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NEBRASKA TRANSCRIPT

UNIVERSITY OF NEBRASKA COLLEGE OF LAW

A photograph of Justice Clarence Thomas, an African American man with glasses, wearing a grey suit and a red patterned tie. He is speaking and gesturing with his hands open. In the background, a blurred audience of people is seated in a lecture hall.

Justice Clarence Thomas
Delivers Hruska Lecture

Also in this issue:

The Legacy of Bob Berkshire, '55
President Obama's Whistleblowing Dilemma
Martin Gardner: His Perspective on the College of Law



FALL 2011, VOL. 44 NO. 2

Associate Justice of U.S. Supreme Court Clarence Thomas Visits the College

Justice Thomas was the Jurist in Residence, and participated in a panel discussion with Professors Josephine Potuto, Richard Duncan and Eric Berger as part of the Roman L. Hruska Institute for the Administration of Justice on September 15, 2011.



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Faculty Profile

Gardner provides his perspective on the College of Law over the course of the 34 years he's spent on its faculty.



40

3L Wins National DTP Award

Robbie Seybert, '12, honored by Delta Theta Phi with national award.



61

The Legacy of Bob Berkshire, '55

The late Bob Berkshire, a long-time supporter of the College of Law, makes estate gift to support faculty and students.



79

Alumni Council Honors Hamann

Deryl F. Hamann, '58, received the Outstanding Service Award at the 2011 Alumni Council Awards Luncheon.

Nebraska Law

University of Nebraska

Fall 2011, Vol. 44, No. 2

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Faculty Update

Faculty Notes



Eric Berger
Assistant Professor of Law



Professor **Eric Berger's** article, "Individual Rights, Judicial Deference, and Administrative Law Norms in Constitutional Decision Making," was named the 2011 winner of the American Constitution Society's Richard D. Cudahy Writing Competition on Regulatory and Administrative Law. The article will be published in late 2011 by the *Boston University Law Review*. The article argues that courts hearing constitutional individual rights challenges to administrative agency actions should take greater account of the fact and nature of agency action. Rather than equating agency and legislative action, courts confronted with such cases should inquire more carefully into how the agency has adopted the policy in question and whether the agency has behaved in a manner deserving of judicial deference. Berger also published "On Saving the Death Penalty: A Comment on Adam Gershowitz's Statewide Capital Punishment," which appears at 64 *Vanderbilt Law Review En Banc* 1 (2011). This piece responds to a longer article by Professor Adam Gershowitz of the University of Houston Law Center proposing changes to America's capital punishment system. Berger also presented "Deference Determinations and the Perils of Minimalism" at the Southeastern Association of Law Schools Annual Convention on Hilton Head, S.C. and "Extra-Doctrinal Decision Making and the Under-Theorized Constitution" at the Big Ten Untenured Law Faculty Conference in Bloomington, Ind. He also participated in a Federalist Society Debate about originalism with Professor Lee Strang of the University of Toledo College of Law at the College of Law in Lincoln.



Kristen M. Blankley
Assistant Professor of Law



Professor **Kristen Blankley** published the article "Keeping a Secret from Yourself? Confidentiality When the Same Neutral Serves Both as Mediator and as Arbitrator in the Same Case" in the *Baylor Law Review*. Over the summer, Blankley presented at both the Southeastern Association of Law Schools Conference and at the Big Ten Untenured Law Faculty Conference. She has been invited by the *Kansas Law Review* to present a paper on arbitration ethics at a symposium focused on arbitration issues. Blankley also has been invited to serve on the District of Nebraska Bankruptcy Court Mediation Committee. This committee is creating and proposing mediation rules for adoption in the District of Nebraska Bankruptcy Court. Blankley was part of a panel discussing recent developments in arbitration law at the ABA Section of Dispute Resolution's Annual Spring Conference in Denver, Colo. She was also on a panel at the 2011 Heartland Conference of Mediators in Ankeny, Iowa, entitled "Mediation Credentialing: A Continuing Conversation." She has been elected to the board of directors of The Mediation Center in Lincoln and of the Nebraska Mediation Association and has been selected to serve on the Advisory Council of the Nebraska Office of Dispute Resolution.



Eve M. Brank
Assistant Professor of Law and Psychology



Professor **Eve Brank** has had three papers accepted for publication: Brank & Scott, "The Historical, Jurisprudential, and Empirical Wisdom of Parental Responsibility Laws," *Social Issues and Policy Review*; Brank, Greene & Kochevar, "Holding Parents Responsible: Is Vicarious Responsibility the Public's Answer to Juvenile Crime?" *Psychology, Public Policy and the Law*; and Brank, Wylie & Hamm, "Potential for Self-Reporting of Older Adult Maltreatment: An Empirical Examination," *The Elder Law Journal*.



Beth Burkstrand-Reid
Assistant Professor of Law

Professor **Beth Burkstrand-Reid** presented her work on masculinity and fatherhood at several conferences this summer including the Southeastern Association of Law Schools, Law and Society, Emerging Family Law Scholars and the AALS Conference on Women Rethinking Equality. Burkstrand-Reid has been also invited to present her research at the University of Missouri-Kansas City. She is on the planning committee for the 2012 Law and Society Conference, “Feminist Legal Theory Critical Research Network.” Her article “The Invisible Woman: Availability and Culpability in Reproductive Health Jurisprudence” was included in the *American Jurisprudence* trial guide to litigating oral contraceptive injury cases. Burkstrand-Reid taught a CLE program on Sex-Based Discrimination for the Nebraska State Bar Association. She has been appointed to the faculty of the Women’s and Gender Studies Program at the University of Nebraska-Lincoln.



Alan H. Frank
Professor of Law

Professor **Alan Frank** traveled to the University of Maastricht in the Netherlands to serve as a competition administrator and judge in the Louis M. Brown and Forrest S. Mosten International Client Consultation Competition. The Brown-Mosten Competition is an annual competition for winners of national competitions held across the world. Frank chaired a panel at the 2011 Heartland Conference of Mediators in Ankeny, Iowa, entitled “Mediation Credentialing: A Continuing Conversation.” He spoke about the history of the Mediation Center at the Lincoln-based center’s celebration of 20 years of the Nebraska Dispute Resolution Act. This year he ended his second three-year term on the Office of Dispute Resolution’s Advisory Council.



Richard F. Duncan
Sherman S. Welpton, Jr. Professor of Law

Professor **Rick Duncan** spoke at St. Louis University Law School, at Washburn University School of Law and at the College of Law on “The Tea Party’s Constitution.” His presentation concerns recent calls by prominent scholars and commentators to amend the United States Constitution to shrink the size of the national government and increase the scope of state power. In his lecture, Duncan, who has published widely on constitutional law, took the position that perhaps it is time for state legislatures to call a constitutional convention to consider amendments along these lines. Duncan also spoke at Washington University (St. Louis) School of Law on “Why Justice Scalia is Wrong about the Free Exercise Clause.” Duncan took the position that the Supreme Court has not given the free exercise of religion the protection to which it is entitled under the First Amendment.



Richard A. Leiter
Director of the Schmid Law Library & Professor of Law

Professor **Richard Leiter** was invited to participate in a special summit, “The Future of Law Libraries,” at Harvard Law School. He also continues to produce his monthly podcast, “Law Librarian Conversations,” available on iTunes or at <http://lawlibcon.net>. He also finished work on the manuscript, “Landmark Supreme Court Cases, 2d,” to be published by Facts on File. He had an article accepted for publication in the American Association Law Library’s, *Spectrum*, tentatively titled, “Law Library Technical Services in the Digital World.” The column will be among the first of a new series of articles in *Spectrum* that will be published in the online version of the magazine. It will also be part of a regular column that Leiter will write called, “The Leiter Side.” Last summer Leiter taught Advanced Legal Research at the Law College’s summer abroad program at Cambridge University in England.

Faculty Update



Brian D. Lepard
Law Alumni Professor of Law

Professor **Brian Lepard** has published two chapters in a book on world religions, *The World's Religions: A Contemporary Reader*, edited by Arvind Sharma of McGill University and published by Fortress Press. Lepard's chapters are entitled "World Religions and World Peace: Toward a New Partnership," and "A Bahá'í Perspective on the Universal Declaration of Human Rights by the World's Religions." Lepard also delivered a paper at the Sixth Galilee Colloquium on Social, Moral and Legal Philosophy, held in Israel, on "The Concept of Peace and War in Hinduism, Buddhism, Islam, and the Bahá'í Faith: Implications for International Law." The colloquium is an annual event, established by the Swiss-Israeli Philosophy Foundation. The theme of this year's colloquium was "The Concept of Peace and War in Religions."



William H. Lyons
Richard H. Larson Professor of Tax Law

Professor **Bill Lyons** presented "A Primer on Partnership Taxation for Estate Planners," at an ALI/ABA meeting in Boston, Mass., and "Improvements to the Federal Estate Tax," at the annual meeting of the Association of American Law Schools. This spring he will teach U.S. Individual and Corporate Income Taxation at the International Tax Center (ITC) at the University of Leiden in the Netherlands.



Colleen E. Medill
Warren R. Wise Professor of Law

Professor **Colleen Medill** presented "Teaching Skills and Professionalism" at the 2011 Innovation in Teaching Summit in St. Paul, Minn., which was sponsored by Thomson Reuters. Medill currently serves as the chair of the Program Planning Committee and the chair of the Mentoring Program for the Section on Women in Legal Education. She participated in the section's Women Rethinking Equality Conference in Washington, D.C., as one of the conference's senior commentators on works in progress by emerging women scholars. Her book, *Developing Professional Skills: Property* was published by West. An article on the *Developing Professional Skills* book series, which Medill edits, appears on page 19 of this edition of THE NEBRASKA TRANSCRIPT.

Follow the faculty at
<http://unl.law.edu>



Harvey S. Perlman
Chancellor of the University of Nebraska–Lincoln & Harvey and Susan Perlman Alumni Professor of Law

Chancellor Harvey Perlman delivered a lecture on American Intellectual Property Law at Xi'an Jiaotong University in Xi'an China and was named an honorary professor of that institution.



Richard E. Moberly
Associate Dean & Associate Professor of Law

Professor **Richard Moberly** published “An Empirical Study of Whistleblower Policies in United States Corporate Codes of Ethics,” a chapter in the book, *Whistleblowing and Democratic Values*. The book chapter, co-authored with J.D. and Psychology Ph.D. candidate Lindsey Wylie, analyzes the possible impact corporate whistleblower policies may have on antiretaliation protection for employees who report corporate misconduct. Moberly presented a talk, “Obama’s Whistleblower Dilemma,” at the 6th Annual Labor and Employment Law Colloquium, held at Southwestern Law School in Los Angeles, Calif. The lecture explored the Obama administration’s policies towards whistleblowers, and focused on Obama’s seemingly harsh treatment of government employees who blow the whistle on issues related to national security. His article on this topic will appear next spring in the *Employee Rights and Employment Policy Journal* as part of its symposium on “The Workplace Law Agenda of the Obama Administration.” A brief version of his talk can be found on page 6 of this issue of THE NEBRASKA TRANSCRIPT. Moberly was invited to join the Robert Van Pelt Inns of Court as a master of the bar. The Inns of Court is an organization involving judges, experienced and newer lawyers, and law students in a combined effort to improve the skills, ethics and professionalism of the bench and bar.



Glenda J. Pierce
Associate Dean

Dean **Glenda Pierce** was honored at the YWCA of Lincoln’s Annual Tribute to Women. Nominated for the award by three alumni, Pierce was honored for her dedication to students and the impact that she has made on so many at the College of Law.



Susan Poser
Dean and Richard & Catherine Schmoeker
Professor of Law

Dean **Susan Poser** received the Outstanding Contributor to Women in the Law Award from the Nebraska State Bar Association’s Women in the Law Section at its annual bar meeting.



Josephine R. Potuto
Richard H. Larson Professor of Constitutional Law

Professor **Jo Potuto** published “If it Ain’t Broke, Don’t Fix It: An Examination of the NCAA Division I Infractions Committee’s Composition and Decision-Making Process,” 89 *Nebraska Law Review* 437 (2011), with Jerry Parkinson, the outgoing dean of the University of Wyoming College of Law. She also served as project consultant in the NCAA Enforcement and Infractions Experience Media Project and as Infractions Committee chair at a moot hearing in front of 30 national media representatives. Potuto was one of two faculty members invited to attend the NCAA Presidential Retreat in Indianapolis, Ind., to evaluate issues facing college athletics. She was a guest lecturer at the Executive Masters Program of the Evans School of Public Affairs at the University of Washington and spoke to graduate students in the College of Education and interns in athletics at the University of Oklahoma. This summer Potuto traveled to Florence, Brussels and Paris.



Kevin L. Ruser
Hevelone Professor of Law &
Director of Clinical Programs

Professor **Kevin Ruser** was a panelist on a panel that discussed immigration issues at the City Campus Union. The panel took place following a screening of the film “Tony and Janina’s American Wedding,” which follows a Polish American family through the U.S. immigration process.

Faculty Update



Steven J. Schmidt
Assistant Clinical Professor of Law



Professor **Steve Schmidt** presented at Issues in the Implementation of Oral Trials: Mexico & U.S. Cases, an international forum hosted by the law school of the Universidad Autonoma de Sinaloa. Over 350 attorneys, law professors and law students attended Schmidt's presentation, "The Criminal Justice System in the United States."



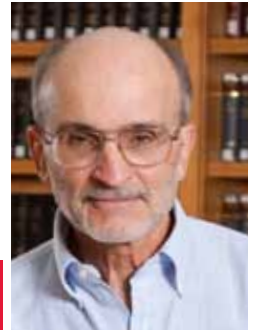
Anthony B. Schutz
Assistant Professor of Law



Professor **Anthony Schutz** published "Toward a More Multi-Functional Rural Landscape: Community Approaches to Rural Land Stewardship" in the *Fordham Environmental Law Review*. He continues to compile the on-line update to his book with Peter Longo, '83, *The Nebraska Constitution: A Reference Guide* (2d ed. 2009) and published the 2010 update on Article 7 of the UCC in *The Business Lawyer*. Schutz presented his research on state constitutional provisions restricting "special laws" at the Big Ten Untenured Law Faculty Conference in Bloomington, Ind., and continues to be a frequent lecturer on water and agricultural issues, including at the Water Law CLE sponsored by the College of Law and UNL's Water Center, and at the 32nd Annual Agricultural Law Symposium of the American Agricultural Law Association in Austin, Texas. Schutz, in cooperation with the National Drought Mitigation Center and UNL's Public Policy Center, continues to facilitate the Republican River Basin Water Sustainability Task Force created by LB 1057, helping that group fulfill its legislative charge of defining water sustainability, developing and recommending a plan to achieve it, and developing solutions to Republican River Compact compliance issues. Those efforts will conclude in May 2012 with a final report. Schutz continues to be involved in the American Association of Law Schools' Section on Agricultural Law. He has also been elected to the Board of Directors by the members of the American Agricultural Law Association, the only national professional organization focusing on the legal needs of the agricultural community.



Robert F. Schopp
Robert J. Kutak Professor of Law & Psychology



Professor **Bob Schopp** presented "Justifying Intrusive Interventions: Police Power or Parens Patriae" at the Symposium on Ethics, Mental Illness, and Mechanical Restraints at the Sax Institute for Mental Health Law, Policy, and Ethics at the University of Southern California.



A. Christal Sheppard
Assistant Professor of Law



Dr. Christal Sheppard addressed an audience of judges, patent law professionals and students at the UMKC Intellectual Property and Technology Transfer Symposium. Her talk "Patent Law Reform: Success, Failures and Missed Opportunities" generated a discourse of the separate roles for the courts and Congress in patent law and policy-making. She discussed as successes the bipartisan nature and compromise that allowed the most significant patent reform in a century to be passed into law but also noted as a success items that did not make it into the final legislation. Sheppard listed as failures the erosion of the bias against trade secret and the inclusion of special interest provisions, such as the transitional program for covered business method patents and the poorly drafted Section 33 of the bill, which limited the issuance of patents in certain situations. The central portion of her talk discussed the missed opportunity for Congress to fulfill its Constitutional directive to "promote the progress of science and the useful arts" as Congress again side-stepped the foundational issue of defining patentable subject matter, a role that Congress has abdicated to the courts over the last 30 years.



Anna Williams Shavers
Cline Williams Professor of Citizenship Law

Professor **Anna Shavers** presented her paper, “Assessing the Effectiveness of Immigration Law Protections for Trafficking Victims,” at the UNL Human Trafficking Conference. She served as a panelist at the American Immigration Lawyers Association Fall Conference in Denver, Colo. The panel discussed ways in which attorneys can use U.S. legal obligations under international law to win cases in immigration court and before the agency. She also participated in a faculty panel discussion about ways the book and movie, *The Help*, can be understood as it relates to a larger cultural and historical context. At the ABA Annual Meeting held in Toronto, Canada, Shavers moderated a panel discussion on “The Battle over Birthright Citizenship: History, International Perspectives, and the Path Ahead.”



Frans von der Dunk
Harvey & Susan Perlman Alumni/Othmer Professor of Space Law

Dr. Frans von der Dunk has produced, together with previous research assistant Art Anisimov and the Space Generation Advisory Council, a ten minute video on the highlights of space history, which serves as an introduction to space law issues. The film was showcased at the celebration of 50 years of manned spaceflight by the International Astronautical Federation in Paris, as well as during space-related events in Germany and the Netherlands. Von der Dunk also served as editor of a book on *National Space Legislation in Europe*, dealing with the specifics of how private commercial involvement in space activities needs to be handled in the European context. He participated in conferences in Lincoln on issues of the relationship between military, civil and commercial space activities; in Bucharest, Romania, on international decision making in the context of threats posed to mankind by asteroids; and in Arcachon, France, on private commercial spaceflight. Finally, he participated in a number of capacities at the International Astronautical Congress in Cape Town, South Africa, where he was also re-elected for a three-year term as a member of the Board of Directors of the International Institute of Space Law (IISL), the primary global body of international space lawyers.



Steven L. Willborn
Richard C. & Catherine Stuart Schmoker Professor of Law

Professor **Steve Willborn** was elected president of the International Association of Labour Law Journals at the organization’s annual meeting in Seville, Spain. The International Association is a consortium of 21 leading labor law journals from Africa, Asia, Australia, Europe and North and South America. His article “*Laval, Viking, and American Labor Law*,” was published at 32 *Comparative Labor Law & Policy Journal* 1079 (2011). Willborn gave a paper at a conference in Geneva sponsored by the International Labour Organization: “Public vs. Private Enforcement of Labor Statutes: Differences Over the Economic Cycle,” and he gave the keynote address at the Fifth Annual Diversity Summit sponsored by the Nebraska Supreme Court and the Nebraska State Bar Association. The address was entitled “What Are You Thinking?” and discussed current issues facing legal education and law school admissions. Willborn was elected the chair of the Board of Directors of the Law School Admission Council. An article about Willborn and the LSAC appears on page 20 of this issue of THE NEBRASKA TRANSCRIPT.



Sandra B. Zellmer
Law Alumni Professor of Natural Resources Law

Professor **Sandra Zellmer** spoke about “Climate Change, Water, & Wilderness” at the 21st Century Water Law conference at Lewis and Clark Law School in Portland, Ore. Her article on this topic will be published in *Environmental Law*. Zellmer organized a pack of WOLFs to participate in the Mel Shinn festivities in September. (Keep an eye out for the Women of the Law Faculty!)

Recent Scholarship & Activities

Mediation Turns Twenty in Nebraska – In No Small Part to Law College Connections

By Professor Kristen Blankley & Debora Brownyard, '80



Kristen Blankley

Nebraska’s Dispute Resolution Act, the legislation that institutionalized mediation in Nebraska and created the Office of Dispute Resolution (ODR), turns 20 years old this year. Today, mediation in Nebraska flourishes, especially in family cases, but also in a variety of situations, including small claims, civil cases and even bankruptcy. None of this would be possible without Nebraska Law faculty and alumni leading the way and showing Nebraska the promise and usefulness of mediation. Alumni sponsored key mediation legislation, oversaw the ODR and opened mediation centers across the state. This article could not possibly chronicle all of the ways the College of Law and its alumni and faculty championed mediation over the last 20 years, but it hopes to paint a picture of the way mediation’s roots in Nebraska trace back to the College of Law.

Nebraska Law Alumni Central to the
Dispute Resolution Act,
Office of Dispute Resolution,
Community Mediation Centers

In 1991, the Nebraska Legislature passed the Dispute Resolution Act. Neb. Rev. Stat. §§ 25-2901 et seq. Nebraska Law alumnus David Landis, '72, sponsored the bill in the Legislature. This bill was historic for mediation in Nebraska. The Legislature recognized the “costly and time consuming” nature of formal judicial proceedings and the place for mediation as a system that can “improve relationships between people in conflict,” “efficiently reduc[e] the volume of matters which burden the court system” and aid in “creating comprehensive, lasting, and realistic resolutions to conflict.” Neb. Rev. Stat. § 25-2902 (1991).

The Dispute Resolution Act also established the Office of Dispute Resolution and dispute resolution centers across the state. Neb. Rev. Stat. §§ 25-2904, -2908. Since ODR’s

establishment in 1992, every one of the directors of the ODR has been a Law College graduate. Those directors are Kathleen Severens, '81, (1992-1999), Wendy Hind, '96, (2000-2004) and Debora Brownyard, '80, (2005 - present). Law College alumna Elizabeth Kosier, '93, chronicled the early history of Nebraska's involvement in mediation in the law review article, "Mediation in Nebraska: An Innovative Past, A Spirited Present, And A Provocative Future", 31 *Creighton L. Rev.* 193 (1997).

The act required the ODR director to provide mediation training, and for this purpose Kathleen Severens authored *Basic Mediation Training Manual*, the essential training tool that has been used for over two decades to provide a solid grounding in interest-based facilitative mediation to hundreds, if not thousands, of aspiring mediators. She, along with the ODR Advisory Council, provided the essential early leadership to develop ODR policies and procedures, including mediator ethical standards that have stood the test of time to support the quality provision of mediation.

The Dispute Resolution Act also paved the way for the creation of mediation centers located across Nebraska to provide mediation services to all Nebraskans. The centers provide dispute resolution services for a wide variety of disputes, including civil cases, domestic relations cases and offenses involving juveniles. Neb. Stat. § 25-2911. Over the last 20 years, a number of notable Law College alumni have served as executive directors of community mediation centers, including Debora Brownyard, '80, (Nebraska Justice Center in Walthill), Elizabeth Kosier, '93, (The Mediation Center in Lincoln) and Paul Ladehoff, '94, (The Central Mediation Center in Kearney). Other Nebraska Law alumni involved at these centers include James E. Gordon, '74, the chairman of the Board of Directors for the Mediation Center in Lincoln and a founding member of the Nebraska Mediation Association; David Hubbard, '82,



Debora Brownyard

the director of training & facilitation at the Mediation Center in Lincoln and a founding member of the Nebraska Mediation Association; the Honorable Robert O. Hippe, '68, past chair of the ODR Advisory Council; Richard Stafford, '68, former member of the Nebraska Justice Center Board of Directors; and Carl Eskridge, '96, immediate past chair of the ODR Advisory Council. There are many other alumni too numerous to mention who have served on the ODR Advisory Council, as board members for the mediation centers or as affiliated mediators. Each in his or her own way was an essential builder of the strong history of Nebraska mediation.

ODR resides within the Nebraska Supreme Court, an institution that has been very supportive of mediation in Nebraska. In August 2011, Nebraska Law graduate and chief justice of the Nebraska Supreme Court, Michael Heavican, '75, visited five of Nebraska's mediation centers to present them with commemorative plaques to commend them for their 20 years of work and service to Nebraska.

Recent Scholarship & Activities

The Law College is involved in training Nebraska's next generation of mediators.

Law College Alumni Help Nebraska Become First State in the Nation to Adopt the Uniform Mediation Act

In 2003, the Nebraska Legislature passed the Uniform Mediation Act (UMA), becoming the first state in the United States to do so. It is now law in more than 10 different jurisdictions. As he did with the Dispute Resolution Act, Landis sponsored the UMA in the Nebraska Legislature. The UMA accomplished two primary goals. First, it elevated mediation communications to the level of privilege, thus shielding mediation communications from discovery and admission into evidence. Neb. Stat. § 25-2933. The act's strong mediation privilege encourages candor in the mediation process. Landis, *Statement of Intent*. Second, the UMA heightened ethical requirements for mediators, requiring all mediators to disclose to mediation parties any known conflicts of interest. Neb. Stat. § 25-2933. These additional requirements "further the integrity of the process" and help ensure that the mediation process is fair. Landis, *Statement of Intent*.

Mediation of Parenting Plans, Sponsored by College Alumni, Unique in the Country

The most recent development to mediation in Nebraska is the new requirement of mandatory mediation of cases involving parenting time under the 2007 Nebraska Parenting Act. Neb. Rev. Stat. §§ 43-2902 et seq. Law College alumnus senator Mike Flood, '01, was the bill's sponsor and introduced it in the Nebraska Legislature. As of July 1, 2010, parents who cannot agree on a parenting plan for their children are "required to participate in parenting plan mediation." Neb. Rev. Stat. § 43-2926(2). The Parenting Act advanced a ground-breaking approach to address cases involving domestic violence and high conflict by creating specialized alternative dispute resolution procedures handled by mediators with specialized training. Neb. Rev. Stat. §§ 43-2938, -2939.

Nebraska Law Continues to Train the Next Generation of Mediators

The Law College, too, is involved in training Nebraska's next generation of mediators. Professor Alan Frank has been teaching the Mediation course for 14 years, and Assistant Professor Kristen Blankley was hired in 2010 to help bolster the Law College's ADR program. The Law College offers courses teaching students how to be mediators, as well as courses on how to be effective attorneys in the mediation process. In addition, Law College students take advantage of other mediation opportunities, such as participating in the Representation in Mediation Competition and serving as externs at The Mediation Center in Lincoln. ■



Jane Martin-Hoffman, executive director of the Nebraska Justice Center & Chief Justice Mike Heavican

Medill's Book Series Seeks To Bring Skills into Classroom

By Emily Rose, '12



Colleen Medill

Nebraska Law Professor Colleen Medill is the creator and series editor for *Developing Professional Skills*, a new series of books devoted to integrating skills-based learning into the law school classroom. Medill is the author of the first book in the series, *Developing Professional Skills: Property*, which was published by West Law Group in October.

Medill is currently recruiting prospective authors for the remaining titles in the series, which will include books covering other first-year subjects such as Contracts, Torts,

Civil Procedure and Criminal Law, as well as upper-level courses like Corporations, Constitutional Law, Wills and Trusts, Income Tax, Environmental Law, Family Law and Intellectual Property Law. Medill hopes the series will become the standard for best practices in teaching legal skills in a time-efficient, user-friendly, fun and creative manner.

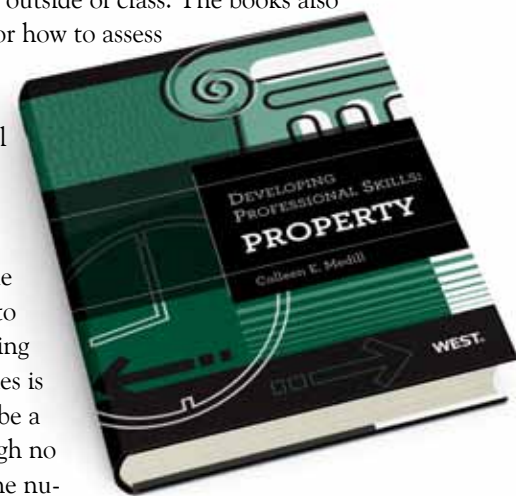
Developing Professional Skills responds to the need for more skills-based education in law schools. "This series responds to concerns at the national level that law schools focus too much on doctrine and theory and do not train students to become skilled and ethical attorneys. The *Developing Professional Skills* series addresses these concerns by providing law school teachers with materials that can be used to integrate important skills

training and ethics into their doctrinal classes."

The origins of *Developing Professional Skills* can be traced to Medill's own experiences in the classroom. "Teaching skills in a doctrinal course is challenging. It requires laying a foundation of technical and contextual knowledge that law students, particularly first year law students, often lack," she explained.

In order to address these challenges, Medill designed *Developing Professional Skills* as a flexible teaching tool in which professors can integrate legal doctrine and professional responsibility issues with the core skills of the legal profession: client counseling, legal drafting, negotiation and advocacy. "The books allow students to be exposed to the norms of professional practice," said Medill. "Each book contains ten exercises that require the student to perform one of the primary legal skills in the context of the problem, apply doctrine and rules and understand how professional responsibility concepts are imbedded in real world legal issues." The student exercises may be done either during or outside of class. The books also provide suggestions for how to assess the work product of the students.

The fundamental premise of *Developing Professional Skills* is to make law school more enjoyable for the students. According to Medill, "The underlying philosophy of the series is that learning how to be a lawyer is fun. Although no book can duplicate the nuanced tapestry that is modern legal practice, the books in this series will enhance and enrich the students' educational experience by giving them hands-on activities that will complement and enhance their course of study." ■



Dean's Message



“As always, thank you
for your support for
the College of Law.”

[I]n this increasingly competitive environment, our ability to continue to attract students to the College will depend significantly on how much scholarship aid we can provide for those students.

In July, the University of Nebraska-Lincoln officially became a member of the Big Ten, so congratulations to all of our alumni who are now alumni of a Big Ten law school!

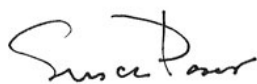
In this edition of THE NEBRASKA TRANSCRIPT, you will read about our new faculty and some of the activity at the Law College over the last few months. We were privileged to have U.S. Supreme Court Justice Clarence Thomas at the College twice in 2011 – once as the commencement speaker and then again in the fall as the jurist-in-residence, when he spoke at the College in an event sponsored by the Nebraska State Bar Foundation’s Roman L. Hruska Institute for the Administration of Justice. Last March, we hosted Professor Susan Herman, the current president of the national board of the American Civil Liberties Union. These were just two of the many speakers who came to the College in 2011.

This issue of THE NEBRASKA TRANSCRIPT will also introduce you to our new faculty members, Professor Christal Sheppard and Professor Jack Beard, both of whom bring tremendous expertise and experience to the College and are teaching classes that help us to expand our curriculum and provide more educational and career choices to our students.

In August, we welcomed a new class of 129 students. This class is smaller than in recent years, which reflects the significant decrease in 2011 of applications to law schools nationally. As I wrote in my August letter to all of the alumni, in this increasingly competitive environment, our ability to continue to attract students to the College will depend significantly on how much scholarship aid we can provide for those students. It will also, of course, depend on what the College can offer those students, and we are very focused right now on evaluating our curriculum to ensure that it continues to provide the great education that it always has, while also being up-to-date and relevant to the practice of law in the 21st century in Nebraska, the nation and the world.

As always, thank you for your support for the College of Law. Recently, this support has involved increased donations for student scholarships and for various projects around the College, as well as much needed assistance with our Admissions and Career Services offices. There are so many ways to engage with and support the College and I am so grateful for all of the ways in which our alumni get involved. We have another busy year ahead, and I am always interested in your comments, questions and concerns, so please always feel free to contact me.

Best wishes,



Susan Poser
Dean and Richard & Catherine Schmoker Professor of Law

Recent Scholarship & Activities

Willborn Elected Law School Admissions Council Chair



Steve Willborn

Professor Steve Willborn, former dean of the College of Law, recently was elected the chair of the Board of Trustees of the Law School Admissions Council. THE NEBRASKA TRANSCRIPT had the opportunity to sit down with Willborn and talk to him about the position and about his views on law school admissions in a changing world.

TRANSCRIPT: What is the Law School Admissions Council?

Willborn: The LSAC is the major organization representing and serving law school admissions professionals. In that capacity among the things it does is sponsor an annual conference for law school professionals and forums for prospective law students. But it is best known for its two main products, products that are amazing and highly efficient. One is the Law School Admissions Test, which is the single best predictor for first-year law school grades. In combination with the student's undergraduate grade point average, it is an even better predictor. The other product is the Credential Assembly Service. The CAS allows the applicant to send a transcript once to LSAC and allows writers of recommendation letters to send their letters just to LSAC, and these are transmitted to all the law schools to which the applicant applies along with the applicant's LSAT score and writing sample. The law schools receive not only this information, but also valuable statistical information about, for instance, the applicant's undergraduate institution's LSAT distribution, grade distribution, and percentile rank of candidates' GPAs, which only the LSAC is able to provide because of all the information that it gathers. All of this is provided to the law schools in electronic form allowing, for instance, each member of an admissions committee to review the applications at the same time.

TRANSCRIPT: Is there also a common application?

Willborn: Not a common application, but a quasi-common app. Eighty percent of the information that law schools ask for is all the same. So if an applicant pulls up Nebraska's application, for instance, and fills it out and then pulls up an application of another law school, many of the fields of that second application will already be filled in. Of course, each law school can ask additional questions that are unique to it, like its essay questions.

TRANSCRIPT: How did you become involved with the LSAC?

Willborn: When I was dean, I decided that I should be involved in important national law school organizations, and this one really appealed to me because of my interest in statistics. I applied to be on the Test Development and Research committee, which was highly statistically oriented. That was the start. I went on to chair that committee and to serve on and chair a number of other committees and came to be nominated by the nominating committee as chair. It is a four year commitment. One year as chair-elect, two years as chair, and one year as past chair.

TRANSCRIPT: What are your duties as chair?

Willborn: The LSAC is a business with 50 million dollars in revenue each year and about a 150 million dollar endowment. We have an excellent management and a professional staff that does the day-to-day work and runs the place very well. The board is like the board of any large non-profit enterprise; it thinks about big picture items.

TRANSCRIPT: What items are you focusing on?

Willborn: I am most concerned with two initiatives. One involves a proposal that is being considered by the ABA that would repeal section 503 of its law school accreditation standards. Section 503 requires law schools, in their admissions standards, to rely on a professionally developed valid admissions test, and we have the only test. We need to think about how we will react if the proposal is adopted.

TRANSCRIPT: If the proposal passes, what do you think law schools will do? Won't most of them keep using the LSAT?

Willborn: I think law schools are just beginning to think about what they might do, and I suspect that there will be a wide range of reactions from different parts of the market. There are some law schools that do not rely on the LSAT much because they admit most of their applicants regardless of their LSAT score. They might think that if they don't require the test, they will get more applicants. Most schools, I think, will still view the LSAT as a very reliable indicator of who will be successful in law school and will continue to use it. There will probably be a variety of other approaches; for example, schools that will accept and use the LSAT, but not require it.

TRANSCRIPT: How will this affect the LSAC?

Willborn: For one, the LSAT and CAS are important revenue sources for the LSAC. We have a cushion now because of our endowment, but in the long run we may have to adjust our finances. But more importantly, we have to think about how we are going to react to those schools that choose to no longer require our services. Our member schools receive tens of thousands of dollars' worth of benefits, so it is not unreasonable for us to say that if you're not going to use the LSAT as an admissions criterion, you will no longer be a member and you'll have to pay for these services instead of having them provided to you. I'm not saying that that will be our position, but we certainly need to figure out what schools might do and how we should react. We want to continue to be the main organization for law school admissions professionals and that counsels in favor of having everybody be a member. Also the

Faculty Update

Recent Scholarship & Activities

average LSAT scores of the various law schools provide applicants with good consumer information about what the law students are going to be like at those law schools. We don't want to lose that. So it's a complicated problem and one we need to address because schools should know what our position will be before they make the decision about what they are going to do.

TRANSCRIPT: You mentioned two initiatives. What is the second one?

Willborn: LSAC has begun providing services to applicants and law schools beyond the United States and Canada. We offer the LSAT in China and India, for example, and develop test questions for Romania. So we need to figure out where we've been successful and where we've failed and how we define success.

TRANSCRIPT: Is the test radically different in China or Romania?

Willborn: It has to be. In many places, like India, law is an undergraduate degree, and the students who take the test are not as well developed academically as our law students who either have college degrees or are well on the way to receiving them. So we need to make it an easier test. The process has been very informative to us. In Romania, one of the issues is will the test translate well. This has helped us learn more about our test and our own cultural sensitivities because if the question will translate well across cultures, it is probably not that culturally sensitive here either.

TRANSCRIPT: Law schools have received a lot of negative publicity recently about their admission and scholarship policies and their ability to help place graduates in jobs in the current economy. How do you see all this playing out?

Willborn: Despite the gloom and doom in the popular press, there are many good reasons to think that law school is a good choice even now. Would it have been better to go to law school five years ago than to go now? Yes, of course, but that's not the choice our potential applicants face. They have the choice of law or some other line of activity, and the employment rate for lawyers nine months after graduation is considerably better than the employment rate for almost every other profession. So law school is not a bad option given the array that we have right now. Not only that, but the kind of skills and habits of mind that law schools develop are increasing in demand rather than diminishing.

TRANSCRIPT: Why do you say that?

Willborn: The world's just more complicated. Lawyers are needed more than ever now in international trade issues, immigration issues, in the regulation of the financial industry, just to name a few.

TRANSCRIPT: Despite your optimism, the numbers of applications are dropping across the country.

Willborn: That's true, but that's another reason for people to seriously think about applying now. Schools are admitting a higher percentage of their applicants, even though many schools are admitting smaller classes. And smaller classes mean that about the same amount of scholarship money is being spread over fewer students. So an applicant's chances of getting admitted and of receiving financial aid are better now than has often been the case in the past. ■

New Appointments



Jack Beard

Beard Returns to Midwest Eager to Explore Cyber Law and National Security Issues with Students

By Molly M. Brummond, '03

Raised in the Midwest, Professor Jack Beard was excited to join the faculty of Nebraska Law this fall after spending the majority of his career on the coasts. As part of the Space, Cyber and Telecommunications Law LL.M. program, Beard teaches National Security Law; International Telecommunications Law: Cyber and Other High Technology Warfare and Crimes; International Criminal Law; National Security Space Law; and Arms Control. He is well-qualified to do so, having served as a senior civilian government attorney, a military attorney and a member of the faculty at the UCLA School of Law.

Beard practiced as a civilian attorney in the Office of the Secretary of Defense as the associate deputy general counsel (International Affairs.) In that role, he drafted and negotiated international agreements for a wide variety of international security related issues, including those associated with arms control agreements, defense cooperation and basing agreements in the Middle East region and programs assisting states of the former Soviet Union in the dismantlement of weapons of mass destruction and other nonproliferation activities. To say that Beard has good stories is a vast understatement.

Continued on the next page

Faculty Update

New Appointments

Beard continued...

Having served on numerous assignments in the Middle East and in the Pentagon (where he survived the 9/11 attacks), national security and terrorism are deeply personal issues for Beard and fueled a desire to engage in scholarship on a full-time basis. For Beard, the transition from the Department of Defense to that of law professor was natural. “All good lawyers need to be good teachers,” he says. “Leadership as a lawyer can be a really lonely thing. Leadership through teaching is not quite so.” And, a good teacher he is, having been voted Professor of the Year by the Class of 2008 at the UCLA School of Law, awarded the Excellence In Teaching Award by the Class of 2003 at the Johns Hopkins University School of Advanced International Studies and received the Distinguished Adjunct Professor Award at the Georgetown University Law Center in 2001. “My general teaching approach focuses on use of multi-media presentations, entertaining formats, current events and practical applications to provide the context for examining key legal concepts and broader issues.”

Beard’s experiences at the Department of Defense drive his research today. “I observed the U.S. government and military in action, up close and personal. Those observations inspired me to really explore the legal implications of emerging military technologies. The legal implications and long-term consequences of many new weapon systems are not being fully considered before these systems are developed and deployed, yet they may quickly become an integral part of how modern wars are waged.” Currently, Beard is working on a variety of projects, including a book under contract with Oxford University Press entitled *Modern Technology and the Law of Armed Conflict*.

Beard’s scholarship with respect to one area of great importance to the military - cyber law and technologies - is likely to have an impact beyond the field of national security law. “Cyber law does not just relate to military technologies,” said Beard. “If your work is dependent on computers or electronically stored or transmitted information of any kind, cyber law impacts you. Computer worms, viruses, data theft and other cyber intrusions have become issues that individuals and businesses deal with on a daily basis.”

The faculty and students are thrilled to have Beard as a member of its community. He is a graduate, magna cum laude, from the University of Michigan Law School, and also has an LL.M. in International & Comparative Law, with distinction, from Georgetown University Law Center. He is also a retired Lieutenant Colonel in the Judge Advocate General’s Corps, U.S. Army Reserve. ■



Richard Moberly

As Associate Dean for Faculty, Moberly Focuses On Junior Faculty Development, Skills Training

By Catherine Cano, '12

In May 2011, Dean Susan Poser named Associate Professor Richard Moberly the College of Law's associate dean for faculty, a position most recently held by Professor Anna Williams Shavers. In this new role, Dean Moberly is charged with, among other things, junior faculty development. "Richard has worked very hard in the past several years, as chair of the faculty appointments committee, to recruit new members to the faculty. It is a natural step for him to help those he played such an integral role in recruiting to develop as law teachers and as scholars," Poser said.

In addition to mentoring new faculty members and helping them to navigate the tenure and promotion process, Moberly is also working on something about which he is quite passionate: the integration of skills training into the classroom, whether through courses dedicated to skills training or through the integration of skills into doctrinal courses. "We have great skills courses being offered at the College of Law, but I think there is more to be done. I am excited to examine whether we can better coordinate and

sequence our classes for the benefit of the students. Or, if professors are interested in adding more skills exercises in doctrinal courses, such as adding writing exercises and working through case files, I would like to be a resource for thinking about how to do that pedagogically," Moberly said. With respect to these particular goals, Moberly is well-suited to lead the charge. He and associate dean for student services Glenda Pierce co-teach an Evidence/Trial Advocacy course in which students learn evidentiary rules and principles not only through traditional classroom lectures and discussions, but also through simulations. Alongside Professor Kevin Ruser, Moberly also taught in the Civil Clinic, in which students work on cases for live clients.

While Moberly will focus a good deal of his time on faculty support and development and on working to incorporate more skills in the classroom, his commitment to recruit faculty members remains. He continues to serve as chair of the faculty appointments committee, which this year is focused on filling three positions. This year the Law College will

have the advantage of being a Big Ten law school. "Moving to the Big Ten will be terrific for the College of Law in many respects. It will help us recruit students, and it will also help us recruit faculty members because some of the best public law schools in the country are in the Big Ten. The move is pushing us to be better in order to compete," Moberly said.

Moberly is excited to join the administration. "Dean Poser has put together a great team, and I'm really enjoying working with them. There are a lot of terrific advantages at our school, and I want to do whatever I can to get that message out and to help us continue to provide a great legal education for our students."

Since joining Nebraska Law in 2004, Moberly has taught Employment Law, Civil Clinic and Evidence. He received his J.D. from Harvard and was a judicial clerk in the Middle District of North Carolina. Following his clerkship, he practiced employment law in Atlanta for five years prior to joining the faculty. Moberly has been a student favorite, winning Upper Class Teacher of the Year twice, including just last year. ■

New Appointments

With Years of Academic, Practical Experience, Sheppard Brings Patent Law Back To Nebraska Law Curriculum

By Catherine Cano, '12

Nebraska Law welcomed Dr. Christal Sheppard to the faculty this fall as its patent law expert. Sheppard brings with her an impressive background, including an M.S. and Ph.D. in molecular biology from the University of Michigan, a J.D. from Cornell University Law School and extensive research and practical expertise. Sheppard explained that the multiple degrees happened organically, “My Ph.D. project went really well and, as a result, my work was published in highly regarded publications. At that point, I had the option of either taking the academic track or going into industry. Because my interests were very broad, I decided to explore a fuller academic interest than what was, at the time, before me.”

This interest in the intersection of law, policy and science led her to law school. Along the way, Sheppard interned for Judge Randall R. Rader at the United States Court of Appeals for the Federal Circuit and for the Executive Office of the president’s Office of Science and Technology Policy. Post graduation, she practiced intellectual property law in Washington, D.C. as a counsel to the United States International Trade Commission and, most recently, as chief counsel on patent and trademarks and courts and competition policy for the United States House of Representatives Committee on the Judiciary. During her seven cumulative years as counsel to the Congress, Professor Sheppard was integral to many laws and reforms including her prominent work on the America Invents Act, which was signed by President Obama on September 16, 2011, enacting the most comprehensive changes in patent laws in over 60 years.



Christal Sheppard

After years of success in policy and practice, Sheppard felt ready to return to academia and ultimately decided to join the faculty, a decision largely based on the opportunity to assist in the creation of an Intellectual Property-focused program. “Nebraska Law hasn’t had a patent law course taught in many years – not since former Dean Harvey Perlman left the law school to become chancellor. Knowing how important patent, and all intellectual property, is to every type of business, particularly in the ever expanding global economy that is a reality for all business in the 21st century, this is a great opportunity.” Sheppard is a co-coordinator of the Program of Concentrated Study in Intellectual Property together with Professor Robert Denicola, who has decades of experience in copyright, trademark and unfair competition law. Sheppard will teach Patent Law, International Intellectual Property Law and Remedies, Science and Law, and Legislation and Regulation.

Sheppard’s plans for students interested in intellectual property include integrating skills into the classroom. In class this semester, for example, students are studying the recently enacted reform of patent law and comparing it to the prior law. In doing so, they analyze if, and why, the changes were needed. “Attorneys around the country are undertaking the same analyses. Students in my class will know what the new law requires, how it differs from the old law and why the change was needed. Moreover they will garner a valuable skill in reading legislative text. This will give them a great skill set applicable to not just patent law, but in every field,” she said.

Sheppard is passionate about teaching students, as well as members of the community, about patent law. “There are people who hear about patents, but they don’t know how to protect their interests or where to even start,” Sheppard said. “There is a common misconception that if you don’t have a technical background then patent law is not something for you – nothing could be further from the truth. I’m trying to get that message out there. A basic understanding of intellectual property, copyright, trademark, patent and trade secrets is one of the core skills necessary for every attorney.” ■

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Supreme Insight: Thomas Offers Students His Perspective on Judicial Approach, Professionalism, Nebraska

By Catherine Cano, '12, and Emily Rose, '12

The Roman L. Hruska Institute for the Administration of Justice hosted a presentation at Nebraska Law entitled, *A Conversation About the Constitution*, featuring the Honorable Clarence Thomas, associate justice of the United States Supreme Court. During the presentation, Justice Thomas answered questions that were posed by Nebraska Law professors Josephine Potuto, Eric Berger and Richard Duncan as well as questions from students, faculty and members of the community.

The Honorable William J. Riley, chief judge of the United States Court of Appeals for the 8th Circuit, in his introduction of Justice Thomas, said that Thomas was born near Savannah, Ga., in 1948, attended Conception Seminary and received an A.B., cum laude, from Holy Cross College and a J.D. from Yale Law School. After law school, Thomas was admitted to practice law in Missouri, was an assistant attorney general from 1974-1977, an attorney with Monsanto Company from 1977-1979 and legislative assistant to Senator John Danforth from 1979-1981. Thomas was also assistant secretary for civil rights at the U.S. Department of Education, and he served as chairman of the U.S. Equal Employment Opportunity Commission from 1982-1990. Thomas began his career on the bench in 1990 when he was named a judge of the U.S. Court of Appeals for the District of Columbia Circuit. Soon thereafter, President George H.W. Bush nominated Thomas to the Supreme Court, and he took his seat on October 23, 1991. Riley said that a common theme throughout Thomas' career was his tireless work to ensure the just application of the law. Riley also praised

Thomas's judgment due to his marrying a Nebraskan, Virginia Lamp, and being a Husker fan.

Thomas said that he enjoys spending time with the students and faculty of various law schools because it is a way to get to understand more about the country and to let people know that the court is not just a building. When asked about his impressions of legal education today, Thomas said that he sensed a new confidence in non-Ivy League schools as to the way in which they educate their law students. "I sense that same energy here," said Thomas. "You have your own confidence about what

"Tell people the truth, give honest work for honest pay, do your best work, keep your word and act with integrity."

you do here. If you believe you are preparing students to be constructive leaders in society, then you are doing fine. Students are the best part of any learning institution and it is important that they come away energized about the law." Similarly, Thomas said that the best part about coming to work everyday is the opportunity to work with his law clerks, who become like an extended family to him. Thomas' clerks come from across the country and all have different backgrounds, something he believes is important in order to garner different perspectives and interpretations of the law.

Another way in which Thomas gains perspective and



“I think you have more [here in Nebraska] than you think you have, and what you have here may be a lot better than anywhere else.”

avoids being pulled into the “vortex” of Washington, D.C., is by traveling around the country alongside his wife in their RV. In fact, Thomas spent several weeks in Waverly and Sidney, Neb., RV parks this last summer and enjoyed every minute of it. “It helps to go see people who believe in this country and who are willing to sacrifice,” said Thomas. “I love being outdoors, and if I ever move, it would be somewhere in the Deep South or Waverly, Nebraska. I think you have more than you think you have, and what you have here may be a lot better than anywhere else. It reminds me that this is a wonderful country worth saving and a wonderful Constitution worth saving.”

Thomas is approaching his 20th year on the bench and has nothing but reverence for his profession and his fellow justices on the Supreme Court. “It’s an honor to be on the court,” said Thomas. “It is something that you are called to do and you do it. Every judge I have met has taken this on with living up to their respective oaths in mind. At a time when it is increasingly difficult to be a judge, you have the oath and integrity of the vocation to sustain you in upholding the laws of our country.”

UNL Chancellor Harvey Perlman, in his closing remarks, recognized the Roman L. Hruska Institute for the Administration of Justice, and the accomplishments

Feature



of Roman Hruska and his substantial legacy. The Institute was established to educate Nebraska’s lawyers, law students and the public as to the importance of the administration of justice through lectures and symposia. Thomas will be added to the long list of distinguished speakers that the Institute has hosted for the benefit of the Nebraska community, including justices Ruth Bader Ginsburg, Anthony M. Kennedy and Stephen G. Breyer.

In addition to Thomas’ presentation at Nebraska Law, he made it a point to interact with students during his visit. He posed for pictures with students in the hallway and joked with third-year student Robbie Seybert that Seybert’s Oklahoma baseball cap should be considered a tort. He spent two hours having breakfast with a group of students and lectured in several classes. Among them was

Dean Susan Poser’s Legal Profession class where he emphasized the importance of a lawyer’s reputation, “If you don’t have your own code, we (judges) will figure it out,” said Thomas. “If you fool us one time, your credibility is shot. It really matters how you do your job. Your reputation follows you.”

Thomas told students that while the code of ethics matters, lawyers should see it as a floor. “It is important to be truly ethical, not just obey ethics laws.” He spoke about what it means to be an ethical lawyer, “Tell people the truth, give honest work for honest pay, do your best work, keep your word and act with integrity.” He also gave students advice for starting to practice law, “Be honest and help the court, be flexible in conversation and know the facts cold.” Thomas also gave advice on facing criticism, “I have my own faith and sources of

strength. You don’t have to become like your critics. Sometimes we need to think of other people and their sacrifices for all of us. We get nervous about critics, while there are people doing so much more. This isn’t about ego, it is about trying to do the job. There will always be people around you that will criticize you, and you can be pushed into doing things that are not right, but there is a reason why you do things the right way. Somebody is going to count on you being a good lawyer and to do the right thing.” He stressed the importance of keeping a balance between your work and personal life, “I don’t talk about law or cases at home. When I’m with my bride, that is her time. You don’t ruin your time with your spouse because of stress. If you can’t do it, and work wears you down, maybe you shouldn’t do it.” ■

Admissions Report

Competition for Students Increases As National Applicant Pool Shrinks

By Kirk Kluger, Assistant Dean for Admissions

The College of Law welcomed 129 talented students to the first-year class for the Fall 2011 term. The Entering Class Profile featured on the following page highlights the academic achievements of this cohort, but only provides a glimpse of the unique backgrounds, skills and abilities each first-year student brings to the College of Law. We are confident that the graduates of the class of 2014 will be prepared to meet the demands of the legal profession and continue the tradition of successful College of Law alumni.

I have had the opportunity to build relationships with admissions colleagues at many of the other ABA law schools. Some of the most seasoned law admissions veterans have described the 2010-2011 admissions cycle as one of the most interesting and challenging in 25 years. As the year progressed, the narrative began to change from describing 2010-2011 as an “unusual year” to discussion of a paradigm shift in law admissions.

Applicants to ABA-approved law schools hit a 10-year low during the last admissions cycle. The 10 percent decrease in applicants as compared to the previous year resulted in an applicant pool that was 25 percent lower than the record high set in 2004.

This dip in the nationwide applicant pool comes at a time when previous years had seen record numbers of students matriculating to law schools.

While 85 percent of law schools experienced a decrease in applications, the College of Law had over a 21 percent increase compared to the previous year. We were only one of six law schools with an application increase of 20 percent or more.

The increase in applications largely came from qualified non-resident students. I believe our membership in the Big Ten along with increased recruiting efforts has made Nebraska Law an option for students who did not previously include us on a short list.

However, the diminished national pool resulted in fierce



Kirk Kluger

ENTERING CLASS PROFILE - FALL 2011

First Year J.D. Students:		Average Age:	24
		Age Range:	21-40
Total First Year J.D. Students:	129	Percentage of Students Age 28 or Older:	16%
Women:	54 (42%)	States Represented:	21
Men:	75 (48%)	Nebraska Residents:	91 (71%)
Minority and Foreign students:	8 (6%)	Non-Residents:	38 (29%)
Average LSAT:	157	Colleges and Universities Represented:	53
Median LSAT:	157	Majors and Double Majors Represented:	34
LSAT, 25th Percentile:	153	Advanced Degrees:	6
LSAT, 75th Percentile:	159	Number of Complete Applications Received:	825
Median Undergraduate Grade Point Average:	3.51	Number of Admission Offers Made:	400
Undergraduate Grade Point Average, 25th Percentile:	3.32		
Undergraduate Grade Point Average, 75th Percentile:	3.80		

competition for the best and brightest students. Many law schools admitted students who would not have been admitted in previous years. Students were being admitted from waitlists at unprecedented rates creating a domino effect for many law schools that lasted up until the first day of class.

Applicants were not only being admitted at higher rates, but they found that schools were competing for them through generous scholarship offers.

In the end, the Fall 2011 entering class at the College of Law was about 8 percent smaller compared to the ten year average. A survey of 16 other Midwestern law schools shows a decrease in first-year enrollment at 15 of the 16

schools, with the average decrease of nine percent.

Understandably some prospective applicants have been scared away from pursuing a law school education by articles, blogs and news reports that question the value of a law degree while highlighting the average law student debt and poor job prospects.

There will be challenges as we move forward. The number of students taking the LSAT is down compared to last year, signaling yet another diminished applicant pool in the current recruiting cycle. Additionally, the number of Nebraska residents applying to law school has also been on the low end compared to the last 20 years.

In spite of these challenges, the College of Law is well positioned as one of the best values in the country. The average debt for a 2011 graduate of Nebraska Law is \$52,396. This places us in the top 10 percent for lowest law school debt among graduates.

Prospective students who take a closer look at the College of Law find that we have wonderful faculty, students, alumni, programs and facilities.

I am thankful for all College of Law alumni and supporters who have given generously to provide scholarships for our students. Your gifts have helped us recruit in this increasingly competitive area. ■

Career Services Report

Nebraska Law Grads Have What It Takes To Be Presidential

By *Tasha Everman, Assistant Dean and Director of Career Services*

The Presidential Management Fellows (PMF) program has been around since 1977. Until recently, however, it has not been on the radar of most Nebraska Law students or, for that matter, the Career Services Office. Recent success with the program, as well as an increased interest by our students in federal government employment, however, has given us reason to encourage student applications. The PMF is not law-specific but it is looking for individuals with strong analytic, leadership and writing skills – the skills students are developing during their time at Nebraska Law.



Tasha Everman

The Program

The program is a great training ground for leadership. The goal of the two-year fellowship experience from the federal agency’s perspective is to provide the training and development necessary to create a new generation of leaders. Even so, there is no requirement that fellows stay with the federal government following their service. Whether prospective fellows want to stay in public service or choose to move on to the private sector after the completion of the program, there is no doubt that fellows are provided a great foundation on which to build their career.



Michael Holtje

An Alumni Success Story

The official webpage advertises, “PMFs perform valuable service to the American people while jump-starting their careers.” According to Michael Holtje, a Nebraska Law alum and member of the Presidential Management Fellow Class of 2008, this is an accurate description of the experience. Holtje visited the Law College in early September to share his experiences with current students and meet with prospective applicants. Holtje had nothing but positive comments to share about his experience as a fellow and commented, “In my opinion, the PMF program is the best way to enter federal service directly from graduate school.”

Through his description of his own experiences and the opportunities he was afforded as a fellow, Holtje encouraged current students to consider federal employment and more specifically an application to the PMF program. Holtje graduated from the Law College in May 2008 with a J.D., received his M.A. in Psychology from UNL in 2009, and will complete his Ph.D. in Psychology this year.

Originally Holtje’s focus was on public domestic policy, but as he progressed in his education he was drawn to international policy. He shared that this change in focus

Around the College

was in part based on his belief that he might better contribute to effectuating change in the international and national security domains. In fall 2008, Holtje joined the Department of State's Bureau of Intelligence and Research where he served as the action officer for Intelligence Policy and Foreign Partnerships. PMFs are allowed to take part in rotations with other federal agencies, so although Holtje was assigned to the Department of State's Bureau of Intelligence and Research, he completed rotations with the Office of the Director of National Intelligence as well as the Department of State's Legal Advisor's Office, where he served in the office of Law Enforcement and Intelligence. In 2010, Holtje converted to full time civil service when his two-year fellowship expired. He continues to serve as the action officer for Intelligence Policy with the Department of State.

A Highly Competitive Process

The PMF program has a rigorous and lengthy application process. Applications are accepted during a 10-day window each fall. Applicants must complete the online application and be nominated by the dean as part of a competitive process. Assuming they are nominated, applicants are asked to complete an on-line assessment. If they are successful, they are considered semi-finalists. All semi-finalists are invited to in-person assessments at six different sites around the country. They undergo in-person interviews in November and December. If they make it through, they are considered finalists and they have one year to find a placement with a participating agency. The vast majority of finalists attend the PMF Job Fair in late spring to meet with potential agencies. We were very excited when not one, but two, members of the Class of 2011 were successful in navigating the PMF selection process. Read more about them below. ■

Nebraska Law Members of the Class of 2011 Presidential Management Fellows

Amber Charlesworth, LL.M. Class of 2011

Space Policy

Amber Charlesworth was selected as a presidential management fellow upon her graduation from the LL.M. program in Space, Cyber and Telecommunications Law in May 2011. As a result of that selection, Charlesworth now works for the U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, the Office of Space and Advanced Technology (OES/SAT). OES/SAT has primary responsibility for U.S. representation to the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS), where a wide range of space policy issues are addressed. Most recently, UNCOPUOS has been a vital forum for U.S. efforts to develop new international guidelines on emerging issues such as minimizing the generation of orbital debris and ensuring safe space operations and sustainable access to space. Amber works on space policy issues for OES/SAT as a result of that office's connection to UNCOPUOS.



Amber Charlesworth

Mark Nelson, JD/MBA Class of 2011
International Risk Analyst

Mark Nelson was selected as a presidential management fellow upon his graduation in 2011. As a result of that selection, Nelson works for the United States Agency for International Development (USAID) in the Office of Development Credit (ODC). The mission of the ODC is to mobilize private investment within developing countries. This is done by providing partial loan guarantees in order to incentivize private banks and investors in these countries to lend to creditworthy entities that would otherwise not be approved for credit due to extremely conservative lending standards and loan terms. These guarantees many times spawn subsequent assistance-free investment. Nelson works as a risk analyst, protecting aid money from being subject to loss, and he will get the opportunity to travel and do on site assessments of financial institutions and borrowers in developing countries all over the world. ■



Mark Nelson

Make An Impact

Lunch with a Lawyer! Small commitment. Big Impact.

The education a student receives at Nebraska Law can always be enhanced by interaction with our alumni. Volunteer to take a Nebraska Law student to lunch – to talk about class choices, career paths and the practice of law.

This one-time commitment could make a life-changing impact.

To volunteer or learn more, visit <http://law.unl.edu/career/lawyerlunch.shtml>

LL.M. Report

Shuttle No More: As the Importance of Commercial Actors in Space Grows, So Does the Importance of the Legal Regime Governing Space Activities

By Matthew P. Schaefer, Law Alumni Professor of Law and
Director of Space, Cyber & Telecom Law Program



Matt Schaefer

It's a bit of a cliché for professors to tell students that if they work hard and do well in school, the sky is the limit. That's especially true at the College of Law, where that old saying is obsolete. The College launched its innovative Space, Cyber and Telecommunications Law Program in 2008, becoming the nation's only master-of-laws program, or LL.M., of its kind. By infusing cyber and telecommunications law to the mix, the Law College has the only such program taught in English anywhere in the world. Through the program, Nebraska Law students can earn a credential aimed at legal careers surrounding everything from commercial space travel to international satellite placement, from cyber-security to privacy issues, from matters that involve the U.S. Air Force and NASA to cable TV and Internet providers. The program has drawn students from top law schools around the country, including fellow Big Ten institutions. "These are fast-emerging

areas that will continue to become more and more relevant in our daily lives," explained Professor Matt Schaefer, the program's director. "So it's important that we have well-trained people with expertise in these areas. At Nebraska, we're preparing our students for this always-changing legal and technological landscape."

One recent significant, although anticipated, change is the end of the U.S. space shuttle program to ferry astronauts and cargo to the International Space Station (ISS). In the short-term, NASA will be dependent on other countries' vehicles for manned spaceflights to the ISS. Concerns regarding short-term reliance on Russia's Soyuz craft for transporting astronauts increased when a Soyuz rocket carrying three tons of supplies to the ISS exploded and crashed in Siberia in August 2011 due to an apparent drop in fuel pressure leading to a computer prematurely shutting down an engine. Depending on the results of an investigation, it is possible

that the ISS may even become uninhabited for a period of time.

Nevertheless, the phase-out of the shuttle may in the long run be beneficial both for the United States and other countries. "The result is a thorough stimulation of international cooperation, and the United States has still so much unique technology to offer that its dependence (on other countries) does not need to turn into a position of weakness," Professor Frans von der Dunk said. "International cooperation is fundamental for any true further development of international law, regulation and practice in the space sector."

The phase-out of the shuttle has prompted private entrepreneurs to invest in commercial spaceflight. Some companies, like California-based SpaceX, an American space transport company founded by PayPal co-founder Elon Musk, are close to launching their first trips to the ISS after several successful tests. Sub-orbital flights for tourism and

science purposes are also close to reality, with Virgin Galactic, Richard Branson’s venture, due to start flights from Spaceport America in New Mexico in the next year.

Twice a year – once in Lincoln and once in Washington, D.C. – the Law College gathers national and international experts to discuss the latest topics, trends and issues in the field, such as the increased commercialization of space. The October 2011 DC conference featured, among other speakers, vice president and general counsel of Space X, Tim Hughes and senior legal counsel of Virgin Galactic, Marc Holzapfel. It was an opportunity, Schaefer said, to expose students to authorities on the leading edge of space, cyber and telecommunications. “Our conferences are a valuable resource where we gather together some of the key thinkers from around the world.”

Indeed, according to von der Dunk, the legal implications for this new wave of commercial spaceflight are already becoming visible. The United States, with considerable consultation with Europe, is leading the way in carefully developing a balanced regulatory regime for private commercial spaceflight on a national level. “Soon, such questions will have to be addressed at a truly international level, where the same balanced approach between the interests of the operators in this infant industry to make things happen and the interests of the public at large regarding safety and security should somehow determine the details of such systems as well,” von der Dunk said. Another international legal ramification involves security – specifically, laws



Marc Holzapfel, Dennis Burnett, Tim Hughes, Matt Schaefer, Laura Montgomery and Courtney Graham

concerning export controls on “dual-use technologies,” which can be used for both civil and military purposes, he added. Vice president of trade and export controls at EADS North America, Dennis Burnett, ’74, teaches a mini-course at the Law College focused on export controls applied to space industries. Burnett, a leading authority on export control law, also serves as vice chair of the program’s advisory board.

Every day, meanwhile, Nebraska Law students interact with notable faculty such as Schaefer, who is the former director of the International Economic Affairs Office of the National Security Council; von der Dunk, a consultant to the Dutch government and the European Space Agency; and, most recently, Professor Jack Beard, the former associate general counsel for international affairs for the Department of Defense. Beard joined the Law College faculty after six years at UCLA Law School, a time during which he published two articles in the prestigious *American Journal of International Law* and won a professor of the year award. During his time at DOD, Beard worked on legal matters including arms control agreements, defense cooperation and weapons dismantlement programs in the former Soviet republics. “Nebraska may seem like a long way from national security concerns, but it’s actually right in the middle of it all,” Beard said, noting that the U.S. Strategic Command, which is responsible for important U.S. space and cyber activities, is an hour’s drive away. “We have the foundation here to be a significant force in space, cyber and telecommunications law for years to come.” ■

Credits/Acknowledgements: Portions of this article were drawn from Steve Smith’s (University Communications) press-release on the end of the shuttle program and the UNL insert in the Omaha World Herald.

6th Annual
**University of Nebraska
 College of Law**

**Space Law Conference
 “Customary International
 Law and the Regulation of
 Outer Space”**

April 20, 2012

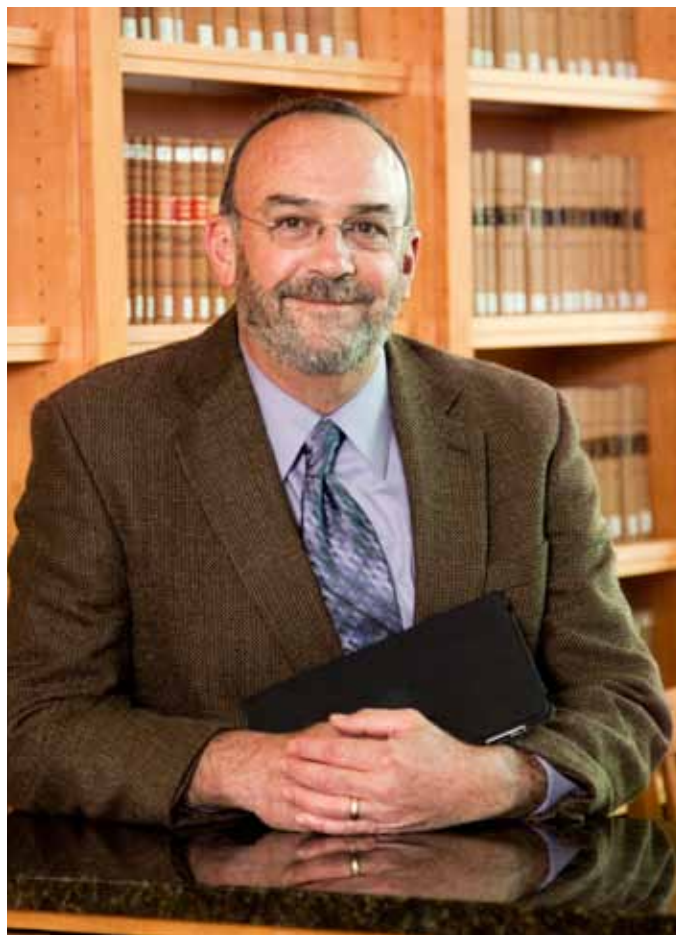
Conference
 9 a.m. to 5:30 p.m.
 University of Nebraska College
 of Law
 Lincoln, Nebraska

Dinner
 6 p.m.
 Sheldon Art Gallery
 Lincoln, Nebraska

Feature

Schmid Law Library Director Spends Semester at Harvard to Improve Online Research

By Richard Leither, Director of Schmid Law Library and Professor of Law



Richard Leither

I've been a library director for over 20 years and have never taken a sabbatical. While I've worked on several academic projects, including an award winning book, *National Survey of State Laws*, which, in 2006, won the Andrews Bibliographical Award from the American Association of Law Libraries, I never felt I had the luxury of taking off for months at a time to work on a project that was highly theoretical, even though I did receive much positive feedback from many people with whom I discussed the idea.

This past academic year, John Palfrey, Henry N. Ess III professor of law, vice dean, library and information resources and faculty co-director, Berkman Center For Internet and Society at Harvard Law School, was intrigued by an idea that I've been kicking around for several years and asked me to come to Harvard to work on it.

With the support of an incredibly talented staff in my home library, I finally felt comfortable taking a semester off. I've only been gone for about a month and am more confident than ever that the tremendous library faculty and staff will continue to offer outstanding services and maintain the tradition of excellence that characterizes the Schmid Law Library's commitment to service to the Law College community, the bar and the citizens of Nebraska.

So, I am visiting, as an academic fellow, Harvard Law School Library's Innovation Lab for the 2011 fall semester.

Designing a Solution to a Problem

The project that I've been asked to explore has to do with the inherent challenges of conducting case law research using full text online databases. The working title of the project is "Leading Case Service" and is designed to make online case law research more productive and more efficient. There are three factors that make online case law research very difficult.

First is the size of the database. It is estimated that there are approximately ten million published cases in the American legal system. The size of the database alone poses very serious difficulties for designers of search engines and indexing systems, both digital and analog.

The size of the corpus of case law in the American legal system isn't merely the result of our society's litigious nature. Prior to the mid-19th century, the publication of cases was done very judiciously. Most cases were published in selective case reporters that only published leading cases. In fact, the most influential American case reporter in the 19th century was the predecessor to what we know today as American Law Reports, or ALR, and it only published cases of some particular significance, either because the opinion made a ruling on a novel aspect of the law or clarified an issue that had been dealt with by many courts with varying outcomes. In the late 19th century, the West Publishing Company entered the case law publishing market and effectively turned cases into a commodity. The method by which West published cases was virtually indiscriminate because it published any and all cases submitted to it by the courts. Its business model was founded on the premise that the more cases it could publish, the better because the more cases it could publish, the more volumes it could sell.

As the volume of cases it published grew, West developed an elaborate subject indexing system to help researchers. We know the indexing system as the Key Number System, and the index as the West Digest System. Today, the index alone numbers several thousand volumes! Coupled with Shepard's citations, the digest and case-verification systems helped researchers identify both cases that were useful and those that were "still good law," in the sense that they hadn't been specifically overruled by another court. This system was extremely accurate, thorough and objective but still left the researcher with a serious problem of having to wade through a substantial mass of material. The comprehensiveness of the West National

Reporter System, its Digests and Shepard's meant that the cases discovered on any one particular topic could number in the thousands.

The enormous volume of case law poses difficulties for researchers for another reason. Important research in the field of information science explains that, due to the vagaries of language and other empirical laws of linguistics, full text database searching is by definition inefficient, even in databases filled with documents of a professional nature and highly specialized vocabulary, such as law. Studies have shown that the best a full text search engine is capable of retrieving amounts of only about 20 percent of the relevant documents on a topic. With 10 million published cases, even a 20 percent efficiency yields far more cases than any person can reasonably be expected to read.

Second, full text databases are objective search tools. This makes full text case law databases very difficult places for researchers to go to find *answers* about the law. For instance, let's say you want to know what the law is on the rights of grandparents to intervene in custody proceedings in dissolution cases. A search for cases on this topic, if done with absolute precision, may yield dozens, if not hundreds, of cases, many of which are not useful to you. In this instance, a more useful approach would be to consult secondary sources, such as handbooks or treatises, that not only discuss the leading cases in the field but also summarize and analyze what these cases mean to the practitioner. Full text case law databases themselves are only part of what researchers need to complete their research.



Third, in order for online databases to be efficiently used, each document, as well as its sections, parts, words, letters, etc., should be indexed and tagged with what's known in the computing world as meta-data. Indexing on this scale is massive and extremely complex but can make the development of search engines designed to work with these huge databases much more efficient. This is why Westlaw's and Lexis's search engines are so useful. Each company runs the full text of each case contained in their databases through extensive indexing and tagging. Part of this process eliminates repetitive words that have no legal meaning, such as articles and conjunctions. Further, the content of the cases is divided into sections, such as majority and minority opinions and jurisdictions, that dramatically help narrow the search results. Indexing and tagging on this scale is a very costly venture, leaving Lexis and Westlaw dominating the field. The process also is so complex that each company's processes are highly guarded trade secrets. The Lexis and Westlaw case law databases are comprised entirely of public domain materials, but they still are extremely expensive to use. Each company cites the high cost of thorough indexing, tagging and sorting as a rationale to charge high prices for access.

A Solution to a Problem

The "Leading Case Service" may be a means of leveling the playing field for newcomers to the online database market, or for existing services that offer access to case law for free. The theory behind the project is that among the ten million cases in the American legal system, there are a relatively small percentage of cases that are considered more significant and interesting than the rest. If these cases can be identified and a search tool developed to exploit them, it may make searching case law more efficient by helping researchers focus on the most important cases first, before moving into the vast body of case law to find newer cases, cases with variant facts or those more specific to a specific jurisdiction.

The first step is to determine if there is such a thing as a group of "leading cases" and, if there is, to figure out how to find them and use them. The theory at present is that this group of cases can be found in the body of secondary materials. Initially, I thought that we could find leading cases in footnotes and body of treatises, presuming that treatise writers would discuss or cite to only the most important cases in their fields. To gather this group of leading cases, we could "mine" treatises and discover the cases cited in them. However, there are significant challenges to mining *treatises* for the cases the authors have cited, not the least of which is that treatises are published in many different formats and by enough publishers to make it difficult to use a single system to acquire the desired information. I've been convinced to put this step on hold; at least for the moment.

"The goal of the project is to create a new way of using online digital legal materials. New technologies have allowed us to think of combining information in ways that were unheard of, even unthinkable, before today."

Our thinking at present is that we may have better luck focusing our efforts on cases cited in law review articles. There are two reasons that we think that law review articles may be better sources with which to discover this body of leading cases. First, we presume that the writers of law review articles, as experts in their fields, are vigilant in identifying important cases in those fields and, taken as a whole, will discuss all the important cases in

American law. I realize that this is a strong presumption, but over the last century, virtually all significant developments in law have been discussed and debated at length in law reviews and law journals. It follows, then, that the cases cited by the writers should be the ones most important or significant for one reason or another and can be identified as "leading cases," those that researchers *should read* or at least *be aware of* when researching case law in that field.

A second advantage of using law review articles to identify leading cases is that the body of scholarship is continually expanding. If my theory is correct and we can discover this body of case law, we may be able to create an automated process that will continually add to the corpus of leading cases.

Questions

There are many questions to be answered. The most interesting question, and the one that I'll be spending my time exploring initially is, *exactly how many cases are cited by law review articles?*

We know that there are around ten million cases published in total, but we don't know what percentage of those cases found their way into the footnotes and text of law review articles. We are very close to obtaining the tools to answer this question conclusively. Hunches about the percentage of cases discussed in law reviews ranges from five percent to less than one percent, between 100,000 and 500,000 cases. If this is true, then full text case law database searching should be greatly improved by the mere fact that the researcher would be searching in a database of two or three hundred thousand cases instead of ten million!

Assuming that our initial tests reveal that there is, indeed, a body of leading cases that we can identify, many

interesting possibilities emerge. The cases themselves may be ranked based upon the numbers of law reviews or journals that have cited them. Other information that may help rank the value of the cases includes the standing of the journal in which the article is published or the reputation, publishing record or school of residence of the author.

Even if we are successful in identifying this corpus of leading cases, we have yet to determine how they should be used. The options are to create a separate database or to use meta-data to tag the cases so that search engines will be able identify the leading cases from among the rest of the millions of cases in the corpus of American law. Depending on the tags used, the researcher can use this information to sort search results in interesting and valuable ways. For example, a researcher desiring to know what is the law in an area novel to the researcher, could begin with a full text case law database and immediately

identify the most important cases in the field. After perusing these cases, links and metadata could then be used to immediately find articles, blogs and other pertinent online materials.

The goal of the project is to create a new way of using online digital legal materials. New technologies have allowed us to think of combining information in ways that were unheard of, even unthinkable, before today. "Leading Case Service" is essentially a 'mash-up' of online case law databases and online databases of law review articles. To this mash-up, colleagues have suggested that we may be able to add blogs, digital commons, wire-services, websites, legal periodical indexes and possibly treatises. The use of this information is not merely academic. It may also prove to be a way to power new search engines or discover new ways that various parts of the conceptual, scholarly world of the law influence each other. ■

Schmid Law Library Usage Notice

On August 1, 2011, the UNL Libraries instituted a new community user's card and fee system. This change will not affect College of Law alumni using the Schmid Law Library.

While Schmid Law Library shares a library catalog system, databases and library material with the UNL Libraries, we will not require Nebraska Law graduates to purchase a community user card to use the Schmid Law Library collection. The UNL Libraries and Schmid Law Library community user card for College of Law alumni is free and has a five-year expiration date that is renewable. Nebraska Law alumni can register for a library card at the Schmid Law Library Circulation Desk.

Schmid Law Library takes pride in serving the Nebraska Law College students, faculty, Law College alumni and our Nebraska legal community. With a print collection of over 400,000 volumes, as well as a robust collection of legal databases and professional staff to assist users, the Schmid Law Library can help you find the information you need. ■



Profile

After 34 Years, Gardner Finds Congeniality, Stability, Students Make Nebraska Law Incredibly Fulfilling Place to Teach, Research

By *Emily Rose*, '12



Martin R. Gardner

This is one of a series of articles about longtime members of the College of Law faculty. Past issues of the TRANSCRIPT have featured articles on professors Richard Harnsberger, Josephine Potuto and Alan Frank.

As Professor Marty Gardner looks back on his 34 year career at Nebraska Law the saying, “There is No Place Like Nebraska” seems appropriate.

Gardner received his J.D. in 1972 from the University of Utah College of Law where he served as associate comments editor for the *Utah Law Review*. Becoming a professor had always been a dream of Gardner’s, and a desire to teach became a motivating factor in his pursuit of a law degree. “I was always interested in academia and found college exciting,” Gardner recalled. “There were several professors whom I respected, and I looked at their lives and thought that would be great for me.”

“Being a lawyer is a lifelong endeavor. In law school we plant the seeds for a lifetime of learning and growing.”

“The students over the years have been good, hardworking, sensible people who care about each other.”



Gardner began his teaching career at Indiana University School of Law in 1972. From there he moved to the University of Alabama School of Law from 1973 to 1977. During the 1975-1976 academic year, he was a fellow in law and humanities at Harvard University. Taking the experience gained from his fellowship and previous teaching jobs, Gardner came to the College of Law in 1977. To Gardner, Nebraska was a desirable place to continue his academic career because, among other reasons, it was closer to his hometown of Salt Lake City, Utah.

During Gardner's tenure at Nebraska Law he has primarily focused on Criminal Law, Criminal Procedure, Juvenile Law and Family Law. Gardner believes that his philosophy major as an undergrad led him to become interested in the issues surrounding Criminal Law. "I have always been interested in questions of responsibility, personal accountability and culpability," said Gardner. "Criminal law is where those issues reside." Gardner added that he began teaching Juvenile Law to meet the needs of the Law College, but it has proven to be an enjoyable course to teach and a natural extension of his interest in Criminal Law.

Gardner, who received the College of Law Alumni Distinguished Faculty Award in 2009, explained that one of the most rewarding aspects of being a professor at Nebraska Law has been working with students. Although he finds the work fun, Gardner ultimately strives to instill in his students an understanding of the law's importance and how it can have a real

effect in the world. "This business is serious, fascinating and fun," he said. "What we teach is important because it affects the lives of everyone in very significant ways, and students should develop a sense of that." Gardner also enjoys watching students learn and develop in the classroom, as well as go out into the world and become prominent lawyers in their communities. As Gardner sees it, "Being a lawyer is a lifelong endeavor. In law school we plant the seeds for a lifetime of learning and growing."

Many of the students Gardner teaches are here as a direct result of Gardner's efforts at recruiting students from his home state of Utah to come to Nebraska Law and trying to assure that their experiences at the Law College are fulfilling once they get here.

Although much has changed since Gardner came to Nebraska Law in 1977, he appreciates that several aspects of the school have remained constant, including the congenial, collaborative atmosphere. Another constant is that while the student body changes from year to year, the overall attitudes of the students remain the same. "The students over the years have been good, hardworking, sensible people who care about each other," said Gardner. He also values that the faculty at Nebraska Law has been remarkably stable. "Almost all of the faculty have had the chance to go other places and have chosen to stay," he remarked. "They find Nebraska to be an incredibly fulfilling place to teach and live, as do I." ■

Recent Scholarship & Activities

Class of 2011 Celebrates Commencement, Family Traditions



Sara Kohen hooded by Professors Sandi Zellmer and Richard Moberly



Benjamin Kramer with Dale C. Tintzman, '47, and Bryan Joshua White, '99



Abby Henes Meyer with Bruce W. Warren, '75



Kathryn Hoyme



Dean Susan Poser, Justice Clarence Thomas



Robert Sherrets with James D. Sherrets, '78

Hey, Class of 2011! We need your help!

The Career Services Office is collecting employment data for reporting purposes. Please log into your ROSCOE account & complete the Class of 2011 Employment Survey today.



Beth Evans hooded by Professors Sandi Zellmer and Richard Moberly



Adam O'Rourke with Brock D. Wurl, '10, and Mrs. James O'Rourke representing the late James M. O'Rourke, '80



David Wilson, Jr. with David Wilson, Sr., '79



Omaid Zabih



Andrew J. Conroy with Anastasia Trout Conroy, '05, and Kimberly Conroy, '86



Samantha Pelster with Eric J. Pollart, '96

Around the College

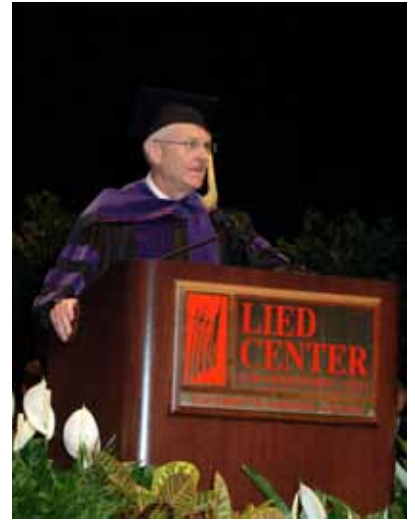
Recent Scholarship & Activities



Jordan Glaser



Justice Thomas congratulating Captain John William Hodges, Jr.



Chief Justice of the Nebraska Supreme Court, Mike Heavican, '75



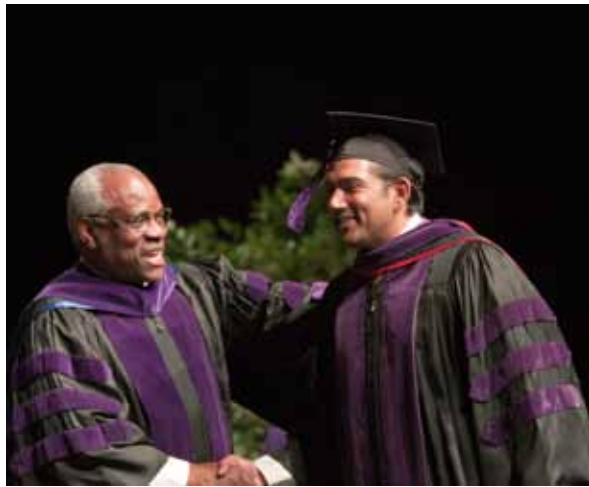
Kara Ronnau



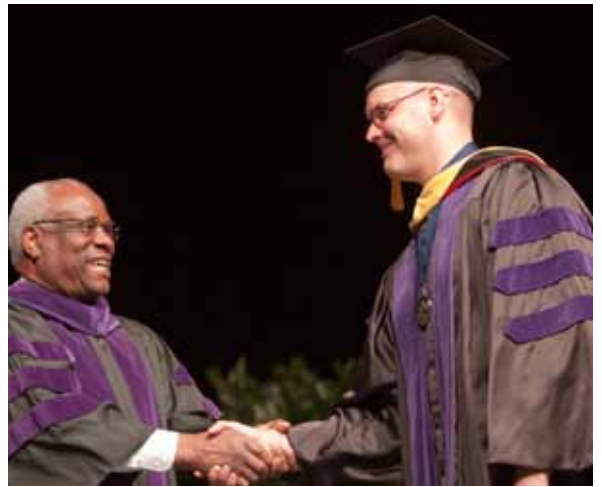
Class President Rachael McCall Becker addresses her classmates



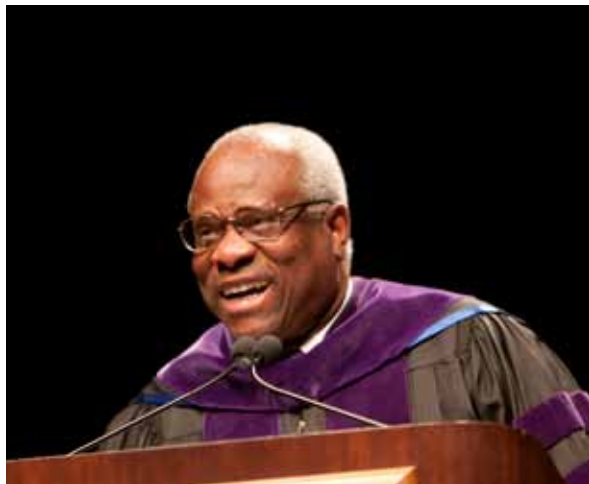
Matthew Watson, with Kit Watson representing the late George Watson, '75



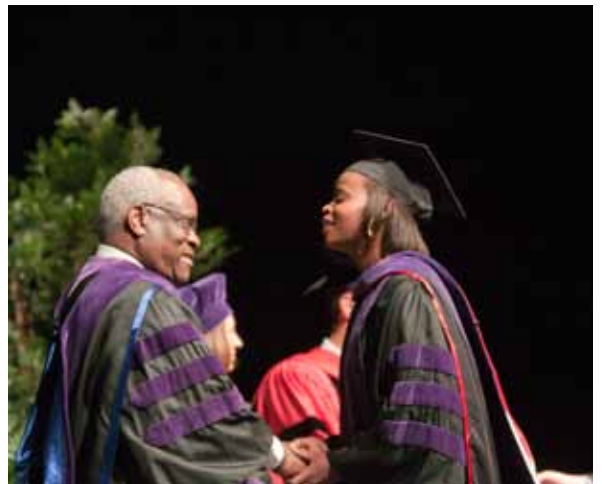
Justice Clarence Thomas congratulating Vinod Iyer



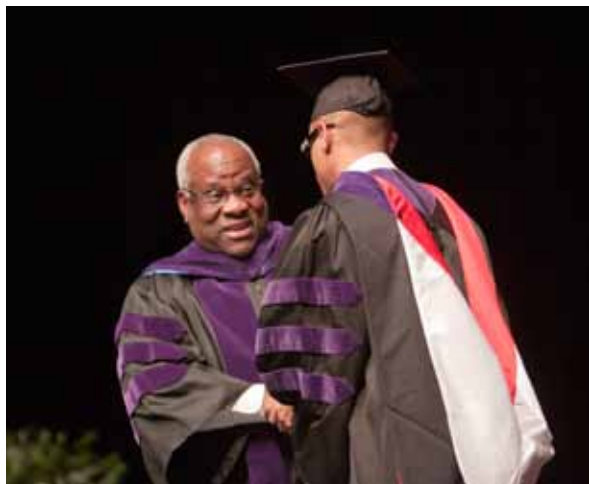
Justice Clarence Thomas congratulating Erik Mudrinich, LL.M.



Justice Thomas addresses the Class of 2011



Justice Clarence Thomas congratulating Laiya Yasmeen Wells



Justice Thomas congratulating Ean Garrett



Justice Clarence Thomas congratulating Rachael McCall Becker

Recent Scholarship & Activities

ACLU President Susan Herman Delivers Lane Lecture

Susan Herman, president of the American Civil Liberties Union (ACLU), presented a lecture at Nebraska Law entitled, “How the Bush/Obama War on Terror Threatens Ordinary Americans, Constitutional Rights, and Democracy” as part of the Winthrop & Frances Lane Foundation Lecture Series.



Susan Herman

Herman received her J.D. from New York University School of Law and served as a *pro se* law clerk for the United States Court of Appeals for the Second Circuit as well as staff attorney and associate director of Prisoners’ Legal Services of New York. Before assuming her role as president of the ACLU in October 2008, Herman served as a member of the ACLU Board of Directors, Executive Committee and as its general counsel. In addition to her extensive duties at the ACLU, Herman serves as a centennial professor of law at Brooklyn Law School, teaching courses in Criminal Law and Procedure and in Constitutional Law, as well as seminars involving Law and Literature, Terrorism, and Civil Liberties.

Herman is also known as an accomplished author on topics involving constitutional and criminal procedure. Herman’s recent publications include, *Terrorism, Government, and Law: National Authority and Local Autonomy in the War on Terror* (Praeger Security International, 2008) as well as *The Right to a Speedy and Public Trial* (Praeger, 2006). Her lecture at Nebraska Law primarily focused on issues that are prevalent in Herman’s most recent book, *Taking Liberties: The War on Terror and the Erosion of American Democracy* (Oxford University Press, 2011) including the ways in which criminal and constitutional laws have changed since 9/11. ■



ACLU Visits College To Discuss Fremont Ordinance

In June 2010, voters in the city of Fremont, Neb., approved an ordinance that would ban harboring, employing and renting to illegal immigrants. The ordinance is made up of two portions, one on housing and the other on employment. The employment portion requires employers to use e-verify to see if the person is permitted to work in the United States. The housing portion requires all renters to purchase a permit from the police station every time they move into a new residence.

The ordinance is one of several attempts nationwide to combat illegal immigration. Other cities have been largely unsuccessful in implementing such provisions and efforts to do so have frequently resulted in legal action. Last spring, Michelle Sitorious and Alan Peterson, two attorneys on the case for the plaintiffs, spoke at Nebraska Law. Peterson is a member of the board of the ACLU and a cooperating attorney. Sitorious is an attorney at Cline Williams who got involved with the case last year.

Peterson argued that the ordinance violates the Supremacy Clause’s preemption doctrine. “We will prove that the ordinance is trying to discourage immigration, legal or illegal. I had some doubts, but having looked into it further, I became convinced and remained convinced that this is a highly discriminatory law,” he said. Sitorious talked about the first hurdle, finding a plaintiff. Although the ACLU was receiving many calls from people offering themselves as plaintiffs, the climate in Fremont caused fear among some. “The ACLU received inappropriate calls, and the citizens there, many of them Hispanic, received comments from people in the community. It made people nervous enough to not want to be plaintiffs,” Sitorious said. In the end, this first step was achieved.

Peterson and Sitorious talked about the various legal issues the ordinance raises. One cause of action alleges that Fremont lacks the authority to legislate in this area as a first class city without a city charter. Fremont is incorporated, but the city has either lost the charter or did not obtain one. Their primary argument, however, is preemption. “The federal government has already legislated in this area, and having a state or community come up with their own definitions defeats the purpose of federalism,” Sitorious maintained. The plaintiffs assert claims under the Fair Housing Act, the Equal Protection Clause and the Due Process Clause. Because the ordinance has not gone into effect due to the pending legislation, Sitorious said the plaintiffs will have to show discriminatory intent. ■

Judge Bennett Speaks on Court Innovation, Implicit Bias in Jury Selection

By Catherine Cano, '12

The Honorable Mark Bennett visited Nebraska Law in February 2011 as the Sam J. and Khaldie Millie Sadden jurist-in-residence. Judge Bennett currently serves as a United States District Court judge for the Northern District of Iowa. He graduated from Drake University Law School and worked in private practice for several years focusing on employment law. Bennett's connection with Nebraska Law started with Professor Steven Willborn. The two met through an alumnus of the College, and Bennett agreed to teach an Employment Law course with Willborn. Although Judge Bennett no longer teaches at the College of Law, the self-proclaimed Nebraska Law fan had kind words for both the students and professors, "I'm so impressed with the quality of the students: how smart, hardworking and, although it is corny, how nice they are. The faculty is terrific. They are very teaching-oriented and interested in their students."

During his visit, Bennett had a full schedule, including lecturing in the Legal Control of Discrimination, Mediation and Evidence/Trial Advocacy classes. Bennett's lectures raised interesting legal issues, such as implicit bias and preemptive strikes, a subject on which he was recently published. The article, "Unraveling the Gordian Knot of Implicit Bias in Jury Selection: The Problems of Judge-Dominated *Voir Dire*, the Failed Promise of *Batson*, and Proposed Solutions," examines implicit biases and the underlying attitudes toward different groups and the role they play in the legal process.

While most people believe they view all people without discrimination, there is still a tendency to prefer some groups over others. As homework for Legal Control of Discrimination, Willborn asked students to complete an online test designed to detect implicit biases. The website allows users to choose from a variety of groups and determines internal attitudes toward these groups by calculating the response times between images and words. In Legal Control of Discrimination, Bennett talked about the difficulty of jury selection when these implicit biases are considered. His article poses suggestions for juror question-

ing and methods to ferret out implicit biases.

Bennett also spoke with THE NEBRASKA TRANSCRIPT this summer. During this interview, he revealed his passion for the law, his work and his family. He admitted coming into work around 4:00 a.m. most days and working upwards of 80 hours each week. In addition to his own docket, Bennett has been helping out in other jurisdictions, like Arizona, where the death of a judge has left extra work. Despite his tireless work ethic, Bennett is a supportive husband and father.

He is on the forefront of innovations in the courtroom, "There is a trend away from litigation, and there are a lot of good reasons why. The judiciary has not done a good job with innovations to make the process quicker and less expensive," he maintained. Bennett blames the lack of innovation for the reduction in litigated cases, a phenomenon that has been called "the vanishing trial." He expressed great faith and respect for the jury system.

During the interview, Bennett offered advice for both students and alumni in this tough legal climate, "For those without a job, stay optimistic and persistent. Think outside your comfort zone, like a smaller community. Get a job, do it well, and then you can move around." ■



Save the Date!

International Law Students Association
Networking Event

Thursday, Feb. 12 at 5:00 p.m.

Location TBA

Make connections with students & alumni interested in international law, international trade, national security, immigration and government.

For more information, contact
Tasha Everman, teverman2@unl.edu

Recent Scholarship & Activities

Nebraska Law Hosts ABA Student Division's Eighth Circuit Spring Leadership Meeting

By Catherine Cano, '12

The College of Law hosted the Spring Leadership Meeting of the ABA Law Student Division Eighth Circuit on February 26, 2011. The Eighth Circuit of the ABA Law Student Division consists of 13 ABA-accredited law schools in Nebraska, Iowa, Missouri, Minnesota, North Dakota and South Dakota. The ABA Law Student Division is a powerful tool for law students, providing them with career education, helping them develop professional networks with attorneys and other law students and assisting them with resume development.

Adam Little, the executive lieutenant governor for the Eighth Circuit spoke to THE NEBRASKA TRANSCRIPT about the event. "This was a wonderful opportunity for Nebraska Law to showcase our recently remodeled facilities and provide excellent programming from the Law College faculty and other legal professionals from the area. The conference was focused around a variety of programs and panel discussions designed to develop valuable skills outside of the classroom, as well as inform students about legal opportunities. This was also an excellent opportunity for student leaders from across the circuit to engage in roundtable discussions on problems, ideas and other issues at their own schools and to develop innovative ideas to take back with them. Finally the Spring Meeting is an important function of the Law Student Division because this is when leaders from all 13 schools elect the Eighth Circuit governor for the 2011-2012 year."

Eighth Circuit chief judge William Jay Riley, '72, delivered the conference's keynote. President George W. Bush appointed Riley to the Eighth Circuit in 2001. Riley talked about his path to the bench and the importance of flexibility, "At the ripe old

age of 54, I had to start over in a career that I knew nearly nothing about, and I often thought, why did I do this?

But it is much easier now, and I am much more efficient." He stressed that lawyers should be flexible and open-minded about their careers, "When I graduated from the Law College, I knew there were two things I didn't want to be: a tax lawyer or a trial lawyer. I ended up being a trial lawyer for 28 years."

In addition to flexibility, Riley talked about preparation and professionalism. "Part of the process of becoming a federal judge is that everyone in the world investigates you: the FBI, the Justice Department, special interest groups, the ABA, the senate, etc. They all look for dirt on you," he said. During his interview, President Bush asked if there was anything that Riley had ever said or done that would embarrass him or the president of the United States. "How would you answer that?" Riley asked the audience. "You're going to be developing your reputation and setting forth in your career. You need to be established in your reputation for honest and integrity. Every one of you will have an opportunity when someone will review your honesty and integrity. I hope you keep that in the back of your mind as you set forth in your career." Riley's answer to the president's question was honest, "I told him that there are probably a lot of things that would embarrass me, but nothing that would embarrass the president of the United States." ■



Adam Little

“Futurama” Writer Patric Verrone Talks About Internet Policy’s Effect on Creativity

By *Emily Rose*, '12

Nebraska Law’s Space, Cyber, and Telecommunications Law Program hosted a lecture by Patric Verrone, writer and executive producer of the animated series “Futurama.” Verrone was president of the Writers Guild of America, West during the 2007 - 2008 strikes, which helped determine writers’ share of revenues from online distribution. He also led the Guild’s work on policy issues involving net neu-



Patric Verrone

trality. Verrone received his J.D. from Boston College Law School in 1984 and practiced law in Florida and California before becoming a television writer.

His lecture entitled, “Anti-Social Media: The Conglomeration of Hollywood,” primarily focused on the topic of how Internet policy will affect the future of Hollywood, movies, and creativity in general. Overall, Verrone says there are two things he has learned throughout his career, “Write what you know, and nobody knows anything.” ■

Spiderman Raises Funds for Public Interest Internship Program

Each spring, the Nebraska Fund for Clerkships in the Public Interest raises money to support students interested in summer internships for public interest organizations. For a week, students, faculty and staff vote with their dollars for the faculty member or administrator they would like to see in costume for a day. This year’s “winner” was Professor Eric Berger, who took the role of Spiderman quite seriously! ■



Professor Eric Berger as Spiderman

Mel Shinn Day



Professor Sandi Zellmer organized the women faculty members to participate in the 5K Run/Walk for 2011 Mel Shinn Day. ■

Recent Scholarship & Activities

Nebraska Law Competitions Give Students Opportunity To Practice Valuable ‘Real World’ Lawyering Skills

By Catherine Cano, '12

Nebraska Law students participate in a slew of competitions each year, ranging from Moot Court to Client Counseling. THE NEBRASKA TRANSCRIPT sat down with the faculty sponsors of these teams, student participants and former competitors to find out what these competitions entail and why so many are willing to give up their time to participate.

Personally, I have had great experiences with competitions; I have participated in both the Allen and Grether moot court competitions, the Mediation Representation Competition and, this year, I will be a part of Nebraska Law’s Arbitration and Moot Court teams. From my experiences, I have gained confidence, something that is essential in the practice of law. It is one thing to get an A or a B in a law school course, and quite another to translate that knowledge into practical skills. It is terrifying to think about writing your first brief or arguing in front of real judges. Even participating in competitions can be terrifying. But, through competing, not only have I had the chance to practice “real world” lawyering skills, but I also have received valuable feedback from the legal community, both locally and nationally.

Currently Nebraska Law has several school competitions: Animal Law Closing Arguments, Grether Moot Court, Allen Moot Court, Mediation Representation, Trial Team and Client Counseling.

Animal Law

The faculty sponsor for the Animal Law Closing Argument Competition is Stefanie Pearlman. Pearlman holds a competition at the College, with a panel of judges from the local legal professional community. The two students with the highest scores are selected to travel to the national competition.



Wesland Wright, '13 (second from left)

Nebraska Law has participated in the National Animal Law Competition for several years and specifically in the Closing Argument Competition for almost ten years. During this time, students representing the College have done very well. Thus far, there have been two finalists and one winner from Nebraska Law, including Wesland Wright, who was one of four finalists last year.

Pearlman believes that this competition has a lot to offer students, “This is a valuable experience because there aren’t any formal animal law classes at Nebraska Law. For students who are interested in animal law, it is an opportunity to learn and, for those who make it to nationals, an opportunity to meet people involved in the field all over the nation.” In addition to the unique opportunity this competition presents, it also requires less of a time commitment than some of the other competitions. “You argue for between 10 and 20 minutes, and anyone can participate without sacrificing much time. Students still need to prepare and polish their arguments but not as much as some of the other activities,” Pearlman said.

The Animal Law Competition also gives students the chance to practice and sharpen their litigation skills, regardless of their specific interest in animal law. Pearlman went on to

Around the College

“Participation in a moot court competition is a great experience overall, because of all the real legal skills you have to bring to bear on your problem. Research, advocacy, writing, citations and the ability to respond quickly and effectively to a judge’s question regarding a potential weakness in your case are all important skills in this competition.”



Christine Baughman and Audrey Johnson

stress the importance of skills in this context, “A lot of faculty members incorporate skills into their classes, but in terms of teaching pure lawyering skills, the competitions and clinic are some of the best experiences. Classes teach you how to think like a lawyer, but these teach you how to act like a lawyer.”

“The Law College consistently has great success with Client Counseling, winning 12 regional championships, three national championships, and one international championship in 38 years of competing.”

Client Counseling

Nebraska Law offers two Client Counseling Competitions: one for first year students and one for upper class students. The first year competition is designed to give 1Ls an opportunity to experience this skill. The upper class competition determines which teams will advance to regionals. Each team consists of two students who are given up to 45 minutes to interview a potential client (played by an actor) and talk the problem over in front of the judges. Typically the judging panel is made up of two lawyers and one person with a background in counseling. The teams are scored and the top two teams in the school advance to the regional competition.

The Law College consistently has great success with Client Counseling, winning 12 regional championships, three national championships, and one international championship in 38 years of competing. The College of Law was the national winner in the first year it competed in 1975. Professors Craig Lawson and Alan Frank coach the teams. Lawson credits the teams’ success to the structure in place at Nebraska Law, “The competition we put them through here is exactly like the one the winners will experience at regionals. To win at regionals, the students have up to five interviews in one day. Our teams have been through that exact thing.” In addition to the intense school competition, the students go through several practice rounds. Lawson also believes the coaching style he and Frank utilize is important. “We bend over backwards to watch them and polish their skills but not monkey with their style. They won at the school level, so they are very good. We try to see their strengths instead of trying to mold them into our idea of an ideal team.”

Lawson also spoke about why this skill is important, “I think this is one of the most basic skills. Much of your live human time as a lawyer will probably be counseling clients. Litigators work with people on the stand and in the law office, and non-litigators also work with clients. It has translated well to practice. At the reunions we have held over the years with the teams that have won the Law College competition, they repeatedly say it really helps, because knowing how to ask a question and how to relate to clients is an art.”

Last year the College of Law was represented at regionals by Christine Baughman, '12, and Audrey Johnson, and Rachael Becker, '11, and Yasmeen Wells, '11. Baughman and Johnson won the regional competition and advanced to the nationals. Baughman and Johnson both spoke highly of the experience. Baughman said, "Competing in the Client Counseling competitions has helped me to think under pressure quickly and effectively. The experience I have gained from winning the intraschool and regional competitions, and competing in the national competition has benefited me immensely in both academic and work settings. I am confident I can handle almost any client or legal situation I may encounter."

Moot Court

Nebraska Law holds two appellate advocacy moot court competitions each year, the Henry M. Grether Competition and the Thomas Stinson Allen Competition. Students form teams of two and divide two issues between them. In Grether, students are only required to give an oral argument. While they make their arguments to the panel of judges, the judges ask questions and pose counter-arguments. The Nebraska Moot Court Board recruits members of the practicing bar from the local legal community to judge these competitions, which take place over several days, with teams eliminated at every round. In the final round, the teams argue before three Nebraska Court of Appeals judges. In the fall of 2010, Chief Justice Everett O. Inbody, '67, Judge Richard D. Sievers, '72, and Judge William B. Cassel, '79, made up the panel. Judges Inbody, Sievers and Cassel all competed in moot court competitions during law school, and enjoy taking part in the tradition. Sievers has participated in judging Nebraska Law's competition for 17 years, Inbody for 12 years and Cassel for 6 years. They believe that it is important to participate in educating future lawyers and that this is a great way to do it. Grether's 2010 winners

"Mediation teaches different skills than any other competition. The students learn collaborative and problem solving skills that none of the other competitions teach. Students need to understand that most cases don't go to appellate argument."

were Adam Little and Zach Blackman. The other team in the finals consisted of David Lopez and Ryan Post.

The Allen Competition requires the teams to write a brief in addition to making oral arguments. The structure is the same, but the brief score is factored into the team's score at each round. The finalists argue before a panel of judges from the Nebraska Supreme Court. The Allen Competition also helps to determine the College's National Moot Court teams that compete in the regionals. The 2011 Allen winners were Catherine Cano and David Lopez. Adam Little and Zach Blackman were also finalists. In addition to the oral argument portion, Cano and Lopez won Best Brief and Lopez won Best Oral Advocate.

Lopez felt the other student competitors pushed him to do his best work, "Throughout the competition, we knew we needed to prepare particularly well, down to the last detail, because we understood how dedicated all of our competitors were in arguing the problem. In the end, it was a distinct honor not only to argue before the Supreme Court but to win, especially because of the skill and talent of the rest of our competitors." Lopez also spoke about the level of skill needed to succeed, "Participation in a moot court competition is a great experience overall, because of all the real legal skills you have to bring to bear on your problem. Research, advocacy, writing, citations and the ability to respond quickly and effectively to a judge's question regarding a potential weakness in your case are all important skills in this competition."

Professor William Lyons coaches the National Moot Court teams. This year's teams are: (1) Laura Gonnerman, Zach Blackman and Catherine Cano; (2) David Lopez, Adam Little and Darya Pulciani. The teams will travel to the regional competition in November. Lyons spoke about the importance and value of moot court, "An attorney must be able to communicate with a broad range of audiences both orally and in writing. Although not every attorney will handle appellate matters, appellate moot court programs offer a wonderful opportunity to sharpen both types of communications skills. Writing the briefs in such programs forces students to analyze complex legal problems and develop clear and complete arguments. The oral argument component of such programs helps students to learn how to present a complex argument in a manner accessible to the audience (the judicial panel). The conversation between the judicial panel and the student during oral argument helps to build confidence in presenting legal positions, whether to a court or to a client or to opposing counsel."

Student competitors also feel that moot court is a valuable experience. Blackman said, "The Allen Moot Court Competi-

tion was an amazing experience. I thoroughly enjoyed getting an opportunity to take an issue, research both sides, write a brief, and argue both sides in front of different panels of judges. It was also extremely rewarding to argue in front of the Nebraska Supreme Court.”

Mediation/Arbitration

The two newest competitions at Nebraska Law are the Representation in Mediation and Arbitration competitions. In the Mediation Representation Competition, teams of two students take turns playing the role of the client and the attorney. While a mediator is present, the students are expected to control the mediation for the most part. Professor Kristen Blankley coordinates the school competition and coaches the College of Law’s teams. Blankley traveled with the top two teams to Houston to compete in the regional competition. The student teams were Zach Blackman and Adam Little, and Robbie Seybert and Catherine Cano. Blackman and Little came in second in Nebraska Law’s first appearance at the regionals.

Blankley believes that the mediation competition is unique, “Mediation teaches different skills than any other competition. The students learn collaborative and problem solving skills that none of the other competitions teach. Students need to understand that most cases don’t go to appellate argument.” Blankley went on to recognize that these skills translate to many practice areas.

Blackman felt that he gained valuable skills from this competition, “The Representation in Mediation Competition was a fun and interesting challenge because I had no experience in mediation whatsoever. Luckily, the skills that I had gained through Grether, Allen and Client Counseling created a base from which I could develop specific mediation skills.”

Seybert also feels that this competition helped him. “The Mediation Competition brought out skills that I didn’t know I had and really gave me a small taste of what I will encounter in the legal field. Even though it took a large amount of time, I am so happy that I participated because not only was I able to represent Nebraska Law on a regional level, but I was able to develop practical skills that will help me in the future.”

Blankley was thrilled with what the Law College’s teams were able to accomplish in its first year of competing. “I was very proud of both teams for competing against schools with longer histories. We gained a lot of respect by making an appearance at the finals.”

Nebraska Law will participate in the Arbitration Competition for the first time ever this year. The competition is structured similarly to Trial Advocacy class. Students form teams of four – two attorneys and two witnesses. Each attorney will do the opening or

closing, one direct examination and one cross-examination. Each team is given one hour to present its side. The teams can switch roles between rounds, but are not required to do so.

Blankley is unable to coach this competition, as she sits on the ABA Law School Division subcommittee that runs the national arbitration competition. However, she has arranged for Professor Allen Overcash, ’87, to coach the teams. Students on Nebraska Law’s arbitration teams are Catherine Cano, ’12, Robbie Seybert, ’12, Adam Little, ’12, Zack Blackman, ’12, Emily Haas, ’12, Ann Langemeier, ’12, David Bresel, ’13, and Ally Peetz, ’13.

Trial Team

Through the Trial Team, the College of Law provides students with an opportunity learn litigation skills at the trial level. The method of selecting the trial teams has varied over the years. In December, the case file is distributed to the teams. The files rotate between civil and criminal. The students must be prepared to try both sides, because at regionals they find out which side they represent. The students are given 15 minutes of preparation time with their witnesses and then proceed to trial. It is structured like a real trial, shrunk to fit into a three-hour time slot. Each side gives opening statements, both sides are required to call two witnesses and to cross-examine two witnesses and there are exhibits with which to work. Pat Knapp, who has coached the trial team for the past two years, says that students love it. “They get to polish their trial advocacy skills. It is very creative, because there are so many ways to try a case,” she said.

The skills based competitions at Nebraska Law offer students a unique opportunity. Competitors get to “practice” law in a way that they cannot in regular courses, and they get to do so in areas beyond litigation. Several competitions give students a chance to compete beyond the confines of the Law College in regional, national and even international competitions. As a student who has been lucky enough to travel to other cities representing Nebraska Law, I can say what a great experience it is. Although it takes a lot of time and energy, participating has easily been my best experience in law school. You learn a great deal from the judges and from the students you compete with and against. Nebraska Law students have been fortunate in having faculty to coach and travel with students, as well as funding from the administration to send students to out-of-town competitions. A common thread in the skills-based competitions is support – from the faculty, the alumni and the legal community. Without their help these competitions simply would not be possible. ■

Around the College

Recent Scholarship & Activities

2011-2012 Student Accolades

Graduation with Highest Distinction

Sara Baker	Sara Kohen
Andrew Conroy	David Solheim
Jonathan Gardner	

Graduation with High Distinction

Landon Friesen	Mark Richardson
Grant Maynard	Jacob Stout
Christopher Reid	Robert Truhe
Austin Relph	

Graduation with Distinction

Laura Arp	Benjamin Kramer
Stephanie Beran	Mark Langan II
Lisa Boespflug	Jeffrey Meese
Ashley Bohnet	Brent Mehling
Jason Broekemeier	Matthew Meyerle
Kelsey Carlson	Jessica Miller
Jessica Clark	Mark Nelson
Meagan Deichert	Michael Parman
Joshua Dethlefsen	James Ramey
Timothy Ertz	Kara Ronnau
Minja Fejzic	Audrey Rowley
Jordan Glaser	Scott Schroetlin
Lindee Grabouski	Corey Wasserburger
Brandie Hinkle	David Wilson
Kathryn Hoyme	Joshua Wunderlich
Kristen Koch	Omaid Zabih

Order of the Coif

Sara Baker	Austin Relph
Andrew Conroy	Mark Richardson
Jonathan Gardner	David Solheim
Landon Friesen	Sara Kohen

Grant Maynard	Robert Truhe
Christopher Reid	David Wilson
Jacob Stout	

Order of the Barrister

Laura Arp	Austin Relph
Jessica Clark	David Ullrich
Jonathan Gardner	Corey Wasserburger
Thomas Grover	Laiya Wells
Mark Langan II	

Guy Cleveland Chambers Award for Academic Excellence

Top graduating students

Andrew Conroy	David Solheim
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Outstanding Academic Achievement Award

Top grades in their class

Landon Friesen, '11	Eric Hamilton, '13
Mark Grimes, '13	Benjamin Williams, '12

Theodore C. Sorensen Fellowship

Benjamin Williams, '12

Professor Arthur Bruce Winter Constitutional Law Scholar Award

For excellence in Constitutional Law I

Lori Hoetger, '13

Credit Advisors Foundation Award

Excellent lawyering skills in civil clinic

Christine Baughman, '12	Austin Relph, '11
Jordan Glaser, '11	Joshua Wunderlich, '11
Audrey Johnson, '12	

Pat Gies Memorial Award

Outstanding Civil Clinic student

Omaid Zabih, '11

Academy of Trial Attorneys Award

Outstanding Criminal Clinic student

David Solheim, '11

American Board of Trial Advocates Award

David Solheim, '11

Robert G. Simmons Nebraska Law Practice Award

Sara Kohen, '11 Coady Pruett, '10

American Bankruptcy Institute Award Medal of Excellence

Joseph Ehrich, '12

Silver Quill Award

Excellence in Legal Research & Writing

Shannon Kelly, '13

Gross & Welch Best Brief Award

Best brief in Legal Research & Writing

Christina Neely, '13 Heather Williams, '13

McGrath North Mullin & Kratz Legal Writing Award

Kelli Ceraolo, '13 Alexis Kramer, '13
Ariel Johnson, '13 Tyler Spahn, '13
Chad Kamler, '13 Heather Williams, '13
Shannon Kelly, '13

National Moot Court Team

Laura Arp, '11 Austin Relph, '11
Jonathan Gardner, '11 Corey Wasserburger, '11
Thomas Grover, '11 Laiya Wells, '11

Thomas Stinson Allen Moot Court Competition – 1st place

Catherine Cano, '12 David Lopez, '12

Thomas Stinson Allen Moot Court Competition – best brief

Catherine Cano, '12 David Lopez, '12

Roscoe Pound Award

Best oral advocate in Thomas Stinson Allen Moot Court Competition

David Lopez, '12

Grether Moot Court Competition – first place

Zachary Blackman, '12 Adam Little, '12

Grether Moot Court Competition Best Oral Advocate

Adam Little, '12

Robert A. Cannon & Susan Jacobs Client Counseling Award

First-place team in Client Counseling Competition

Christine Baughman, '12 Audrey Johnson, '12

National Client Counseling Regional Champions

Christine Baughman, '12 Audrey Johnson, '12

First-Year Client Counseling Competition – First Place

Alexis Kramer, '13 Christina Neely, '13

National Trial Team

Jessica Clark, '11 Sarah Johnson, '11
Jonathan Gardner, '11 Michael Parman, '11
John Hodges, '11 Kara Ronnau, '11

Representation in Mediation Competition – First Place

Catherine Cano, '12 Robert Seybert, '12

Animal Law Closing Argument Competition – 1st Place

Wesland Wright, '12

Manfred Lachs Moot Court Team

Robert Bush, LL.M. '11 Luke Pelican, LL.M. '11
Jenifer Lamie, LL.M. '11

Pro Bono Initiative

Patrick Andrews, '11 Natalie Duden, '11
Rachael Becker, '11 Lindee Grabouski, '11
Megan Brunken, '11 Robert McEwen, '11

Recent Scholarship & Activities

New Student Organizations Cater to the Diverse Interests of Nebraska Law Students

By Emily Rose, '12



Jonathan Gardner

Students with an interest in Intellectual Property (IP) law, one of the most highly demanded and fastest growing fields of legal study, have a new student organization at Nebraska Law in which to explore these interests further. The **Student Intellectual Property Law Association (SIPLA)** was formed by Nebraska Law students Jonathan Gardner, '11 and Khanh Tran, '12 with the goal of enhancing the opportunities available to learn about and pursue IP Law. They envisioned SIPLA as a gateway to IP Law for Nebraska Law students. "SIPLA enriches the law school community and experience by introducing students to patent,



Chuck Willbrand

copyright and trademark law, areas that many students may be unfamiliar with before attending law school," said Gardner. "SIPLA was formed to increase the ability of students to learn about and enter the exciting field of Intellectual Property."

In its first year as an organization, SIPLA collaborated with

NUtech Ventures and Nebraska Law Career Services to open up summer externship opportunities to students. SIPLA also hosted a lecture from Matt Poulsen, '10, an associate attorney at an IP firm, who discussed the various career paths in IP law, ways in which to maximize opportunities for employment and the differences and similarities between IP and traditional legal careers. SIPLA believes that in hosting IP events and speakers students will become aware of real life issues involved in the field as well as take advantage of networking opportunities. "For those who decide to pursue a career in intellectual property, we hope SIPLA becomes a means for them to interact with the intellectual property community and establish connections that will benefit them for years to come," said Gardner. "We hope to one day work with other intellectual property student groups across the nation to promote IP law and careers nationwide."

SIPLA also encourages Nebraska Law to continue to support and offer courses in IP. Due to high student interest and the importance of having IP available for students, Dean Susan Poser identified hiring an IP professional to the faculty as a top priority for Nebraska Law. Professor Christal Sheppard was hired as an assistant professor in May to teach Patent Law, International Intellectual Property Law and Remedies, Science and Law, and Legislation and Regulation.

Allies & Advocates for GLBT Equality is a student organization at the College of Law that was recently revived. It provides an outlet for students to become advocates for equal rights for gay, lesbian, bisexual and transgender individuals. Open to members of all sexual orientations and gender identities, Allies & Advocates' primary focus is to further GLBT equality by

raising awareness and educating others as to the legal issues affecting the gay community.

In order to educate students about the legal issues surrounding GLBT individuals living in Nebraska, Allies and Advocates hosted Amy Miller and Tyler Richard of ACLU Nebraska, who spoke about same-sex marriage rights and how Nebraska compares nationally. Specifically, Miller and Richard discussed the lack of co-parent adoption in Nebraska, the latest challenges to the Defense of Marriage Act and the lack of workplace protections for gays in Nebraska.

In an effort to further its goal of raising awareness as to GLBT issues, Allies & Advocates, partnering with the Lesbian, Gay, Bisexual, Transgender, Questioning and Allied (LGBTQA) Resource Center on City Campus, hosted and organized the inaugural year of the Prairie Pride Film Festival. The four-day festival was held at the Joyo Theatre and featured various films that illustrate LGBT issues including *A Marine Story*, which deals with the military's "don't ask, don't tell" policy on gay, lesbian and bisexual people serving in the armed forces, as well as *Out in the Silence*, which depicts the hardships faced by coming out as a gay individual in small town, rural America.

"One of our major goals is to get information and ideas out to people dealing with GLBT equality," said Elsbeth Magilton, social chair for Allies and Advocates. "In the law school community we could only reach a small segment of the Midwest population

and only those involved in the academic community. As Lincoln already had a strong support system for local arts and independent film, we believed an effective way to reach people in our community was through the power of cinema. We are very excited to bring in more films this year for the second annual Prairie Pride Film Festival."

Although the **Nebraska Entertain-**



ment and Sports Law Association (NESLA) is not a new student organization at Nebraska Law, it has a newly invigorated presence at the school. Chuck Wilbrand, president of NESLA during the 2010-2011 academic year, said that the organization was created to serve and represent a growing population of students with an interest in sports and entertainment law. "It is important for NESLA to

have a presence at the Law College because there is an obvious interest here," he said.

"One can look at the fact that Professor Dooling's entertainment law class has been increasing in class size each year. Entertainment and sports are a part of our lives and it is important to have an understanding of both."

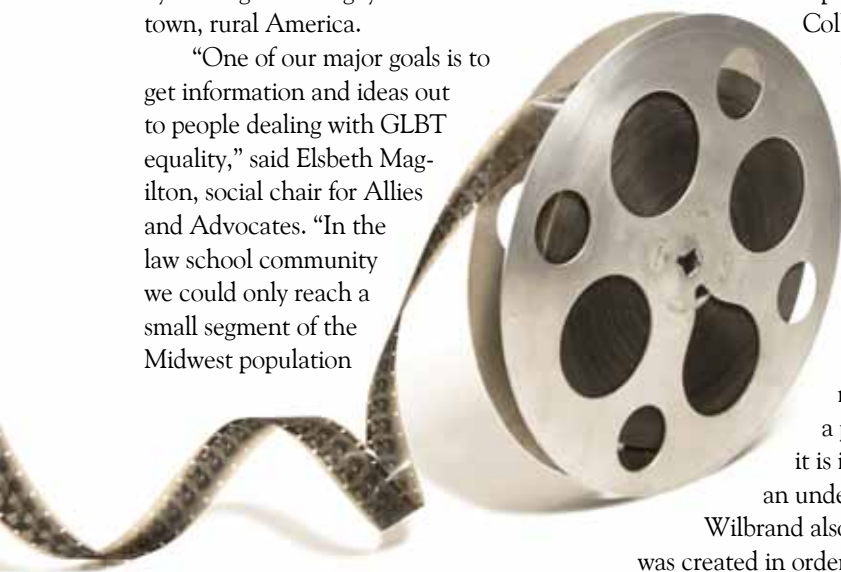
Wilbrand also said that NESLA was created in order to collaborate

with and learn from several Nebraska Law professors involved in the field. "It is beneficial to NESLA to utilize professors who play major roles in the industries," said Wilbrand. "For example, Professor Potuto has worked closely with the NCAA in enforcing NCAA bylaws. The resources are at the College of Law and it is important to have a group that can fully take advantage of those resources."

Wilbrand said that the main goals of NESLA are to expose and educate students on the inner-workings of entertainment and sports law and to show students how a law degree can be successfully used in both industries. NESLA primarily accomplishes these goals by bringing in several Nebraska Law alumni who have pursued careers involving sports and entertainment law including Brandy Ingles, '06, who is serving as director of compliance for the Creighton University Athletic Department, as well as Patricia Ferree, '06, and Kalyn Doyle, '08, who both work at the University of Nebraska-Lincoln Athletic Department on compliance issues.

NESLA also hosted Amber Shavers, '07, who has worked in the entertainment industry in numerous capacities since graduation including stints as a social responsibility manager for White & Case LLP, and performing pro bono work for Volunteer Lawyers for the Arts. Shavers has also recently published a book entitled, *The Little Black Book of Music Law*, which takes a closer look at the stories behind several of the most compelling legal cases in the industry.

Wilbrand said that NESLA hopes to continue to build a foundation that will last and grow from year to year, "The group has already had successful members and we hope that more members will become successful and in turn, come back to share their experiences and show students different avenues of how to succeed in the sports and entertainment industries." ■



Recent Scholarship & Activities

Williston on Contracts Award



Robbie Seybert

Robbie Seybert, a third-year student at Nebraska Law, received the Williston on Contracts Award this summer at the International Delta Theta Phi Biennial Convention. The Williston on Contracts Award is Delta Theta Phi's most prestigious academic award and includes a 31-volume set of *Williston on Contracts* worth over \$3,000. Seybert is the dean of the Roscoe Pound Senate, Nebraska Law's Delta Theta Phi

chapter. He credits his interest in contracts to Professor Robert Denicola and his experience interning for both the Hyatt Corporation in Chicago and the Drew Law Firm in Blair, Neb.

Seybert and third-year student Emily Haas represented the Roscoe Pound Senate at the convention. The convention consisted of a series of leadership, networking and law related seminars. "We were able to see what other senates were doing to promote what being a Delt really means, which helped us to understand the organization's principles. During the day we worked hard, and in the evening we were able to engage in various social activities," Seybert recalled.

Delta Theta Phi is an academic fraternity, with 75 active student senates and over 130,000 alumni. Delta Theta Phi has had a presence at the College of Law since 1922. It is this foundation that Seybert hopes to build upon during the 2011-2012 year.

Traditionally, the Roscoe Pound Senate has attracted members through an outline drive and the big brother/big sister mentoring program. This year Seybert hopes to do more. "We want to engage in more philanthropic events this year. This year we are raising funds for local charities through various events, such as the Polar Plunge, and partnering with other organizations to give back to the community. We are also going to be doing more social activities, including a Halloween Party and Spring Formal," Seybert said.

Finally, Seybert wants to take advantage of the alumni

connections available to students through Delta Theta Phi. "We recognize the importance of networking with Delta Theta Phi alumni. Not only in what they can provide to students, but their ability to give knowledge and experience to current Delta Theta Phi members," Seybert said. To achieve this end, Seybert created a new leadership position, the master of alumni, held by third-year law student, Charity Bolling. All in all, Seybert is excited about the upcoming year and looks forward to see what Delta Theta Phi can do at Nebraska Law. ■

Morfeld Honored with Milo Mumgaard Young Leader Award



Adam Morfeld

Adam Morfeld, '12, was the inaugural recipient of the Milo Mumgaard Young Leader Award awarded by Nebraska Applesseed at the Good Apple Awards reception held September 22, 2011. Morfeld serves as the Executive Director and founder of Nebraskans for Civic Reform (NCR), a non-profit, non-partisan organization dedicated to voting rights protection and civic education reform.

NCR works to make Nebraska elections more accessible to youth, low-income and disabled citizens. It is also dedicated to strengthening and increasing civic education in K-12 and post-secondary schools across the state. Adam is currently working to create a stable future for the organization by establishing it as a non-profit organization and garnering financial support of paid staff. His work with NCR has thus far been on a purely volunteer basis driven by his passion and desire to see all Nebraskans engaged in our democracy. ■

Recent Scholarship & Activities

President Obama's Whistleblowing Dilemma

By Richard Moberly, Associate Dean for Faculty and Associate Professor of Law¹

Whistleblowers came to the forefront of public attention a decade ago following the meltdown of Enron and WorldCom. In 2002, *Time Magazine* named employees of those companies “Persons of the Year” for attempting to blow the whistle on the companies’ misconduct. Movies like “The Insider,” “Michael Clayton” and, more recently, “The Whistleblower,” have publicized whistleblowers who fight against corruption from within an organization. Perhaps, as a result, the public perception of whistleblowers has changed in the last decade, from viewing them as “traitors” and “snitches” to considering them “truth-tellers” and essential insiders who can help combat crime and corruption. Indeed, just last month, a national survey found that more than 40 states have strengthened whistleblower protections for state employees in the last five years as part of a “nonpartisan good government” attempt to protect “taxpayers’ pocketbooks.”²

Many expected President Obama to continue and even accelerate this trend toward increased protection and encouragement of whistleblowing. As a candidate, Obama stated that whistleblowers engaged in “acts of courage and patriotism [that] should be encouraged rather than stifled.” His platform included a call to protect whistleblowers and empower them as “watchdogs of wrongdoing and partners in performance.”



Richard Moberly

In several ways, Obama has lived up to these promises. The three most prominent pieces of Obama’s legislative agenda- the economic stimulus package, the financial reform bill and health care reform- all included provisions that enhanced whistleblower protections. Moreover, Obama’s appointments to key administrative positions in charge of whistleblower protection consistently have supported employee rights and have worked steadily to unravel the long-standing anti-whistleblower bias in those agencies.

However, the Obama administration’s record regarding employees who blow the whistle on misconduct related to national security has

been decidedly less emphatic and more nuanced. Indeed, the Obama administration has been accused of conducting a “war on whistleblowers,” because of its aggressive prosecution of unauthorized national security leaks, including its pursuit of the source of WikiLeaks documents. In fact, Obama’s administration has criminally prosecuted at least five “leakers,” more than all previous administrations combined.

For example, in September of this year, the Law College hosted as a speaker Thomas Drake, a former employee of the National Security Agency, whom both the Obama and Bush administrations pursued criminally for alleged disclosure of classified information to a reporter. Although Drake admitted

telling a reporter that the NSA mismanaged certain projects and wasted almost \$1 billion on a flawed surveillance system, he denied revealing any classified information. Initially, prosecutors charged Drake with violating the Espionage Act, typically a charge reserved for the treasonous act of giving secret information to an enemy and carrying a possible penalty of up to 35 years in jail. However, the Department of Justice ultimately dropped almost all of the charges. After five years of investigation, Drake pled guilty to a misdemeanor charge of “exceeding authorized use of a computer” and did not receive any fine or jail time.

The prosecution struck many observers as heavy-handed, particularly when the Department of Defense inspector general released a report substantiating Drake’s claims about mismanagement and waste of public funds. Moreover, the evidence that Drake possessed classified information was thin. Indeed, J. William Leonard, an official who was in charge of classifying information during the George W. Bush administration, recently filed a complaint against the National Security Agency for improperly classifying the document that formed the core of the government’s case against Drake, stating that he had “never seen a more deliberate and willful example of government officials improperly classifying a document.” Remarkably, the judge even excoriated the prosecutors for their handling of the case, saying that the prosecution was “unconscionable” and did not “pass the smell test.”

Additionally, the Obama administration has focused on journalists who revealed classified information. James Risen co-authored the *New York Times* article that exposed the Bush administration’s domestic wiretapping program and wrote a book, *State of War*, that described a failed government attempt to undermine Iran’s nuclear weapons program. Both the Bush and Obama administrations investigated the sources for Risen’s stories for years before Obama’s prosecutors finally attempted to force Risen to testify against a former government official charged with revealing national security information to Risen. Ultimately, a federal judge quashed the subpoena.

What can we make of President Obama’s seemingly contradictory approach to whistleblowers? His statements and actions generally have supported whistleblowers; yet when a government employee reveals information that may touch on national security – even if the information reveals government

mismanagement, gross waste of public funds or illegal conduct – Obama’s administration has a track record of retaliating against the employee and, in several cases, criminally prosecuting the employee. In Obama’s view, there appears to be a difference between “bad” whistleblowing, which he calls “leaking” when it relates to national security, and “good” whistleblowing, which relates to non-security issues. At least two questions arise from drawing this distinction between national security whistleblowing and other types of whistleblowing. First, where does the distinction come from? And second, does it make sense?

As to the first, it is important to understand Obama’s concern with national security whistleblowing as part of a larger context related to constitutional separation of powers. Presidents of both political parties have long maintained that the chief executive can protect the country’s security without Congress’ assent, and, indeed, might be required to keep secrets from Congress in order to do so. In contrast, Congress often has insisted that the legislative branch maintains constitutional authority to oversee all of the executive’s actions, including those



Faculty Update

Recent Scholarship & Activities

related to national security. Over the last century, each branch has erected legal bulwarks in this intra-governmental dispute between oversight and secrecy.

For example, in 1902 and 1909, presidents Roosevelt and Taft, respectively, issued gag orders in which they ordered executive branch employees to only speak with Congress if approved by their department head. Congress became concerned that these orders would stifle its ability to oversee the executive branch and, in 1912, it passed the Lloyd-LaFollette Act

sor, Congress or even the press, if necessary. Thus, despite the gag orders and nondisclosure agreements, the balance generally seems to be in favor of Congressional oversight because, at least on paper, the law protects federal government employees who report most types of misconduct.

However, the laws affecting national security whistleblowers differ dramatically from these general provisions. Notably, the primary antiretaliation protection for federal employees, the WPA, specifically excludes employ-


Indeed, the Obama administration has been accused of conducting a “war on whistleblowers,” because of its aggressive prosecution of unauthorized national security leaks, including its pursuit of the source of WikiLeaks documents. In fact, Obama’s administration has criminally prosecuted at least five “leakers,” more than all previous administrations combined.



rejecting these orders and declaring that no one should interfere with the right of federal employees to talk to Congress.

The debate has continued in more modern times. Since the early 1980s, presidents have required executive branch employees to sign nondisclosure agreements and Congress has refused to provide any funds to enforce the agreements or pay the salary of any executive branch official who prevents an employee from communicating with Congress. The Civil Service Reform Act of 1978 provided remedies for some federal employees who were retaliated against for disclosing government misconduct, such as illegal behavior, mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety. In the last 20 years, Congress updated this act with the Whistleblower Protection Act (WPA) and other amendments to make retaliation protections even stronger and to encourage government employees to report misconduct to their supervi-

ees in branches of the government closely connected to national security, such as the FBI, the CIA and the National Security Agency. To counterbalance this lack of protection and in order to have some oversight over the executive branch, Congress passed the Intelligence Community whistleblower Protection Act of 1998, which provides a way for national security whistleblowers to report misconduct to their own agency’s inspector general (part of the executive branch itself). The IG must then give the whistleblower instruction on how to report the information to Congress without violating confidentiality provisions. Importantly, the act does not provide any substantive protection from retaliation, which likely reduces an employee’s willingness to disclose wrongdoing and therefore gives the president almost unchecked authority to keep national security information secret from Congress.



The courts have weighed in on this debate as well. The Supreme Court has recognized that the president has the unrestricted power to maintain secrecy by declaring essential information confidential or top secret and by issuing security clearances in order to access that information. Lower federal courts have eviscerated the whistleblower protections Congress put in place by narrowly interpreting antiretaliation laws to allow administrative agencies to revoke a whistleblower's security clearance (essentially a *de facto* discharge because the whistleblower can no longer satisfy the job's requirements) and to remove protection from whistleblowers whose job duties include legal compliance. Moreover, courts have recognized a "state secrets" evidentiary doctrine that compels courts to dismiss civil cases that would require the government to disclose state secrets.

In short, for national security whistleblowers, the balance weighs in favor of secrecy. The distinction President Obama makes between national security whistleblowers and other types of whistleblowers is based on this tension between secrecy on the one hand and oversight and transparency on the other. Congress wants to encourage employees to disclose governmental misconduct related to national security, while presidents want to keep vital national security information secret, even from Congress. National security whistleblowers are caught in this crossfire.

As to the second question I posed above – does this distinction make sense? – good reasons often exist to treat national security whistleblowers differently than other types of whistleblowers. Whistleblowers might disclose damaging information and be wrong about its illegality because national security issues often present nuanced and complicated problems. For example, a Department of Defense employee could release informa-

tion to a reporter about military action he believed to be illegal, but the information could reveal classified information about the country's military capabilities. In that case, disclosing national security information could endanger people's lives and expose weaknesses that could be exploited by our enemies, causing greater harm than the typical whistleblower disclosure related to financial matters or mismanagement. Similarly, the documents revealed to WikiLeaks provide some embarrassing and often scandalous information, but they revealed arguably little in the way of illegal government conduct. Instead, they likely damaged diplomatic relationships and undermined government initiatives internationally. Finally, even if the employee was right about conduct being illegal, he or she might not understand the larger context for certain government conduct. We might question whether an employee should be the person balancing the costs of the illegality against the costs to our national security of revealing the information.

Yet, exposing illegality, government waste, gross mismanagement and abuse of authority is just as important in the national security context as in other contexts – if not more so. The whistleblowers who exposed the Bush administration's domestic wire-tapping, secret CIA renditions and waterboarding torture methods revealed important information about arguably illegal activities and also allowed public debate about the way in which the country fought the war on terror. Additionally, it is clear that just because a government official labels information as "classified" does not mean it *should* be classified. It is broadly recognized that the government engages in a systematic and unwarranted overclassification of documents as "secret." For example, last year the federal government classified almost 77 million documents, a 40 percent increase over the previous year. (Govern-

ment officials state this increase is due, at least in part, to better reporting by officials.) Further, although WikiLeaks has published numerous classified documents revealing little in the way of illegality, the website also published a disturbing video about an apparently illegal attack on Afghanistan civilians by a U.S. Army helicopter. Illegal conduct, even in the name of national security, simply should not be able to hide behind a veil of secrecy. Indeed, given the current lack of protection for national security whistleblowers to use official channels, the system ironically encourages employees to disclose wrongdoing to the press or to sources like WikiLeaks in the hope of remaining anonymous.

Can we truly balance secrecy and oversight? These are complex issues, and cases like Thomas Drake should make Congress and President Obama reconsider whether the current balance skews too far toward hiding important information about misconduct from Congress and the public. Statutory whistleblower provisions either exclude national security employees explicitly or only half-heartedly encourage them to blow the whistle on misconduct. In erecting ineffective measures, perhaps we have failed to address either branch's concerns because the law neither fully encourages whistleblowers to go to Congress nor adequately maintains the secrecy that is needed for some state secrets. My project explores these tensions and contemplates whether more robust protections and disclosure channels might better support our constitutional system of checks and balances as well as our national security. ■

(Endnotes)

1 This article excerpts and summarizes Professor Moberly's article on President Obama's whistleblower policies in the *Employee Rights and Employment Policy Journal* (forthcoming 2012).

2 Nebraska has some whistleblower protections for public and private employees, but they were last amended in 2005. This same survey rated Nebraska's protections as "uneven," finding that the statute has "fair coverage with moderate usability and average remedies."

Our Alumni

From the Alumni Relations Office

College Works to Better Engage with Alumni Through Communication, No Cost CLE Credit

By Molly M. Brummond, '03,
Director of Communications & Alumni Relations

Our students need alumni to be involved in the life of the College now more than ever – to provide feedback as a judge for an intra-school competition; to talk about what classes to take or not take in order to pursue a certain career path (see “Lunch with a Lawyer, p.35); or, to learn from as a lecturer. The bottom line is that alumni involvement in the school enhances the education our students receive.

Knowing this fact, I set out to better engage Nebraska Law’s fantastic alumni with the daily life of the College. The first step: increase communication. Over the last year, we have increased our communication. In addition to the NEBRASKA TRANSCRIPT, alumni can follow the Law College on Facebook (www.facebook.com/NebraskaLaw) and Twitter (www.twitter.com/UNLCollegeofLaw). You can also expect an eNewsletter to arrive in your inbox once per quarter. (If you have not received this email to date, chances are we don’t have a current email address for you. Please help me correct that by simply emailing me at mbrummond2@unl.edu). Through these mediums, we highlight faculty scholarship, student and alumni achievement and general news.

In addition to providing you with greater access to information about all of the wonderful things happening at the College, Nebraska Law is committed to serving its alumni through Continuing Legal Education offerings. Each semester the College welcomes fantastic scholars to its community. Often, these guests lecture for one hour (over the noon hour) to students and faculty members. This semester, we qualified several of these lectures for CLE credit and opened them up to our alumni at no cost. And, I am happy to report, our alumni responded by packing the classrooms to learn about the life of William Jennings Bryant, whistleblowing as it relates to national security, collaborative law and the role of the U.S. Supreme Court in today’s world. This free CLE concept met such success that we will continue to open classes to our alumni next semester. Bookmark our website (<http://law.unl.edu/continuing-legal-education>) as we update it routinely with these no cost opportunities. ■



Molly Brummond

Alumni Assets

Berkshire Fund Continues Alum's Passion for Law and Philanthropy

By Angie Hohensee, Senior Development Director



Bob Berkshire

Bob Berkshire was a man with tremendous foresight. He lived with purpose and integrity knowing that the decisions he made in his daily life would have an impact on others in the future. It should come as no surprise that Bob was thinking about helping others when he chose to include a gift through his estate to support faculty and students of the College of Law.

Bob often commented that he wanted to make sure that the College of Law faculty members were rewarded for their hard work and dedication to education. In addition, he understood the power of education and wanted to make sure that students who would not otherwise be able to afford law school had access to the same opportunities that he had.

Bob Berkshire was married to the love of his life, Joanne, for 58 years. They had four children: Richard Berkshire, '76, Janet Berkshire, Leslie Berkshire and Laurie Meyers, '93, all of whom have been inspired by their father's philanthropic spirit.

Bob was extremely proud of his own education and

his work in the legal profession. Bob received his J.D. in 1955 from the College of Law and began private practice in Lincoln. By 1957, Berkshire was a U.S. assistant district attorney in Omaha. He returned to private practice in 1961 in Omaha. In 1970, his son Rick began practicing law with him, and in 1993, his daughter Laurie joined the firm. Bob passed away in February 2011 at the age of 82.

Bob Berkshire dedicated much of his extra time and talent to serving on the College of Law Board, the University of Nebraska Foundation Board and the board of the Nebraska State Bar Foundation. He was also an active member of the Nebraska State Bar Association, and of course, Bob was an avid Husker fan and booster. Bob Berkshire was very busy and very generous.

If you would like more information on how to make a gift to the Berkshire Fund for Excellence or learn how a gift through your estate can help the College of Law, please contact Angie Hohensee at ahohensee@nufoundation.org or 800-432-3216. ■

Alumni Assets

Brown Brings Tips from Members of the Practicing Bars to Students

By *Catherine Cano*, '12

Alumnus Eric Brown of the Lincoln law firm of Atwood, Holsten, Brown & Deaver visited Nebraska Law last spring to speak with students about the realistic expectations a student should have about being a lawyer. First, he discussed billing and various financial arrangements that firms utilize. Then, he used the opportunity to speak more broadly about things current lawyers wished they had known as a 1L. To give the best advice possible, Brown solicited other attorneys for advice and tidbits from which all law students and practicing attorneys might benefit.

1. Join list-serves in your area of practice. They are invaluable. The Nebraska Association of Trial Attorneys' List-serve contact is Stella at nata@nebraskatrial.com
2. Civil procedure is big. Take the time to read the local rules – even information as basic as formatting pleadings is something you don't really learn about in law school, and it varies from court to court.
3. Read the advance sheets. You would be amazed how many times a decision comes down from the Nebraska Supreme Court on a salient point the day before you have to argue a Summary Judgment motion.
4. Be prepared to the point of excess. You may win. You may lose. But if you were the most prepared person in the room, you will have no regrets.
5. Have a mentor or mentors and bounce ideas off of them. Find a mentor you truly respect.
6. Don't feel bad about saying to a client, "I don't know, but I'll find out." We never really know it all, even after 30 years. Clients will live with that answer. So will your boss.
7. Don't pretend to know everything. Most people can tell when you don't know something, and you lose more credibility pretending you know it than you would if you just asked a question instead.



Eric Brown

8. If you have an ethical question, do not hesitate to call Dennis Carlson or one of the other ethics folks at the Nebraska State Bar Association. Ethics, perhaps more than other aspects of your job, is something you do not want to “guess” on.
9. One thing I heard 30 some years ago from Ray Walowski of Omaha was, “Your word is your bond.” He explained that lawyers have to be able to count on what they say to each other.
10. The hallmarks are, and should be, civility and integrity. When a worthy adversary prevails, pick up the phone and congratulate him or her on a job well done.
11. Life is short so try to enjoy it, try to carry on your practice with civility, give the other side the benefit of the doubt, say please and thank you and be thankful that you can say you are an attorney in our great country where the rule of law means something.
12. Follow the Golden Rule.
13. It doesn’t matter how furious you are with a fellow attorney, an adjuster or your client, always, ALWAYS wait 24 hours before firing off a nasty letter or lashing back verbally. I promise you it won’t look as bad the next day and most of the time, when you refuse to respond in kind, you’ll get an apology without even asking for one.
14. Prioritize. Do first that which will keep you from getting disbarred.
15. Be courteous and respectful of court staff. The judges spend time with their bailiffs, reporters and clerk’s office staff.
16. Proofing everything is important. Mistakes make one look like a fool.
17. Have some discretion in the cases you take on. I don’t take every cold call or hardly any cold calls anymore. It is better to be broke and not working, than to be broke and working for a client who you don’t like and who isn’t paying you.
18. You earn your fee, so don’t feel bad about asking for it.
19. Get the money upfront.
20. Return calls to your clients and to other attorneys in a timely manner. The impression one gives when not returning calls or emails is that the person calling or his or her issue is not important.
21. Care deeply about your clients and their causes, but don’t care about them more than they do.
22. Listen more, talk less, and if you opine, know the answer.
23. Don’t represent close friends and family. It is a disaster waiting to happen.
24. This is a profession. Among other things, that means (1) we police ourselves and (2) we give back to our communities and society. If you can’t sincerely commit to, and live up to, those precepts, you are more likely to be part of the problem than part of the solution. Be a professional or find something else to do.

Reunion



Members of all classes enjoyed reconnecting with classmates during the 2011 Alumni Reunion, September 16, 2011. Held at the Country Club of Lincoln, those in attendance enjoyed a cocktail reception, dinner and dance.



2011 Alumni Reunion



Reunion

Class Agents Needed!

Are you a member of the Classes of 1962, 1967, 1972, 1977, 1982, 1987, 1992, 1997, or 2002? Are you interested in reconnecting with your classmates?

Be a class agent & help as we plan for next year's reunion festivities.

Contact Molly Brummond, 402-472-8375 or mbrummond2@unl.edu



2011 Alumni Reunion



Our Alumni

AlumNotes

1940s

Carl (Ky) Rohman, '47, Lincoln, was honored by the Museum of Nebraska Art (MONA) in Kearney at a special awards presentation in recognition of his significant contributions to MONA, which is celebrating its 35th anniversary this year. Ky's interest in and support of the arts is well known throughout Nebraska. Galleries in the Museum of Nebraska Art and the Sheldon Memorial Art Gallery and Sculpture Garden at UNL have been named after Rohman and his family.

1950s

Duane W. Acklie, '53, was honored with a Lifetime Achievement Award by the University of Nebraska College of Business Administration.

Richard M. Fellman, '59, was awarded a Fulbright Scholarship to lecture at Uzhhorod National University in the Ukraine during the 2009-2010 academic year. He taught a master's level course, "The Political System in the U.S.A.," during the autumn 2009 term and was awarded by Uzhhorod National University honorary degree, the first time an American has received such as honor. Fellman is an adjunct faculty member at the University of Nebraska at Omaha, where he teaches American and Nebraska government classes, Nebraska Politics, Urban Politics and courses focused on political action committees and lobbyists.

1960s

William M. Lamson Jr., '69, was selected by the Nebraska Defense Counsel Association as the Defense Lawyer of the Year. Lamson is a founding partner of the Omaha law firm of Lamson, Dugan & Murray.

1970s

Howard Hahn, 70, has joined the health care practice group in the Omaha office of Kutak Rock.

Thom K. Cope, '72, has been named a partner at the Udall Law Firm in Tucson, Ariz. Employment law is Cope's area of emphasis.

J. Michael Rierden, '73, has been elected chairman of the board of directors of Lincoln Federal Savings Bank of Nebraska. Rierden practices law in Lincoln.

James M. Walters, '70, senior partner in the Atlanta office of Fisher & Phillips, has been selected by his peers for inclusion in The Best Lawyers in America. Walters practice emphasizes the representation of employers in collective bargaining and labor arbitration, union organizing drives and unfair labor practice defense. In addition to traditional labor law matters, Walters has represented employers in the defense of cases arising under the Railway Labor Act, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Americans with Disabilities Act and Family and Medical Leave Act.

Kirk E. Naylor, '71, has retired from the practice of law after many years as a criminal defense lawyer in Lincoln.

Judge Gerald E. Rouse, '71, has taken over the bench in

the county courtroom at the Saunders County Law Enforcement and Judicial Center. Prior to coming to Saunders County, he was posted in Seward County. Rouse has been a county court judge within Nebraska's Fifth Judicial District since 1971.

J. Michael Rierden, '73, has been elected chairman of the board of directors of Lincoln Federal Savings Bank of Nebraska. His law office is located in Lincoln, where his areas of practice include real estate law, business and corporate law, estate planning, zoning and land use planning and other areas of law.

Judge David Bush, '74, has retired as Hall County judge, where he took the bench on December 1, 1987. Prior to that, Bush worked in the Lincoln city attorney's office before moving to North Platte to go into private practice. He then moved to Grand Island where he worked as a defense attorney for Shamberg & Wolf. He plans to travel in his retirement.

Nebraska Supreme Court Chief Justice Michael G. Heavican, '75, has been appointed to the board of directors of the National Center for State Courts (NCSC), a nonprofit that aims to improve the administration of justice through leadership and service to the nation's state courts. Heavican will serve a four-year term with NCSC.

Kim Robert Houtchens, '75, announced the celebration of the 100th anniversary of his Greeley, Colo., law firm now known as Houtchens Houtchens & Greenfield. Six Houtchens who served as firm partners over the years have had ties with UNL including Barnard, '35, and Thomas, '75.

Thomas M. Sonntag, '75, is a member of the law firm of Sonntag, Goodwin & Leaf that has been appointed to serve as Sidney city attorney and prosecutor.

Gene Crump, '76, has been elected to the board of directors of the Lincoln Community Foundation.

Tom Cullinan, '76, has been named editor of *Planned Giving Today*, which serves as a practical resource to the

charitable giving community for education, inspiration and professional linkage. He continues to serve as president of Schola Donum Inc. in Elkhorn, which provides teaching and counseling on charitable giving, and as an adjunct professor for the Creighton University College of Business.

Karen B. Flowers, '76, judge of the District Court for Nebraska's 3rd Judicial District, was honored at the YWCA of Lincoln's Annual Tribute to Women.

Rev. Richard L. Maddox, '76, has joined the staff of Concordia University, Nebraska, as vice president for institutional advancement. Maddox has previously served as vice president for institutional advancement and special assistant to the president at Valparaiso University and as senior vice president for The Lutheran Church - Missouri Synod Foundation.

Steven F. Mattoon, '76, has been elected chair-elect of the Nebraska State Bar Association House of Delegates. Mattoon practices with Martin, Mattoon & Matzke in Sidney.

Bradley Holtorf, '77, has been named to the board of directors for Lutheran Family Services of Nebraska. Holtorf is a partner in the Fremont law firm of Sidner, Svoboda, Schilke, Thomsen, Holtorf, Boggy, Nick & Placek.

Richard A. Birch, '78, has been appointed by Gov. Dave Heineman to serve as a judge of the District Court for the 11th Judicial District. Birch had been a partner at Nielsen & Birch Law Offices in North Platte.

Michael W. Pirtle,

'78, has been appointed as a judge of the Nebraska Court of Appeals. Previously Pirtle practiced with Gross & Welch in Omaha.



Our Alumni

AlumNotes

Keith Scarborough, '78, has been reappointed to a three-year term on the Prince William County Electoral Board by the Circuit Court of Prince William County, Va. He was first appointed to the Electoral Board in 2007 and is currently serving as chairman. Scarborough is senior vice president for government relations for the Association of National Advertisers (ANA) in Washington, D.C.

Marsha E. Fangmeyer, '79, has been elected chair-elect of the Nebraska State Bar Association. She is a shareholder with Knapp, Fangmeyer, Aschwege, Besse & Marsh in Kearney.

Larry Williams, '79, has been named as the director of the Malone Community Center in Lincoln. He will oversee day-to-day operations as well as write grants and work on community outreach and branding.

1980s

William J. Mueller, '80, of Mueller Robak has been elected to the board of directors of the Lincoln Community Foundation.

Robert P. Goodwin, '81, is a member of the law firm of Sonntag, Goodwin & Leaf that has been appointed to serve as Sidney city attorney and prosecutor.

Frank Haverkamp, '81, is the owner of Sunbelt of Nebraska, a business brokerage firm in Omaha. The firm assists with the buying and selling of businesses, providing guidance for business valuations and buyer financing, as well as exit strategy and planning.

Robyn Hubbard, '82, has been named director of operations for the Central High School Foundation. Hubbard has closed String of Purls, a yarn specialty shop in Omaha's Countryside Village, which she opened in 2003.

Paul G. Vaughn, '82, Fremont, was appointed by Gov. Dave Heineman to serve as a district court judge for the Sixth Judicial District of Nebraska, which includes the counties of Burt, Cedar, Dixon, Dakota, Dodge, Thurston and Washington. He was formerly Dodge County attorney.

Thomas Geu, '83, has been named as interim dean of the University of South Dakota's Law School. His areas of teaching include organizational, transactional and capital formation courses.

Patty Pansing Brooks, '84, of Brooks, Pansing-Brooks, has been elected a member of the Lincoln Parks Foundation board of trustees.

David R. Gloss, '84, Central City, Colo., was appointed Gilpin County Court judge by Colorado Gov. Bill Ritter.

Marilyn D. McNabb, '84, has been elected vice chair of the Lincoln Electric System administrative board. She is deputy for welfare services in the Nebraska State Ombudsman's Office.

C. Jo Petersen, '85, was named the prosecutor of the year at the 24th Annual Nebraska Law Enforcement Coordinating Committee Criminal Justice Conference in Kearney. Petersen has been a prosecutor for more than 25 years, with five of those years spent in Saunders County as a deputy county attorney. Her practice consists mostly of felony prosecution.

Ann Diers, '86, was elected vice president-associate general counsel, variable contracts and AIC at Ameritas Life in Lincoln. Diers manages the securities law filing team, which has responsibility for the insurance companies variable contract filings with the Securities and Exchange Commission. She is primarily responsible for federal securities law issues related to Ameritas Life and affiliated companies. She also provides counsel to Ameritas Investment Corp. concerning securities and investment advisory matters.

Vicky L. Amen, '87, has joined the law firm of Copple, Rockey, McKeever & Schlecht as an associate attorney in the firm's Omaha office. Amen represents clients in a variety of general civil law issues, including wills, trusts, estate planning, probate and personal injury. Her practice also includes appellate work, real estate transactions, administrative law and government relations.



Shelley Sahling-Zart, '87, has been promoted to general counsel at Lincoln Electric System. An LES employee for 23 years, she will also continue in her role as vice president of the Communications & Corporate Records Division consisting of the Customer & Corporate Communications and Enterprise Content Management departments.

Kimberly A. Wanker, '87, Henderson, Nev., has been appointed to the 5th Judicial District Court of Nevada by Gov. Brian Sandoval. Wanker has been in private practice in Nevada since 1989 focusing on business, employment and administrative litigation. In 2011 she was selected as a pro tem justice of the peace in Clark County.

Timothy F. Clare, '88, was named to the board of directors for Union Bank & Trust of Lincoln. Clare is a partner with Rembolt Ludtke and a member of the University of Nebraska Board of Regents.

Andrew R. Jacobsen, '89, was appointed by Gov. Dave Heineman as a district court judge for the Third Judicial District in Lancaster County. Jacobsen had been serving as deputy Lancaster County attorney.



Rachael K. Pirner, '89, was sworn in as the president of the Kansas Bar Association for 2011-12. Pirner is with the law firm of Triplett, Woolf & Garretson in Wichita, Kan., where she represents clients in trust and probate-related litigation, as well as assisted reproductive law. She also currently serves on the KBA's Nominating Committee and Journal Board of Editors, and has chaired its Litigation Section.

1990s

Linda Crump, '99, assistant to the chancellor for Equity, Access & Diversity Programs at UNL, was honored at the YWCA of Lincoln's Annual Tribute to Women.

Stephanie F. Stacy, '91, was appointed by Gov. Dave Heineman as a district court judge for the Third Judicial District in Lancaster County. Stacy had been a partner at Baylor, Evnen, Curtiss, Gruit & Witt in Lincoln.



Steven C. Wade, '91, has been promoted to managing director, Institutional Trust within the wealth management division at First National Bank Omaha. He leads the teams that deliver retirement plan services and corporate and institutional trust services to clients.

Cheryl C. Guggenmos, '92, and Michael P. Munson were married on July 28, 2011, in a garden wedding on the island of Kauai, Hawaii. Guggenmos is an attorney and managing partner of the Guggenmos & Peterson Law Office in Broken Bow.

Our Alumni

AlumNotes

Les Gwartney, '93, has been named senior business consultant at HR Systems, Inc. of Omaha where he specializes in assisting clients with risk management, strategic management and organizational practices.

Trent D. Reinert, '93, has become a shareholder of McGill, Gotsdiner, Workman & Lepp in Omaha. His practice includes business, tax and estate planning.

Robert W. Hotz, '94, has been appointed by Gov. Dave Heineman to continue to serve as the First Congressional District commissioner for the Tax Equalization & Review Committee.

Paul H. Ladehoff, '94, has been named the director of the University of Missouri's Master of Laws in Dispute Resolution Program. For the past seven years, Ladehoff served as training coordinator for the University of Missouri School of Law Center for the Study of Dispute Resolution and director of the MU Campus Mediation Service.


Timothy Moll, '94, has been awarded the Lay Worker of the Year Award by the Concordia University Alumni Association in Seward. Moll is a partner with Rembolt Ludtke in Lincoln.

T. Parker Schenken, '94, has been named to the 2011 board of directors for Lincoln Family Services of Nebraska. He is an attorney with the Omaha law firm Baird Holm.

Michelle L. Bremer, '95, has joined the Stage Law Office in Gretna.

Robert C. "Bob" Daisley, '96, has been promoted to president of Broadview CTL Capital of Omaha. Daisley has more than 25 years of commercial real estate experience in the areas of asset management, commercial mortgage loan servicing, corporate real estate administration and legal counsel.

Timothy M. Schulz, '96, has been appointed by Secretary of State John Gale to a six-year term on the Nebraska Accountability and Disclosure Commission, which administers and enforces the state's campaign finance laws, lobbying laws and conflict of interest laws. Schulz practices with the Yost Law Firm in Fremont.



Steven L. Meints, '97, is an Army Reserve JAG Attorney currently deployed in Iraq. He serves as an operational law attorney for a Special Operations Command, primarily handling issues dealing with Rules of Engagement, Law of War, International Law and Contract and Fiscal Law. In his civilian practice, Meints is an associate attorney with Wicker, Smith, O'Hara McCoy & Ford in Orlando, Fla., where he focuses on insurance defense. He met fellow alum, Mike Suberly, '00, for the first time on their military base in Southwest Asia.

Victoria H. Sitz, '97, joined the Omaha office of Husch Blackwell as senior counsel in the corporate group, where she will work with clients on securities and mergers & acquisitions, among others.

Matthew K. Stadler, '98, has joined Frankel Zacharia as a senior tax manager. Stadler specializes in tax, business consulting and business valuation services for privately held entities.

George E. Martin, '99, has joined the practice of Baird Holm in Omaha. His practice focuses primarily on governmental litigation, employment and workers' compensation litigation and human resources training and management.

2000s

Pamela J. Bourne, '00, has joined the Omaha office of Woods & Aitken. Bourne has more than 10 years of experience in representing management on workplace legal issues.

Shaoyu Chen, '00, has joined Covington & Burling as the managing director of its China food and drug practice based in Beijing. He represents pharmaceutical, biotechnology, medical device, food, dietary supplement and cosmetic companies in matters before the China SFDA, the U.S. FDA and other government agencies.

Mike Suberly, '00, is an Air Force JAG who recently completed a tour in Iraq. He met fellow alum Steve Meints, '97, for the first time on their military base in Southwest Asia.



Edward Vierk, '00, was honored by Mothers Against Drunk Driving (MADD) at its 12th Annual Outstanding Law Enforcement Awards on May 24, 2011. He is an attorney in the Nebraska Attorney General's office.

Rebecca Gould, '01, executive director of Nebraska Appleseed, was honored at the YWCA of Lincoln's Annual Tribute to Women.

Travis P. O'Gorman, '02, has been appointed by Gov. Dave Heineman as a district court judge for Nebraska's 12th judicial district. O'Gorman was a partner with the Cline Williams law firm in Lincoln and has served as a legal writing instructor at the College of Law.

Stephanie Taylor, '02, has joined the firm of Bone McAllester Norton in Nashville, Tenn., as an entertainment lawyer.

Cathy S. Trent-Vilim, '02, and her husband Christopher Vilim, announce the birth of their son, Lucas Alan Vilim. Lucas was born on April 3, 2011. He joins big brother Gabriel Christopher, who is two years old.



Janette L. Adair, '03, has taken a position as regulatory counsel with the Argo Group US in San Antonio, Texas.

Brian J. Adams, '03, has joined the firm of Wolfe, Snowden, Hurd, Luers & Ahl in Lincoln where he focuses on general civil litigation and creditor's rights.

Michaela Buckbee, '03, married Jeff Bohling on October 28, 2011, at St. Peter's Catholic Church in Lincoln. Buckbee is a judicial clerk for the Nebraska Court of Appeals.

Danielle Conrad, '03, Nebraska state senator, was honored at the YWCA of Lincoln's Annual Tribute to Women.

Christopher G. Waddle, '03, Giltner, has been named human resources executive director at Central Community College of the Grand Island Campus. He has been on the CCC faculty teaching political science classes since 2003.

Sara A. Gossman, '03, and Dave Zimmer were married on August 13, 2011, at St. John the Baptist Church in Longmont, Colo. Gossman is an attorney for A. Law Firm in Westminster, Colo., where she specializes in bankruptcy and patent law.

Matt Jenkins, '03, has opened Matt Jenkins, Attorney at Law, with offices in Lincoln, Omaha and Falls City. His practice focuses on bankruptcy and debtor defense.

Thomas O. Kelley, '03, has been appointed vice chairman of Five Points Bank and Hometown Banc Corp. Previously he was a partner with McGrath North Law Firm in Omaha. Five Points operates branches in Grand Island, Kearney, Sumner and Papillion-LaVista.

Our Alumni

AlumNotes

Andee Cummins Penn, '03, and her husband announce the birth of their son, August Henry, born June 8, 2011.



Kendra Mattoon Ringenberg, '03, and **Scot Ringenberg**, '03, welcomed Cameron Kenneth Ringenberg to their family on May 12, 2011.

James A. Warren, '03, has been promoted to the position of senior manager at Labenz & Associates, a Lincoln-based certified public accounting firm. He and his wife, **Tracy Stoehr Warren**, '03, welcomed their son, Sullivan Paul, on April 26, 2011.



Stanton Beeder, '04, has become a partner in the Lincoln law firm of Cline Williams Wright Johnson & Oldfather. His practice focuses on white collar criminal defense, commercial litigation and complex litigation. Beeder and his wife welcomed their daughter Clara Belle, who was born on September 1, 2011.



David J. Proksel, '04, has joined First American Title Insurance Company in Omaha as underwriting counsel for national commercial services. He previously spent five years as an associate in the tax credit group at Kutak Rock.

Patrick M. Driver, '05, has joined Lapin Law Offices in Lincoln as an associate attorney.

Renee Eveland, '05, is the recipient of the 2011 Nebraska Defense Counsel Association's first annual "Rising Star" Award. The award is presented to a Nebraska attorney practicing for ten or fewer years who has exhibited skills in defending businesses and individuals in civil matters with the highest degree of professionalism and ethics and who has also exhibited leadership, mentoring and community service outside the practice of law. Eveland, a partner with the Lincoln law firm of Wolfe, Snowden, Hurd, Luers and Ahl, is the attorney liaison to the Law College's DRI organization.

Stacie A. Goding, '05, has joined the Grand Island law firm of Myers & Daugherty. Her practice emphasizes wills and estate planning, probate, family law, bankruptcy and small business planning.

Jessica S. Harder, '05, has joined the business division of the Des Moines law firm Davis Brown. She practices in the area of lobbying and governmental relations. Harder was formerly director of governmental affairs for the Iowa League of Cities



Dustin J. Kessler, '05, has joined the law firm of Fitzgerald, Schorr, Barmettler, & Brennan in Omaha. His Immigration Law practice focuses primarily on all aspects of employment and family based nonimmigrant and immigrant visa processing and naturalization.

Indhira A. LaPuma, '05, has joined the Denver office of Merchant & Gould.

Stephanie Mattoon, '05, and Justin Hankins were married in September 2011, in Omaha.

Austin McKillip, '05, has been elected as an at-large member of the Lincoln Parks Foundation board of directors. McKillip is an attorney with Cline Williams.

John Selzer, '05, has been elected to the Scottsbluff Public Schools Board of Education and has been named as the incoming president of the board of directors for NEXT Young Professionals, an organization focused on the development of young professionals in the Scottsbluff and Gering areas. He is an attorney at Simmons Olsen Law Firm.

Lucas L. Swartzendruber, '05, has joined Geneva State Bank as a trust officer. He has been practicing law in Fillmore and Thayer counties since 2005.

Erin Urbom, '05, has received an honorary membership in the St. Paul Chamber of Commerce board of directors. Urbom is an attorney in the St. Paul, Neb., office of Truell, Murray & Maser.

Laurie Walford, '05, is the owner of Spirit World, a gourmet deli and retail and spirits specialty store in Omaha.

Daniel E. Dawes, '06, received an Early Achiever Award from the University of Nebraska Alumni Association. A healthcare attorney at Premier Healthcare Alliance in Washington, D.C., Dawes worked closely with the White House and Congress during the healthcare reform negotiations. He founded and chaired the National Working Group on Health Disparities and Health Reform and was one of 13 experts invited by the Congressional Black Caucus to serve on the Health Equity Leadership Commission.

Luke Deaver, '06, has joined the firm of Person & DeWald in Holdrege. Deaver maintains a private practice in Holdrege with emphasis in estate planning, estate administration, civil litigation, criminal defense, real estate transactions, business transactions, social security appeals, banking and bankruptcy.

Erin R. Harris, '06, was married to Matthew Robak on August 13, 2011, in Omaha. She is an attorney with McGill, Gotsdiner, Workman & Lepp in Omaha.

Susan M. Napolitano, '06, has been named a partner at the Hoppe Law Firm located in Lincoln. She practices both litigation and transactional law.

Mathew A. Jenkins, '06, has opened a law practice with offices in Lincoln, Omaha and Falls City. His practice focuses on bankruptcy and debtor defense.

Mathew T. Watson, '06, has joined the Omaha law firm of McGill, Gotsdiner, Workman & Lepp as an associate attorney. He practices primarily in the areas of business litigation, creditor rights and business transactions.

Heidi M. Hayes, '07, has been named a part owner of the Lincoln law firm of Morrow, Poppe, Watermeier & Lonowski. Hayes practices in the areas of small business formation, elder law, estate planning, criminal defense, civil litigation and family law.

Jason Cantone, '08, with former Law College Professor Michelle Harner, published, "Is Legal Scholarship Out of Touch? An Empirical Analysis of the Use of Scholarship in Business Law Cases," 19 *University of Miami Business Law Review* 1.



Torri A. Criger, '08, an associate attorney with Husch Blackwell in Omaha, has been awarded the Seeds of Justice Award by Nebraska Appleseed. The award honors significant pro bono contributions by private lawyers and law firms toward positive public policy reform. Criger concentrates her practice on health care law.

Daniel J. Hill, '08, an associate attorney in the Omaha office of Stinson Morrison Hecker, has been awarded the Seeds of Justice Award by Nebraska Appleseed. The award honors significant pro bono contributions by private lawyers and law firms toward positive public policy reform. Hill practices in the firm's general business practice division.



Our Alumni

AlumNotes

Marna M.M. Schulte, '08, married Tim Munn on September 4, 2011, at Wilderness Ridge Lodge in Lincoln. She has opened Marna Munn Law in Lincoln.

Tina M. Brooks, '09, has joined the law library faculty of the University of Kentucky College of Law as the electronic services librarian. Brooks received an M.S. in Information Studies from the University of Texas School of Information in 2011.

Ryan Cooper, '09, is the founder and CEO of GolfStatus, a location-based mobile platform that rewards golfers for their on-course achievements, brand and course loyalty and influence within golf circles.

Laura K. Essay, '09, is an associate attorney at Knudsen, Berkheimer, Richardson & Endacott in Lincoln. Prior to joining the Knudsen Law Firm, she served as the director of community relations for the 2010 Special Olympics USA National Games.

Christopher B. Kelly, '09, has joined the Omaha office of Kutak Rock as an associate in the real estate department.

Christin Lovegrove, '09, has been named a recipient of the "Top 4 Under 40" by the Young Leaders of Fillmore County (YLFC). Recipients exemplify outstanding leadership, community service and involvement in Fillmore County. Lovegrove is an attorney at Heinisch Law Firm in Geneva.

Gregory Walklin, '09, and **Tiffany N. Lee**, '10, were married on October 22, 2011, at the First Presbyterian Church in Lincoln. Walklin is an assistant attorney general at the Nebraska Department of Justice.

2010s

David M. Arnold, '10, has joined Conley Investment Council as director of administration. Conley Investment Counsel is an SEC registered investment adviser in Omaha, established in 1986 to manage assets and provided financial advice to individuals, retirement plans, foundations, estates and corporations.

D. David DeWald, '10, has joined the Omaha office of Kutak Rock as an associate working primarily on commercial credit matters.

Joseph S. Fox, '10, has joined the Omaha office of Kutak Rock as an associate working in the corporate department with an emphasis on tax credit matters.

Noah Greenwald, '10, has joined the Lincoln office of INSPRO Insurance Agency as an account executive. He is responsible for developing account relationships and sales production for all lines of insurance.

Matt Holman, '10, has been hired as an attorney by the Nebraska Department of Insurance.

Tiffany N. Lee, '10, and **Gregory Walklin**, '09, were married on October 22, 2011, at the First Presbyterian Church in Lincoln. Lee is an associate with the Loudon Law Firm in Lincoln.

Tara B. Nagel, '10, has joined the Rushville law firm of Smith, King & Simmons. She is responsible for some of the county's criminal prosecutions.

Julia Amanda Richter, '10, has obtained U.S. citizenship and has officially changed her name from Nadiya Aleykina. Richter is originally from the Ukraine.

Kimberly A. Stamp, '10, was married to Steven T. Lawton on August 5, 2011, aboard the Island Clipper on Lake Michigan in Door County, Wisconsin.

Mitchell C. Stehlik, '10, has joined the law firm of Brostrom & Stehlik in Grand Island as an associate attorney. His focus will be the general practice of law with an emphasis in civil litigation.

Ryan P. Sullivan, '10, has published "Pre-Mortem Cryopreservation: Recognizing A Patient's Right To Die In Order To Live," 14 *Quinnipiac Health Law Journal* 49. Sullivan is an associate with the Lincoln law firm of Kinsey Rowe Becker & Kistler. His areas of practice include general civil litigation, real estate and business law.

Sara M. Baker, '11, has joined the Omaha office of Kutak Rock as an associate working primarily on tax credit matters.

Minja Fejzic, '11, and Mitch Herian were married on August 6, 2011, at the Grand Manse in Lincoln. Fejzic is an associate attorney at Koley Jessen in Omaha.

Landon Friesen, '11, has joined the Omaha office of Kutak Rock as an associate working in the corporate department with a focus on employee benefits matters.

Sara Kohen, '11, published "Religious Freedom in Private Lawsuits: Untangling When RFRA Applies to Suits Involving Only Private Parties," in the *Cardozo Journal of Public Law, Policy & Ethics*. The article discusses when courts should apply the Religious Freedom Restoration Act (RFRA) in cases in which the federal government is not a party.

Benjamin D. Kramer, '11, has been named an associate attorney by the Lincoln law firm of Morrow, Poppe, Watermeier & Lonowski. Kramer focuses his practice on business and estate law.

M. Thomas Langan II, '11, has joined Parsonage Vandenack Williams of Omaha. He practices in the areas of business, health care, tax and estate planning.

Michael Murer, '11, has joined the Dodge County Attorney's Office as a deputy county attorney.

James M. Ramey, '11, has joined the Lincoln law firm of Knudsen, Berkheimer, Richardson & Endacott as an associate attorney. His areas of practice include business, health care, tax and estate planning.

Christopher M. Reid, '11, has joined the Lincoln law firm of Baylor Evnen Curtiss Gruit & Witt as an associate. Reid concentrates his practice in workers' compensation and litigation.

Mark R. Richardson, '11, has joined the Lincoln law firm of Rembolt Ludtke as an associate. His practice is concentrated in the areas of civil litigation and personal injury.

David C. Solheim, '11, has joined the Omaha office of Baird Holm in the firm's corporate and business and tax, and trusts and estates practices.

Corey J. Wasserburger, '11, has joined the office of Johnson, Flodman, Guenzel & Widger in Lincoln as an associate. His areas of practice include domestic relations and custody issues.

Hey, Class of 2011!
We are only as good as your
participation!

Now, more than ever, it is imperative to have complete data on each and every one of our graduates.

Please either return the hard copy or complete online the 9-month employment survey.

To do so online, please log in to your ROSCOE account and complete the "2011 Graduate Employment Survey."

Alumni Notes



Jim Gordon

Jim Gordon, '74, was wounded in Vietnam. He was hospitalized for 17 months and still must walk with a cane and wear boots because his right foot is hypersensitive. But this traumatic experience also had a positive effect on the trajectory of his life. Because of it, he went to law school, became a successful attorney and mediator and dedicated his life to service.

"I have been very fortunate," said Gordon. "I was wounded on my parents wedding anniversary. But I recovered from that. And since then, whatever setbacks I've had, none could compare to that. I look at people who have had much worse situations, and if I can help them, like the medical profession helped me, then I am doing what I like to think of as God's work."

Born and raised in Lincoln, Gordon graduated from Lincoln High School and entered UNL on a full ride Regents' scholarship. "I became an avid party-goer and an adept pool player," Gordon remembered. The resulting academic probation had dire consequences in those days. Gordon lost his deferment and was drafted into the military. He ended up in Vietnam as a radio man for an air cavalry company serving as the communication link between his company and other military units. "I was in Vietnam for two months and five days and had gone on approximately 30 combat missions when I was wounded," he recalled. "I was hit by shrapnel from a rock that exploded about 20 feet from where I was lying. It ripped up my right leg."

Gordon Gives Back

The many months of hospitalization gave Gordon the opportunity to reflect on his future. The career he had envisioned for himself was as a trauma surgeon. But because his wounds made standing for a long time difficult, surgery now seemed out of the question. "I had two brothers-in-law, one who was a law professor [former College of Law professor Wally Rudolph] and one who was a hospital administrator. I decided I would go to law school and then go the University of Pennsylvania and get a degree in public administration and be a hospital administrator," Gordon recalled.

But once he walked into a law school classroom, his destiny was sealed. "This is where I want to be," he thought. The way that lawyers approached problems seemed perfectly suited to him, and the Law College was the perfect place to develop those skills. "The collegiality, the affection all of us had for one another, was remarkable," he said. "In the old law school [on city campus], because of its size, its intimacy, you got to know everybody. We saw professors every day, in the hallways, in their offices, in the library."

As an older student and a military veteran, he assumed positions of leadership, including being president of the Student Bar Association. The record of service to the legal profession continues to this day. Gordon is currently chair of the Nebraska State Bar Association House of Delegates.

Gordon graduated in 1974, as part of the last class to spend all three of their law school years at the City Campus building. He then joined the Ginsburg Rosenberg law firm where, as the youngest attorney on the staff and wanting to litigate, he was handed six divorce cases. Eventually he started his own firm, now DeMars, Gordon, Olson, Zalewski, Wynner & Tollefsen, where he continues to practice family law with an emphasis on mediation.

Mediation clearly is Gordon's preferred method of resolving disputes. "Mediation, to me, just made sense from the get go, especially for clients in family law cases, and especially for those where custody is an issue. What's better for parents than to decide what is in their children's best interest? And I just took to it like a duck to water. I love to mediate; I like to litigate, and I still do. But in terms of process and in terms of result, you can't compare it to mediation."

“What we strive to do is get people to begin to communicate. They come in, sometimes reluctant, sometimes hesitant. But they begin to see that they have something in common – they know better than anyone else how to communicate with each other. Sometimes it’s heated, sometimes it’s downright unpleasant. But finally they realize that they are not only communicating with the help of their mediators, but that they are actually making progress toward getting resolution. And that’s magic.”

Gordon has held a number of leadership positions within the mediation community including being chair of the Advisory Council of the Nebraska Office of Dispute Resolution and of the board of The Mediation Center in Lincoln.

Perhaps the service he found the most exhilarating were the years he spent with the Make-A-Wish Foundation on the local, state, national and international level including serving as chair of the Make-A-Wish Foundation National Board of Directors. Gordon’s eclectic law office is filled with mementos, but what stands out most prominently are those related to the

children that the foundation served. He remembers the boy who wanted a computer. “At that time, computers were new. You couldn’t just buy one at Walgreens,” he remembered. “We ended up getting the right computer and getting it set up. We arranged for his parents to have the little boy be out of the room. When he came in and realized that this was his computer, and that this was his wish, he asked if his little sister could use it first. This is just an example of how generous the wish families are. To a person, they are willing to give back, even if they have little means by which to do so.”

Giving back is what Jim Gordon does, as well. “I’ve lived in Lincoln all my life and it’s been good to me and good to my family,” he said. “It just started with a desire to give back to my community. But communities know no borders, so my community is Lincoln and Lancaster County, the state of Nebraska, or Make-A-Wish Foundation of America, or Make-A-Wish Foundation International. I try to do it in my profession, and I try to do it in my private life. It’s so fulfilling, so joyful.” ■

Alumni Council Honors Four at Annual Awards Luncheon

1. Deryl F. Hamann, '58,
Outstanding Service Award
2. Joshua P. Wunderlich, '11,
Woods & Aitken Outstanding Student Award
3. Professor Craig M. Lawson,
Distinguished Faculty Award
4. Diane Nelson accepts on behalf of her husband, Senator E. Benjamin Nelson, '70, Distinguished Alumni Award



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Our Alumni

In Memoriam

1940s

Max Earl Meyer, '42, died July 17, 2011, in Santa Barbara, Calif., at the age of 92. He received a Bronze Star for his service in World War II with the 8th Air Force Intelligence in Europe. He practiced with Locke, Lord, Bissell & Lidell from 1945 until he retired in 1985.

1950s

Larry Wallace (“Wally”) Becker, '51, passed away in Lincoln on September 26, 2011, at the age of 84. Becker was a member of the Nebraska Air National Guard, from which he retired in 1979 as a lieutenant colonel. In 1958, he received a LL.M. degree from Harvard Law School. He began his legal career at the Chicago law firm of Chapman & Cutler. He returned to Nebraska in 1974 to join Nelson & Harding. In 1990, he was founding member of the Lincoln law firm of Kinsey, Ridenour, Becker & Kistler with whom he practiced until his death. Becker specialized in estate planning and probate law.

1960s

Dean R. Dalke, '63, passed away on September 11, 2011, in Beatrice. He was 77 years old. He was a member of the Nebraska Air National Guard, retiring as a lieutenant colonel. He practiced law in Beatrice since 1963, most recently with Dalke, Smith & Maurstad.

Gary D. Gustafson, '63, Lincoln, died on July 5, 2011, after a year-long struggle with cancer. He was 74 years old. Gustafson was a retired attorney and former director of the Nebraska Power Review Board.

David L. Crawford, '65, died on August 24, 2011, in Omaha. He was 69 years old. Crawford began his legal career at Stewart, Calkins, Duxbury & Crawford in Lincoln. He was appointed a federal bankruptcy judge for the District of Nebraska in 1973 and served on the bench until 1985. He then joined the Omaha law firm of Schmidt, Ford, Mooney & Frederick, practicing mostly commercial law. He later became a researcher for law firms.

William A. “Bill” Wilson, '65, passed away on August 13, 2011, in Kingwood, Texas. He was 71 years old. For over 40 years, he specialized in life and health insurance law, having served as general counsel for four major companies, VALIC, Bankers Life Nebraska, California Western Life and Midwest Life. He was the principal of Wilson Advocacy & Consulting, a certified arbitrator for insurance and securities disputes and was a member of the Harris County Appeals Review Board.

Charles L. Caskey, '69, Stanton, died on June 5, 2011, at age 67. He began his legal career with T.L. Grady Law Office. In 1979 he purchased the practice and renamed the business Caskey Law Office. He served as Stanton County attorney for several terms. In 1982, he obtained his abstractor's license and formed Stanton County Abstract Co. Inc., eventually expanding the business into several Northeast Nebraska communities.

Larry L. Langdale, '69, passed away in McAllen, Texas, on July 12, 2011. He was 69 years of age. He lived in Ferndale, Wash., for 20 years before moving to Mission, Texas, in 2008.

1970s

Brian Robert Watkins, '72, passed away on March 30, 2011, at the age of 63 after a nine year battle with cancer. He practiced law in Lincoln for 30 years. In 1998, he became an administrator for O.U.R. Homes. He was on the board of directors of the Nebraska Mental Health Association and was president of the University Place Business Association.

Thomas Brice Blount, '73, died on August 3, 2011, at age 64. He was an attorney with Bertolini Schroeder & Blount in Bellevue.

1980s

Kurt Vaughn Jaenike, '82, passed away on August 8, 2011, in Fresno, Calif. He was 54 years old. He practiced law in California for almost 30 years, where he was a respected bankruptcy attorney.

George M. Blauvelt, '82, died on May 2, 2011, at age 62 in Wisconsin Rapids, Wis. He was an attorney in Menomonie, Wis., for the past 20 years. Prior to his legal career, he worked six years in manufacturing and two years teaching in high school.

Bonnie Jean Kimble, '84, died on May 24, 2011. She was 63 years old. Kimble was assistant dean for career services and alumni development at the College of Law from 1985 until 1989. She taught high school English in Chase County High School in Imperial, Neb. and in Sterling, Colo.

1990s

JC Rondeau, '92, died in Bismarck, N.D., on April 14, 2011, at age 59. He worked at Stauffer Chemical in Green River, Wyo., Dakota Gasification in Beulah, N.D., Costal Refining in Wichita, Kan., UGI Utilities in Reading, Pa., and Sykes in Bismarck, N.D.

Report on Giving



Angie Hohensee, Senior Director of Development
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We continue to be amazed by the generosity of the College of Law alumni and friends. This excerpt of a letter from a first year law student to a College of Law donor says it all. Thank you!

I recently found an old clipping from my hometown newspaper, the Grand Island Independent, in which I and some of my elementary school classmates were profiled as "A+ Students." When the reporter asked what I wanted to be when I grew up, I said, "I hope to be a lawyer sometime in the future." I was eight years old. My family was poor when I was young and becoming a lawyer seemed like an impossible dream, a path open to some people, but not people like me. I carry that clipping in my binder to remind me of that kid and how much it would mean to him to see me at the University today. I amassed substantial debt as an undergraduate and the additional debt of three years of law school would have brought the total to an unmanageable amount, even if I could rely on securing a well-paying position after graduation. Simply put, without the opportunity provided by your scholarship, I would not be here. Such a great privilege can hardly be repaid with words alone. I hope that my academic performance over the next three years will further demonstrate my gratitude and will serve to honor the memory of Mr. Schmid.

The Report on Giving recognizes all donors who made gifts to the College of Law during the 2010-2011 fiscal year, starting July 1, 2010 through, and concluding on June 30, 2011. Any gift recorded before July 1, 2010, was part of the previous year's totals. Any gift recorded after June 30, 2011, will be recognized in next year's report. We are pleased to report that during the 2010-2011 fiscal year, the College of Law received \$1,841,673. This amount includes \$230,062 in gifts to the Annual Drive. To everyone that contributed their time, talents and resources to this successful year, thank you!

Considerable care has gone into the preparation of this report. Each donor is very important and every effort has been made to ensure the accuracy of the Report on Giving. In the event there is an omission or inaccuracy, we sincerely apologize. Please bring any errors to our attention. You may contact Christie Bordovsky at 1-800-432- 3216 or cbordovsky@nufoundation.org.

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Mr. James H. Kinsella
Mr. John H. Morehead, II
Mr. Robert E. Orshek

Class of 1953

Mr. Joel E. Babcock
Mr. Paul L. Douglas
Mr. David B. Downing
Mr. Gordon B. Fillman
Mr. Cyrus A. Johnson

Class of 1954

Mr. John C. Dean
Mr. Bruce L. Evans
Mr. William H. Grant
Mr. Kenneth A. Legg
Sen. Donald W. Pederson
Mr. Ramon L. Svehla

Mr. John E. Wilson

Class of 1955

Mr. Duane W. Acklie
Hon. Mark A. Buchholz
Mr. Allan F. Decker
Mr. John F. Fatcher, Jr.
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Hon. John D. Knapp
Mr. W. Reid Lowe
Mr. Edwin C. Perry
Mr. Lawrence L. Wilson

Class of 1956

Mr. Ira S. Epstein
James W. Hewitt, Ph.D.

Class of 1957

Hon. D. Nick Caporale
Mr. Lloyd W. Knapp
Mr. Jerry C. Stirtz

Class of 1958

Mr. Deryl F. Hamann
Mr. Claire D. Johnson
Mr. Dwain L. Jones
Hon. Norman M. Krivosha
Mr. James S. LaRue
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Dr. John D. Prien, Jr.
Mr. Norman Veitzer
Mr. Richard L. Valentine

Class of 1959

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Mr. Richard M. Fellman

Mr. Theodore L. Kessner
Mr. Ronald D. Raitt

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Mr. Joseph H. Carter
Mr. John F. Haessler
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Mr. Blaine E. Rieke

Class of 1961

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Mr. Levi H. Goossen
Mr. Gordon M. Hull
Mr. Richard M. Tempero
Mr. Gene D. Watson

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Mr. Robert T. Gruit
Mr. Harold E. Hoff
Mr. Larry D. Knox
Mr. Ronald D. Svoboda
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Mr. Jon F. Luebs
Mr. Robert M. O'Gara
Mr. Richard C. Schmoker
Mr. James L. Sedgwick

Mr. Morris L. Sinor
Mr. William A. Wieland
Hon. Dennis A. Winkle

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Mr. Donald R. Witt

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Mr. Con M. Keating
Mr. Robert S. Lingo
Mr. Ronald L. Schwab
Mr. Earl H. Scudder, Jr.
Mr. Steven G. Seglin
Mr. Richard K. Spencer

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Mr. Larry D. Bird
Mr. Gailyn L. Larsen
Mrs. Nancy J. Stara
Mr. Gary G. Thompson

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Mr. William B. Fenton
Mr. Robert A. Hill
Mr. Robert W. Korba
Mr. Thomas A. Larson
Mr. Robert W. Mullin
Mr. Jarret C. Oeltjen
Mr. Kent E. Person
Mr. Gary D. Ragnow
Mr. Richard D. Stafford
Mr. Thomas B. Thomsen

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Mr. John K. Boyer
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Mr. William A. Harding
Mr. Stuart M. Hurwitz
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Mr. Russell E. Lovell, II
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Hon. Patrick G. Rogers

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Mr. M. Douglas Deitchler
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Mrs. Marilyn B. Hutchinson
Hon. Everett O. Inbody II
Mr. Eugene E. Kastanek
Mr. Stephen A. Mazurak
Mr. G. Brian Pingel
Mr. James M. Walters
Mr. Jack G. Wolfe

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Mr. Russell J. Sindt
Mr. Ronald J. Stading
Mr. L. Joe Stehlik
Mr. Stanley M. Talcott

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Mr. Jeffrey E. Curtiss
Mr. James A. Gallant
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Mr. Michael M. Hroch
Mr. Steven R. Hutchins
Hon. Richard G. Kopf
Judge Larry D. Lamson
Mr. David M. Landis
Mr. Arnold W. Messer
Mr. John H. Moseman

Mr. Donald J. Mueting
Mr. Richard S. Reiser
Mr. James E. Rembolt
Mr. Stuart Smith
Mr. Clifford J. Sturek
Mr. Dennis C. Tegtmeier
Mr. John R. Wertz
Mr. Robert P. Wintz
Mr. William J. Wochner

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Mr. Terry C. Dougherty
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Mr. David R. Uher
Mr. John J. Wagner
Ms. Connie L. Westadt

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Mr. Thomas V. Bender
Mr. Robert L. Boumann
Hon. James R. Coe
Mr. William G. Dittrick
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Mr. Stephen C. Johnson
Mr. Bradford E. Kistler
Mr. John F. Kotouc
Mr. Brian F. Kreger
Hon. C. Vincent Phelps, Jr.
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Mr. Stephen A. Spitz
Mr. Gregory M. Stejskal
Mr. Timothy L. Thietje
Mr. James H. Truell
Mr. Gerald D. Warren

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Mr. Gary G. Krumland
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Mr. Douglas E. Merz
Mr. William L. Navis
Mr. David L. Niederdeppe
Mr. Brian K. Ridenour
Mr. Robert H. Sindt
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Mr. Darrell K. Stock
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Mrs. Olivia M. Guerra Keating
Prof. Thomas L. Hagel
Hon. Mary L. James
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Mr. Keith E. Martin
Mr. Glen A. Murray
Mr. James R. Nearhood
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Mr. Gary C. Seacrest
Mr. Timothy F. Shaw
Mr. Richard J. Vierk
Mr. John E. Vihstadt

Report on Giving

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Mr. Robert B. Creager
Mr. Kent R. Davy
Mr. Rick L. Ediger
Mr. Paul T. Gefreh
Mr. Daniel R. Gilg
Mrs. Deborah K. Gilg
Mr. Charles W. Hastings
Mr. Michael H. Jensen
Hon. Philip M. Martin, Jr.
Mr. Steven J. Mercure
Hon. Joseph M. Moothart
Mrs. Jill H. Nagy
Mr. Robert L. Nefsky
Hon. Robert B. O'Neal
Mr. Loel D. Pansing Brooks
Mr. Paul S. Rehurek
Mr. Charles F. Rolph, III
Mr. Barry L. Ross
Mr. Edward P. Sands
Mr. Van A. Schroeder
Mr. John A. Selzer
Hon. Laurie S. Smith Camp

Class of 1978

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Mr. Robert L. Bals
Prof. Mark A. Buchanan
Mr. Gary M. Gotsdiner
Mr. Robert A. Henderson
Mr. James D. Holman
Ms. Victoria G. Horton
Mrs. Sharon M. Kresha
Mrs. Mary N. Lafave
Mr. Steven D. Mahrt
Mr. William A. Marienau
Mr. Michael L. Munch
Hon. Michael W. Pirtle
Ms. Elaine Rollins
Mrs. Barbara W. Schaefer
Mr. Alan G. Stoler
Mr. Steven R. Voigt
Mr. Terry R. Wittler

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Mr. Lance C. Antonson
Mr. Barry T. Bauer
Mr. Richard D. Brown
Mrs. April E. Casey

Judge William B. Cassel
Marianne E. Clifford Upton
Ms. Nancy L. Cross
Mr. Timothy R. Engler
Ms. Beverly J. Evans
Mr. Stanley C. Feuerberg
Mr. Daniel A. Fullner
Ms. Terrill A. Hyde
Mr. Randall G. Jauken
Dr. Eileen K. Jennings, Ph.D.
Mr. Joseph R. Kafka
Mrs. Paula J. Metcalf
Ms. Lynette R. Miserez
Mr. Dennis R. Onnen
Mr. Michael K. Reppe
Hon. Robert R. Steinke
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Mr. Larry A. Todd
Dr. Donald F. Uerling, Ph.D.

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Mrs. Pamela R. Andersen
Mr. Arend R. Baack
Ms. Karen J. Beadie
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Mr. Gary N. Clatterbuck
Mrs. Claudia L. Divis
Mr. Timothy E. Divis
Mr. Emil M. Fabian, III
Miss Ann E. Fox
Mr. Ronald G. Gentzler
Mr. Keith J. Gredys
Mr. Dennis R. Hurley
Mr. Michael G. Hybl
Mr. Stephen M. Krumm
Mr. David N. Lutton
Mr. Joseph A. Morris
Mr. William J. Mueller
Mrs. Susan E. Prazan
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Mrs. Rosalie K. Ridenour
Mr. Michael J. Sloan
Mr. James R. Wefso
Mrs. Rebecca A. Winston

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Dr. Kathryn A. Bellman, Ph.D.

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Mr. Kent N. Campbell
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Mr. Scott R. Cook
Mr. Robert C. Corn
Mr. Andrew J. Jetter
Mr. Arlen W. Langvardt
Mr. Curtis E. Larsen
Ms. Eileen L. McBride
Ms. Kathryn A. Olson
Hon. Robert R. Otte
Mr. Jerry L. Pigsley
Mr. John E. Samson
Mr. Thomas C. Schuetz
Mr. Charles W. Sorenson, Jr.
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Hon. Lauren K. Van Norman
Mr. David A. Waskowiak
Mr. John C. Wiltse
Mr. James L. Young

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Mr. Daniel J. Amen
Mr. Steven D. Boyd
Mr. Steven J. Britzman
Mrs. Pamela A. Buttram
Ms. Teresa M. Hampton
Mr. Chris A. Horacek
Mr. Daniel E. Klaus
Ms. Susan M. Koenig
Ms. Glenda J. Pierce
Mr. Donald D. Ross
Mr. Bradley P. Roth
Mr. Mark M. Schorr
Mr. James C. Stecker
Hon. Alan J. White
Ms. Linda L. Willard
Mr. Neil E. Williams
Mr. Mark J. Young

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Mrs. Tamara J. Augustine
Mr. Gregory B. Bartels
Mr. Charles M. Bressman, Jr.
Ms. Christie M. Dibbern
Mr. Richard A. Drews
Mr. Stephen S. Gealy
Mr. Thomas E. Geu
Hon. Victoria J. Grant

Mr. Richard A. Hartfield
Ms. Glenda J. Lanik
Mrs. Gail L. Perry
Prof. James E. Perry
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Mr. Tyler J. Sutton
Ms. Judith A. Vitamvas
Mr. Alfred E. Willett
Hon. Laurie J. Yardley
Mrs. Martha K. Zajicek

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Mr. Thomas J. Foster
Hon. Richard W. Grosz
Mr. Douglas R. Hart
Mr. Paul M. Kippley
Mr. Reginald S. Kuhn
Mr. Terry L. McElroy
Mr. Todd A. Morrison
Mrs. Patty Pansing Brooks

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Mr. John A. Albright
Miss Diane H. Dentlinger
Mr. John C. Hewitt
Mr. Neil L. Johnson
Mrs. Virginia G. Johnson
Mr. Bruce E. Kruger
Mrs. Monica L. Kruger
Mr. Keith E. Moxon
Mr. George S. Nash
Mr. William M. Ojile, Jr.
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Ms. Kim M. Robak
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Mrs. Ellen L. Totzke

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Mrs. Ann D. Diers
Mr. Allen G. Erickson
Mr. Robert P. Foster, Jr.
Mr. Gregory P. Gillis
Mrs. Alicia K. Henderson
Mr. Michael B. Kratville
Mr. Michael K. O'Neal
Mr. David C. Pauley
Mrs. Lisa D. Price
Mr. Terry R. Rickers

Mrs. Kathleen E. Rockey
Mr. John L. Spray
Mr. Hans H. Thielman
Mrs. Lori J. Vinton
Mr. Michael L. Walcott
Mrs. Susan C. Williams
Mr. Gregory D. Worth

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Mr. John C. Anderson
Mr. Miles M. Dewhirst
Mr. Scott D. Johnston
Mr. Frank L. Labrador
Mrs. Vicki J. Vlasnik Dicker
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Class of 1988

Mrs. Marie L. Buckley
Mr. Wayne E. Dolezal
Mr. Jeffrey A. Nix
Mr. Todd W. Ruskamp
Mrs. Elizabeth K. Ryan
Mr. John M. Ryan

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Mrs. Cathleen H. Allen
Mr. Timothy D. Brown
Mr. John C. Gessert
Mr. Stephen J. Henning
Mr. Thomas V. Hinshaw
Mr. Ernest M. Martin
Ms. Sharon A. McIlroy
Mr. Robert J. Parker, Jr.
Mrs. Marybeth Ruskamp
Mrs. Lisa R. Thayer
Mrs. Victoria L. Westerhaus
Mr. Rodney M. Wetovick

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Ms. Robin L. Binning
Mr. Mark A. Brohman
Mrs. Julie A. Burns
Mr. Eric L. Dillow
Ms. Susan L. Gessert
Mr. David A. Miller
Mr. Robert A. Monniere
Mr. Daniel J. Thayer
Mr. John H. Zelenka

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Miss Evelyn Nissen Babcock
Mr. Joseph F. Bachmann
Mrs. Carolyn M. O'Hara

Ms. Pamela B. Peck
Mrs. Stephanie Stacy
Mr. Michael J. Synek
Mr. Andrew J. Wilson

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Mr. Mark J. Blazek
Miss SaraBeth Donovan
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Mr. James K. Grim
Mrs. DaNay A. Kalkowski
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Mr. Robert J. McCormick
Mr. Thomas W. Pittman
Mr. Mark T. Schnider

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Ms. Sharon L. Bartter
Mr. John H. Bergmeyer
Mr. Patrick R. Guinan
Mr. Gregory R. Johnson
Ms. Elizabeth E. Kosier
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Ms. Tami L. Penner
Mr. Kirk S. Peterson
Dr. Mark S. Sobus, Ph.D.
Mr. Steven M. Thomas
Mrs. Elizabeth A. Varley

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Mr. Jack A. Barker
Mr. Paul H. Ladehoff
Mr. David W. Melville
Mr. Kent A. Meyerhoff
Mr. Kelly T. Shattuck
Mr. Todd D. Wilson
Mr. Thomas C. Wolfe

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Ms. Kristine D. Brenneis
Mr. Matt W. McNair
Mrs. Judy R. Scdoris
Mrs. Heidi H. Scherr
Mr. Robby J. Shortridge
Mr. James C. Ziter

Class of 1996

Dr. Carl B. Eskridge
Ms. Kim L. Faden
Mrs. Elizabeth M. Frederick
Mrs. Tamara S. Herrera
Mr. Kevin T. Lytle

Mrs. Colleen P. Manly
Mr. Michael P. Manly
Mr. Robert M. Schafer
Mr. Daniel Torrens

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Mr. James C. Bocott
Mr. Eric B. Brown
Ms. Elizabeth L. Hocking
Mr. Jeffery R. Kirkpatrick
Mr. Steven L. Meints
Mr. Joel D. Nelson
Mr. Thomas L. Selken
Mr. Corey L. Stull
Mrs. Jeanette L. Stull
Mr. William J. Toulouse

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Mrs. Kristin K. Brown
Mr. Joel E. Carlson
Mr. Derrick J. Hahn
Mr. Perry A. Pirsch
Mr. Carlos M. Rivera

Class of 1999

Dr. Marc W. Pearce, Ph.D.
Mrs. Suzanne M. Rodekohr
Mr. Chad W. Swantz
Mrs. Chastity K. Swantz

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Mr. Jeffrey D. Holloway
Mr. Dale R. Shook
Mr. Trent R. Sidders

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Mrs. Kelli Cummins Brown
Mr. Grayson J. Derrick
Mr. Dana J. Lindauer
Mr. David J. McClure
Mr. Brian S. Nielsen
Mr. Tim J. Thalken
Mrs. Amy J. Vyhldal
Mr. Ryan B. Wilhelm
Ms. Lori C. Wood

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Ms. Valencia N. Davis
Mrs. Tasha A. Everman
Ms. Tracy L. Jamison
Mr. Troy S. Kirk
Mrs. Paula S. Quist

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Mrs. Jessica C. Sidders

Class of 2003

Ms. Aliza Anvari
Ms. Molly M. Brummond
Ms. Sunah K. Lee
Mr. Zachary W. Peterson
Mr. David A. Prange
Mrs. Cheri S. Raymond
Mrs. Rachel E. Yamamoto

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Mr. Todd J. Hepler
Mrs. Darla J. Johnson
Mr. Jason J. Lessmeier
Ms. Karen K. Weinhold

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Ms. Colleen Engel Johnson
Mr. Sean M. Gleason
Ms. Stephanie A. Mattoon
Mr. Lee M. Rankin
Mr. John L. Selzer
Mrs. Tara A. Stingley

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Mr. Jameson C. Brummond
Mr. Daniel E. Dawes
Ms. Stacey L. Hines
Mr. Damon J. Kruger
Mr. Christopher D. Seifert

Class of 2007

Mr. Marcos C. Flores
Mr. Nathan G. Osborn
Mr. Benjamin I. Siminou

Class of 2008

Ms. Erin L. Ebeler
Mr. Jeffrey P. Ensz
Mr. Alan A. Fairbanks
Ms. Valerie J. Nolan
Ms. Amanda D. Spracklen
Hogan

Class of 2009

Kelly M. Ekeler
Mr. Anthony R. Essay
Ms. and Mr. Dawn M. Roth
Jayne E. Sykora
Mr. Derek A. Terwey

Calendar of Events

December 2011:

December 8, 2011

- Lincoln Area Alumni Holiday Reception, 5:30-7:00 p.m., VanBrunt Visitor's Center

January 2012:

January 25, 2012

- On-Campus Interviews begin

February 2012:

February 20-24, 2012

- CSO's Alternative Legal Career Week

March 2012:

March 19-23, 2012

- Spring Break Shadow Program

April 2012:

April 13, 2012

- Young Alumni Council meeting, 9:00-11:00 a.m.,
Lied Center for Performing Arts

April 13, 2012

- Alumni Council Awards Luncheon, 11:00 a.m. – 1:00 p.m.,
Lied Center for Performing Arts

April 13, 2012

- Alumni Council meeting, 2:00 – 4:00 p.m., College of Law

April 13-14, 2012

- Big Red Weekend at UNL

April 26, 2012

- Omaha Area Alumni Reception, 5:00 p.m., Happy Hollow Club

May 2012:

May 5, 2012

- Commencement Ceremony, Lied Center for Performing Arts
Featuring address by Jeffrey Toobin, legal analyst for CNN and *The New Yorker*

