey & Co. as a consultant early next year. “I think it’s a huge area of opportunity in the future,” he says, adding that he sees entrepreneurship as a way to achieve two goals: “I’m always interested in how you can blend the for-profit world with a social mission.

“I want to make money just as much as anyone else and I think it’s safe to say that my colleagues do, too. But I think the question is, ‘How can we make money in a really conscionable way?’ Even if we’re selling a product for profit, is the product doing something productive for humanity?” ♡

— Tanya Wheeler-Berliner



says. “When we graduated, we decided we wanted to build it into a national nonprofit.”

Through the efforts of Thekkekandam and other UNC alumni, Hunger Lunch has transformed into Nourish International, a national nonprofit organization with chapters at 30 universities that have invested in 15 projects in 12 different countries. One of these projects, formed in partnership with MOCHE, Inc., in Ciudad de Dios, Peru, teamed a group of UNC Nourish students with members of the community to build a clean water system with the capacity to serve 5,000 people.

After his 2004 graduation, Thekkekandam worked as the co-director of a fundraising campaign for the Fund for Public Interest Research, and then joined The Link Group to do market research for Fortune 500

companies. He says his interest in advocacy sparked his decision to pursue a dual JD and MBA, but then his business studies at Duke’s Fuqua School of Business increased his desire to do social good through entrepreneurial ventures.

“We see this as a jumping-off point,” he says, noting that in the future they envision the possibility of transcribing the oral histories with the use of voice-recognition software or tagging the stories with key words that could pull in photos or newspaper clippings relevant to the historical events being mentioned. “We think there are a lot of ways to

# Alumni Notes

1961



**Llewelyn Pritchard** has received the American Bar Association's Father F. Drinan Award recognizing sustained and extraordinary commitment to the ABA's Individual Rights and Responsibilities section. Llew practices divorce and family law at Helsell Fetterman in Seattle.

1965

**John J. Rufe** retired from the Court of Common Pleas of Bucks County, Penn., on Dec. 31, 2009. Since his mandatory retirement, John has taken on senior judge assignments with the court.

1967

**W. Christopher Barrier**, a member with Mitchell, Williams, Selig, Gates & Woodyard in Little Rock, has been recognized as a leader in the area of real estate by the 2008 *Chambers USA* guide. Chris recently authored the article "Flag on the Play" about penalties in real estate transactions and litigation in the *Arkansas Bar Association Quarterly*.

1968

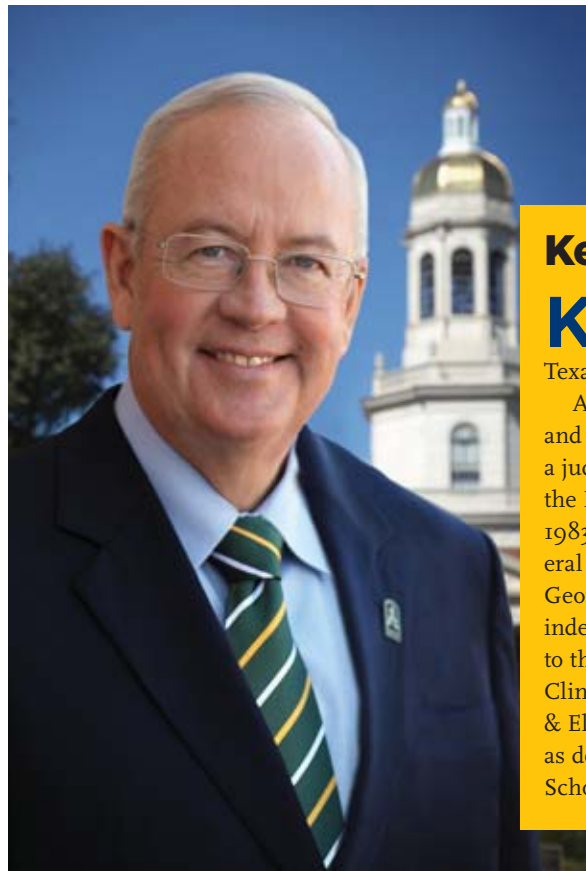
**Bruce Alexander** has been awarded the Community Leadership Award by the Greater New Haven Chamber of Commerce. Bruce is vice president for New Haven and state affairs and campus development at Yale.

**Michael P. Angelini** has been awarded the Massachusetts Bar Association's Pro Bono Publico Award. Michael is chairman of Bowditch & Dewey in Worcester, where he practices business and finance, litigation, and employment law.



**Robert W. Maxwell II** has been named to the 2010 edition of *Ohio Super Lawyers* magazine. Robert is a partner at Keating Muething & Klekamp in Cincinnati, where he represents management in all areas of labor and employment law.

**Gordon Rather** has been named the 2010 Little Rock "Bet-the-Company Litigator of the Year" by *Best Lawyers* magazine. Gordon is a partner and chair of the trial section at Wright, Lindsey & Jennings.



Baylor Photography

## Kenneth Starr '73

**KENNETH STARR** became president of Baylor University in Waco, Texas, on June 1.

A leading constitutional law scholar and appellate advocate, Starr served as a judge of the U.S. Court of Appeals for the District of Columbia Circuit from 1983 to 1989, and as U.S. solicitor general from 1989 to 1993 under President George H. W. Bush. He headed the independent counsel inquiry that led to the impeachment of President Bill Clinton after which he joined Kirkland & Ellis as a partner. He had served as dean of the Pepperdine University School of Law since 2004. ♫

1969

**Alex Newton** is stationed in Afghanistan with USAID, running the organization's nationwide rule-of-law program. Alex provides assistance to Kabul University law faculty and the Shari'al law faculty as well as six law faculties in the region, the Supreme Court, and more than 1,500 judges throughout the country.

1970

**Robert J. Shenkin** has been elected to his third 10-year term as judge, Court of Common Pleas, in Chester County, Penn.

1971

**James R. Fox** has been named to *Business North Carolina* magazine's Legal Elite for 2010. James is general counsel, corporate secretary, and vice president of risk

management at Pike Electric Company in Mount Airy, N.C.

1973

**Letty Tanchum** has retired from The Oprah Winfrey Foundations where she was vice president and general counsel. She previously was vice president and general counsel for Harpo Productions, Inc., where she worked for 21 years, initially as Harpo's only lawyer. She now teaches media and foundation law at the college and law school levels in New York and North Carolina.

1974



**Roger K. Ferland** has been named Phoenix's 2010 Environmental Lawyer of the Year by *Best Lawyers* magazine. Roger is chair of Quarles & Brady's environmental practice group and has practiced in the areas of

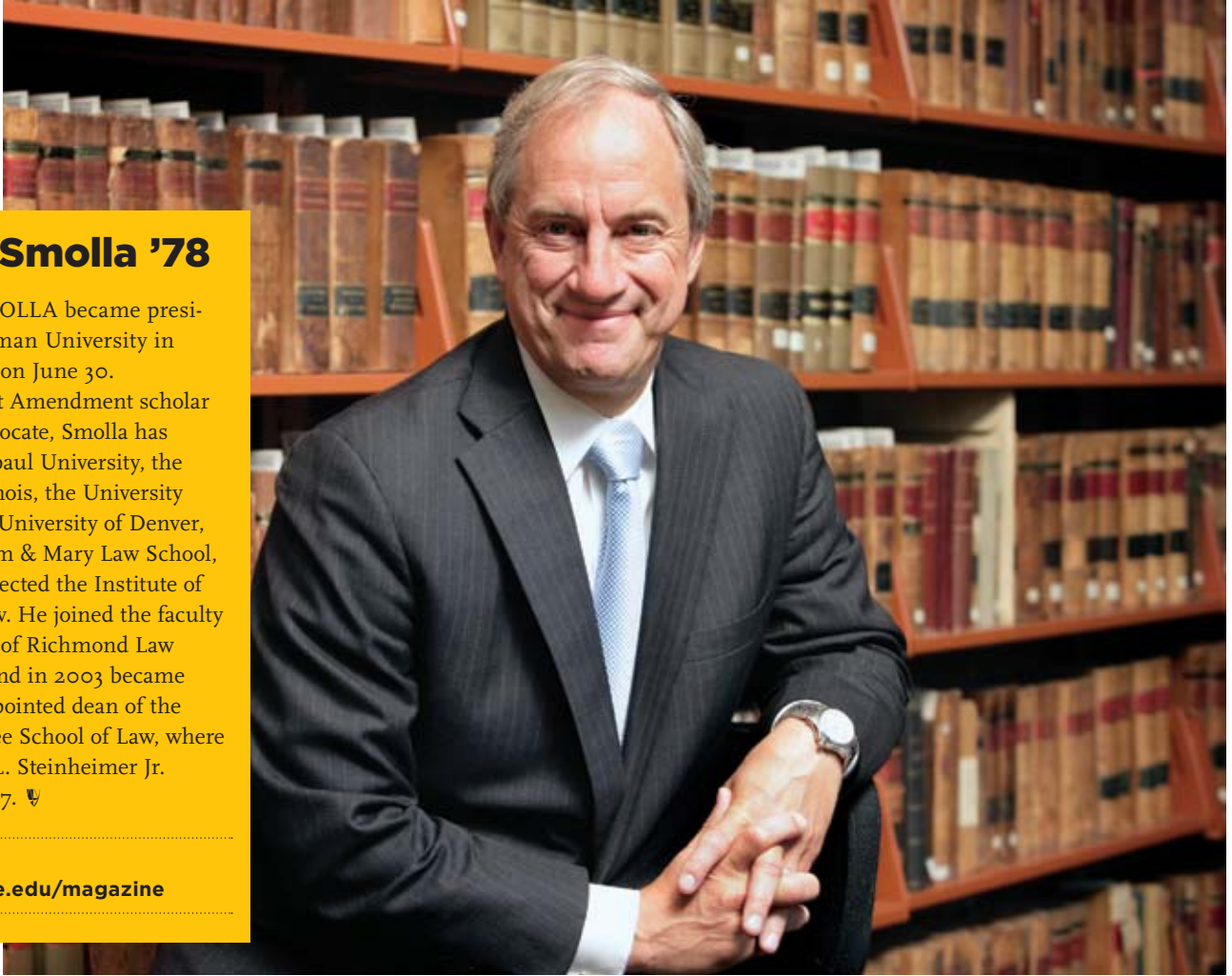


## Rodney Smolla '78

**R**ODNEY SMOLLA became president of Furman University in Greenville, S.C., on June 30.

A leading First Amendment scholar and appellate advocate, Smolla has taught law at Depaul University, the University of Illinois, the University of Arkansas, the University of Denver, and at the William & Mary Law School, where he also directed the Institute of Bill of Rights Law. He joined the faculty of the University of Richmond Law School in 1998 and in 2003 became dean. He was appointed dean of the Washington & Lee School of Law, where he also was Roy L. Steinheimer Jr. Professor, in 2007. ♣

» See more at  
[www.law.duke.edu/magazine](http://www.law.duke.edu/magazine)



environmental and natural resources law in both the public and private sector since 1975.

### 1975

**Bruce A. Christensen** has been recognized as one of South Florida's top attorneys by the 2010 *South Florida Legal Guide*. Bruce is a shareholder at Richman Greer in Miami, where he specializes in marital and family law and also practices commercial litigation, which includes involvement in construction litigation.

### 1976

**Jack Griffeth** has been named to the 2010 edition of *Best Lawyers in America*. Jack is of counsel at Collins & Lacy where he handles alternative dispute resolution.

**Constantine H. Kutteh** has been re-elected for a second term as mayor of Statesville, N.C. He served 16 years on the Statesville City Council prior to his election as mayor in 2005. He also received the community's Citizen of the Year Award for 2010. Costi is a

lawyer with Pope, McMillan, Kutteh, Privette, Edwards & Schieck.

### 1978

**Craig Runde** has written *Developing Your Conflict Competence* (Jossey-Bass, 2010). Craig is the director of new program development at the Management Development Institute at Eckerd College in St. Petersburg, Fla.

### 1979

**Richard Hartnig** has retired from PricewaterhouseCoopers and has joined Sutherland Asbill & Brennan in Atlanta.

**Peter Pendergast** has joined Prince Lobel in Boston as a litigation partner representing plaintiffs in investment litigation and securities arbitration. He previously worked at Alston & Bird in Atlanta and Mintz Levin in Boston on a variety of complex commercial litigation matters including banking/lender liability, securities,

employment, construction, insurance fraud, and antitrust matters.

### 1982

**Rick Hofstetter** has published the book *Brown County* (Arcadia Publishing, 2010). Rick is the owner of Story Inn Bed & Breakfast in Story, Ind.

### 1983



**Michael A. Lampert**, of the Law Offices of Michael A. Lampert, P.A., in West Palm Beach, Fla., has been elected as a fellow of the American College of Tax Counsel.

**Toshio Nakao** has been named to the 2010 edition of *Best Lawyers in America* in the areas of international trade and finance law. Toshio is a partner at Taft Stettinius & Hollister in Cincinnati.

## 1984

**Steven J. Lepper** has been confirmed by the U.S. Senate as deputy judge advocate general of the Air Force, based at the Pentagon. His new position includes a promotion from brigadier general to the grade of major general. He previously served as staff judge advocate of Air Mobility Command at Scott Air Force Base in Illinois.

## 1985

**Janet Ward Black** has received the North Carolina State Bar Association's Distinguished Service Award. She also has been named to *Business North Carolina* magazine's Legal Elite for 2010. Janet is the principal of Ward Black Law, a personal injury firm in Greensboro. (See profile, Page 35.)

**Brenda Hofman Feis** has been recognized as an Illinois Leading Lawyer in the field of employment law. Brenda is a partner at Seyfarth Shaw in Chicago, specializing in employment litigation. She serves on the boards of Midwest Young Artists, a nationally acclaimed regional youth orchestra program, and Jewish Vocational Services, an agency dedicated to providing job skills to at-risk seniors, adults, and teens.



**Cassandra S. Franklin** has been elected partner at Dickstein Shapiro in Los Angeles. She is a deputy practice leader and partner in the firm's insurance coverage practice where she leads its entertainment initiative.

**Arthur Howe** has been named to the 2010 edition of *Illinois Super Lawyers*. He also has been recognized as a leading lawyer in Illinois for commercial litigation and civil appellate law. Art is a partner at Schopf & Weiss in Chicago, which practices exclusively in business litigation.

**Michael Rennock**, a competitive marathon runner, ran his two fastest marathons in 2009 — 2:47:50 in Boston and 2:48:10 in New York.

## 1986

**Karen Brand** has been named a stockholder of the firm in the Hartford office of Reid and Riege. Karen is a member of the firm's corporations and business organizations department.

**Daniel Bogart** has been elected to the American Law Institute. Daniel is the Donley and Marjorie Bollinger Chair in Real Estate Law at Chapman University School of Law in Orange, Calif., and serves as the school's director of the Center for Land Resources.

**Elizabeth McColl's** novel *Opening Arteries* has been published by Main Street Rag Publishing Company in Charlotte, N.C.

**David McKean** has been named chief executive officer of the JFK Library Foundation. David previously served as chief of staff for Sen. John Kerry.

**Gary Myers** has been named associate dean for research at the University of Mississippi School of Law. Gary has taught at the law school since 1989 and is the author or co-author of several books on intellectual property, entertainment, and antitrust law.

## 1987

**Lisa Kaplan** has been named director of the LLM program in employment law at John Marshall Law School in Atlanta.

**Jonathan Shapiro**, regional managing partner of Fisher & Phillips's Portland, Maine, office, has been named to New England's 2009 edition of *Super Lawyer* magazine for labor and employment law. This is his third consecutive year on the list.

## 1988

**Lori E. H. Killinger**, senior attorney at Lewis, Longman & Walker, presented a 2010 Legislative Forecast to the St. Johns County Economic Development Council in Ponte Vedra Beach, Fla., on Sept. 10, 2009. Lori also moderated a panel for the Urban Land Institute of North Florida titled "2009-2010 Legislative Review in Tallahassee" at Florida State University on Sept. 30, 2009. Lori's practice focuses on legislative, administrative, and governmental representation.

**David Miller** has been appointed to CNC Development's board of directors. David is a partner with Apple Core Holdings, a privately held investment company, and serves as corporate counsel and chief financial officer for Apple Core Hotels.

**Michael Scharf** has been named the John Deaver Drinko-Baker & Hostetler Professor of Law at Case Western Reserve University School of Law. His recent book *Enemy of the State* (St. Martin's Press, 2008) won the International Association of Penal Law's 2009 Book of the Year award. His latest book is *Shaping Foreign Policy in Times of Crisis*, published by Cambridge University Press.

## 1989

**Cheryl J. Scarboro** has been appointed to lead the Security and Exchange Commission's Foreign Corrupt Practices unit where she focuses on violations of the Foreign Corrupt Practice Act. The statute prohibits U.S. companies from bribing foreign officials for government contracts and other business. Cheryl previously has served as associate director, assistant director, deputy assistant director, and staff attorney in the SEC's Division of Enforcement.

## 1990



**Gerard Waldron** has rejoined Covington & Burling's Washington, D.C., office as a partner after serving as staff director and chief counsel of the House Select Committee on Energy Independence and Global Warming. His private practice focuses on communications, technology, energy, and climate policy.

## 1991

**Juan Aleman** has been promoted to managing director at Citigroup-Corporate & Investment Banking in Miami.

**J. Mark Coulson** has been inducted as a fellow of the American College of Trial Lawyers. Mark is a principal in the Baltimore office of Miles & Stockbridge where he handles products liability.

**George Garrett Epps** has been elected to the American Law Institute. Garrett is a professor at the University of Baltimore School of Law.

**Takaaki Fujimoto** has been named director of the Tokyo-based International Bankers Association, which seeks to foster and promote cooperation among financial groups, banks, securities firms, and representative offices in Japan.

## 1992



**Robert E. Kohn** has joined the editorial board of *The Federal Lawyer*, the Federal Bar Association's official publication, for a three-year term. A litigation partner at Hill, Farrer & Burrell in Los Angeles where he represents businesspeople and their companies, Robert also has been named president of the Duke Club of Southern California. He helped launch the "Duke Alums Engage" initiative in Los Angeles on Nov. 6, 2009, which featured a series of mentoring workshops for college and careers in the arts and entertainment industries.

**Rick Arnold** has been promoted to vice president and associate general counsel at Hewlett-Packard Company in Palo Alto, Calif., where he is responsible for providing legal support for the company's mergers and acquisitions.



**Stacie I. Strong** has received an award for Outstanding Professional Article from the International Institute for Conflict Prevention & Resolution (CPR Institute) for her article "The Sounds of Silence: Are U.S. Arbitrators Creating Internationally Enforceable Awards When Ordering Class Arbitration in Cases of Contractual Silence or Ambiguity?" in the *Michigan Journal of International Law*. The article also was cited as persuasive authority



to the United States Supreme Court in *Stolt-Nielsen, S.A. v. AnimalFeeds International Corp.*, which was argued in December 2009. Stacie is a senior fellow at the Center for the Study of Dispute Resolution and an associate professor of law at the University of Missouri.

**Christopher J. Vaughn** has been named to *Business North Carolina* magazine's Legal Elite for 2010. Chris is a director in the Greensboro office of Carruthers & Rother, where his practice focuses on commercial real estate including real estate, development, finance, and title claims.

**Rhett Workman** has been promoted to managing director, corporate real estate at US Airways, Inc. He oversees lease and budget negotiations with the company's domestic and international airport partners. Prior to joining US Airways in 2004, Rhett was director of international affairs at the Air Transport Association of America in Washington, D.C.

## 1995



**Wiley Boston** has been named a partner in the real estate practice group at Holland & Knight's Orlando office. Wiley focuses his practice in the area of commercial real estate law, with particular emphasis on leasing of industrial, office, and retail properties, representation of developers of commercial projects, and real estate finance.

**Thomas Francis Carey** and his wife, Kristi, announce the birth of their fifth child, Troy Malcolm, on Sept. 9, 2009. Tom is a director at Dickenson, Peatman & Fogarty in Napa, Calif., where his practice areas include land use and alcohol beverage matters.

**Jacinda Townsend Gides** and her husband, David, announce the birth of their daughter, Fadzai Iman, on Sept. 23, 2009. Fadzai joins her sister, Sade.

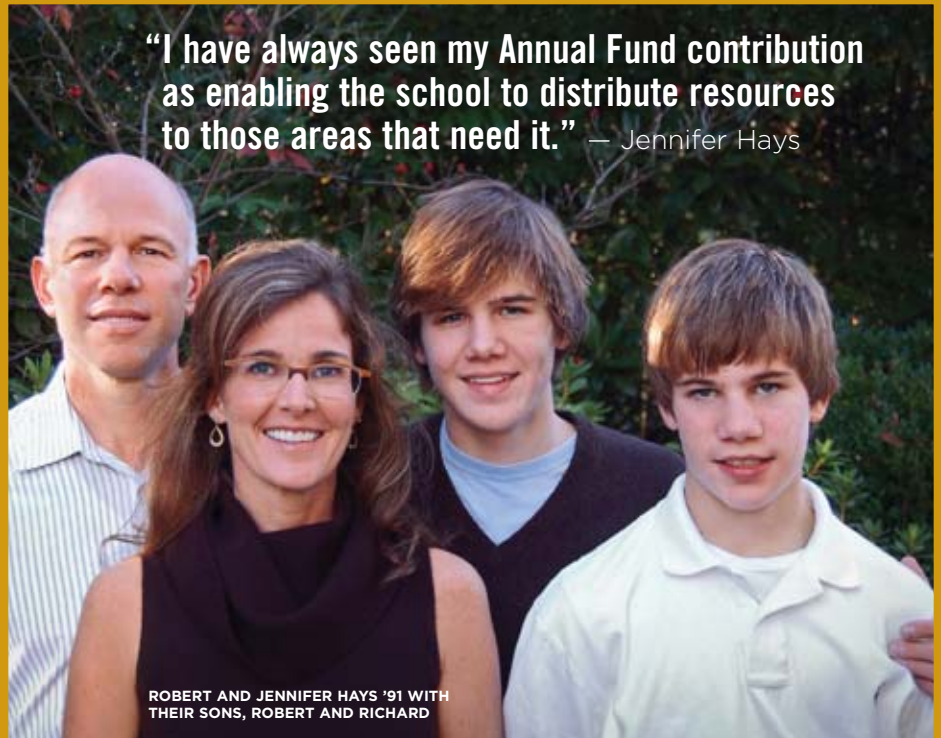
**Barbara Corinna Leier** has become head of the division of Law on Equal Treatment Matters and Law of Obligations, General Part, in the German Federal Ministry of Justice in Berlin.

**Mark I. Schwartz** is associate chief counsel for drugs and biologics at the Food and Drug Administration, and teaches Food and Drug Law at Howard Law School as an adjunct professor.



**Rebecca L. Donnini** has been elected to the Detroit Institute of Arts' Founders Junior Council Board of Directors. She is also a member of the Institute's Robert H. Tannahil Society. Rebecca is a partner in Honigman Miller Schwartz and Cohn's trusts and estates department, where she focuses on counseling and advising high net-worth individuals in all of their personal

**"I have always seen my Annual Fund contribution as enabling the school to distribute resources to those areas that need it." — Jennifer Hays**



ROBERT AND JENNIFER HAYS '91 WITH THEIR SONS, ROBERT AND RICHARD

## Jennifer Hays '91: Financial crisis inspires increased annual fund gift

**W**HEN THE NATION'S ongoing financial crisis began to affect the endowments of universities and colleges, Jennifer Gimer Hays and her husband, Robert, decided to take action. Faithful contributors to the Law School's Annual Fund, they reflected on their giving levels to schools and charities in light of the greater challenges those institutions are facing. They decided to double their regular Annual Fund contribution in 2009.

"We talked about it and thought that it would a good year to help out in a more significant way," she says. "For me, a school is its teachers and its students. So we need to be in a position to continue to recruit and retain the best faculty we can, and to give aid to the candidates who need it.

"Duke's a phenomenal school," she continues. "I came out of law school very well prepared to practice law, and I would hate for any changes to take place in faculty recruiting or student aid because of the current economic climate, which will improve in time. We are thankful to be able to increase our pledge, and my experience at Duke is one of the reasons we can do that."

Hays says she participates in the Annual Fund in large part because she knows tuition doesn't cover the operating expenses at any school. "Education is expensive," she observes. "You obviously need to raise money outside of tuition. In the back of my mind, I have always seen my Annual Fund contribution as enabling the school to distribute resources to those areas that need it."

Hays, who joined the litigation branch of Alston & Bird's Atlanta office after graduation, says she remembers her time at the Law School fondly.

"I have very good memories of being challenged and engaged when I was at Duke," she says. "I loved all of my professors across the board and I have great friends from my years at Duke."

*Gifts to the Annual Fund can be made online at [www.gifts.duke.edu/lawannualfund](http://www.gifts.duke.edu/lawannualfund) or by calling 888-LAW-ALUM.*



legal matters, including tax and estate planning, charitable giving, real estate, and business succession issues.

**Lauralyn Beattie Lee** and **Peter Lee '98** announce the birth of their second daughter, Annalise Catherine, on Jan. 23, 2009. Annalise joins her sister, Caroline Shaw. Peter is general counsel and vice president at Catalyst IT Services. Lauralyn is associate university counsel at Georgetown University.

**Jessica Pfeiffer** has joined DTE Energy Company's legal department as a senior attorney in the securities, finance, and governance group. DTE is a diversified energy company providing gas and electric utility services to Michigan homes and businesses, and energy-related services to businesses and industries nationwide.

**Carrie A. Shufflebarger** has been named a Rising Star for intellectual property in the 2010 edition of *Ohio Super Lawyers*. Carrie is a member at Greenebaum Doll & McDonald's Cincinnati office.

**C. Talley Wells** has been working at Atlanta Legal Aid Society since 2000. He directs the Mental Health and Disability Rights Project, which brought the 1998 Supreme Court case *Olmstead v. L.C.* and works to ensure its implementation.

## 1999



**Tara M. Allen** has been elected to the partnership at Jackson Walker in Austin, Texas. Tara is a partner in the corporate and securities practice group where her practice includes mergers and acquisitions, investment funds, bank financings, corporate governance matters, and general corporate law.

## 2000



**Christine Bromberg** has been elected partner in the Hartford office of Robinson and Cole. Christine is a member of the firm's tax group, where she represents clients on a broad range of federal tax matters.

**Brian M. Harris** has been elected partner at Morris, Manning & Martin's Atlanta office. Brian represents public and private companies with employment law, executive compensation, and restrictive covenants.

**Dustin Rawlin** has been named to the Jones Day partnership. Dustin is a member of Jones Day's trial practice group and focuses on product liability, business tort, and commercial litigation with an emphasis on medical device litigation. He is based in the firm's Cleveland office where his wife, **Meggan Rawlin '01**, is an associate in the trial practice group.

## 2001

**Nicolle Snyder Bagnell** has been named a partner in Reed Smith's Pittsburgh office. Nicolle is a member of the firm's environmental team in the global regulatory enforcement group where she represents clients in matters including natural gas condemnations, encroachment cases, and various contract disputes.

**Kenneth R. Craycraft Jr.** has joined Ulmer & Berne in Cincinnati as counsel to its litigation department. Ken previously was COO and general counsel for a closely held Ohio company. His practice focuses on various aspects of commercial and products liability litigation, especially pharmaceutical and medical device defense.

**Rawn James Jr.** has been promoted to senior trial counsel in the office of the general counsel for the Department of the Navy. His first book, *Root and Branch: Charles Hamilton Houston, Thurgood Marshall and the Struggle to End Segregation*, was published by Bloomsbury Press in February.

**Randy Katz** was named 2009 Young Federal Lawyer of the Year by the Federal Bar Association. Randy is a federal criminal prosecutor in the Southern District of Florida and prosecutes white-collar fraud.



**T. Bennett Litle** has been promoted to principal in the public finance practice in the Columbus, Ohio, office of Squire Sanders.

**Allison McCarthy** has been selected to Holland & Knight's 2010 Rising Star class, a yearlong intensive program of leadership, marketing, management, and professional skills development. Allison is an associate in the firm's Fort Lauderdale office. She has two daughters, Keira and Chloe.

**Michael A. Oakes** has been admitted to the partnership at Hunton & Williams in Washington, D.C. Michael is a member of the firm's global litigation group and handles complex civil disputes, with a focus on patent litigation and other intellectual property and technology-related matters before federal district courts and the U.S. International Trade Commission.

**Robert T. Tally Jr.** has published *Melville, Mapping and Globalization: Literary Cartography in the American Baroque Writer* (Continuum Books, 2009). Rob teaches American and world literature at Texas State University.



**Peter A. Tomasi** has been named a 2009 Rising Star in environmental law by *Wisconsin Super Lawyers* magazine. Peter is a partner at Quarles & Brady in Milwaukee, where he practices

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in the areas of environmental permitting and environmental litigation.

## 2002



**Jesse Linebaugh** has been admitted to the partnership of Faegre & Benson in Des Moines. He works in the business litigation section.

**Amy Carper Mena** and **Emilio Mena Jr.** announce the birth of their second child, Emilio Javier, on Jan. 5, 2010. Emilio joins his sister, Isabel.

## 2003

**Stephan Bauer** has joined his father, Dr. Axel Bauer, in starting the firm Lexpert Dr. Bauer & Partner in Dresden, Germany. The firm represents clients in mergers and acquisitions, general corporate law, restructuring and insolvency, and technology transactions. Stephan previously worked with Noerr Stiefenhofer Lutz in Dusseldorf.

**Nicole Crawford** has been named a partner at Brooks Pierce in Greensboro, N.C. Nicole practices labor and employment litigation.

**Jonathan Kellner** has joined Skadden Arps in Sao Paulo, Brazil. Jonathan previously was an associate at Shearman & Sterling in New York City.

**Jaime Klima** has been promoted from associate to counsel at WilmerHale. Jaime is a member of the firm's securities department and the broker-dealer compliance and regulation practice group, based in Washington, D.C.

**Patrick J. McLain** has been promoted from associate to counsel at WilmerHale. Patrick is a member of the firm's regulatory and government affairs department, and the international trade, investment, and market access practice group, based in Washington, D.C.

**Jaclyn Moyer** has been promoted from associate to counsel at WilmerHale. Jaclyn is a member of the firm's litigation/controversy

## Alumni Notes

and securities departments, as well as the securities litigation and enforcement, and investigations and criminal litigation practice groups. She is based in Washington, D.C.

**Stephen T. Smith** has been promoted from associate to counsel at WilmerHale. Stephen is a member of the firm's litigation/controversy department and the investigations and criminal litigation practice group. He is based in Washington, D.C..

### 2004

**Jeremy Entwisle** has transferred from Tokyo to the London office of Davis Polk. Jeremy is an associate in the firm's corporate department.

**John Fred** and his wife, Anne Marie, announce the birth of their daughter, Sonja Grace, on Nov. 8, 2009. Sonja joins her sister, Juliana. John serves as counsel at Bayer CropScience in Research Triangle Park.

**Alyssa Rower** co-authored the article "Setting Valuation Dates for Marital Property in Global Economic Crisis" in the Oct. 14, 2009, edition of the *New York Law Journal*. Alyssa is an associate practicing matrimonial law at Sheresky Aronson & Mayefsky in New York City.

**Erinn (Anderson) White** and her husband, **Michael White**, announce the birth of Delaney Elisabeth on Aug. 14, 2009. Laney joins her brothers, Ian and Will.

### 2005

**Johanna Bloomfield** and her husband, **Wyatt Bloomfield**, announce the birth of their daughter, Charlotte Adele, on Oct. 21, 2009.

**Lei Mei** has signed a book deal with Oxford University Press. The book, to be published in 2012, is titled *How to Conduct Business in China: An Intellectual Property Perspective*. Lei is a founding partner of Mei & Mark, an intellectual property and litigation law firm in Washington, D.C.



**Jason Rimes** has been promoted to senior associate at Lowndes, Drosdick, Doster, Kantor & Reed in Orlando. Jason's practice areas are corporate and securities, mergers and acquisitions, healthcare, sports and entertainment law, and real estate transactions, development, and finance.

### 2006

**Matthew Kleiman** has joined Charles Stark Draper Laboratory in Cambridge, Mass., as corporate counsel. Matthew previously was a senior associate with WilmerHale.

**Elizabeth Player** and her husband, Stokes, announce the birth of their son, Clark Edgerton, on Sept. 8, 2009, in Charleston, S.C.

**Natalie Prescott** and **Oleg Cross** announce the birth of their son, Andrei, on Sept. 25, 2009. Natalie is an associate at Latham & Watkins in San Diego. Oleg is a founder of a litigation boutique, Cross Law Group, where he practices civil litigation, appellate law, and personal injury litigation.

**Vanessa Singh** married Kaleb Johannes on Sept. 25, 2009, in a traditional Hindu ceremony in Monterey, Calif. The couple resides in New York City where Vanessa works for Kirkland & Ellis.

### 2007



**David Thompson** has joined the Duke Law School Alumni and Development Office as a regional director. Dave is responsible for fundraising and organizing alumni constituencies in New York, New Jersey, Connecticut, Pennsylvania, Texas, and the North Carolina Triad region.

### 2008

**Yuo-Fong Amato** has been named as one of the *San Diego Daily Transcript's* 2009 Young Attorney finalists. Yuo-Fong is an associate in the San Diego office of Gordon & Rees where she is a member of the intellectual property practice group.



**Christopher Dodrill** and his wife, Amy, announce the birth of their second daughter, Sadie, on Feb. 2, 2010. Chris is a clerk for Chief Justice Joseph R. Goodwin, Southern District of West Virginia.

**Vaishali Gopal** married Sapan Jain on Feb. 7, 2010. Vaishali works for Pramata, a start-up IT company in Bangalore, India.

### 2009

**Kimberly Maynard** has joined the New York office of Baker & Hostetler as an associate.

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## Class of '42

**Maurice H. Winger Jr.**, 91, of Asheville, N.C., died Dec. 17, 2009. A native of Kansas City, Mo., he attended William Jewell College where he was captain of the United States debate team and graduated as valedictorian. At Duke he served as editor of the Law Review. He began his legal career as an associate at Sullivan & Cromwell in New York, after which he was recruited to be the corporate secretary of the United States Export Import Bank. During World War II he saw combat in Okinawa with the U.S. Marine Corps., and was later appointed as legal officer for the 2nd Marine Air Wing in the Pacific Theater.

Following his military service, Mr. Winger resumed his career at Debevoise Plimpton in New York where he specialized in aviation law and presided over the merger of American and Pan Am Airlines. He later served as a board member of Piedmont Airlines. In 1950, he joined American Enka Corp. in Asheville as general counsel, later becoming general manager of the Brand Rex division. He retired in 1982 as president of the company. He also was an active civic leader, serving as chairman of the Board of Trustees of the University of North Carolina at Asheville and on many other boards.

Following his retirement from American Enka, Mr. Winger co-founded and became president of the Western North Carolina Community Foundation and joined the Biltmore Company as vice president, general counsel, and advisory board member during which time his advice and participation led to the establishment of the Biltmore Winery.

Widely traveled and well read with a love of history, his varied interests included ocean sailing and piloting glider planes. He was a past board member of the Biltmore Forest Country Club, a member of the University Club in New York, the Sarasota Yacht Club, and a "bishop" with the Royal Brigade of Guards.

Mr. Winger was predeceased by his son, Stephen. He is survived by his wife, Virginia; son, Eric; and four grandchildren.

## Class of '47

**Kenneth F. Wooten Jr.**, 84, of Raleigh, died on Dec. 3, 2009. A native of Huntingdon, Tenn., he graduated from Vanderbilt University before attending Duke Law. He served as assistant attorney general, heading the Highway Division of the North Carolina Attorney General's Office, and served as president of the Wake County Bar Association before retiring from the practice of law in 1990.

Mr. Wooten was an active member of the Edenton Street United Methodist Church as a choir member and a lay leader. In retirement he was active with Meals on Wheels of Wake County.

He is survived by his wife, Jane; sister, Virginia Wooten Hudson; daughter, Susan Wooten Gaines; son, Walter; and one granddaughter.

## Class of '49

**Elaine Wick**, 84, of the Village of Lancaster, N.Y., died Dec. 6, 2009. A native of Buffalo, she received her undergraduate degree from Duke University before entering law school. She was admitted to the bar in 1953 and was a partner in the law firm of Wick and Wick in Depew, N.Y. From 1949 to 1978 she also served as president of the Depew Agency, an insurance agency.

Mrs. Wick was a former president of the board of trustees of Villa Maria College and was active in Republican politics, serving as a 148th Assembly District committeewoman and as an alternate delegate to the party's 1976 national convention. She was named a Woman of Distinction by the New York State Senate in 1998.

A lifelong member of St. Augustine Catholic Church in Depew, Mrs. Wick was a member of the state and county bar associations and the Independent Insurance Agents Association. She was on the boards of Lancaster Library and Lancaster Opera House and was a fan of the Buffalo Bills and Duke University basketball.

Mrs. Wick is survived by her husband, Henry; a daughter, Vivian; and two sons, Edmund and Paul.

## Class of '50

**Hugh E. Reams**, 85, died Nov. 17, 2009. A Toledo native, he graduated from Washington and Lee University. He served as a naval officer during World War II. Stationed in the Pacific Arena, he was a member of Scouts and Raiders which was the forerunner of the present day Navy SEALs.

After his graduation from Duke, Mr. Reams settled first in Tennessee, and then practiced law in St. Petersburg, Fla., from 1958 until his retirement in 1995. He served as president of the St. Petersburg Bar Association, the Pinellas County Trial Lawyers Association, and Gulfcoast Legal Services. He was a member of Lakewood United Methodist Church and served the church in many different capacities. He was the attorney for the St. Petersburg district of the United Methodist Church and also was a member of the Bishop's legal advisory council. In the community, he served on the board of directors for Sunny Shores Villas (now Westminster Shores) for 36 years.

Mr. Reams is survived by his wife, Louise; his children, Hugh Reams Jr., and Jennifer Sakiotis; sisters, Caroline Miller and Mary Glenn Haskins; and four grandchildren.

## Class of '51

**Charles Wilson Spence**, 85, died March 17, 2010. Following service in World War II, he earned an undergraduate degree from Duke. He passed the Virginia Bar exam after his second year of law school, and also was admitted to practice in South Carolina. He practiced with the firm of Leatherwood, Walker, Todd and Mann. Along with a partner, he founded the Fountain Inn Federal Savings and Loan Association in 1953. In 1959, he founded Travelers Rest Federal Savings and Loan Association, and served as a director, secretary, and attorney for more than 20 years. In 1965, Mr. Spence became a sole practitioner in Greenville, S.C.

He is survived by his wife, Martha; sons, Steven and Edward; daughters, Laura and Susan; and two grandchildren.

## Class of '54

**Leon Olive**, 85, of Charlotte, died Jan. 31, 2010. A native of Cottonwood, Ala., he graduated from the University of Alabama in 1948; his faithful support of that institution led to the establishment of the Leon Olive Endowed Discretionary Fund for the College of Education. At Duke Law School, where he held an academic scholarship, he served as secretary and president of his class.

Mr. Olive worked for MacFadden Publishing Company as a district sales manager and Allstate Insurance Company in sales management training prior to practicing law. He was active in the Charlotte Chamber of Commerce, serving as its secretary, president, and head of its Speakers Bureau, and was named a lifetime member. He was twice voted its "Outstanding Man of the Year."

Mr. Olive founded The Olive Law Firm, from which he recently retired, in 1957. A pioneer in the practice of personal injury law in Charlotte, he argued on his clients' behalf with passion. His many law partners in the course of his career included his daughter and his son, who continues to operate the firm.

Active in the Third Presbyterian Church as a Sunday-school teacher, deacon, elder, and trustee, Mr. Olive also taught classes at the Birmingham Business College in Birmingham, Ala., and was active in the North Carolina Democratic Party. Gov. Jim Holshouser honored him with the Order of The Long Leaf Pine, North Carolina's highest civilian honor.

A world traveler, he also enjoyed weekends at his vacation home in Blowing Rock and trips to his farm in Cottonwood. He was devoted to family and known for his generosity.

Mr. Olive was predeceased by his daughter, Laura Lin Olive Monnett. He is survived by his wife, Sibille; son, Laurence; stepchildren Susan Baumhauer, Sandi Byron, and William Byron; sister Laura Newell; six grandchildren; and four step-grandchildren.



**Richard Joseph Stride**, 81, of Naples, Fla., died on May 9, 2009. Born in Biddeford, Maine, he graduated from Phillips Andover Academy in 1945 and then served in the U.S. Army as a cryptanalyst until 1947. He earned an undergraduate degree from Duke University prior to entering law school. He later also attained a bachelor's degree in psychology from the University of Maine at Portland, where he graduated *summa cum laude*.

At one time a producer at the Kennebunkport Summer Playhouse, Mr. Stride's varied career included service as auditor at Price-Waterhouse & Co. in Boston, president and director of Biddeford & Saco Bus Lines, Inc., owner of Burgess Fobes Paint Co., director of Casco Bank & Trust Co., director of Casco Northern Corp., chairman of Blue Cross and Blue Shield of Maine, director of Blue Alliance Mutual Insurance Co., and developer for Thomas Block in Portland. He also entertained professionally as a magician and mentalist.

Mr. Stride served as an officer and director or trustee of the Greater Portland Chamber of Commerce, The New England Council, The Kennebunkport Dump Association, Nasson College, the New England Economic Research Foundation, the Associated Industries of Maine, and the Portland Symphony Orchestra. He was on the board of the Maine Medical Center and was a member of the Portland Country Club, the Society of American Magicians, the Massachusetts Bar Association, and the Sons of the American Revolution.

Mr. Stride is survived by his wife Johanne; children, Tad, Joff, Jennifer, and Jessica Curran; stepchildren, Kathleen Denniston, Johanna Rogowski, Martha Webster, and Frederica Hennessy; seven grandchildren and 10 step-grandchildren.

## Class of '56

**Harold Bernard Jr.**, of Potomac Falls, Va., died on Dec. 9, 2009. He attended Duke University, earning a bachelor's degree in 1953 prior to entering law school. After service in the U.S. Army, Judge Bernard launched his career with the National Labor Relations Board as a labor relations trial attorney in Philadelphia. In 1979, President Carter appointed him as a federal administrative law judge for the National Labor Relations Board in Washington, D.C., a post he held for 20 years.

An avid outdoorsman, Judge Bernard enjoyed running marathons and 10K races, kayaking, fishing, hiking, and skiing. His favorite haven was his family's vacation home in Duck, N.C. He and his wife traveled the world and shared an enjoyment of fine wine

and gourmet food. He was most passionate about his family, his appreciation of Mother Nature, and his career.

Judge Bernard was predeceased in the past year by his wife, Florence, and his son, Bruce, in 1997. He is survived by his daughters, Susan Beerman, Sharon Drier, and Michele Schuette; and eight grandchildren.

## Class of '57

**Eugene Clyde Brooks, III**, 80, of Hillsborough, N.C., died Nov. 5, 2009. A Durham native, he was a standout athlete both at Durham High School and at Duke University, which he attended on a Toms Scholarship. At Duke he was a starting end on the varsity football team under both Coaches Wallace Wade and William Murray and a member of the Kappa Alpha Order. In 1965 he was elected president of the Duke-Durham Blue Devil Club and remained a loyal supporter through the Iron Dukes.

In 1952, Mr. Brooks entered the United States Marine Corps. Following service in the Korean War as an infantry officer, a close-air airport officer, and rifle platoon commander, he commanded a Marine rifle company and was promoted to the rank of major. He was named to the 1953 all-Marine football team and captain of the 1953 Marine team. He was a member of the American Legion.

At Duke Law, Mr. Brooks was elected president of his legal fraternity and, following his graduation, joined his father in the practice of law in Durham. He served two terms in the North Carolina House of Representatives. Mr. Brooks was a general practitioner, practicing mainly in the areas of corporate law, labor law, plaintiff's counsel in civil litigation, and criminal defense counsel in both state and federal courts. He retired in 1997. He was a member of the Durham County Bar Association, the North Carolina Bar Association, the American Bar Association, and the North Carolina Academy of Trial Lawyers.

A member of the Sons of the American Revolution, Mr. Brooks was devoted to his family. He enjoyed bird hunting, golf, and loved animals, especially his dogs.

Mr. Brooks is survived by his wife, Jean; son, Eugene C. Brooks, IV; daughters, Allison Brooks Navarro and Molly (Mary) Matheson Brooks; sister, Susan Brooks; and eight grandchildren.

**R. Horace Swiggett Jr.**, 77, died Jan. 18, 2010. Mr. Swiggett practiced law in Guilford and Alamance counties. He was a member of the North Carolina Bar Association, Alamance County Bar Association, Academy of Trial Lawyers of the Carolinas, and the 50 Years North Carolina Attorneys. He enjoyed traveling with his wife in their motor home on numerous trips to visit with family members. He was an avid fisherman, hunter and a member of the "OO" Hunt Club.

Mr. Swiggett is survived by his wife, Margaret; sons, Robert Horace, M. Dale, and David; daughter Rebecca; eight grandchildren; and three great-grandchildren.

## Class of '61

**Joseph M. Griffin**, 74, of Charlotte, died Dec. 23, 2009. He served as a navigator bombardier in the U.S. Navy, attaining the rank of lieutenant junior grade. He graduated from Duke University prior to attending Duke Law and practiced with Griffin & Brunson in Charlotte. Mr. Griffin also served as town attorney for Matthews, N.C., was on the Planning Committee of Charlotte, and was involved with the Charlotte Mecklenburg Utilities Department.

Mr. Griffin was past master of Keystone Masonic Lodge, which later merged with the Excelsior Lodge, and past president of Charlotte Kiwanis. He served on the board of the Salvation Army Adult Rehabilitation Center. He was active in many areas of St. Stephens United Methodist Church.

Mr. Griffin is survived by his wife, Priscilla; son John; daughter Karen A. Tyrrell; brothers, C. Frank and Elbert; and four grandchildren.

**Joseph Charles O'Rorke**, 86, of Raleigh, died Dec. 6, 2009. He graduated from Ohio Wesleyan University and worked for 10 years at Eastman Kodak Co. in Rochester, N.Y. After law school, he clerked for Federal Judge John Larkins before joining the trust department at First Citizens Bank, where he served as trust officer for 26 years. After retiring, he volunteered for 20 years at Dorothea Dix Hospital and for 15 years at the N.C. Division of Archives. He was a member of Sports Club as well as the Amazing Grays at Hudson Memorial Presbyterian Church.

Mr. O'Rorke is survived by his wife, Marjorie, and brother, Tom.

## Class of '65

**G. William Speer**, 68, of Atlanta, died on Nov. 17, 2009. He was a preeminent securities and corporate lawyer in the Southeast, serving as the senior securities partner at Powell Goldstein and its successor law firm, Bryan Cave. During 44 years with the firm, he guided clients through the public offering process while serving as a trusted adviser and expert in corporate governance to boards of directors and executives.

Mr. Speer is survived by his wife, Ann; children, Bill, Ty, Susan, Sandy, and David; sister, Betty Earle; and 10 grandchildren.

## Class of '83

**Jerry Hale Owens**, 51, of Sewickley, Penn., died March 6, 2010. A native of St. Mary's, W.Va., he worked for his father's weekly newspaper during his teen years and college summers. An early passion for Duke basketball — which he maintained throughout his life — led him to attend Duke University; he graduated in 1980. A partner at Kirpatrick & Lockhart in Pittsburgh, which he joined in 1984, he spent much of his legal career working as an outside counsel to American Publishing Co., a subsidiary of the Canadian firm, Hollinger Inc., which he incorporated, and served newspapers throughout the United States. With Mr. Owens' assistance, the group also bought the *Jerusalem Post* in 1989.

Mr. Owens is survived by his children, Andrew and Christa; and sister, Barbara Lee Owens.

## Class of '89

**John Mason Mings V**, 45, of Houston, died Jan. 18, 2010. He received a bachelor's degree *summa cum laude* in chemistry and Spanish from Texas Tech University in 1986. After graduating with honors from Duke Law, he clerked for Judge Hugh Gibson in the Southern District of Texas, Galveston. A renowned intellectual property lawyer, he was a partner at Baker Hostetler at the time of his death. He previously was a partner at Fulbright & Jaworski, where he practiced law for 20 years.

Mr. Mings was on the board of directors for the Brazil Chamber of Commerce and served as an executive officer for the Association Interamericana de la Propiedad Intelectual. He was an arbitrator for Camara de Comercio de Bogota, a member of the List of Arbitrators, World Intellectual Property Organization, General List of Arbitrators and Mediators, International Trade Association, American Intellectual Property Law Association, and a certified mediator for the American Arbitration Association. Fluent in Spanish and Portuguese, he spoke at conferences in the United States, Panama City, Brazil, Spain, Argentina, and Ecuador on behalf of many of these associations.

An avid sailor and member of the Houston Yacht Club, Mr. Mings enjoyed spending time on the water and traveling the world with his family. He was a member of St. Luke's United Methodist Church.

Mr. Mings is survived by his wife, Kara; children, John Mason Mings VI and Kaylie Elizabeth Mings; father, John Mason Mings IV; mother and stepfather, Patsy and Frank Underwood; and brothers, Carl and Joshua Mings and Olin and Travis Underwood.

## Class of '93

**Daryl M. Kennedy**, 42, of Casselberry, Fla., died Nov. 18, 2009. A native of Winston-Salem, N.C., he earned a bachelor's degree in philosophy at Yale and an MBA from Rollins College. After receiving his law degree at Duke, he practiced law in Florida.

Mr. Kennedy is survived by his father, Charlie; mother, Willie; brother, Douglas; and sister, Stacy.

## Class of '06

**John Richard Collins**, 33, died on Dec. 9, 2009, in Atlanta. Raised in Worcester, Mass., he graduated from Milton Academy and then spent a year working for the American Red Cross. He received an undergraduate degree in philosophy, with honors, from Princeton University, where he was awarded the Philosophy Department's Class of 1869 prize for outstanding senior thesis.

Mr. Collins volunteered as an emergency medical technician for seven years, serving as Lieutenant of the Twin "W" First Aid Squad in West Windsor, N.J. He worked three years for the Sibson Consulting Group prior to enrolling at Duke where he pursued both JD and MBA degrees. At Duke Law he served as an editor for the *Alaska Law Review* and received the 2006 Business Organization and Finance Award. Following his graduation he joined Paul, Hastings, Janofsky & Walker as an associate in the firm's corporate department and was employed there at the time of his death from a heart condition.

Mr. Collins enjoyed scuba diving, theater, and ethnic cuisine, as well as travels in Africa, Alaska, Central America, China, Europe, Russia, and South America.

He is survived by his wife, Laura; children Claire Boisfeuillet and John Henry; parents Judy and Richard Collins; siblings, Katherine and Peter; and grandparents, Richard and Rita Moriarty.

### Justice Stevens at the 1985 Dean's Cup Moot Court Championship: An appreciation



L-R: DEAN'S CUP FINALISTS CHAUNCEY PARKER IV '86, HENRY VALENZUELA '85, JUDGE PHYLLIS A. KRAVITCH, JUSTICE JOHN PAUL STEVENS, JUDGE ARLIN M. ADAMS, CHAMPIONS ALLEN HANEN '86 AND DAVID WOLLIN '86

*United States Supreme Court Associate Justice John Paul Stevens presided over the final round of the 1985 Dean's Cup Moot Court Competition, along with Judge Phyllis A. Kravitch of the United States Court of Appeals for the Eleventh Circuit and Judge Arlin M. Adams of the United States Court of Appeals for the Third Circuit. David Wollin '86, who won the final round along with his classmate Allen Hanen, shared this memory:*

“I was not nervous because I felt like a winner in having the opportunity to argue before Justice Stevens.

“He was obviously very intelligent, but what struck me was his geniality and quick wit. We were arguing about an important federal pollution law that was passed in the waning days of Congress and without any legislative history. When I suggested that it was not usual for Congress to have left the important work to the end, like the U.S. Supreme Court normally does, Justice Stevens said, without missing a beat, ‘We do our finest work under pressure.’

“At lunch after the argument, Justice Stevens asked me how I thought the case should have come out. Perhaps in my naiveté, given that we were arguing about a pollution case, I suggested what the ‘moral’

outcome should be. He gently corrected me, noting that he was interested in the ‘legal’ outcome based on the arguments made by counsel.

“It made me appreciate his fidelity to the law. As his long judicial tenure has shown, he is not a ‘results-oriented’ jurist who sees the law as a means to imprint his own morality on others.

“On that day, no one could have predicted that the Supreme Court would continue to benefit from Justice Stevens’ formidable intellect and admirable traits for another quarter century, but the Court and the country are better off as a result.” ♣

*David A. Wollin is a partner at Adler Pollock & Sheehan in Providence, R.I., where he specializes in complex civil litigation.*



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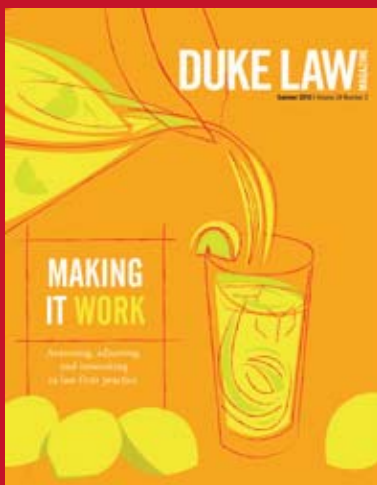
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