

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

The Nebraska Transcript

Law, College of

Fall 2012

The Nebraska Transcript 45:2, Fall 2012

Follow this and additional works at: <https://digitalcommons.unl.edu/nebtranscript>



Part of the [Law Commons](#)

"The Nebraska Transcript 45:2, Fall 2012" (2012). *The Nebraska Transcript*. 4.
<https://digitalcommons.unl.edu/nebtranscript/4>

This Article is brought to you for free and open access by the Law, College of at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in The Nebraska Transcript by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

Nebraska TRANSCRIPT

University of Nebraska College of Law

A photograph of two young women, law students, standing in front of a brick wall. They are both smiling and wearing red sashes. The woman on the left is holding a large, dark, curved trophy with a circular plaque that reads 'ABA' and 'University of Nebraska College of Law'. The woman on the right is holding a similar trophy and a large gold medal. Both trophies have 'ABA' and 'Law Student Division' inscribed on them. The woman on the right's medal also says 'Client Counseling Competition' and 'National Champion'.

Student Team Wins National Client Counseling Competition

Also in this issue:

Rob Denicola: Teaching 1Ls Rewarding Work
Berger & Schutz Receive Tenure
Remembering Professor Richard Harnsberger



Nebraska Law

University of Nebraska

Dean's Message	2
Faculty Updates	
Profile: Rob Denicola	4
Potuto Gives Chancellor's Distinguished Lecture	6
Faculty Notes	8
Berger Receives Tenure	15
Schutz Granted Tenure	21
Shoemaker Joins Faculty	28
Stohs Opens Entrepreneurship Clinic	29
Thimmesch Joins Faculty	30
Feature: Client Counseling Competition Champions	31
Around the College	
Bresel Experiences on Capitol Hill	38
Externships	39
Department of Defense Externship	42
Hilgers Joins Career Services	44
Big Ten Law Deans Meet at College	45
Karlan Delivers Lane Lecture	46
Laurin Lectures on Roberts Court	48
Admissions Report	50
Baughman Joins Admissions Office	52
Student Accolades	53
Students Volunteer at Voices of Hope	55
Allen Moot Court Competition	55
Graduation & Family Traditions	56
Our Alumni	
Herb Knudsen: Milkweed Mogul	61
Alumni Council Awards Pictorial	64
AlumNotes	70
In Memoriam	77
Annual Report	88
SCT Alumni Gather	100
Union Bank Dedication Pictorial	101
Kimberly Hyde Practices in American Samoa	102
Calendar	104

It is the policy of the University of Nebraska-Lincoln not to discriminate based upon age, race, ethnicity, color, national origin, gender, sex, pregnancy, disability, sexual orientation, genetic information, veteran's status, marital status, religion or political affiliation.

©2012, The Board of Regents of the University of Nebraska.

All rights reserved.



Baughman & Johnson 4th Team in College's History To Win National Client Counseling Competition

Christine Baughman, '12, and Audrey Johnson, '12, won the National Client Counseling Competition and represented the U.S. this spring in the International Competition held in Dublin, Ireland.



Pg. 4

Faculty Profile: Professor Rob Denicola's interest in Intellectual Property guides his research, but his passion for teaching is driven by first-year students.



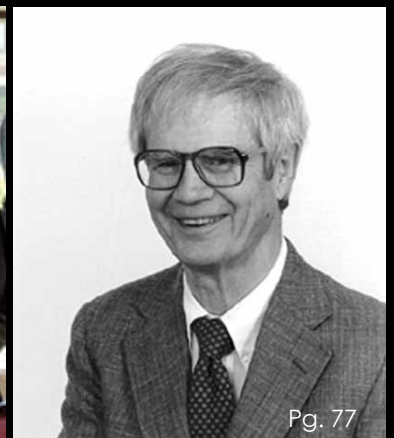
Pg. 38

3L Spends Summer with National Corn Growers Association: David Bresel, '13, spent his summer interning with the Association in Washington, D.C.



Pg. 64

Alumni Council Honors Gradwohls: Professor John, '53, and Jan, '54, Gradwohl were honored by the Alumni Council with its Distinguished Alumni Award.



Pg. 77

Remembering Professor Dick Harnsberger, '49: Harnsberger's legacy acknowledged by former colleagues, students.

Dean's Message



Susan Poser

Dean and Richard C.
& Catherine Schmoker
Professor of Law

Dear Alumni and Friends,

As the fall semester begins, we are looking forward to an exciting year. In this edition of THE NEBRASKA TRANSCRIPT, you will read about the students who continue to amaze us and the faculty who received tenure and were promoted this year. You will read about the three new members of the faculty, each of whom brings important expertise to our curriculum and to our University.

After revising the first-year courses and adding several joint degrees and areas of concentrated studies over the past two years, the faculty's ongoing review of the curriculum will focus now on mapping the curriculum. We are analyzing all of our course offerings to see where we need to add, subtract or change in order to ensure a logical, diverse and challenging course of study for all of our students as they pursue their own interests in the law. We are also growing our externship program so that our students can get supervised, practical experience in a wide variety of legal and policy fields while still in law school.

I am happy to report that the number and credentials of our entering first-year students are higher than they were last year, despite the fact that nationally, applications to law schools over the past two years have decreased almost 25 percent, and there has been much maligning of law schools in the press.

I believe that our ability to continue to attract high-caliber, interesting and ambitious students now and in the future will require two things. First, we must continue to be a student-centered law school at which an outstanding faculty provides an excellent and broad-based education. Second, we must continue to provide this education at a reasonable cost. This year, in order to attract students, we offered more scholarships than we ever had in the past.

It is this combination of excellence and low cost that will allow us to navigate these challenging times in legal education and come out even stronger when things settle down. I believe that we are in the best possible situation as a state law school with a history of excellence and low tuition. But there is every reason to believe that the challenges in legal education will grow in the short term, and that is where you come in.

We must build up our scholarship funds at the Law College. We have many very supportive alumni who have not only endowed scholarships, but paid for the recent extensive renovation to our building, supported our faculty and helped with so many other needs at the College. These alumni have been critical to our ability to create a program and a facility of such high caliber.

But you may be surprised to learn that only about 9 percent of Law College alumni donate to the College. I have set a goal to bring that percentage to 15 percent by 2015. We need this support now more than ever, particularly in scholarship support, so that we can continue to attract the best and the brightest to the College of Law and realize our potential to make the future of the College even better than the past. Only with this help at this time will we be able to continue our tradition of bringing the best stu-

I believe that our ability to continue to attract high-caliber, interesting and ambitious students now and in the future will require two things. First, we must continue to be a student-centered law school at which an outstanding faculty provides an excellent and broad-based education. Second, we must continue to provide this education at a reasonable cost.

dents to Nebraska Law and training them to be the leaders of the bar, bench, state and nation.

I pledge to you that the faculty and administration will continue to pursue excellence at the Law College by focusing on strengthening our curriculum and hiring outstanding faculty. We need your help to make the fine education that we provide a reality for students from Nebraska and across the nation.

Please help us get to 15 percent by 2015! Thank you, and as always, call or email with any questions or concerns.

Sincerely,



Susan Poser
Dean and Richard C. & Catherine Schmoker Professor of Law

While IP Law is Denicola's Specialty, He Particularly Enjoys Challenge Of Teaching First-Year Contracts

By Emily Rose, '12

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 Richard Harnsberger, Josephine Potuto, Alan Frank, Marty Gardner and Roger Kirst.

Before joining the faculty of the College of Law in 1976, Robert Denicola received his B.S.E. degree from Princeton University in 1971 and a J.D. from Harvard Law School in 1974, as well as an L.L.M. degree from Harvard in 1976. After his graduation from law school, Denicola worked for a large Boston law firm until a phone call from a friend at Boston University offered him a position teaching a section of Legal Writing. "I can't remember why, but I said yes," said Denicola. "I'd never done any teaching before, so I didn't know what to expect. It turned out to be fun, at least for me. I'm not so sure about the students."

"When I came to the Law College, I thought I'd try full-time teaching for a few years and then go back to Boston. But at the end of each year, I found myself saying, maybe one more year. After 36 years, I'm still here. I've taken some time off to teach at other schools, but I've always come back to Nebraska."

During Denicola's tenure at Ne-

braska Law, he has primarily focused on Copyright Law, Unfair Competition and Contracts. Denicola found himself gravitating toward intellectual property cases at his Boston law firm. "I quickly learned that, at least for me, it was more fun to meet with people who were starting new businesses or with artists or musicians, or even software engineers, than with people whose businesses were going through bankruptcy or who had dumped some chemicals in a wetland," he said.

"When I got to the Law College, no one was teaching any IP courses, so I started a course in Copyright Law and picked up a course in Unfair Competition that hadn't been taught for a while. I'm still doing both of them, although times have definitely changed. When I began teaching Copyright, it was a relatively quiet area that most lawyers never ran into. Now, with the explosion of digital technology, there are copyright issues everywhere, and it's become almost a basic aspect of general business practice."

Denicola began teaching Contracts soon after he came to Nebraska Law. "Law school teaching wouldn't be nearly as much fun for me if it didn't include a first-year course," said Denicola. "They have a different dynamic than upperclass courses and you end up discussing some very fundamental ideas. Every year on the last day of the Contracts course I remind the students how far they've come over the past eight months and how much more knowledgeable and sophisticated they are in thinking about contract issues than when they were struggling over the first day's assignment."

Outside of the classroom, Denicola has become a devoted author of a casebook on *Copyright Law* for Foundation Press, now in its 10th edition. "I do a new edition every four years along with an annual supplement because there's so much happening in IP," said Denicola. "I spend about a half-hour every day collecting interesting things from a variety of online sites for the supplement and then put it all together at the start of

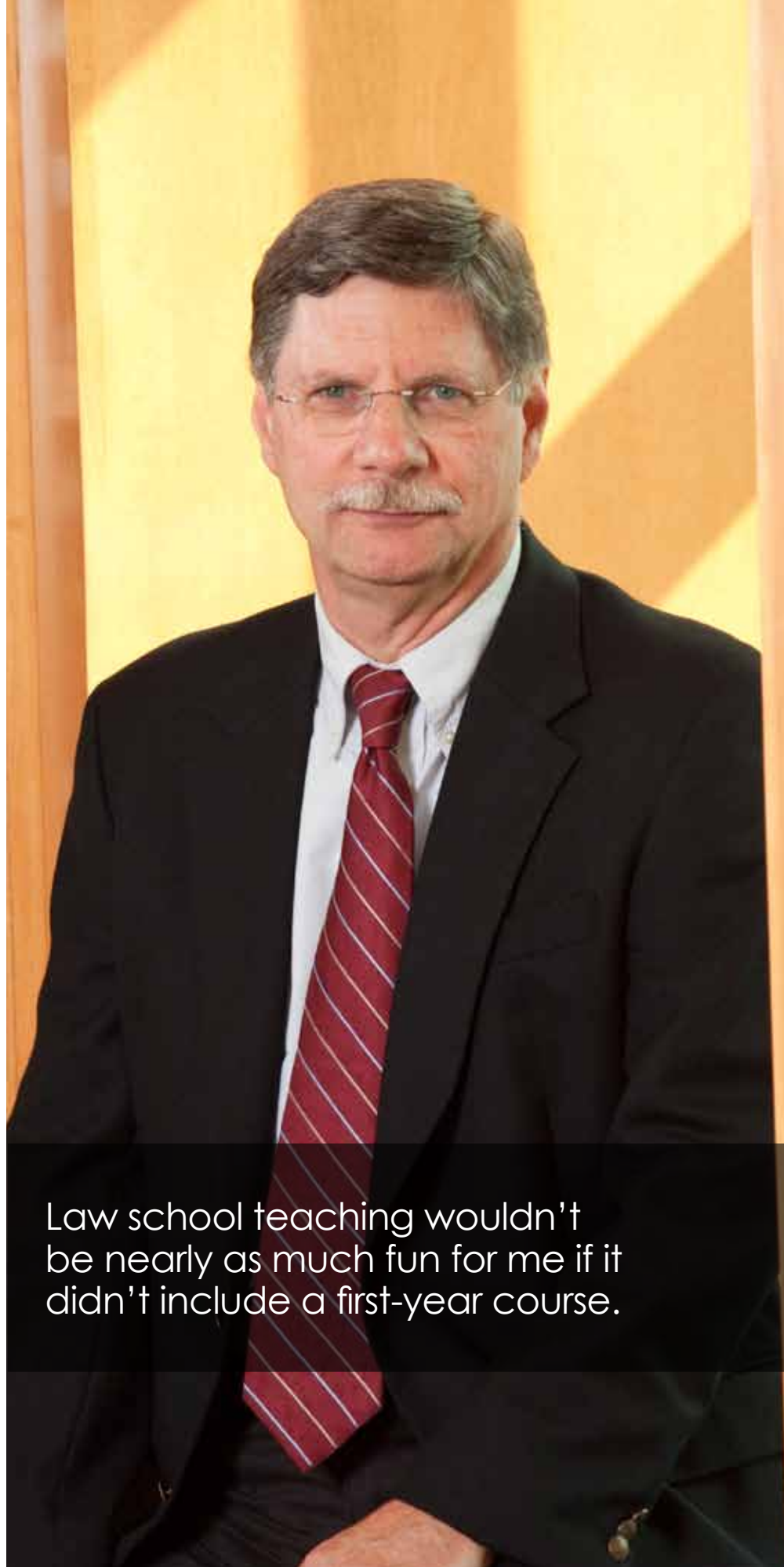
every summer. It's a great way to keep up."

In addition to his casebook, Denicola also worked with then Law College Dean Harvey Perlman on the *Restatement of Unfair Competition* for the American Law Institute (ALI), which deals with subjects involving trademarks, trade secrets and false advertising. Denicola describes the experience as "running a high-powered seminar where everyone else probably knows more than you do about the subject."

Denicola said that they would periodically present the material to the ALI Council and to the full membership of the ALI at their annual meetings. "It was a great experience, but after a decade of meetings, drafts and redrafts, I wasn't sad to have it finished," he said. "Although research and writing can be fun, it can also be frustrating. I wouldn't want an academic job that didn't include teaching. No matter how badly some research project might be going, if you have a good class, it gives you a sense that you've accomplished something."

Denicola's free time is spent cooking, travelling and attending summer baseball games with his wife, Christine. "I've been a New York Yankees fan since my father began taking me to games at Yankee Stadium when I was a boy," said Denicola. "My five-year old grandson lives in Vermont and has become a Boston Red Sox fan. It's very distressing. At least there's still hope for my two-year old granddaughter in Texas."

Robert Denicola



Law school teaching wouldn't be nearly as much fun for me if it didn't include a first-year course.

Potuto Presents Chancellor's Distinguished Lecture: 'The NCAA: Who, What, When, Where, How and Certainly Why'

On March 28, 2012, Professor Josephine Potuto presented "The NCAA: Who, What, When, Where, How and Certainly Why" via webcast and to a large group assembled at the University of Nebraska Student Union. The presentation was part of The Nebraska Lectures: Chancellor's Distinguished Lecture Series.

Potuto has been a member of the Nebraska Law faculty since 1974 and has been the University's faculty athletic representative to the NCAA since 1997. She currently teaches Federal Jurisdiction, Constitutional Law, Sports Law and Criminal Procedure. In 2003 Potuto received the Nebraska Alumni Outstanding Faculty Award. In her lecture, Potuto broke down the structure of the NCAA and discussed the main issues the NCAA faces in regulating collegiate athletics. "We talk about the NCAA in the singular, but it is multiples of multiples. It has hordes of directors, councils, cabinets and committees," she said. "It is the national office staff that administers programs and championships. Here is the truth for NCAA bashers: We have met the NCAA and it is us."

One of the NCAA's most difficult tasks is determining rules. "My research at the College of Law centers on process. For a researcher whose focus is process, the NCAA is a veritable petri dish. Process is how a rule gets made or how we implement constitutional protections – the chef preparing the meal and the waiter serving it. Even a cordon bleu meal can be ruined if the waiter drops it on your lap," Potuto said.

"Process helps us get buy-in from stakeholders, but

when compromise is not possible, when there will be winners and losers, getting the process right is imperative," she added. The process of creating rules is a constant struggle. The diversity between collegiate institutions and their sports programs makes the NCAA's job especially challenging. The NCAA has to create rules that will apply to public schools, private schools, religious schools, schools that have a budget of \$150 million and schools with an operating budget of only \$50 million.

Additionally, there are different sports and different seasons. All of these considerations go into process.

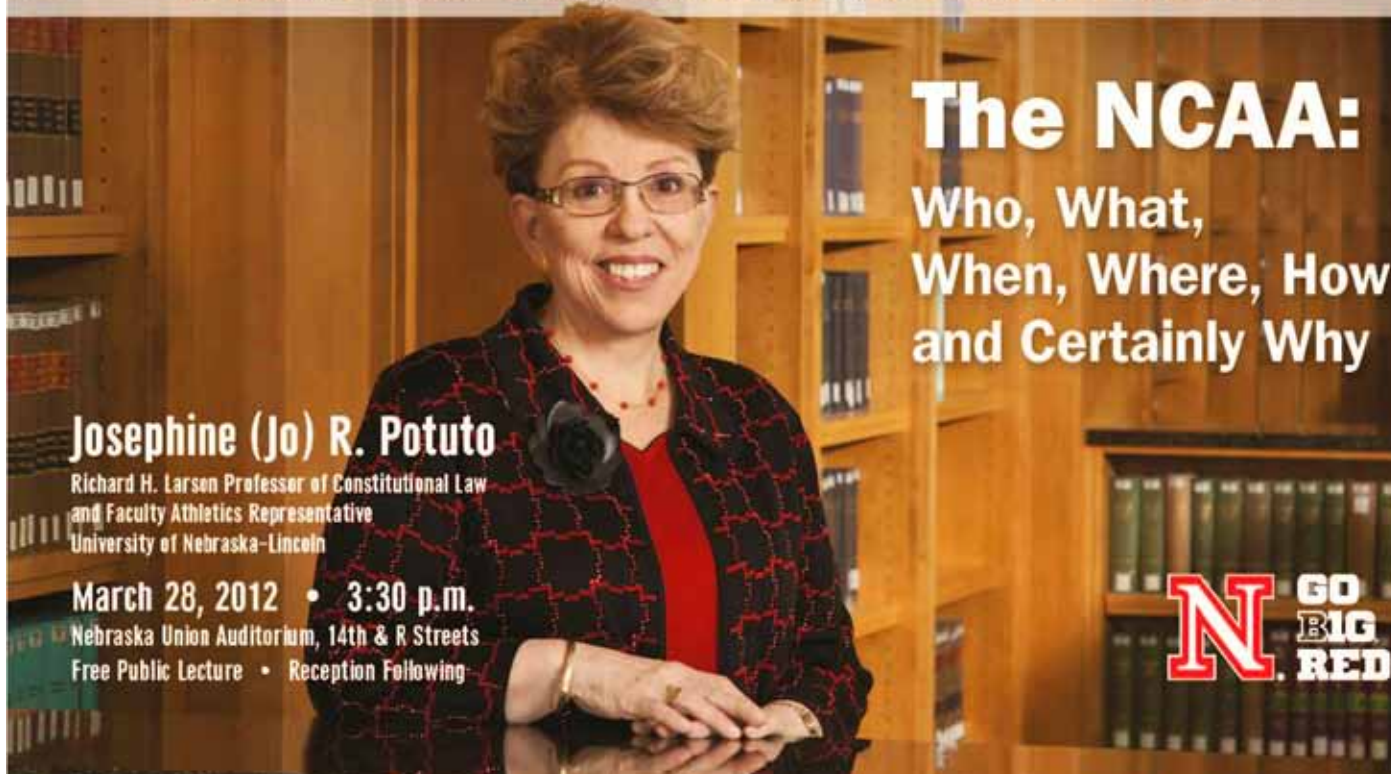
There is a lot going on behind the scenes with the NCAA. There are rules committees, academic performance committees, legislative committees, legislative review committees, reinstatement committees and infractions committees, to name a few. But ultimately, the NCAA is not the enforcer, the university is. "When the Student-Athlete Reinstatement Committee decides that Ohio State student-athletes need to sit out five games, it does not order them to sit out those games. It orders *Ohio State* to see to it."

The NCAA relies on universities, coaches, student athletes and other athletic staff members to keep the system honest. This often means reporting your own violations or others' violations. When one school breaks rules, it is often the other universities that suffer the effects. "NCAA violations run the gamut, from academic fraud to a coach sending a text to a recruit. We punish today and tomorrow for what happened yesterday and the day before," Potuto said. "And by the time the investigation is over, the wrong doers are gone. For major infractions it



THE NEBRASKA LECTURES

CHANCELLOR'S DISTINGUISHED LECTURE SERIES



**The NCAA:
Who, What,
When, Where, How
and Certainly Why**

Josephine (Jo) R. Potuto
Richard H. Larson Professor of Constitutional Law
and Faculty Athletics Representative
University of Nebraska-Lincoln

March 28, 2012 • 3:30 p.m.
Nebraska Union Auditorium, 14th & R Streets
Free Public Lecture • Reception Following

N GO BIG RED

We talk about the NCAA in the singular, but it is multiples of multiples. It has hordes of directors, councils, cabinets and committees. It is the national office staff that administers programs and championships. Here is the truth for NCAA bashers: We have met the NCAA and it is us.

can work no other way. Remember, the university also committed the violations, and it is against the university that penalties are directly imposed. Penalties need to be severe if they are to deter future bad conduct. The focus for penalties cannot be exclusively for the schools in the box; it needs to protect schools without violations, so all of the most severe penalties have an impact on innocents.”

Potuto had some advice for making good rules. “Don’t act unless you know why, because what everyone thinks is true often is not. Also, don’t sweat the small stuff. It is neither efficient nor cost effective to enforce rules for every situation.” The NCAA rulebook is notoriously voluminous. Potuto suggests cutting down the rulebook and stopping “the regulatory mentality of making everything even.” Potuto pointed out that people will adjust to new rules and that there needs to be consideration of the impact on others before rules should be adopted or changed. Making a rule for every situation as it comes seems like an easy fix, but Potuto warned of the toothpaste-tube effect. “If there is enough pressure the toothpaste will ooze through. If you plug it up, then it oozes somewhere else. We need optimum, not perfect.”

Potuto alluded to a possible change in the voting in the future. “Division I rules and policies are developed and enforced as one size fits all, even though the NCAA is anything but. In the Division I of 2012, everyone has a say, even when they shouldn’t.”

In the end, the NCAA often looks like the bad guy, but Potuto provided some insight into its difficult world. “The NCAA is not a malicious empire, but it is much challenged, burdened and maybe overwhelmed.”

Faculty Updates

Faculty Notes



Jack M. Beard



Eric Berger



Kristen M. Blankley



Brian H. Bornstein

Jack M. Beard Assistant Professor of Law

Professor Jack Beard presented “Conflicts in Cyberspace: Which Laws? What Kind of Ethics?” at the Naval Postgraduate School in Monterey, Calif. The presentation was part of a conference of experts on cyber law and cyber security entitled “Cyber Endeavor 2012: Operations in Cloud and Cellular Networks.” He also presented “Soft Law, Customary International Law and the Use of Force in Outer Space” at the Sixth Annual Space Conference at the College of Law and presented “Transformational UAV Military Capabilities: International Legal Implications” at an interdisciplinary UNL workshop on Unmanned Aerial Vehicles.

Eric Berger Associate Professor of Law

Professor Eric Berger’s article, “Deferral Determinations and Stealth Constitutional Decision Making,” was accepted for publication by the *Iowa Law Review*. It will appear in early 2013. Berger presented two new papers at the Southeastern Association of Law Schools annual conference: “The Paranoid Style of

Constitutional Fundamentalism” and “Same-Sex Marriage and Stealth Constitutional Decision Making.”

He participated in a Law Day debate about “Democracy and the Duty to Vote,” which was sponsored by the Nebraska State Bar Foundation and the Nebraska Supreme Court. He was interviewed several times by newspaper, radio and television news about the Supreme Court’s ruling in the health care case. Berger received tenure and was promoted to associate professor, effective in the fall semester of 2012.

Kristen M. Blankley Assistant Professor of Law

Professor Kristen Blankley published “Taming the Wild West of Arbitration Ethics” in 60 *Kansas Law Review* 925. The article considers the application of rules such as perjury and document tampering to the arbitral forum. Blankley’s upcoming article, “Adding by Subtracting: How Limited Scope Agreements for Dispute Resolution Representation Can Increase Access to Attorney Services,” was accepted for publication by the *Ohio State Journal on Dispute Resolution*. Blankley was elected secretary of the Nebraska Mediation Association.

Brian H. Bornstein Professor of Psychology and Courtesy Professor of Law

Professor Brian Bornstein’s recent publications include: “Effects of Exposure Time and Cognitive Operations on Facial Identification Accuracy: A Meta-Analysis of Two Variables Associated with Initial Memory Strength,” 18 *Psychology, Crime & Law* 473 (with Deffenbacher, McGorty & Penrod); “Jury Instructions on Witness Identification,” 48 *Court Review* 48 (with Hamm) and “The Effects of Jurors’ Beliefs about Eyewitness Performance on Verdict Decisions,” 18 *Psychology, Crime & Law* 49 (with Neal, Christiansen & Robicheaux). His book, *Stress, Trauma and Wellbeing in the Legal System* (with Monica Miller, ’02) will be published by Oxford University Press in late 2012. Bornstein recently received two grants from the National Science Foundation for research being conducted with Professor Alan Tomkins and Jessica Snowden, a 2009 graduate of the Law College.



C. Steven Bradford



Eve M. Brank



Beth Burkstrand-Reid



Robert C. Denicola

C. Steven Bradford Earl Dunlap Distinguished Professor of Law

Professor Steve Bradford's article, "The New Federal Crowdfunding Exemption: Promise Unfulfilled," was published by the *Securities Regulation Law Journal*. Bradford also published four new CALI lessons on accounting for lawyers: "An Introduction to Depreciation," "Methods of Depreciation," "Inventory and the Cost of Goods Sold" and "Inventory: The Lower-of-Cost-or-Market Rule." On June 26, 2012, he testified on implementation of the JOBS Act before the Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs, U.S. House of Representatives Committee on Oversight and Government Reform. Bradford also made the following presentations:

- "Everything You Need to Know About Crowdfunding," Private Equity and Venture Capital Committee, American Bar Association Annual Meeting,
- Webinar, "Crowdfunding, Small Business and the New Federal Crowdfunding Exemption," State Science and Technology Institute,

- Webinar, "Crowdfunding and Federal Securities Law," National Council of Entrepreneurial Tech Transfer,
- "Crowdfunding, Small Business and Government Regulation," Center for Entrepreneurship, UNL College of Business Administration, and
- "Crowdfunding and Federal Securities Law," Securities Regulation Committee, New York State Bar Association, New York, N.Y. (via phone).

Bradford has begun teaching Accounting for Lawyers as an online course. It is the first fully online course offered by the Law College.

Eve M. Brank Associate Professor of Psychology and Courtesy Professor of Law

Professor Eve Brank, with graduate student and law alumnus Leroy Scott, '12, has contributed a piece on parental responsibility laws for the *Encyclopedia of Criminology and Criminal Justice*. Her article, "Bullying," which she co-authored with J.D./Ph.D. student Lori Hoetger, and former visiting student Katherine Hazen, will be published in the *Annual Review of*

Law and Social Science.

Beth Burkstrand-Reid Assistant Professor of Law

Professor Beth Burkstrand-Reid's work on reproductive health has proven timely this summer. She presented her work "Push!" at the Law and Society Annual Meeting, the Big 10 Untenured Faculty Conference and Emerging Family Law Scholars. The research focuses on the use of *Roe v. Wade* outside of the abortion context to regulate birth control, pregnancy and childbirth-related decisions. Burkstrand-Reid also has been active in the media in the area of reproductive health. Her column, "The War on Sex for Pleasure," appeared in *The Huffington Post*. CNN.com quoted Burkstrand-Reid on the potential closure of the last abortion clinic in Mississippi. In addition to her work in reproductive health, she continues her research on fatherhood. Her article "Dirty Harry Meets Dirty Diapers: Masculinity, At-Home Fathers and Making the Law Work for Families," was featured at the inaugural Work and Family Researchers Network Conference and will be published in the *University of Texas Journal of Women and the Law* this fall.

Faculty Updates

Faculty Notes



Richard F. Duncan



Alan H. Frank



John M. Gradwohl



Brian D. Lepard

Robert C. Denicola
Margaret Larson Professor
of Intellectual Property Law

Professor Rob Denicola's article about the appropriation of news content, "News on the Internet," will be published this spring in the *Fordham Intellectual Property, Media, and Entertainment Law Journal*. He is currently working on the 11th edition of his textbook on *Copyright Law*.

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

Professor Rick Duncan's article, "Why I Am a Libertarian in Secular America," has been published in 8(1) *The Christian Lawyer* 6. The article addresses religious liberty in a modern secular state and argues that the best way to protect religious liberty in secular America is to protect liberty generally by shrinking the size of government.

Alan H. Frank
Professor of Law

Professor Alan Frank was awarded a Builder Award at the Nebraska Me-

diation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Builder Award honors individuals who have made significant contributions through their professional careers in government, education, law and the private sector to further mediation as a problem-solving process for Nebraskans.

John M. Gradwohl
Judge Harry A. Spencer
Professor of Law Emeritus

Professor John Gradwohl completed an article, "Legislative Enactment of Standard Forms," which will be published in 91 *NEBRASKA LAW REVIEW* (No. 2). Current drafts and the published version can be accessed at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2065954. The article features an analysis of the Uniform Transfer of Real Property on Death Act and the Uniform Power of Attorney Act and deals with the scope of existing statutory forms, pragmatics of legislative enactment of standard forms, considerations of the unauthorized practice of law and policies concerning "consumerism."

Brian D. Lepard
Law Alumni Professor of Law

Professor Brian Lepard completed revisions to the proofs of a revised edition of his book, *Section 482 Allocations: General Principles in the Code and Regulations*, published as a Tax Management Portfolio by the Bureau of National Affairs. Lepard also published a book chapter on "The Legal Status of the 1996 Declaration on Space Benefits: Are Its Norms Now Part of Customary International Law?" in *Soft Law in Outer Space: The Function of Non-Binding Norms in International Space Law*, edited by Irmgard Marboe. He also presented a paper based on the chapter at the Sixth Annual Spring Space Law Conference at the College of Law. Furthermore, Lepard organized and chaired a panel discussion at the University of Nebraska Student Union on the right to education under international law following a showing of the documentary film "Education Under Fire" about the denial of higher education to Bahá'ís in Iran solely because of their religion.



Colleen E. Medill



Richard E. Moberly



Stefanie S. Pearlman



Kevin L. Ruser

Colleen E. Medill
Robert and Joanne Berkshire
Family Professor of Law

Professor Colleen Medill is the first recipient of the Robert and Joanne Berkshire Family Professorship, which is a new chair established for faculty at the College of Law. She spoke on “Public and Private Employee Benefits in Turmoil” at the International Conference for Law and Society in Honolulu, Hawaii, and published a new edition of her student-oriented book, *Acing Property*. Medill is the lead author for the fourth edition of the first year Property textbook, *Contemporary Property* (with Grant S. Nelson, Dale A. Whitman and Shelley Ross Saxon) to be published by West in 2013. To interest her Property students in current property-related news items, Medill is tweeting at [@ContemporaryProperty@ColleenMedill](https://twitter.com/ContemporaryProperty). She also has signed a contract with West Law School Publishing to produce the fourth edition of her ERISA casebook, *Introduction to Employee Benefits Law: Policy and Practice*.

Richard E. Moberly
Associate Dean for Faculty and
Professor of Law

Professor Richard Moberly’s ar-

ticle, “Whistleblowers and the Obama Presidency: The National Security Dilemma,” was published in Volume 16 of the *Employee Rights & Employment Policy Journal*. The article explains the seemingly contradictory whistleblowing policies of the Obama Administration and explored the tricky subject of national security whistleblowing. Moberly’s article, “Sarbanes-Oxley’s Whistleblower Provisions – Ten Years Later,” was accepted as the lead article in Volume 64 of the *South Carolina Law Review*, to be published this fall. The article examines the impact of SOX’s whistleblower provisions ten years after their highly publicized passage. Moberly was promoted to full professor effective September 2012.

Stefanie S. Pearlman
Professor of Law Library and Ref-
erence Librarian

Professor Stefanie Pearlman was promoted to full professor effective July 2012.

Kevin L. Ruser
Hevelone Professor of Law & Di-
rector of Clinical Programs

Professor Kevin Ruser’s article, “‘Crimmigration’ Post-Conviction Claims in Nebraska: What’s Old,

What’s New, What’s Up and What’s Next?” was published in two parts in *The Habeas*, the newsletter of the Nebraska Criminal Defense Attorneys Association. Ruser updated *The Nebraska Criminal Law Practitioner’s Guide to Representing Non-Citizen Clients in State Court Proceedings* and with Civil Clinic office manager and legal assistant Deanna Lubken updated *The Nebraska Chapter 7 Consumer Bankruptcy Practice Manual*. Ruser returned to the University of Pristina Law Faculty in Pristina, Kosovo, during the first two weeks of September to help implement the recommendations for improvement in the Master’s Level Clinical Programs that he made after his March trip. Ruser also delivered a training on the new Nebraska Uniform Power of Attorney Act and advance directives at the 2012 Fall Convention of the Nebraska Health Care and Assisted Living Association.

Steven J. Schmidt
Assistant Clinical Professor of Law

Professor Steve Schmidt conducted another trial advocacy training session at the National Autonomous University of Mexico (UNAM) as part of the project that the College of Law has with the UNAM Facultad

Faculty Updates

Faculty Notes



Steven J. Schmidt



Anthony Schutz



Anna Williams Shavers



A. Christal Sheppard

de Derecho. The UNL-UNAM partnership is designed to assist Mexico as it changes its criminal justice system from a mixed inquisitorial model to an oral adversarial model. The three-day course was the capstone exercise in an Oral Trials in Mexico “diplomado,” which is similar to a continuing legal education program. The 80+ participants were practicing attorneys from Mexico City and beyond.

Anthony Schutz Associate Professor of Law

Professor Anthony Schutz’s article, “State Constitutional Restrictions on Special Legislation as Structural Restraints,” was accepted for publication in the *Notre Dame Journal of Legislation*. Schutz also concluded his work with the Republican River Basin Water Sustainability Task Force, helping it issue a report to the legislature on water-sustainability goals and planning. He continues to serve on the governing board of the American Agricultural Law Association. Schutz was awarded tenure and promoted to the rank of associate professor, effective September 2012.

Anna Williams Shavers Cline Williams Professor of Citizenship Law

Professor Anna Shavers has been appointed by Gov. Dave Heineman to serve on the Task Force on Human Trafficking. The task force was established within the Nebraska Commission on Law Enforcement and Criminal Justice for the purposes of investigating and studying human trafficking, the methods for advertising human trafficking services and the victimization of individuals coerced to participate in human trafficking. Shavers will serve as co-chair of the Research Subcommittee. In addition, Shavers has been named principal investigator for a team of UNL faculty, which received one of six grants from Microsoft to study the role of technology in human trafficking. The UNL project will focus on identifying the role of online advertising in child sex trafficking in the United States. The goal is to take a crucial step forward in combating domestic minor sex trafficking by identifying the role of the Internet in child sex trafficking and the clandestine language used in web advertising to facilitate child sex trafficking, and conceptualizing intelligent software

to identify online advertising of child sex for sale.

A. Christal Sheppard Assistant Professor of Law

Professor Christal Sheppard testified before Congress on April 26 at the hearing on “International Patent Issues: Promoting a Level Playing Field for American Industry Abroad.” Her scholarship regarding patentable subject matter, particularly software, has led to her being interviewed and quoted by, among others, the *Wall Street Journal*, *FoxBusiness*, *Politico*, the *Chicago-Sun Times* and *News-Week Japan*. Additionally, Sheppard served as a guest blogger on *Patently-O*. Her post, “Solving a Knotty Problem: An Outrageous Call for Patent Reform Part Deux,” argued that the “United States Congress immediately take an active role in the creation of the parameters for patentable subject matter.” She was also an author of “RAND Patents and Exclusion Orders: Submission of 19 Economics and Law Professors to the International Trade Commission,” which was recently listed on SSRN’s Top Ten download list for ERN: Intellectual Property.



Brian Striman



Adam Thimmesch



Frans von der Dunk



Steven L. Willborn

Brian Striman Professor of Law Library and Head of Technical Services

Professor Brian Striman has been elected vice chair/chair-elect of the Technical Services Special Interest Section of the American Association of Law Libraries (AALL). He also is co-author of a "Nebraska State Bibliography of Legal Resources Annotated: a Selective Bibliography," which is part of the AALL *Occasional Paper Series*. He presented a program for the October 2012 Mid-America Association of Law Libraries Annual Meeting titled "Which Way to Discovery? Reference Librarians at the Crossroads of Getting at Their Libraries' Resources Indexed by Catalogers." He recently developed two professional Facebook groups: administrator for "TSLAW-CHATS," a forum to discuss issues relating to technical services in law libraries, and co-administrator of "RDA Café," a forum that discusses issues regarding new international cataloging rules.

Adam Thimmesch Assistant Professor of Law

Professor Adam Thimmesch's article, "The Illusory Promise of Economic

Nexus," has been accepted for publication by the *Florida Tax Review*. The article analyzes the scope of state taxing power under the Commerce Clause of the U.S. Constitution. It provides a comprehensive review of the various economic-nexus standards adopted by states and analyzes how those standards will likely evolve over time. The article concludes that states' standards are ill-suited to protecting the federal interests underlying the Commerce Clause and advocates for the adoption of a federal, quantitative economic-nexus standard.

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

Dr. Frans von der Dunk served as a member of the Advisory Group to the Permanent Court of Arbitration (PCA) in The Hague, which drafted the PCA Optional Rules for Arbitration of Disputes Relating to Outer Space Activities. In addition, von der Dunk was nominated by the Dutch government to be listed as an arbitrator following Article 10(4) of the Optional Rules.

When the upstart company Planetary Resources announced its plans to develop robotic missions to asteroids in order to harvest very valuable minerals, von der Dunk was consulted by journalists and bloggers on the legal issues pertinent to such plans, such as the rights under international and national law to harvest such resources and the conditions that would or should be attached to them. A Skype interview with him by Bloomberg Law can be found at <http://youtube/kvxPuIfEB-A>. The University of Tokyo and the Japanese Aerospace Exploration Agency (JAXA) invited von der Dunk to give a few keynote lectures as well as a press conference on the topic of the governance of outer space: what comparisons might there be with the governance of the world's seas, how would private space activities have to be handled in that context, what was the role for public agencies such as JAXA and what international and national law should be developed in order to create a viable environment for such operations. Von der Dunk visited the University of Wisconsin Law School in Madison to present the LL.M. Program on Space, Cyber and Telecommunications Law at a meeting organized in conjunction with the



Sandra B. Zellmer

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

local Student Association of Air and Space Law. The discussions focused in particular on issues concerning exploitation of lunar resources, as the University of Wisconsin's engineering departments had been involved, together with Apollo 17 astronaut Jack Schmitt, in developing projects to harvest Helium-3 from the moon. Von der Dunk's blog for *Discover Magazine*, "Lawyer in Space! The New Era of Spaceflight Needs Some New Rules," evaluates the evolving landscape of space exploration and the need for laws to evolve as a result.

Steven L. Willborn
Judge Harry S. Spencer
Professor of Law

Professor Steve Willborn, together with Professor Matt Finkin from the University of Illinois, organized an international conference on "Public Sector Bargaining and the Distortion of Democracy: Do Public Sector Unions Have 'Too Much' Power." The conference, held in Philadelphia, featured speakers from the US, Canada, Japan, Italy, Greece, France and Germany. The papers will be published in the *Comparative Labor Law & Policy Journal*. Willborn represented the United States branch at

the World Congress of the International Association of Labor and Social Security Law in Santiago, Chile. He also led a plenary session at the Congress on the topic of Sexual and Moral Harassment in the Workplace. Willborn chaired a subcommittee of the Uniform Law Commission, which has been assigned the task of exploring the proper scope of a possible set of uniform state laws on wage payment topics, such as garnishment of wages, assignment of wages, deductions from wages and forms of wage payment. Last, but not least, Willborn commissioned an oil painting of his favorite cheese (Swiss), which is available for viewing in his office.

Sandra B. Zellmer
Robert B. Daugherty
Professor of Law

Professor Sandi Zellmer is a co-author of "Managed Relocation: Integrating the Scientific, Regulatory, and Ethical Challenges" published in the August 2012 issue of *BioScience*. She also co-authored and edited a casebook, *Natural Resources Law*, 2d. (West 2012), which includes web-based resources, visual aids, newspaper stories and articles from legal periodicals interspersed with traditional

legal analysis of cases, statutes and regulations, and published an article on "Wilderness, Water, And Climate Change," 42 *Environmental Law* 313. Zellmer also presented a webinar on Missouri River Water Quality Law for the Missouri River Recovery Implementation Committee (MRRIC), which is a congressionally authorized committee that serves as a basin-wide forum to develop a shared vision and comprehensive recovery plan. Zellmer presented a paper at The George Washington University National Law Center's Clean Water Act - 40th Anniversary Symposium on "Anti-degradation Policies in Environmental Law: Do They Work?" She participated on a panel on "U.S. Non-Ratification of Environmental Treaties: Why Does It Happen and How Do We Cope?" at the American Society of International Law Annual Meeting in Washington, D.C., and she co-authored a white paper on the related topic of "Reclaiming Global Environmental Leadership," available at http://www.progressivereform.org/articles/International_Environmental_Treaties_1201.pdf.

Eric Berger Receives Tenure

By Joel Fulton, '13

Constitutional scholar and law professor Eric Berger has achieved a professional milestone. In December 2011, the College of Law faculty voted to grant tenure to Berger, who joined the Law College in 2007. Berger's tenure status became official early in the fall of 2012, after the University of Nebraska Board of Regents approved it.

For a professor, "Receiving tenure acknowledges completed work, provides a measure of security and, most importantly, allows for risk-taking in scholarship," Berger said. "Tenure allows for the possibility of larger, multi-year projects, whereas pre-tenure there is pressure to get pieces out to stay on track."

Even with that pressure, Berger's article, "Individual Rights, Judicial Deference, and Administrative Law Norms in Constitutional Decision Making," published in the *Boston University Law Review*, won the 2011 American Constitution Society's Richard D. Cudahy Writing Competition on Regulatory and Administrative Law. Berger's article examines decision-making norms by courts when they determine whether administrative agencies have violated a constitutional individual right. Berger argues that 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's next article, "Deference Determinations and Stealth Constitutional Decision Making" is expected to be published in the *Iowa Law Review* in early 2013.

Among those who have helped Berger receive tenure, Berger mentions Associate Dean for Faculty and Professor of Law Richard Moberly, the most recent tenure recipient at the Law College prior to Berger. Moberly has supported him both as a friend and colleague, Berger said. Moberly read drafts of Berger's articles and provided feedback, gave him notes on teaching particular issues in class and offered guidance about what to focus on in order to advance along the path for tenure.

Berger, who currently teaches Constitutional Law, Constitutional History and Statutory Interpretation,



Eric Berger

can often be seen in the halls of the College with his Bill of Rights coffee mug in tow.

In class, he has been known to pull from his suit pocket a copy of the United States Constitution in order to consult the text, and he has his students look at their own copies, as well. Berger says while scholars and students of constitutional law often focus so much on Supreme Court cases, they sometimes forget to look at the text of the original document. "It is important to get into the habit

Faculty Updates

Appointments

of returning to the text,” Berger said, “in order to see the light the Court is trying to shine on it.

“In my classes, I try to challenge my students to think critically, to really press the legal arguments, to explore their strengths and weaknesses and to discover what kinds of arguments work and why,” Berger said. “I love teaching. I work very hard at it. I think it’s very important.” Berger connects with his students both in class and outside of it. For example, Berger dressed up as Spider-Man for an entire day as part of a fundraiser for the Nebraska Fund for Clerkships in the Public Interest. His youthful spirit and enthusiasm may be part of the reason why Berger was voted “Professor of the Year” by upper-class law students in 2008, 2010 and 2012. “It seems that all of his students like him, and many simply adore him as a teacher and a mentor,” Dean Susan Poser said of Berger.

Berger is the faculty advisor to the Community Legal Education Project (CLEP), which teaches school-aged children about law and the legal system. He served as co-moderator of Nebraska Law’s “Conversation with Supreme Court Justice Clarence Thomas,” when Thomas visited the University in September 2011.

A New York City native, Berger’s interest in the law came, in part, from his international perspective. As a child, Berger spent his summers at his grandparents’ home in Denmark. They lived west of Jutland in a tiny cottage perched on a dune overlooking the North Sea. As an undergraduate, Berger studied abroad in Copenhagen. Berger was also a high school English teacher at the American International School of Johannesburg in South Africa. There, Berger witnessed firsthand institutional and cultural transformations of a post-apartheid society, shaped by the adoption of a new constitution.

Berger graduated from Brown University in 1995 and Columbia University School of Law in 2003. Berger’s first law job was as a summer intern for U.S. Supreme Court Associate Justice Sonia Sotomayor, who at the time served on the U.S. Court of Appeals for the Second Circuit.

Berger’s wife, Anne Duncan, is a tenured professor in the University’s Department of Classics and Religious Studies. They have two children, Ellie (5) and Lionel (2).



INDIVIDUAL RIGHTS, JUDICIAL DEFERENCE, AND ADMINISTRATIVE LAW NORMS IN CONSTITUTIONAL DECISION MAKING

ERIC BERGER

91 BOSTON UNIVERSITY LAW REVIEW 2029 (2011)

[T]he Court's consideration of administrative discretion in individual rights cases is inconsistent and inchoate. Oftentimes this judicial insensitivity to the distinctions between actions taken by administrative agencies and by more directly accountable political representatives results in reflexive, unstudied deference to administrative actors. Given courts' and scholars' great anxiety that judicial review is counter-majoritarian,¹ this casual conflation of elected officials with unelected administrative agents is surprising. Judicial review is problematic, Alexander Bickel famously argued, because it allows unelected judges to overturn the policies of elected, politically accountable legislatures or chief executives.² One might accordingly assume that judicial review would be less problematic, perhaps even desirable, when unelected, less accountable officials designed the challenged policies. Separation of powers, federalism, and other factors might still militate for some deference in some circumstances, but to the extent judicial deference in constitutional cases rests substantially on political-authority grounds, it is strange that the Court would defer reflexively to unaccountable administrative agents without inquiring into their underlying democratic legitimacy.³

This concern is especially important to our constitutional scheme in the age of the administrative state. Administrative agencies play a crucial role in United States government,⁴ and officials within these agencies often possess great discretion.⁵ The exercise of that discretion will sometimes intrude on various individual rights.⁶ Given that much of the injustice in our society results from the exercise of administrative discretion,⁷ the U.S. Supreme Court's failure to address these issues potentially under-protects important constitutional liberties. In deferring repeatedly to agencies in individual rights cases, the Court, despite bold pronouncements of judicial supremacy elsewhere,⁸ has at times effectively, if perhaps unwittingly, surrendered to agency bureaucrats its self-appointed prerogative of declaring constitutional meaning.

To the extent the Court does entertain these issues its approach has been erratic. Sometimes the Court denies deference because an agency has invaded individual rights.⁹ Sometimes it denies

1. See generally ALEXANDER BICKEL, *THE LEAST DANGEROUS BRANCH: THE SUPREME COURT AT THE BAR OF POLITICS* 16-23 (1962).

2. See *id.* at 16-17 ("[W]hen the Supreme Court declares unconstitutional a legislative act or the action of an elected executive, it thwarts the will of representatives of the actual people of the here and now; it exercises control, not in behalf of the prevailing majority, but against it.").

3. See Eric Berger, *In Search of a Theory of Deference: The Eighth Amendment, Democratic Pedigree, and Constitutional Decision Making*, 88 WASH. U. L. REV. 1, 43 (2010) (arguing that judicial review is often premised on political authority); Paul Horwitz, *Three Faces of Deference*, 83 NOTRE DAME L. REV. 1061, 1078 (2008) (arguing that courts defer typically for reasons of "legal authority").

4. See PETER L. STRAUSS ET AL., *GELLHORN AND BYSE'S ADMINISTRATIVE LAW: CASES AND COMMENTS* 9 (rev. 10th ed. 2003) (stating that almost everything the government does is agency action).

5. Professor Davis offers a succinct definition of "discretion," explaining that "[a] public officer has discretion whenever the effective limits on his power leave him free to make a choice among possible courses of action or inaction." KENNETH CULP DAVIS, *DISCRETIONARY JUSTICE: A PRELIMINARY INQUIRY* 4 (1969).

6. See, e.g., Daniel P. Tokaji, *First Amendment Equal Protection: On Discretion, Inequality, and Participation*, 101 MICH. L. REV. 2409, 2409-10 (2003) ("The considerable discretion that many official decisionmakers wield raises the spectre that violations of equality norms will sometimes escape detection.").

7. See KENNETH CULP DAVIS, *DISCRETIONARY JUSTICE: A PRELIMINARY INQUIRY* 25 (1969) (suggesting that nine-tenths of injustice to individuals results from governmental discretion).

8. See, e.g., *Dickerson v. United States*, 530 U.S. 428, 437 (2000) ("Congress may not legislatively supersede our decisions interpreting and applying the Constitution.").

9. See *Hampton v. Mow Sun Wong*, 426 U.S. 88, 98-99 (1976).

Faculty Updates

Appointments

deference because unbridled administrative discretion creates too much risk for constitutional infringement.¹⁰ Even when the Court identifies these issues, however, it fails to develop a coherent, systematic approach.

Of course, more careful consideration of these administrative considerations does arise in certain kinds of cases. Procedural due process cases, for instance, focus on administrative procedures. Qualified and absolute immunity cases likewise determine when officials can be held liable for damages and thus consider the scope of administrative discretion. Such cases, however, are beyond my focus. My attention is to cases in which the Court must determine the scope of an (non-procedural due process) individual right and whether an administrative actor has violated that right.¹¹ In these cases, the Court's determination about whether to defer to administrative actors – and whether the nature of administrative discretion should affect the scope of the substantive right in particular circumstances – is decidedly haphazard.¹²

Phrased somewhat differently, when the Court decides whether to defer to administrative agencies in these individual rights cases, it often ignores both the fact and nature of administrative action. In so doing, the Court downplays the constitutional “who,” effectively treating the legislature, chief executive, and administrative officials all as roughly equivalent incarnations of “the government” with the same democratic legitimacy.¹³ In cases involving agencies, the Court also often shortchanges the constitutional “how,” ignoring whether the administrative officials’ behavior merits deference.

This Article contends that courts should consult ordinary administrative law norms before deciding whether to give deference to agencies in constitutional individual rights cases. By “deference,” I mean courts’ practice of constraining their review of governmental action based not upon an analysis of the substantive constitutional issue (e.g., free speech, equal protection) but rather upon institutional concerns regarding courts’ relationship with the other branches of government.¹⁴ By “ordinary administrative law norms,” I refer generally to the statutory and regulatory inquiries that courts frequently pursue in cases decided under the Administrative Procedure Act (APA) and related doctrines or under canons of statutory interpretation commonly applied in cases involving administrative agencies.¹⁵ Courts applying these norms in individual rights cases should ask, first, whether the relevant governmental actor is an administrative agency.¹⁶ If it is, courts should then examine

10. See, e.g., *Forsyth Cnty., Ga. v. Nationalist Movement*, 505 U.S. 123, 133 (1992) (“The First Amendment prohibits the vesting of such unbridled discretion in a government official.”).

11. By “individual rights cases,” I refer to cases interpreting the substantive protections afforded individuals under the Bill of Rights and the Fourteenth Amendment – as opposed to, for instance, cases considering whether immunity doctrine shields an official from liability.... Though my analysis draws on procedural due process norms, I do not focus on those cases, because they necessarily account for the nature of agency decision making and therefore address these issues more consistently than many other individual-rights cases.

12. My analysis, therefore, puts to the side issues such as standing, immunity, exhaustion, and other obstacles that can interfere with challenges to official action.

13. See Nicholas Quinn Rosenkranz, *The Subjects of the Constitution*, 62 STAN. L. REV. 1209, 1210 (2010) (arguing that courts too often ignore the identity of the constitutional actor). In fairness, the Court does sometimes consider the constitutional “who,” such as in federalism cases regarding the scope of Congressional authority. See, e.g., *Lopez v. United States*, 514 U.S. 549, 564 (1995) (explaining that states, not the federal government, have historically been sovereign over areas like education, crime, and family law). My focus here is individual rights cases in which the governmental actor is a federal or state administrative agency as opposed to a legislature or chief executive.

14. See Lawrence G. Sager, *Fair Measure: The Legal Status of Underenforced Constitutional Norms*, 91 HARV. L. REV. 1212, 1214-17 (1978) (explaining that judicial restraint rests “not upon analysis of the constitutional concept but upon various concerns of the Court about its institutional role,” such as “the propriety of unelected federal judges’ displacing the judgments of elected state officials, or upon the competence of federal courts to prescribe workable standards of state conduct and devise measures to enforce them”).

15. I refer to this administrative law as “ordinary” to distinguish administrative law rooted in statutory, regulatory, and other non-constitutional requirements, from constitutional based requirements....

16. I define “agency” broadly to encompass federal, state, and local entities performing some kind of public or quasi-public function. My inquiry therefore addresses not just agencies, departments, bureaus, and the like but also other official actors, such as university administrators, prison officials, and so on. See, e.g., 5 U.S.C. § 701(b)(1) (2006) (defining “agency” broadly); PETER L. STRAUSS, *ADMINISTRATIVE JUSTICE IN THE UNITED STATES* 148 (2d ed. 2002) (“The scholarly view of administrative law has grown, with government, to embrace almost all adjectival subjects that can be connected with public administration.”).

administrative law norms – namely, the agency’s political authority, expertise, and procedural regularity – before deciding whether to defer. Judicial deference to the agency in constitutional individual rights cases, as distinct from the familiar *Chevron* deference in statutory interpretation cases,¹⁷ should then occur on a sliding scale, hinging on those inquires. Indeed, unlike *Chevron* cases in which the agency has both presumptive expertise over the relevant subject matter and delegated authority to interpret the statute it administers, in constitutional cases agencies have no special claim to interpretive authority.¹⁸ Accordingly, courts considering constitutional challenges to agency action should not defer reflexively without inquiring more carefully into the administrative framework within which the agency has operated.¹⁹

Courts, in fact, are well equipped to engage in such inquiries, because they frequently apply them in administrative law cases. A core purpose of administrative law is to contain the discretion of administrative officials without debilitating them.²⁰ Administrative law factors, then, can help courts flesh out whether agencies deserve the deference the judiciary often reflexively grants them. Admittedly, courts will not always calibrate deference perfectly based on these factors, but given that they make deference determinations anyway, the proposed approach would make such inquiries more transparent and nuanced. Such an approach, though hardly the norm in constitutional rights cases, also would not be wholly anomalous. As we shall see, the Court occasionally does consider such factors and sometimes expresses concern when unconstrained official discretion heightens the risk of constitutional violation.

Scholars have paid surprisingly little attention to these concerns. Matthew Adler has examined Bickel’s counter-majoritarian difficulty in light of the unique features of the administrative state,²¹ and Gillian Metzger has explored the constitutional character of ordinary administrative law.²² But administrative law’s relevance to constitutional individual rights cases remains under-explored. Given that administrative action allegedly inflicting injustice on individuals frequently escapes review under administrative law, this is a crucial facet of constitutional rights jurisprudence that has been neglected for too long.²³

To be clear, such deference determinations should not comprise the entire constitutional inquiry. Courts do and should also consider, among other things, the nature of the constitutional right at issue and the effect on the individual whose rights arguably have been violated. Courts also should consider contextual factors limiting the appropriateness of this inquiry in some circumstances. My theory, then, should be applied flexibly and should not displace current individual rights doctrine. Instead, I propose that courts take account of the fact and nature of administrative action when they make their (often implicit) decision to defer to governmental actors on institutional grounds. After courts make the deference determination, they would then apply the substantive constitutional analysis, such as the relevant tier of scrutiny. Deference determinations, in other words, would provide one lens through which courts should conduct the rest of its constitutional analysis.

17. See *Chevron U.S.A. Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 844-45 (1984) (providing for deference to agencies’ reasonable interpretations of ambiguities within the statutes they administer).

18. See *id.* at 865 (speculating that Congress might have “consciously desired the Administrator to strike the [proper policy balance] thinking that those with great expertise and charged with responsibility for administering the provision would be in a better position to do so”); *Mont. Chapter of Ass’n of Civilian Technicians, Inc. v. Young*, 514 F.2d 1165, 1167 (9th Cir. 1975).

19. My analysis does not address other kinds of “deference” that frequently arise in administrative law cases, such as deference to an agency’s factual record or deference to an agency’s statutory interpretation.

20. See, e.g., Richard B. Stewart, *The Reformation of American Administrative Law*, 88 HARV. L. REV. 1667, 1676-88 (1975).

21. See Matthew D. Adler, *Judicial Restraint in the Administrative State: Beyond the Countermajoritarian Difficulty*, 145 U. PA. L. REV. 759, 765-66 (1997) (arguing that the rise of the administrative state renders Bickel’s account of the counter-majoritarian difficulty incomplete).

22. See Gillian E. Metzger, *Ordinary Administrative Law as Constitutional Common Law*, 110 COLUM. L. REV. 479, 505-12 (2010) (discussing the “constitutional common law character of ordinary administrative law”); see also Gillian E. Metzger, *Administrative Law as the New Federalism*, 57 DUKE L.J. 2023, 2047-71 (2008) (discussing “administrative law as a federalism vehicle”).

23. See Edward L. Rubin, *Law and Legislation in the Administrative State*, 89 COLUM. L. REV. 369, 409 (1989) (arguing that judicial supervision is necessary to ensure that legislatures and the agencies to which they delegate do not “oppress private persons” by violating individual rights).

Faculty Updates

Appointments

This approach would have several benefits. First, courts would make more careful deference determinations, paying greater attention to the particulars of the agency action at issue. Second, and relatedly, whereas reflexive deference leaves the meaning of the Constitution to administrative agents, who often lack the authority and expertise to make such pronouncements, a more careful approach to deference can help assure independent judicial evaluation of the alleged injury.²⁴ Third, attention to administrative law norms in individual rights cases would help create incentives for governmental actors to act responsibly when implementing policies that might infringe on individual rights. Given that the administrative state is so pervasive, that agency bureaucrats exercise such great discretion, and that administrative law itself sometimes does not constrain agency action, such institutional incentives are essential to maintaining a healthy balance between workable administrative processes and individual rights.²⁵ Fourth, this approach would encourage more accountable officials to make important decisions impacting constitutional rights, thereby promoting democratic accountability. Finally, my analysis highlights that administrative agencies play a crucial role not only in setting policy but also in shaping constitutional norms.²⁶

24. See CHARLES L. BLACK, JR., *STRUCTURE AND RELATIONSHIP IN CONSTITUTIONAL LAW* 89 (1969) (warning that unconsidered judicial deference to administrative pronouncements can allow those pronouncements to “establish[] themselves without any formal sanction at all from anybody authorized to state or establish the law of the land”); Henry P. Monaghan, *First Amendment “Due Process”*, 83 HARV. L. REV. 518, 522 (1970) (arguing that free speech principles require judicial, rather than solely administrative, evaluation of speaker’s rights).

25. See, e.g., J. Harvie Wilkinson III, *Our Structural Constitution*, 104 COLUM. L. REV. 1687, 1706 (2004) (“[F]reedom and authority are forever in conflict, and it is mainly through the interlocking roles and parts of government that the tension is worked out. The failure to understand public structures, then, is a failure to understand the essence of either liberty or order.”).

26. See WILLIAM N. ESKRIDGE JR. & JOHN FEREJOHN, *A REPUBLIC OF STATUTES: THE NEW AMERICAN CONSTITUTION* 29-74 (2010) (discussing administrative constitutionalism and agencies’ role in defining constitutional norms).



Anthony Schutz, '03, Granted Tenure

By Joel Fulton, '13

Law professor Anthony Schutz has dedicated himself to a life of public service. Prior to his legal career, Schutz worked for two years as a corrections officer and was on track to become a police officer. Schutz's undergraduate political science professor at the University of Nebraska at Kearney, Peter Longo, '83, encouraged Schutz to take the LSAT. As it turned out, Schutz earned a full scholarship to the Law College, where he graduated first in the Class of 2003 and was editor-in-chief of the NEBRASKA LAW REVIEW. Schutz then added to the Law College's tradition of hiring a few exceptionally well-qualified graduates of the College when he became a faculty member in 2006. Now, Schutz has received tenure. The process of achieving tenure marks the comple-

tion of what has felt like a six-year job interview, Schutz said.

Schutz currently teaches Agricultural Law, Agricultural Environmental Law, an Environmental Law and Water Resource Management seminar, Land Use Planning, and State Local Government Law.

For Schutz, the purpose of his work as a legal scholar and professor has been to serve students, the state bar and the larger public. For example, Schutz, along with Longo and the late Robert D. Miewald, published *The Nebraska State Constitution: A Reference Guide*, a modern, comprehensive reference that contains information on Nebraska's latest constitutional amendments and case law. Schutz also

lectures frequently across the state on agricultural and water issues. He has served as one of the primary facilitators on the Republican River Basin Water Sustainability Task Force, which has consulted with people living in McCook - whether they are farmers or government officials - in order to define what water sustainability means to them. The task force also develops and recommends water use plans for the local population.

"Whenever I travel across Nebraska, people tell me how important Professor Schutz's writings, and often his individual consultations, have been to their work," Dean Susan Poser said. "I sometimes think that everyone in Nebraska knows Anthony and would elect him governor if they could!"

Faculty Updates

Appointments

Prior to joining the Law College, Schutz clerked for two years for the Honorable C. Arlen Beam, '65, on the U.S. Eighth Circuit Court of Appeals. There, Schutz learned how the law works from the judge's side of the bench. Schutz stressed that taking the perspective of the decision maker significantly informs scholarship. "You need to be able to see all sides of an issue to write anything analytically meaningful," Schutz said.

Schutz describes the relationship among the Nebraska Law faculty as collegial, and he has embraced this sentiment. In fact, Schutz is an original member of the smash hit College of Law faculty band, The Estoppels. This seven-member band includes Schutz on percussion, Professor Colleen Medill on classical guitar, Dean Poser on keyboard, Professor Catherine Wilson on bass, Associate Dean and Professor Richard Moberly on vocals and on drums Professor Michelle Harner, who left the band to teach at the University of Maryland School of Law. The Estoppels debuted in the spring of 2007 at the Women's Law Caucus Susan B. Anthony Charity Auction. Their performance helped generate record ticket sales. "We were willing to embarrass ourselves. The students seemed to enjoy it," Schutz said.

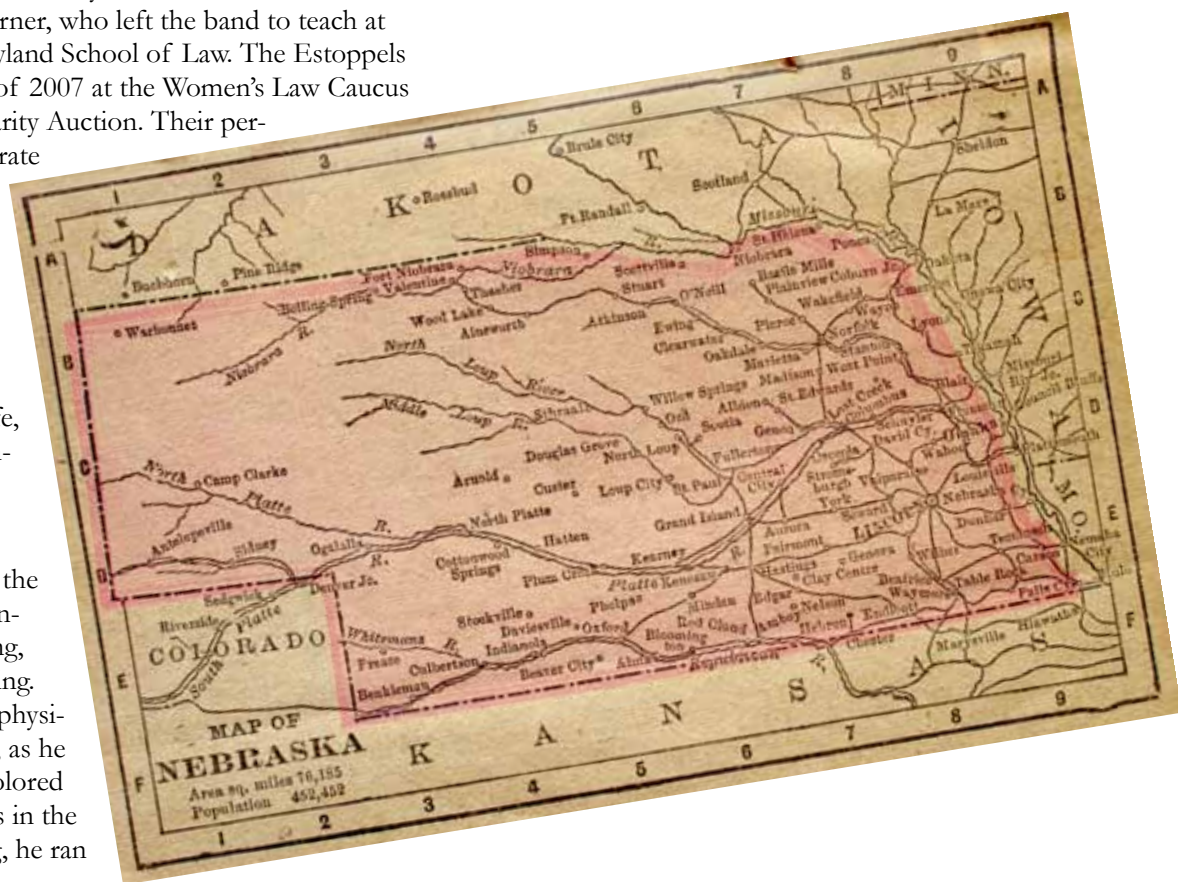
Schutz and his wife, Cori, have three daughters: Angelina, Berlyn and Celia.

When he can find the time, Schutz enjoys running, cycling, swimming, golfing and motorcycling. Schutz's penchant for physical activity is apparent, as he often wears brightly colored distance running shoes in the classroom. This spring, he ran

a marathon at a pace that was his personal best, averaging six minutes and thirty-three seconds per mile.

"He's in such good shape he puts us all to shame," Professor Eric Berger said. "He's an amazing guy – incredibly bright, down to earth, warm and funny."

Schutz's students can attest to his dry, subtle sense of humor. Schutz said his wit has been influenced by his good friend and mentor, Longo. Longo taught Schutz Constitutional Law and Civil Liberties when Schutz majored in Criminal Justice as an undergraduate. "Since his undergraduate days, I have witnessed Professor Schutz's brilliant intellect and his well-rooted humility. Anthony is an extraordinarily caring father, husband, professor and citizen," Longo said. "Professor Schutz's worldview is outward not inward."



**TOWARD A MORE MULTI-FUNCTIONAL RURAL LANDSCAPE: COMMUNITY
APPROACHES TO RURAL LAND STEWARDSHIP
22 FORDHAM ENVTL. L. REV. 633 (2011)**

ANTHONY B. SCHUTZ*
INTRODUCTION

This Article explores how farms and ranches can adapt to meet consumer demand for outdoor activities like hunting, wildlife viewing, hiking, or simply enjoying the solace of spending time in rural places. These places hold breathtaking landscapes, but they are often privately owned, relatively inaccessible to the general public, and have not been managed to produce the ecosystem services¹ that would support these activities, despite strong evidence of consumer demand.² Historically, farms and ranches have been managed for a single dominant use, undertaken wholly upon an individual's landholdings. Entering the emerging market for nature-based experiences requires that farms and ranches adapt from fragmented single-use businesses to multi-functional enterprises that cooperatively operate at larger spatial scales. This Article explains how lawyers can help farmers and ranchers make such a move.

I refer to the emergence of these enterprises as “nature-based entrepreneurship.” Nature-based entrepreneurship attempts to capitalize on consumer demand for nature-based activities, while also furthering the conservation movement on private lands. As a consumer-oriented conservation approach, nature-based entrepreneurship involves an embrace of market liberalism in pursuit of environmental goals. And, as this Article explains below, it may be one of the few feasible means of attaining environmental goals on vast, privately owned rural landscapes.

This Article has three parts. Part I draws this Article within the scope of this symposium by exploring a number of links between nature-based entrepreneurship and the local-food movement. Part II focuses on the Northern Great Plains³ as an example of the problems nature-based entrepreneurship faces and explores the legal tools available to help producers overcome those problems. Finally, Part III proposes a number of legal reforms that would help establish a vibrant nature-based economy on rural lands in the Northern Great Plains and, perhaps, elsewhere.

In the end, this Article demonstrates that producers have the legal tools available to produce much more than food, and they would do well to realize that opportunity. The Northern Great Plains is one

* Assistant Professor of Law, University of Nebraska College of Law. Parts II and III of this Article are derived from an Article I previously published. Anthony B. Schutz, *Grassland Governance and Common-Interest Communities*, 2 SUSTAINABILITY 2320-48 (2010), available at <http://www.mdpi.com/2071-1050/2/7/2320/pdf>. Many thanks to the editors of the *Fordham Environmental Law Review* for their assistance for inviting me to participate in the symposium. Thanks as well to Eric Freyfogle, Steve Bradford, Steve Willborn, Tyler Sutton, John Davidson, and the participants at venues where I've spoken about this subject, including the University of Oregon School of Law, *Journal of Environmental Law and Litigation*, Agricultural Law Symposium, and the Norris Institute's New Era Rural Energy Symposium. A speech I made on this topic for the Grasslands Foundation, with the support of the University of Nebraska Center for Great Plains Studies and the College of Law is available at <http://www.grasslandfoundation.org/work/events.html>. Financial support from the University of Nebraska College of Law and a McCollum Research Grant are gratefully acknowledged.

1. For one of the most important works on ecosystem services see J.B. RUHL ET AL., *THE LAW AND POLICY OF ECOSYSTEM SERVICES* (2007).

2. H. Ken Cordell, *The Latest on Trends in Nature-Based Outdoor Recreation*, *FOREST HISTORY TODAY*, Spring 2008, at 4-10. For an account of rural landscapes as depicted in judicial opinions, see Lisa R. Pruitt, *Rural Rhetoric*, 39 CONN. L. REV. 159, 212-28 (2006). Evidence of demand can be found in the interests that lobby for various laws governing the use and protection of natural resources. Such groups are comprised of people who care about these resources—people who are likely willing to pay to enjoy them. More direct evidence exists in the amount of money people spend to travel to public lands to have similar experiences. See generally FISH & WILDLIFE SERV. U.S. DEP'T OF THE INTERIOR, and U.S. DEP'T OF COMMERCE, U.S. CENSUS BUREAU, 2006 NATIONAL SURVEY OF FISHING, HUNTING, AND WILDLIFE-ASSOCIATED RECREATION (2006), <http://www.census.gov/prod/2008pubs/fhw06-nat.pdf>. Even conservation research and education centers produce substantial economic benefits from consumers taking part in their activities, as Edwards and Thompson have recently found. Richard Edwards & Eric Thompson, *The Role of Conservation Research and Education Centers in Growing Nature-Based Tourism*, 20 GREAT PLAINS RES. 51 (2010). Leases for hunting access are also evidence of consumer demand in areas of the Midwest. BRUCE JOHNSON ET AL., DEP'T OF AGRIC. ECON., UNIV. OF NEB., REPORT NO. 185, NEBRASKA FARM REAL ESTATE DEVELOPMENTS 2007-2008 19 (2008), available at http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1001&context=agecon_farmrealestate.

example of where such an opportunity exists, and its lessons can be deployed elsewhere in furtherance of a more multi-functional rural landscape.

I. LINKING LOCAL FOOD AND NATURE-BASED ENTREPRENEURSHIP

The articles collected in this issue focus on the legal tools that may encourage food production closer to consumers—local food. The legal tools generally used to implement a local food policy consist of public law approaches, including the use of agricultural law, land use regulation, environmental law, and international trade law.⁴ Those tools are explored in many of the articles in this issue.

This Article diverges from this common theme in two ways. First, it is only moderately concerned with public-law reform, focusing instead on private law. Private law must not be forgotten as a tool that creative lawyers can use to help producers achieve their goals. Whether that goal is food production or something else, drastic changes in public policy are not always necessary. This Article explores one example of private-law creativity that may enhance the local-food movement.

Second, and more fundamentally, this Article is not primarily concerned with food production, let alone whether it occurs close to consumers. Rather, it focuses on a broader vision of agricultural production—the production of those ecosystem services that can serve as the basis for nature-based enterprises.

Despite this divergence, there are at least three links between the local-food movement and nature-based entrepreneurship. The first link lies in the concept of “local.” As others have argued, improvements to “land health”⁵ are more likely to occur upon the emergence of local communitarian thinking and action.⁶ One necessary component to making a community-based effort at improving our natural environment is the ability of people in a particular place to find something that draws them together as a community.⁷ The most common example of people coming together as a community and making improvements to land health is the watershed.⁸ Impaired rivers and streams tie people together in pursuit of a common purpose, effectively creating a community.

Another catalyst for community identification may be the “foodshed.”⁹ As consumers and producers

3. Ranchers on the Northern Great Plains are not alone in this effort. There is a growing body of literature collecting examples from around the globe. See Almira Hoogesteijn & Rafael Hoogesteijn, *Cattle Ranching and Biodiversity Conservation as Allies in South America's Flooded Savannas*, 20 GREAT PLAINS RES. 37 (2010); Rafael Hoogesteijn & Colin A. Chapman, *Large Ranches as Conservation Tools in the Venezuelan Llanos*, 31 ORYX 274 (1999); Jeff Langholz, *Global Trends in Private Protected Areas and Their Implications for the Northern Great Plains*, 20 GREAT PLAINS RES. 9 (2010); Jeff Langholz et al., *Incentives for Biological Conservation: Costa Rica's Private Wildlife Refuge Program*, 14 CONSERVATION BIOLOGY 1735 (2000); Glyn Maude & Richard P. Reading, *The Role of Ecotourism in Biodiversity and Grassland Conservation in Botswana*, 20 GREAT PLAINS RES. 109 (2010); Nils Odendaal & Danica Shaw, *Conservation and Economic Lessons Learned from Managing the Namibrand Nature Reserve*, 20 GREAT PLAINS RES. 29 (2010); Siva R. Sundaresan & Corinna Riginos, *Lessons Learned from Biodiversity Conservation in the Private Lands of Laikipia, Kenya*, 20 GREAT PLAINS RES. 17 (2010); Byron Swift et al., *Private Lands Conservation in Latin America: The Need for Enhanced Legal Tools and Incentives*, 19 J. ENVTL. L. & LITIG. 85 (2004). I intend to examine this literature, and a collection of legal documents from enterprises in Namibia, in a future article.

4. For an overview of the local food movement, see Marne Coit, *Jumping on the Next Bandwagon: An Overview of the Policy and Legal Aspects of the Local Food Movement*, 4 J. FOOD L. & POL'Y 45 (2008).

5. As Freyfogle explains,

Overall, land health can be defined scientifically as nature's ability to keep doing what it has long done--building and retaining soil, clothing the land with lush vegetation, cleansing water flows, capturing sunlight and moving energy through multiple trophic levels, pulling minerals from the subsoil and cycling them through predation chains, and ultimately, giving rise to new life-forms able to find or create suitable niches. . . . [It] looks far beyond the well-being of humans: Other species live on the land, and if the land as a whole is valuable, they, too, are valuable. Health, moreover is both a natural matter and a mysterious process, something understood through collection of empirical data but also grasped in part through intuition, sentiment, and other ways of making sense of the unknown. In short, land health encompasses the kind of durable, flourishing, self-recreating communal life that is the mark of a lasting link between people and place.

ERIC T. FREYFOGLE, *BOUNDED PEOPLE, BOUNDLESS LANDS* 48-51 (1998).

6. *Id.* at 123-25, 174-75.

7. *Id.* at 123-25, 162-63. By “community” I refer to a group of people interacting with one another in pursuit of a common purpose in a particular place. See *id.* at 123-27 (describing place-based communities and their benefits).

8. *Id.* at 162-63.

begin to interact with one another at a local foodshed level, community may develop.¹⁰ Farmers' markets are one place where people may come together. And as producers confront the difficult production and distribution problems they are likely to encounter, cooperation may emerge as a necessary component of a successful foodshed economy. Such cooperation could foster a sense of community.

As that local community develops, it may create the possibility of using rural lands in more multi-functional ways, perhaps even bringing a concern for land health to the forefront of this expanded agriculture.¹¹ Community is critically important to nature-based entrepreneurship because, as this Article explains below, landowner cooperation is a necessary component in creating the resources upon which these businesses would be built. A concern for land health may, in turn, enhance producers' desire to pursue nature-based businesses. And as consumers within the local-food community develop a concern for land health, they may also demand more nature-based experiences.¹²

To realize this possibility and capitalize on the communities that may emerge through the local-food movement, we should take stock of the legal tools that could facilitate such a transformation. While public law and regulation is often one means for communities to implement their preferences, private law is an important tool for local communities that are not easily bounded by a close-fitting political boundary. This Article explores that subject.

The second link between local food and nature-based entrepreneurship is the prospect of rural development. The local-food movement often draws upon the prospect of rural development as a policy justification.¹³ Nature-based entrepreneurship is also strongly aligned with a rural-development policy.¹⁴ Rural-development proponents have often touted agri-tourism, eco-tourism, or simply tourism as a piece in the puzzle of maintaining a vibrant rural economy.¹⁵ They have experienced difficulties,¹⁶ but given rural population loss, fluctuating income, and the absence of opportunities for

9. Coit explains the term "foodshed" as completely as anyone:

"The intrinsic appeal the term had and continues to have for us derives in part from its relationship to the rich and well-established concept of the watershed. How better to grasp the shape and the unity of something as complex as a food system than to graphically imagine the flow of food into a particular place? Moreover, the replacement of 'water' with 'food' does something very important: it connects the cultural ('food') to the natural ('...shed'). The term 'foodshed' thus becomes a unifying and organizing metaphor for conceptual development that starts from a premise of the unity of place and people, of nature and society."

Coit, *supra* note 4, at 46 n.4 (quoting Jack Kloppenburg et al., *Coming in to the Foodshed*, 13 AGRIC. & HUM. VALUES 33 (1996), available at <http://www.cias.wisc.edu/wp-content/uploads/2008/07/comingin.pdf>).

10. This is true, not only as between producer and consumer, but also among producers and among consumers. Producer groups are, of course, a staple in agricultural law and policy. The National Farm Bureau Federation, the National Farmers Union, the Center for Rural Affairs, and many more ranging from local to state to national levels exist as evidence of this trend. The local-food movement can be expected to work within these, or within its own producer associations. In fact, one major component of local food is a distribution network, which will draw producers together. Buy Fresh Buy Local is one such example. See *Buy Fresh Buy Local Chapters*, FOODROUTES.ORG, <http://www.foodroutes.org/bfbl-chapters.jsp> (last visited June 30, 2011) (listing BFBL chapters in 22 states, including a number of more local chapters).

11. Interestingly, this sort of community catalyst is driven in large part by conscientious consumers. It thus signals a partial embrace of market liberalism. There are, however, some who believe communities are likely to form only upon a rejection of the individualistic tendencies libertarianism fosters. FREYFOGLE, *supra* note 5, at 70-74. I partially disagree. Conscientious consumers who demand something that can only be produced through cooperation can foster community.

12. The environmentalist egg, of course, may precede the local-food chicken. That is, if communities emerge in pursuit of nature-based entrepreneurship (communities that are driven by the need to create resources collectively), then local-food production may follow. Thus, while the local-food movement may contribute to community identification and nature-based entrepreneurship, nature-based entrepreneurship may also facilitate the development of local-food producers and, perhaps, nature-based farmers. Indeed, nature-based entrepreneurs may create local food in the form of wild game, naturally raised livestock, and native fare.

13. Neil D. Hamilton, *Emerging Issues of 21st Century Agricultural Law and Rural Practice*, 12 DRAKE J. OF AGRIC. L. 79, 84, 89-90 (2007). Rural development is also growing concern abroad as countries become more urbanized. For a compelling analysis of what countries should strive for in rural development, see Lisa R. Pruitt, *Human Rights and Development for India's Rural Remnant: A Capabilities-Based Assessment*, 44 U.C. DAVIS L. REV. 803 (2011).

14. See *id.* at 89; Neil D. Hamilton, *Rural Lands and Rural Livelihoods: Using Land and Natural Resources to Revitalize Rural America*, 13 DRAKE J. OF AGRIC. L. 179, 194 (2008).

15. USDA, NATIONAL AGRICULTURAL LIBRARY, RURAL INFORMATION CENTER, *Promoting Tourism in Rural America*, <http://www.nal.usda.gov/ric/ricpubs/tourism.html> (last visited June 28, 2011); AGRIC. MKG. RES. CTR., *Agritourism*, http://www.agmrc.org/commodities_products/agritourism (last visited Jun. 28, 2011).

Faculty Updates

Appointments

adult family members to stay home or return home,¹⁷ the general desire to maintain business as usual may fade in favor of these emerging income opportunities.¹⁸

Together, a vibrant local-food economy and strong nature-based entrepreneurs could therefore enhance the economic climate of rural areas, support farm and ranch families, and draw together communities on rural landscapes, while improving those landscapes' environmental performance. In short, the combination could improve the economic, social, and environmental fabric of rural lands.

The third link has to do with the many ways in which nature-based entrepreneurship could improve the local-food movement. One can legitimately question the extent to which we should encourage food production, even local-food production, as a dominant land use. Indeed, critics of "industrial" agriculture often cite the vast landscapes devoted to production agriculture as a reason for a more local foodshed production model.¹⁹ However, little attention has been paid to the problems a myopic view of local agriculture might cause. It is here, of course, that things like "natural systems agriculture,"²⁰ organic production, and sustainable agriculture come into play. And the local-food movement, at times, embraces them.²¹ But the local-food movement will not necessarily require those sorts of production systems if it focuses solely on production (even diversified production) and geography. To avoid this problem, singular views of how land should be used ought to be displaced by more holistic views of what a landscape produces and how it produces it. Food is, of course, one important thing we get from a landscape (and we can produce it in many ways), but there are other important products.²² Nature-based entrepreneurship may encourage their production within the local foodshed, perhaps dovetailing nicely with the adoption of natural-systems agriculture.²³ Eclipsing that prospect in favor of a local-food policy would expose the movement to many of the criticisms that can be leveled at our existing production system.

One of those key criticisms is the environmental impact of food production. Agriculture is not environmentally benign, and stemming the adverse environmental consequences of agriculture on privately owned lands has been a huge challenge for environmentalists.²⁴ The sheer scale of the United States' privately owned landscape makes regulatory approaches difficult.²⁵ This same scale makes these privately owned lands tremendously important from a conservation perspective.²⁶ Given this importance

16. Sometimes producers do not embrace this notion of rural development because they view themselves as food, fiber, and fuel producers. They may not feel that they and their ancestors endured a great many difficulties—settling the American West, the Dust Bowl, cyclical farm crises, and many other personal hardships—to provide a tourist experience. For a telling tale of life on one part of the Great Plains, see generally TIMOTHY EGAN, *THE WORST HARD TIME: THE UNTOLD STORY OF THOSE WHO SURVIVED THE GREAT AMERICAN DUST BOWL* (2006). Given that history, many may hold firm to a perceived higher calling: feeding the world. Placing environmentalism on par with food is no easy task, but there is a strong thread of it in agrarianism. The two notions need not be at odds.

17. The importance of farms and ranches as homes deserves more attention than I can give it here. Throughout the farm crisis of the 1980s, for instance, tremendous attention was paid to saving the family farm. The normative case for the effort is questionable if one focuses on macro-level economic concerns about agricultural production and structural change. But the connection between producers and their lands is something more than the use of commercial real estate. One vision of the connection is in the concept of home. See FREYFOGLE, *supra* note 5, at 114-30. Wendell Berry, whom Freyfogle writes about extensively, is also a prolific scholar on this subject. See, e.g., WENDELL BERRY, *BRINGING IT TO THE TABLE: ON FARMING AND FOOD* 153 (2009) ("Elmer Lapp is eminently a traditional farmer in the sense that his farm is his home, his life, and his way of life—not just his 'work place' or his 'job.'"); *id.* at 31-36 (defining and defending the "family farm").

18. CURTIS FREESE ET AL., *WORLD WILDLIFE FUND, NEW DIRECTIONS FOR THE PRAIRIE ECONOMY: CONNECTING CONSERVATION AND RURAL DEVELOPMENT IN THE NORTHERN GREAT PLAINS* 31 (2009).

19. See Coit, *supra* note 4, at 55.

20. Wes Jackson, *Farming in Nature's Image: Natural Systems Agriculture*, in *THE FATAL HARVEST READER: THE TRAGEDY OF INDUSTRIAL AGRICULTURE* 65 (Andrew Kimbrell ed., 1999).

21. See Coit, *supra* note 4, at 51-55 (providing a description of local-food environmental impacts, with primary emphasis on energy consumption, but not production methods). For an author who includes both biodiversity concerns and local-food consumption, see Catherine Badgley, *Can Agriculture and Biodiversity Coexist*, in *THE FATAL HARVEST READER*, *supra* note 20, at 199, 206.

22. Hamilton, *supra* note 13, at 93-94.

23. See Joan Iverson Nassaer, *Agricultural Systems in Harmony with Nature*, in *THE FATAL HARVEST READER*, *supra* note 20 at 49, 57 ("The new agricultural landscape will be beautiful in a way that invites tourism. Scenic Roads and byways and places for visitors to stay will become more appealing as parts of the countryside that have lost habitat, streams, or a varied landscape pattern regain a more recognizable image of nature.").

24. See generally J.B. Ruhl, *Farms, Their Environmental Harms, and Environmental Law*, 27 *ECOLOGY L.Q.* 263 (2000).

25. See *id.* at 329-30. There are 922,095,840 acres of land in farms in the United States, distributed among 2,204,792 farms. 44.1% of that is cropland, 8.1% is woodland, 44.3% is pasture, and 3.4% is occupied by things like buildings, farmsteads, livestock facilities, and ponds.

and the difficulties associated with environmental regulation at this vast scale, encouraging land uses that generate income may be a better tack. In fact, it was precisely this tack that our first, and all subsequent farm bills have taken with commodity production. Nature-based entrepreneurship may thus help deal with the environmentalist objection to local food by ensuring that local-food production does not displace the environmental value of landscapes.

The final aspect of nature-based entrepreneurship that could make the local-food movement better is its utility as a risk-management strategy. Food producers experience a great deal of risk.²⁷ Price risk and production risks (including pests, weather, and disease) combine to create a high level of revenue uncertainty for producers, especially producers with small financial reserves.²⁸ The field of agricultural law devotes considerable attention to the legal aspects of managing these risks. Price risks are, for instance, passed to other economic actors through forward contracts and futures contracts, including their derivatives.²⁹ Production risk is managed through things like crop insurance and the farm bill's commodity title.³⁰ Income diversification is also a risk-management technique.³¹ Off-farm employment is one form of income diversification, but there are on-farm opportunities available, like marketing nature-based experiences to consumers.³² The local-food producers of tomorrow may therefore be well-advised to think about producing something in addition to food as a diversification strategy. This Article charts one way of helping producers to do just that.³³

USDA, 2007 CENSUS OF AGRICULTURE 16, tbl. 8 (2009). Compare those figures to the sixty million acres of urban land uses in the United States. USDA, MAJOR USES OF LAND IN THE UNITED STATES, 2002 2 fig. 1 (2006), <http://www.ers.usda.gov/publications/EIB14/eib14.pdf>.

26 As Morrisette explains,

There are few intact ecosystems today that exist solely on public lands. And yet, in some cases there are still remarkably intact ecosystems that exist almost exclusively on private lands. One-quarter of all ecosystem types are inadequately represented on federal lands, and seven percent are not found on federal lands at all. Most of the wetlands in the contiguous United States are privately owned. Approximately half of all threatened and endangered species in the United States are found exclusively on private lands, and 20 percent of the remainder spends half of their time on private lands.

Peter M. Morrisette, *Conservation Easements and the Public Good: Preserving the Environment on Private Lands*, 41 NAT. RESOURCES J. 373, 374 (2001).

27 For a discussion of these risks generally, see USDA, 2007 FARM BILL THEME PAPERS: RISK MANAGEMENT (2006), <http://www.usda.gov/documents/FarmBill07riskmgmtrev.pdf>. For an introduction into the many legal issues relevant to agriculture, including a concern for sustainability, see SUSAN A. SCHNEIDER, *FOOD, FARMING, AND SUSTAINABILITY* (2011).

28 See USDA, *supra* note 27, at 2-3. The typical reference is to "small farms", but it is quite difficult to figure out what makes a farm "small."

29 See *id.* at 3.

30 See *id.* at 4-6.

31 See *id.* at 2-4.

32 Clearly, the best diversification opportunities are counter-cyclical. I do not have the data to claim that nature-based businesses perform well when commodity-based farm revenue is low. But if they do, then nature-based entrepreneurship would obviously be a good diversification strategy. Even if they do not, income diversification can help guard against more individual risks such as adverse weather conditions or isolate crop failures.

33 There is a fourth link between the expanded form of production addressed here and the local-food movement. If the local-food movement reduces the demand for food currently being met by production in more distant locations, then there might be an opportunity to use those more distant lands differently. Nature-based entrepreneurship could emerge as an alternative or complimentary land use. Making this link is difficult for two primary reasons. First, to the extent nature-based business competes with more traditional forms of production, competition for land may be with land uses like fiber and fuel production. Reducing food production pressure would have little effect on that competition. Second, given the global agricultural market-place and the forecasts concerning global food demand, building more production at local levels domestically may not free resources for alternative use in more distant locations in the United States. In other words, demand may outpace any increased supply. To further complicate matters on the supply side, international efforts at increasing production (local or not) and fair weather in productive places can have a significant impact on supply. So it is far too simplistic to suggest that the emergence of local food will open doors for nature-based entrepreneurship as a function of a more bountiful food harvest.

Shoemaker Enthusiastic About Opportunities at College, Rural Futures Institute

The University's "new and very ambitious Rural Futures Institute" played a large role in building Jessica Shoemaker's enthusiasm for joining the College of Law's faculty this fall, she said.

Shoemaker, who teaches Native American Law and a seminar in rural development and energy, will also work with the Institute of Agriculture and Natural Resources in creating the Rural Futures Institute.

Her duties align well with her goals to be an "engaged scholar and teacher."

After receiving an undergraduate education at the University of Iowa and a law degree from the University of Wisconsin, Shoemaker, who has worked in Denver for the last five years, said returning to the Midwest "feels like coming home."

In her teaching, Shoemaker said she incorporates practical and real-world examples into the framework of her classes. She has plenty of personal experience from which to draw.

Before coming to Lincoln, Shoemaker worked at a national law firm as a litigator. "Before that, I also worked as a judicial clerk on the U.S. Court of Appeals for the Tenth Circuit," Shoemaker said, "and as a Skadden Fellow at Farmers' Legal Action Group, Inc., a national nonprofit law firm focused on the legal needs of family



Jessica Shoemaker

farmers and rural communities."

Shoemaker said her areas of expertise and interest are primarily "federal Indian law, especially issues related to Indian land tenure, renewable energy and rural economic development."

On top of her experience in the field of law, Shoemaker has experience teaching English and creative writing.

She hopes to use these skills to educate the students and encourage them to think about complex current issues in "new and more rigorous ways."

"I also always appreciate creative thinking and creative problem-solving and hope to include many opportunities for both in my classes."

Most of all, Shoemaker said "I really look forward to becoming involved in the law school community here and hopefully having a direct, positive impact on Nebraska and beyond."

Brett Stohs



Stohs Prepares to Open Doors of Entrepreneurship Clinic

Two short years ago, Professor Brett Stohs would not have predicted that he would be preparing to open Nebraska Law's Entrepreneurship Clinic in just a few months. Stohs, who graduated from the University

of Nebraska-Lincoln in 2001, attended Duke University's

long term plan. But, you know what they say about the best laid plans!" Stohs said he was drawn from practice to education through his experience working with younger associates in his law firms. "The on-the-job training and mentoring aspects of practice were always what I most enjoyed."

Stohs began his work at the College of Law in March and since has spent his time preparing to open the entrepreneurship clinic, which will introduce students to entrepreneurship concepts while giving them real life, practical experience providing legal services to entrepreneurs. The clinic is scheduled to open its doors in January 2013.

Stohs looks forward to the opportunity to help students get a true feeling for what the practice of law is like on a daily basis. "The class will involve a collaborative approach,"

Stohs began his work at the College of Law in March and since has spent his time preparing to open the entrepreneurship clinic, which will introduce students to legal theory in entrepreneurship while giving them real life, practical experience. The clinic is scheduled to open its doors in January 2013.

law school, receiving a JD and a Masters in public policy in 2005. Following his graduation, Stohs worked as an associate attorney at Sutherland, Asbill & Brennan LLP in Washington, D.C., in the firm's mergers and acquisitions practice group. In 2011, Stohs and his wife Jill, and daughter Sophia, returned to Lincoln in order to be closer to family and take advantage of a more comfortable "pace of life." So Stohs accepted a position as an associate attorney at Remboldt Ludtke LLP.

When the opportunity to join the Nebraska Law faculty arose, Stohs took the leap. "I enjoyed practicing law and this opportunity was certainly not something that was in some

Stohs said, "and it will help to develop skills and experience to match human experience. Students need a meaningful experience that helps apply what they've learned to how complicated the practice of law can really be. It's called 'practice' because you're never good enough."

In addition to providing students with a significant learning opportunity, Stohs said the clinic will benefit local businesses and startups that otherwise may have trouble finding the necessary legal help. In fact, this opportunity to assist local business became part of the appeal of his job. "As a native Lincolnite, I am very much looking forward to contributing a meaningful service and diversity to the Lincoln community."

Nebraska Law Adds Thimmesch To Corporate, Tax Faculty



Adam Thimmesch

Adam Thimmesch, a recent addition to Nebraska Law's faculty, did not always plan on a career in law. "I went to undergrad at Oklahoma State to study trumpet performance, but then I decided I wanted to eat, so I switched to economics," Thimmesch said with a smile.

After graduating from Oklahoma State University, Thimmesch attended law school at the University of Iowa. After obtaining his law degree in 2005, Thimmesch went into private practice in Minneapolis where the majority of his work was in corporate tax law. During his time in private practice, Thimmesch also taught as an adjunct professor at the University of Minnesota.

"I really enjoyed law school. I enjoy analyzing the law, and this setting allows me to do that," Thimmesch said on his return to the academic world. Additionally,

"[In teaching] I hope to develop a good grounding in theory. I'd like to teach how theory drives practice, I think that's becoming more important."

Thimmesch said he was drawn to Nebraska Law over other law schools by the quality of the institution and the people he has met here, both students and faculty.

Choosing Lincoln as a new home was bolstered by his family as well, Thimmesch said. "The quality of the community and the education system made us very comfortable relocating here with three small children," he said. "They played a large part in our decision to move to Lincoln. It's a great town."

In his first year, Thimmesch is teaching Individual Income Tax and Corporate Finance, as well as another business law class. "[In teaching] I hope to develop a good grounding in theory. I'd like to teach how theory drives practice, I think that's becoming more important," Thimmesch said.

While Thimmesch has goals for his teaching, he said he also has goals for himself. "This first year, I want to be an effective teacher. I want to have students say that they've gained skills in my class. I'd also like to take the first semester to become part of the University community."

Baughman's, Johnson's

National Championship

Continues College's History of Success
In Client Counseling Competition



Bring on the cake, ice cream and balloons once again! Nebraska Law students Audrey Johnson, '12, and Christine Baughman, '12, won the 2012 National Client Counseling Competition and represented the United States at the Brown/Mosten International Client Consultation Competition in Dublin, Ireland.



(Clockwise beginning at upper left) Audrey Johnson alongside other competitors at the International Competition; The U.S. team's display at cultural night - "Go Big Red;" The competitors gather at the final banquet at the International Competition.



Long before Johnson and Baughman became the Law College's fourth national champion client counseling competition team; decades before Adam Bates, '10, and Amy Bartels, '10, won the national and international competitions; before Kevin Corlew, '05, and Adam Pavelka, '05, won the national competition and traveled to Scotland for the international competition; before Nebraska Law teams claimed 13 regional titles; and even before the Law College's first national championship, won by Bob Cannon, '76, and Susan Jacobs, '76, in 1975, the first year the College fielded a team, Professor Alan Frank was a nervous volunteer law student at a legal aide office in Madison, Wis.

As he tells it, "We were supposed to come in for orientation and get shown around. Somebody said 'are you

one of the new law students? You need to interview this person for a divorce.' So they gave me this little office and told me to interview her. I had absolutely no idea what I was doing. No idea. There was this chart on the wall behind me outlining divorce procedure in Wisconsin, so I kept turning around and looking at it, figuring out what questions to ask."

It's a story Professor Frank says the students in his Client Interviewing and Counseling class hear him tell every year, and for good reason. That experience brought home to him that "there was no place in law school that taught law students how to do something like this." So, one woman in need of divorce assistance and a confused law student led to Frank initiating the first Client Counseling class at the Law College in 1975, a course that he

still teaches today. At the same time, he and Professors David Ludtke and Jo Potuto began the College's participation in the National Client Counseling Competition run by the Law School Division of the ABA. They found immediate success.

In 1978, Frank asked newly hired Professor Craig Lawson to join him in running the competition and coaching the school's teams, and Lawson readily agreed. Lawson's experience in law practice had been similar to Frank's. His first two meetings with clients he recalls as "minor disasters." They showed him what Frank already knew – that interviewing doesn't come naturally, that training in interviewing and counseling skills is important and that law schools didn't offer that training.

In the client counseling competition, teams of two law students perform mock interviews with a client, portrayed by an actor, before a panel of three judges from the legal and counseling professions. The client comes to the team with a legal problem relating to the area of law chosen for that specific competition. Usually the given area of law is very broad, like education law or employment law.

Before the client meets with the teams, the teams receive a brief statement of what the client's concerns might be. "Normally these are very vague," said Johnson. "They're coming into see you because they have a question about their boss or something equally ambiguous." From there, Johnson said, she and Baughman would try to anticipate what help the client might need.

Once the client enters the interview room, the team is judged on a range of criteria including establishing an effective relationship with [the] client, analyzing the client's problem, working as a team and post-interview reflection, a time after the client leaves the room during which the team discusses the client's problems, possible strategies and solutions in front of the judges.

In the competition, each team does three of these interviews and the top teams move on to the semi-final and final rounds.

Decades after Frank and Lawson formed their friend-

ship and coaching partnership that continues today, Baughman and Johnson decided to enter their first client counseling competition as a team in the school's local competition for first-year law students.

The experience was an important touchstone for a successful team and a close friendship. As Baughman said, "Audrey and I are best friends. Law school is a unique experience, and I am so grateful that I have had her by my side throughout it all."

Certainly that friendship contributed to their success after their 1L competition. Both Johnson and Baughman attribute their client counseling triumphs to their dynamic as partners.

"Since we had worked together for three years, and were partners in the Civil Clinic together, we knew each other's styles and could read each other really well and that really helped us to ask questions and to stay on the same track when interviewing a client," Johnson said.

"Audrey is much better at some of the technical aspects of the legal analysis, while I am better at questioning and eliciting details from the client," Baughman added.

Their dynamic worked exceedingly well from the start, and their record only improved with time. In the spring 2011 semester, the duo won the school-wide competition, won the American Bar Association regional competition and finished ninth in the ABA national competition.

The following year, they won the school competition again – making them the first team to win the Law College competition two years in a row. They went on to win the ABA regional competition for the second straight year. The Law College's other regional team of Trevin Preble, '13, and Andy Hanquist, '13, finished second in the regional. It was the first time that Law College teams had placed first and second in a regional.

Baughman and Johnson's regional triumph enabled them to return to the national competition. This time they would emerge with the national title and a trip to Dublin to compete at the international level, where they finished in the top half among teams representing 22 different nations.

According to Lawson, “One thing sets many of our best teams apart: they have a constant drive – and ability – to learn and to improve, even after their 15th and 20th interviews. Some teams finish well in our school competition but never get much better. Not Audrey and Christine.

Even after two years of intensive experience in previous competitions, we watched them take a national title by doing excellent interviews, then do two even stronger interviews at the internationals a few weeks later. Several of our national winning teams have had that unique ability. Audrey and Christine certainly did.”

Their years of experience coaching in the competition have benefited Frank and Lawson and their teams. Given the extemporaneous style of the interviews, preparation and rehearsal are difficult. Nonetheless, the coaches have found ways to be prepared.

“We’ve learned a lot and picked up all kinds of tricks of the trade,” said Frank. “We have developed some techniques that we have used over the years.”

He recalled the 2009 international competition in Las Vegas won by Bates and Bartels. The secretary’s memo for their final interview said the client’s problem had something to do with photographing a wedding.

“As usual, the characters were gender neutral, so we didn’t know if the client was going to be a male or a female. It was something about the nature of that problem that made me say, ‘Don’t be surprised if they both show up.’ That has happened maybe two or three times since I’ve been doing this, so I told the team to think about



Craig Lawson



Alan Frank

what they were going to do if a married couple showed up for the interview,” Frank said. “Sure enough, they both showed up. It didn’t surprise Amy and Adam; they were prepared for it.”

Competing at any level, Baughman said, begins weeks before the team sits down with its first client. The area of law for each competition is released a few weeks prior to the competition and preparation begins immediately.

“Once Audrey and I know the topic, we start researching that area of the law. This involves reading outlines, casebooks, cases and any other materials that help us to analyze problems within that area of the law. Professors Frank and Lawson spend hours creating practice interview hypotheticals,” Baughman said.

For school-winning teams like Johnson and Baughman, each level of competition involved about six practice interviews, as well as an hour or so of discussion after each interview during which they and their coaches would analyze the team’s strong and weak points. Johnson said that for each competition, Frank and Lawson would bring in attorneys from the community to help them understand the competition’s area of law and to help think through the interview problems.

“This is all on top of our homework and reading



Johnson and Baughman (far right) competed against teams from the University of Wyoming and DePaul University in the final round of the National Client Counseling Competition.

for classes, so sometimes it was overwhelming to spend that much time on it. But it was worth it, both in terms of being successful and in terms of the knowledge and experience we gained,” Baughman said. And that’s not to mention the fact that the international competition immediately preceded the Law College’s final exams.

For Frank, even after 37 years, the excitement and rewards of the competition have not subsided. “Winning in the first year we competed was a real high. We had no idea what we were doing,” Frank recollected. But each year something happens that renews his enthusiasm.

On winning the international

competition in 2009, Frank joked, “I probably should have quit right then – that was the culmination.” But more than winning, Frank said, it’s the experience of competing in the international competition that is exhilarating. “The thrill [of the international competition] is to be with all the young people from around the world,” he said.

Lawson added that what is most meaningful to both coaches is the close relationship they develop with the student competitors. “When you work two-on-two with the student teams, you really get to know them as individuals and to appreciate their tremendous talent,” he said. “Besides, most of them are great people, and it’s a treat to spend time with them. I count my time with many of

them – especially with Audrey and Christine, but also with quite a few others – as among the best times of my career. Alan and I thought so highly of Audrey and Christine that we nominated them as a team for the Alumni Council’s Outstanding Student Award, which they won.”

Excitement and tension run high during the competitions, especially at the higher levels. This is compounded by a team’s inability to know how the judges scored and ranked their performances, and how other teams performed, until after the competition is over.

“We know how we did in an interview, but we have no way of

knowing how other teams did. So it can be difficult to judge how we did in comparison to the schools we went up against,” Baughman said. “Usually, though, we can tell if we have developed rapport with the client and are asking the right questions for the situation.”

“One of the frustrations with the competitions is that it’s so subjective,” Lawson said, “We’ve had a number of times when we thought the judges didn’t properly evaluate our team, but everybody thinks that. You’ve just got to live with that. It’s one of the things we talk to the teams about. ‘Don’t get too wrapped up in winning because the judging is so subjective. It’s not an easy competition to win, and it’s not always clear why you didn’t win. If we, your coaches, think you did a good job, that’s what you should strive for.’”

Nonetheless, the victories have come, and Baughman said winning the national competition last March may have been the high point in her experience.

“Competing in the final round of the national competition in North Carolina was incredibly exciting,” she said, “We knew we were one of three teams that could win and go to Ireland. Once we won, it took a little while to sink in, but it was awesome to think that on St. Patrick’s Day we won a trip to Ireland.”

For Johnson, who hadn’t been to Europe before, the Dublin experience stands as the most exciting point of the competitions.

“The best part about the international competition was meeting other law students from around the world,” Johnson said, “I found that to be very valuable – to learn more about how their legal systems work and just to learn more about their countries in general. They have their own styles in terms of what a client interview looks like.”

From the beginning, Frank and Lawson said, the Law College has given strong support to successful client counseling teams.

“The College has enabled our national champion teams to compete in Ireland, Scotland and Las Vegas,” Frank said. “The year after our team won the internationals in Las Vegas, the Law College agreed to send Amy,

Adam and me to the international competition in Hong Kong to pass on the championship trophy to that year’s winners. In some years, when we haven’t had a team in the internationals, I’ve been a judge and the Law College paid my way. The school has been tremendously supportive.”

Baughman said she and Johnson were surprised to learn that not all law schools support their students in the same way as Nebraska Law.

“Not only have we received financial support in terms of our entry fee and travel expenses,” she said, “our coaches have spent quite a bit of time supporting us, creating practice problems, doing case law research. We’re so thankful that we have a faculty, a dean and an administration that support students honing their legal skills in practical settings.”

“At every stage of the competition,” Johnson said, “there were faculty, staff and students saying congratulations and good luck. We received a lot of emails wishing us well, and professors that dealt with that area of the law offered notes and opinions on how to prepare.”

Another nice gesture, Johnson said, were the parties with cake, ice cream and balloons that the school held for the team after she and Baughman won the regional and national competitions.

“Competing in the final round of the national competition in North Carolina was incredibly exciting,” she said, “We knew we were one of three teams that could win and go to Ireland. Once we won, it took a little while to sink in, but it was awesome to think that on St. Patrick’s Day we won a trip to Ireland.”

To all involved, client counseling serves an important purpose, one that Frank has been passionate about since that day in a Wisconsin legal aid office.

“Most lawyers spend much more time with clients than they do in the courtroom, so learning how to do that well is really important,” he said, “Although we have a Client Counseling class, the class enrollment is limited, so the competition is a way for many students to gain experience and practice their skills.

“We think the competition is important not just for those teams like Audrey and Christine who have been so successful, but also for everybody who enters and has the opportunity to work on their skills and get some feedback from judges.”

Johnson and Baughman graduated in May. Johnson now works as an associate attorney for a Lincoln law firm, while Baughman recently began her position as assistant director of admissions for the Law College. Frank and Lawson continue to teach and to coach the College’s client counseling competition teams.



A Cornhusker's Experience As Intern on Capitol Hill

Third-year law student David Bresel spent this last summer interning for the National Corn Growers Association at the advocacy group's Washington, D.C., office, where the NCGA functions to inform policymakers and politicians on the interests of corn growers and other farmers across the nation.

In an e-mail interview, Bresel said he assisted lobbyists and worked on international trade issues and on legal challenges the NCGA faced. Bresel applied for the internship, which is supported by a partnership between Nebraska Corn Board and the NCGA, through the University's Husker Hire website.

"Having the ability to see what Washington politics is all about has been the most educating part of the experience."

"I wanted to get experience working in the lobbying office of a trade association," Bresel said. While Bresel pointed out that he had no previous background with the NCB or NCGA, he said the position appealed to him as he wanted to gain more agricultural and trade-related experience.

The bulk of Bresel's efforts were spent working on the Farm Bill, a piece of legislation that supports agricultural workers through subsidies, by reading the legal language and "interpreting different parts of pending legislation."

"Having the ability to see what Washington politics is all about has been the most educating part of the experience," Bresel said. "I never fully realized how things

get done in D.C. I now know how things work out here and hope that I can bring my experience back to Nebraska."

Bresel said the College of Law helped to prepare him for the experience through both education and attitude. His International Trade Law class, he said, prepared him for many of the issues he's dealt with in his work, and the rigor of the Law College readied him for the efficiency his job required. "I am more organized and hard working now than I ever was before going to the Law College," Bresel said.

Like many preparing to enter the workforce, Bresel said that more than anything he just wants to be able to find a job in his field post-graduation. "I hope to find a career in Washington, but I would be happy wherever I go. I do know that being a lobbyist is something that I have a strong interest in doing," Bresel said.

Bresel said the summer was a great opportunity in relation to his ambitions. The internship allowed him to make connections that may help him find a job in Washington in the future. Even if Bresel doesn't end up in D.C., he said the experience has still been invaluable.

"If I decide to live in Nebraska I know that my experience in D.C. has helped further my career opportunities in several ways," he said. "It has given me great exposure to the world of agriculture and has created several new opportunities for me to explore for the future."



David Bresel



Externships – *A Great Way to Give Back*

By Tasha Everman, '02,
Assistant Dean & Director of Career Services

At Nebraska Law, we recently revamped our externship policy, and we are looking for new partners to increase the number of experiential learning opportunities available to our students. For those of you not familiar with the concept, an externship is a program through which a law student can earn academic credit for work performed under the supervision of a field supervisor. Supervisors are most often attorneys from government or a non-profit organization. A Law College faculty member also monitors the progress of the externship through student logs and reflective writing assignments to ensure that the externship is accomplishing the educational goals laid out in the policy.

In spring 2012, the Law College faculty revisited the externship policy and made needed updates. The result is a new policy that sets clear guidelines, offers greater flexibility, no longer requires the student-extern to produce a scholarly writing as part of the externship and, most importantly, enables greater numbers of students to gain practical legal experience as a part of their studies. The policy, available in its entirety on our website, law.unl.edu, sets forth the required criteria and the educational goals as well as the methods used to achieve the stated goals. Some of the basic requirements are that students:

- must have completed the first-year of law school
- may not be compensated for the work they perform
- must work 40 hours per academic credit earned
- may earn up to 3 externship credits
- will be graded on a pass/fail basis



Around the College

Recent Scholarship & Activities

We have a number of externship partnerships already established with both federal and local judges, government agencies and non-profit organizations. However, we have more interest in externship opportunities than we currently have placements. If you feel that you or your organization could offer a student substantive work and a positive learning environment, we would welcome the opportunity to talk to you about setting up an externship. Those employers who have already supervised externs have appreciated the opportunity to work with bright legal minds at no additional cost, especially in this time of slashed budgets. Whether you can incorporate an extern into your regular routine or would like an extern to work on a special project you have been saving, externs can provide a great benefit to your organization. One word of caution, however; externs earn academic credit for gaining substantive legal experience and they should not be confused with unpaid interns. Externs can perform many of the same duties as a paid law clerk. They don't do windows or make copies!

Please contact Tasha Everman, Assistant Dean & Director of Career Services, for additional information or to partner with the College of Law, at 402-472-5130 or everman@unl.edu.

FAQs regarding Externships

1. Will the externship be a lot of extra work for me? What are the benefits?

There are a few pages of paperwork to complete at the beginning of the process, but most of the paperwork will be completed by the students. Externs are a great resource and usually lighten the load for participating employers as they gain valuable experience and hone their research and writing skills.

2. Can I sponsor an extern if I am a private practice attorney?

The new policy allows for externships with "for-profit employers" to be approved on a case-by-case basis. The employers must show compliance with the Federal Fair Labor and Standards Act.

3. What if an organization doesn't have an attorney on staff? Can a non-attorney sponsor the extern?

Externships with a field supervisor who does not have a J.D. will be approved on a case-by-case basis by showing how the externship will satisfy the educational goals of the policy.

4. What about issues of confidentiality?

Just as with our student clinics and any other legal clerkship, our externs are aware of the importance of confidential client information. Externs have served in situations in which they have had access to top-secret government information, and they have been trusted with highly confidential matters of the court. Like any attorney, they're bound by the ethical rules of the profession. Confidentiality is stressed and has never been an issue.

5. Who should I contact if I am interested in learning more or signing up?

If you are interested, you can either start with the online information at <http://law.unl.edu/upperclass-students> or call the Career Services Office directly to discuss your options and the externship program.

Thank you for considering a partnership with Nebraska Law.

Externship Program's Educational Goals

1. To encourage the further development of the student's legal research, writing and drafting skills through work on various types of documents;
2. To expose the student to lawyering skills through participation in or observations of activities such as interviewing, counseling, negotiation, mediation, oral and written advocacy, factual investigation, public hearings and the development of strategies for case management and the legislative process;
3. To develop the student's advocacy skills through participation in or observations of court proceedings, discovery, administrative agency proceedings, lobbying activities and legislative hearings and debate;
4. To give the student practical legal experience and to enhance the student's understanding of the application of the principles learned in law school to real world legal problems;
5. To give the student the opportunity to participate in, and reflect upon, the work of legal institutions;
6. To expose the student to issues of professional responsibility within the context of the workplace;
7. To encourage the student to explore and consider the different roles that lawyers have in the economy and in society, and to expose them to the range of career opportunities available to those individuals who possess a J.D. degree; and
8. To permit the student to gain practical experience in specialized areas of the law through experiences that will supplement the student's course work within the law school.



Department of Defense Externship Provides Unique Opportunity for Nebraska Law Students

The aptly-named five-sided building in Washington, D.C., that houses the United States Department of Defense, along with 25,000 of its employees, might seem shrouded somewhat in mystery to the average American. The five-story building, with its expansive, flat walls of concrete, isn't much to look at from ground level, and from above it resembles a giant piece of simple fourth grade geometry homework. None would hurry to describe its rigid shape and looming structure as lively.

But inside, the largest department of the federal government lives and thrives. But the fact that so much activity exists within such an oppressive and austere structure may seem mysterious. The building gives no inclination as to how the Department of Defense operates.

College of Law students Kyle Johnson, '12, and John Watson, '13, recently learned firsthand, through an externship at the Pentagon, what exactly propels much of the department's operation.

Johnson, who is fluent in Chinese and received his bachelor's degree from Brigham Young University, was the first student to participate in the externship in the Department of Defense's Office of the General Counsel last fall. Watson, a U.S. Marines veteran with three tours of duty in Iraq under his belt, moved to the nation's capital in January. Both students worked in the International Affairs office under James Burger, an action officer whose position was formerly held by Professor Jack Beard, who joined the Nebraska Law faculty in 2011.

It's through Beard that the two students were selected for the externship that is completely unique to Nebraska students.

The largest portion of Burger's work, and in turn Johnson's and Watson's, deals with the cooperative threat reduction (CTR) program, which Watson describes as a Department of Defense program where "our government will enter into agreements with foreign governments and essentially provide funding or carry out activities intended to destroy or disarm or secure weapons of mass destruction, nuclear, biological or chemical, with the intent to keep these weapons out of the hands of the bad guys."



John Watson, '13



Kyle Johnson, '12

Johnson said Burger also dealt with European and African Commands, as well as NATO-related issues.

The bulk of Watson's work, he said, boiled down to editing and reviewing CTR actions that came to Burger's desk:

"Making sure we're using the correct language, making sure there's not anything that's legally objectionable. And I would make those changes as I saw were needed, and return the action back to [Burger]."

After that, the action is returned to senior attorney of the International Affairs office Charles Allen, who would either send it back to Burger with questions and corrections, or forward it to the policy office which originally proposed the action.

Watson is the first to admit that the work seems, and can be, tedious: "Some things move really slowly at that level," he said, "There are agreements that have been in the works that haven't been hammered out and have been in limbo for years and years. There is certainly an element of frustration that goes along with that."

Nonetheless, Watson said there is a decided sense of importance that comes with that level of work, and a certain degree of news-worthiness.

Johnson agrees, "It was incredibly fun to be so 'in the loop.' I would work on something and then two or three days later, it would be in the news. It was incredibly rewarding to work on such sensitive matters that have an immediate impact on the world."

The students, both of whom saw the amount of responsibility begin to increase almost immediately, worked in an office with other law students from Duke, Washington University in St. Louis, Harvard, and George Washington University. "There was often a double take when attorneys that I encountered learned where I went to school. I was just as prepared as the other students," said Johnson.

"I don't think any of the attorneys would have known that I didn't come from an Ivy League school," Watson agreed. "I don't think any school teaches a class that is analogous to the experience. But as far as core legal skills and being confident going into that situation, I thought the Law College did a great job [in preparing me.]"

The position helped to cement Watson's core values as they pertain to his career goals. "I identify with the mission of the military — protecting national security, in particular. I currently work for the county attorney at the prosecutor's office, and I firmly identify with the mission there — the underlying goal of the office. So the bottom line of the organization I work with is the most important thing for me."

For Johnson, the externship changed his perspective on national security and defense. "This opportunity provided me with a much broader perspective of how U.S. domestic law influences the world. I'd love to go back and be able to make such a substantial difference through my career."

Without any doubt, Watson said, Nebraska Law is fortunate to have the connection through Professor Beard to a program that is "truly, completely" unique to Nebraska. Added Johnson, "There is incredible respect in the DOD for Professor Beard. His presence only bolsters the College's credibility."

Hilgers Joins Career Services Office

Official Title: Associate Director of Career Services

Educational History: I attended Baylor University in Waco, Texas, for my undergraduate degree, a degree in Business Administration with a major in Marketing and a minor in Public Relations. I then attended the University of Houston for my J.D.

My Career: I began my career as a prosecutor in Henderson County, Texas. I worked as a child protective services prosecutor for the State of Texas, representing the state in cases involving child abuse and neglect. Later, as a felony prosecutor, I handled a wide variety of criminal cases. After approximately three years, I moved into the private sector and practiced in Dallas, where I handled commercial litigation cases and specialized in commercial construction cases. Upon moving to Nebraska, I worked part-time for the Center for Children, Families, and the Law on the Through the Eyes of a Child Initiative, a court improvement project for cases involving abused and neglected children across the state of Nebraska. After that project was completed, I went into private practice again with an emphasis in criminal defense and family law. I practiced until the birth of my daughter, Alice. I stayed home with Alice for about 10 months before I came to work for the College of Law.

What Attracted Me to This Position: I decided that I didn't want to return to work unless something perfect came along. When the job with the Career Services Office (CSO) was posted, I felt that this was the job opportunity for which I had been waiting. What specifically attracted me to the position was the opportunity to work



Heather Hilgers

with students. I love that I am able to use both my education and years of experience as a practicing attorney on a daily basis.

What I Plan to Bring to the CSO: My practical knowledge and skills as a job applicant and attorney will be helpful in my interactions with the law students. At my law firm in Dallas, I interviewed students at on-campus interviews and became involved in the hiring process. I learned what employers are looking for and what to do and what not to do when it comes to the job search and interviewing processes. In addition, I have had experience in a number of practice areas, which will be beneficial when counseling students. I am excited to

help students find the career paths that are right for them and to help them to effectively market themselves.

My Goals: I hope to bring a fresh perspective to the CSO. I have some new and fun ideas for the programming we offer to students. My main goal is to be here for the students and to help them in any way that I can.

Personal/Family Life: After marrying my husband Mike, a Nebraska native, I moved to Lincoln to start my family. We have one daughter, Alice, who is nearly 15 months old. I serve on the board of directors for the Court Appointed Special Advocates (CASA) of Lancaster County and am an active member of the Junior League of Lincoln, a volunteer organization for women. I also serve as an alumnae advisor for Pi Beta Phi at the University of Nebraska-Lincoln. I love to spend time with my family, read and cook. I also love to explore Lincoln with my daughter. It is such a great place for families!

College Hosts First Meeting Of Big Ten/CIC Law Deans

By Joel Fulton, '13

This summer, the College of Law and Dean Susan Poser hosted the first Big Ten/Committee on Institutional Cooperation (CIC) meeting of law deans.

The CIC, the Big Ten's academic counterpart, collaborates to help each university leverage faculty, funding, common goals and institutional strengths for the collective success of the group. With the exception of Purdue University, each of the universities in the Big Ten has a law school. The University of Chicago Law School is also a member of the CIC.

Big Ten/CIC deans of other academic units, such as arts & sciences, business and engineering have a tradition of meeting, Poser said. While preparing for the University of Nebraska–Lincoln's official move to the Big Ten on July 1, 2011, Poser learned that the law school deans had never met. Poser thought that it would be useful for law deans to get together, and she wrote to the Big Ten/CIC law deans to introduce herself. Over the next year, Poser put into motion plans to host the first meeting.



On Monday, June 11, 2012, Poser hosted eight of the twelve Big Ten/CIC law deans for dinner at her home. The deans met at the Law College the following day, with CIC Executive Director Barbara McFadden Allen joining part of the conversation via Skype. McFadden Allen spoke about the collaborations made by deans in other academic departments, which served as a helpful orientation.

This was “an exploratory meeting to get to know each other,” Poser said. The two-day meeting allowed the deans to share ideas about the issues and common challenges they face. It also allowed the deans to put on the table specific issues of mutual interest and concern. For instance, the deans are exploring the possibility of allowing students and faculty to visit other Big Ten/CIC member schools for a semester. Also being considered are proposals to increase the use of distance education by allowing students to access classes not offered at their school through video technology. The ultimate goal is to find ways that the Big Ten/CIC member law schools can collaborate to their mutual benefit.

The law deans will meet again in January in New Orleans at the annual meeting of the American Association of Law Schools.

Karlan: 'Keep Faith with Constitution by Understanding Law's Real World Consequences'

By Joel Fulton, '13

Generation after generation of Americans have made the Constitution into "Our Constitution." It is a visionary document, one its drafters knew would create a nation that would change over time. It is a document for all citizens to interpret, not one just reserved for judges and lawyers. For Stanford law professor Pamela Karlan, these are the reasons the United States Constitution has endured and thrived for several hundred years.

Karlan delivered The Winthrop and Frances Lane Foundation Lecture on March 14, 2012, in the College of Law's Hamann Auditorium. The lecture was co-sponsored by the Phi Beta Kappa Visiting Scholar Program. Karlan also spent two days meeting with students and faculty, including students at the University of Nebraska-Lincoln's City Campus. Karlan is a professor of public interest law and supervises law students on cases before the Supreme Court of the United States as co-director of Stanford's Supreme Court Litigation Clinic. A former law clerk to Supreme Court Associate Justice Harry A. Blackmun, Karlan has argued seven cases before the Supreme Court and has participated as counsel for an amicus in over 50 cases.



Pamela Karlan

In her lecture titled "Keeping Faith with the Constitution," Karlan explained the Constitution has retained its vitality not because of how the text was understood in 1787, but because of how we understand the Constitution today. This understanding, Karlan claimed, is in competition with much narrower constitutional philosophies like originalism or strict structuralism. Karlan encouraged spectators to embrace an alternative, richer, more consistent and better explanation of why our Constitution endures.

"The way we need to think about it is to 'keep faith' with the Constitution," Karlan said. "Original understandings are important, but so too are other views about purpose, lessons of history and practical consequences of legal rules."

"The way we need to think about it is to 'keep faith' with the Constitution. Original understandings are important, but so too are other views about purpose, lessons of history and practical consequences of legal rules."

Part of remaining faithful, Karlan said, is to allow for a process of interpretation by Congress and the courts, and then to incorporate public debate. Karlan offered Supreme Court cases as examples that show that exclusively originalist thinking about the Constitution is not enough. In one example, Karlan discussed the reasoning of the opinions written for the Second Amendment case that addressed the District of Columbia's ban on hand guns, *District of Columbia v. Heller* (2008). Both the majority and minority opinions appeared to hinge their decisions on interpretations of text. Both drew support from dictionaries, grammarians and linguists. The majority opinion interpreted the Second Amendment provision, "the right of the people to keep and bear arms," as a right belonging to an individual, whereas the dissenting opinion saw the right as a collective right about the freedom of the people to form a militia. According to Karlan, the majority opinion's treatment of an important precedent case, *U.S. v. Miller* (1939), demonstrated how judicial interpretation actually goes beyond the text.

The *Miller* case had ruled that the Second Amendment did not protect possession of a sawed-off shotgun, because shotguns were non-military weapons, Karlan said. The majority opinion in *Heller*, however, read *Miller*'s Second Amendment rationale to turn on the type of weapon sought to be protected – lawful versus unlawful – rather than whether the weapon was used for a military purpose.

Karlan argued the Supreme Court's interpretation of *Miller* in *Heller* showed the capacity for adaptation to a changing world. To Karlan, the decision in *Heller* indicated that constitutional interpretation will reflect common modern practices. "What distinguishes a sawed-off shotgun and a handgun?" Karlan asked. "The fact that handguns are the most popular weapons used by Americans for self defense in the home." Ordinary constitutional interpretation includes real world consequences and changes in social understanding, Karlan said. This enables and motivates people to keep faith with the Constitution.

Karlan summarized by saying, "Time and again, as Justice Oliver Wendell Holmes said, 'We have interpreted the Constitution in light of what this country has become.'"



Bait and Switch: The Roberts Court and the Demise of Constitutional Remediation

By Catherine Cano, '12



Jennifer Laurin

On March 7, 2012, Jennifer Laurin, assistant professor at the University of Texas School of Law, presented “Bait and Switch: The Roberts Court and the Demise of Constitutional Remediation.” Laurin discussed the restriction on constitutional rights and remedies under the Roberts Court. She pointed to two main concerns she has with the Roberts court. First is the Court’s concerted hostility toward constitutional remedies, and second is that these barriers created by the Court are becoming more impenetrable and threaten to make the Constitution a mere formality. These barriers have helped to create the

“bait and switch” phenomenon that Laurin claims is present in both civil and criminal cases.

Laurin recognized that the Court has expanded the Bill of Rights in some cases dealing with “pure questions” of constitutional violations. For example, in *Jones v. United States* (2012), the Court unanimously held that police monitoring of a car via GPS is a search under the Fourth Amendment. Additionally, the Court expanded the Confrontation Clause in *Crawford v. Washington* (2004), and the Roberts court has continued to recognize criminal

defendants' rights under the Confrontation Clause.

However, Laurin cautioned that these examples do not give a complete picture. "These rights come cheap for the Court, because it has erected an architecture that has created barriers to access and remediation," Laurin explained. She offered several examples of the barriers in place, from pleading rules to the inability of a plaintiff to state a cause of action for deprivation of rights under § 1983. "In *Bell v. Twombly* (2007), our rules of pleading went from a notice regime to a regime requiring plaintiffs to allege specific facts that make the legal violations plausible," she stated.

Additionally, she discussed the problems that the Roberts court has created with its interpretation of immunity doctrines, "These doctrines predate the current court, but they have become more daunting in this court." She gave the examples of *Messerschmidt v. Millender* (2012) and *Connick v. Thompson* (2011).

In *Messerschmidt*, the plaintiff claimed the warrant used to search her home was overly broad. The Court discussed whether a reasonable officer could believe the warrant was properly drafted. "The Court seemed to suggest that in suits for violation of the Fourth Amendment, the standard for what amounts to a clearly established right is extremely high. It is no longer what is obvious to a reasonable official, but what is obvious to all but the plainly incompetent," she said.

Connick v. Thompson asked whether a prosecutor's office can be held liable for providing inadequate training on the basis of a single *Brady* violation. Thompson had been awarded \$14 million in a jury trial under this theory. The Court reversed the award that had been twice affirmed by the 5th Circuit. "Under § 1983, plaintiffs could previously hold government entities directly accountable if they violated the Constitution," Laurin explained. "In this case, the Court suggested turning its back on this

long standing practice, and rejected the premise that a near total absence of training could result in a constitutional violation."

Laurin also discussed the difficulties and restrictions in the criminal area. She pointed to *Herring v. United States* (2009) and *Davis v. United States* (2011) as stark examples of barriers to criminal constitutional remedies.

"These [immunity] doctrines predate the current court, but they have become more daunting in this court."

In *Herring*, the Court held that absent a repeated practice or flagrant misconduct, the exclusionary rule does not apply to evidence obtained after illegal searches or arrests. The Court stated that the exclusionary rule was only available if the police were grossly negligent, which sets a much higher standard. In *Davis*, the Roberts court announced exceptions to the exclusionary rule that "all but swallowed the rule," according to Laurin. The Court stated that the exclusionary rule does not apply when a search is based on the police officer's objectively reasonable reliance on binding judicial precedent.

The overall result of these civil and criminal cases is

a lack of remedial options. "None of these are happy observations, at least for those who view constitutional remediation as an important aspect," Laurin said. But the point of her lecture was to educate and to encourage action. "These are important observations to grapple with. We in the legal profession should not let the courts off of the hook, but we should not put all of our eggs in the litigation basket. Those who view civil liberties as important and are not content to let the government self-police have the task of determining how to navigate a path through the law and around the courts," she said. "I hope we can be clear eyed about setting an agenda for advancing these aims."



Nebraska Law Faces Challenges in Time When Law School Recruitment is Difficult

By Tracy Warren, '03
Assistant Dean of Admissions

The University of Nebraska College of Law had a successful 1L Orientation before the start of classes in August. Along with becoming acclimated to the law school facilities, incoming first-year students had the opportunity to meet with faculty, local judges and area attorneys to discuss ethics and professionalism. They also observed a client interview, had lunch with their faculty advisors and met with upper class students. But perhaps one of the biggest successes was the group of incoming students itself.

The Class of 2015 is comprised of 136 students, six more than the entering class in 2011. In addition to an increase in class size, this entering class also brought with it a median LSAT score and a median GPA higher than last year's entering class. Class members are from 22 different states and represent 64 undergraduate institutions – up from 19 states and 52 different undergraduate institutions for the previous year. While these increases may appear relatively small, the fact that the class grew by nearly 5% and has better credentials is exciting considering the recruiting difficulties currently facing law schools.

Law schools across the country are finding it more difficult to recruit talented students than in past years. Over the past two years, law school applications have declined 25%. Preliminary reports show that several top tier schools enrolled first-year classes that are 20-30% smaller than their 2011 entering classes. While the 2012-2013 admissions cycle is just getting underway, it appears that the decline will continue as the number of prospects taking the LSAT in June was down nearly 6% when compared to June 2011. In short, we are likely at the beginning of what appears to be a multi-year downturn in law school admissions.



To what can we attribute these falling numbers? Many point to the widespread negative media attention surrounding the choice to attend law school. Over the past two years, local and national media have been inundated with articles about law graduates with hundreds of thousands of dollars of debt who are struggling to find employment in a saturated market. Other news stories speak of law firms being resistant to hire law graduates with little experience as their clients refuse to pay to “train” new associates.

Nebraska Law is working hard to overcome the negative publicity and convince prospective students that the bad news does not apply to all law schools and law school graduates, particularly those from Nebraska Law. College of Law graduates obtain an excellent education and leave law school with a debt load that is significantly lower than other law schools in the country. Tuition and fees for a resident student for the 2012-2013 academic year are approximately \$14,000.00 (resident tuition at neighboring state law schools ranges from \$19,000 to \$50,000). The average debt load of a 2012 Nebraska Law graduate is \$54,875.00. These figures have earned the College of Law national recognition recently with the National Jurist Magazine ranking the College #4 on its list of the top 20 Best Value Law Schools in the country and Nebraska Law is #8 on U.S. News’s list of the Top 10 Schools with the smallest debt load.

The College of Law has a strong commitment to assisting students in their post-graduate employment search. Our Career Services Office provides students with individualized counseling during which students receive advice on such things as resume and cover letter content, job search strategies and mock interviews. Each semester, the CSO recruits numerous employers to campus to interview our students, posts job opening information or collects resumes for employers. The CSO staff also hosts and sponsors many programs and networking opportunities for our students throughout the school year – giving them the chance to learn about their employment options while also establishing invaluable

The Class of 2015 is comprised of 136 students, six more than last year’s entering class. This class has a median LSAT of 158 and a median GPA of 3.64 on a 4.0 scale, both higher than the previous year’s numbers of 157 and 3.51, respectively.

connections with alumni locally and nationally. These increased efforts appear to be paying off. Eighty-nine percent of our 2011 graduates were employed 9 months after graduation, a 4% increase over the previous year.

Finally, Nebraska Law is increasing its student opportunities for experiential learning to ensure that our graduates are ready to hit the ground running. In January, the doors will open to the new Entrepreneurship Clinic giving our students another opportunity to practice law under the supervision of a faculty member. The faculty recently revised the College’s externship policy to make it easier for students to obtain class credit while gaining practical experience. In addition to offerings that focus on the development of practical skills like client counseling, negotiations and mediation, faculty members are incorporating real-world scenarios into doctrinal courses. While in class, students are negotiating real estate transactions, drafting pleadings and preparing client communications.

Law schools nationwide will continue to find it difficult to recruit talented, bright students – Nebraska Law included. To repeat the success of this year and yield a bigger and more highly qualified Class of 2016, Nebraska Law will have to remain competitive and grow throughout this challenging time in law school admissions. The faculty and administration will continue to recognize the needs of our students, adjust to the changes in the legal community and expand the curriculum and programming to meet student demands. We are expanding our outreach in an effort to reach more students here in Nebraska and nationwide.

Baughman, '12, Named Assistant Director of Admissions



Christine Baughman

Official Title: Assistant Director of Admissions

Educational History: I graduated from the University of Nebraska–Lincoln in 2009 with highest distinction. My Bachelors of Journalism degree was in Advertising and Public Relations. I then attended the College of Law and graduated in 2012 with distinction.

What Attracted Me to This Position: I was attracted to this position because it will allow me to help students navigate the tricky process of deciding whether law school is for them and, if so, which particular law school is their right choice. Having been a law school applicant just three short years ago, I know exactly how confusing this process can be. I'm excited to help communicate all of the opportunities Nebraska Law has to prospective law students.

What I Plan to Bring to the Admissions Office: Being from Nebraska, I want to actively recruit the best

talent we have here in state. As a UNL Honors Program graduate, I know firsthand the pool of incredibly intelligent students we have right here at UNL, and I know other colleges and universities around the state have similar programs. I want to reach out to those students and help keep Nebraska's talent here in Nebraska.

I have also met many students from out of state who moved to Lincoln and have ended up staying here to work, raise a family and become involved in the community. I am excited to increase the number of students from outside of Nebraska.

Personal/Family life: I recently got engaged to Bobby Truhe, a 2011 Law College graduate. When we aren't busy planning our wedding, we love to attend Husker athletic events, spend time with friends and watch my nephew. I'm lucky that my family all lives close by, and I love to spend time out at my sister's farm.

2011-2012 Student Accolades

Graduation with Highest Distinction

Jessica Beukelman
Christopher Kortum

Emily McElravy
Benjamin Williams

Graduation with High Distinction

Nathan Anderson
J. David Beasley
Joshua Berns
Cassandra Dorr

Joseph Ehrich
Adam Hoelsing
Travis Tettenborn
Nicholas Thielen

Graduation with Distinction

Breanna Anderson
Christine Baughman
Andrew Biehl
Catherine Cano
Randall Chevalier
Benjamin Civic
Branden Collingsworth
Christopher Di Lorenzo
Laura Gonnerman
Kyle Groteluschen
Timothy Hruza
Louvontree Hunter
Audrey Johnson
April Kirkendall
Lyudmila Kishchun
Eric Knutson
James Krauer
Ann Langemeier

John Lauritzen
Tosha Rae Long
Garrett Lutovsky
Michael McHale
Nathaniel Mustion
Lisa Paladino
Scott Pauley
Christopher Peterson
Darya Pulciani
Abbi Romshek
Emily Rose
Amber Rupiper
Leroy Scott
Robert Seybert
Vanessa Silke
Danielle Smith
Adam Tunning
Charles Wilbrand

Order of the Coif

Nathan Anderson
J. David Beasley
Joshua Berns
Jessica Beukelman
Christopher Di Lorenzo
Cassandra Dorr
Joseph Ehrich

Adam Hoelsing
Christopher Kortum
Emily McElravy
Travis Tettenborn
Nicholas Thielen
Benjamin Williams

Order of the Barristers

Catherine Cano
Laura Gonnerman
Audrey Johnson
Karen Keeler
James Krauer

Adam Little
David Lopez
Darya Pulciani
Robert Seybert

Guy Cleveland Chambers Award for Academic Excellence

Top graduating students
Jessica Beukelman Benjamin Williams

Professor Richard Harnsberger Award for Outstanding Academic Achievement

Top grades in their class
Jessica Beukelman, '12 Erick Reitz, '13
Emily Tunink, '14

Theodore C. Sorensen Fellowship

Nicholas Bussey, '13

Professor Arthur Bruce Winter Constitutional Law Scholar Award

For excellence in Constitutional Law I
Mark Grimes, '13

David A. Ludtke-Great Plains Federal Tax Institute Scholarship

Joseph Ehrich, '12

Philip G. Johnson-Great Plains Federal Tax Institute Memorial Scholarship

J. David Beasley, '12

Woods & Aitken Outstanding Student Award

Christine Baughman, '12 Audrey Johnson, '12

Credit Advisors Foundation Award

Excellent lawyering skills in Civil Clinic
Christine Baughman, '12 Ashley Christiansen, '12
Lia Bies, '13 Audrey Johnson, '12
Nicholas Buda, '12 Katherine Quinn, '12

Pat Gies Memorial Award

Outstanding Civil Clinic student
Amanda Civic, '12

Academy of Trial Attorneys Award

Outstanding Criminal Clinic student
Austin Leighty, '12

2011-2012 Student Accolades

Robert G. Simmons Nebraska Law Practice Award

Benjamin Williams, '12 Christopher Peterson, '12

American Bankruptcy Institute Award Medal of Excellence

Benjamin Williams, '12

Silver Quill Award

Excellence in Legal Research & Writing
Martin Demoret, '14

Gross & Welch Best Brief Award

Best brief in Legal Research & Writing
Craig Halbasch, '14 Douglas Partridge, '14

McGrath North Mullin & Kratz Legal Writing Award

Paige Amundson, '14	Halley Ostergard, '14
Martin Demoret, '14	Kyle Petersen, '14
Tyler Dixon, '14	Joel Rische, '14
Sara McCue, '14	Blake Simpson, '14
Jeffrey McGuire, '14	Emily Tunink, '14

National Moot Court Team

Zachary Blackman, '12	Adam Little, '12
Catherine Cano, '12	David Lopez, '12
Laura Gonnerman, '12	Darya Pulciani, '12

Thomas Stinson Allen Moot Court Competition – first place

Benjamin Herbers, '13 Daniel Russell, '13

Kenneth L. Noha Best Brief Award

Benjamin Herbers, '13 Daniel Russell, '13

Roscoe Pound Award

Best oral advocate in Thomas Stinson Allen Moot Court Competition
Daniel Russell, '13

Grether Moot Court Competition – first place

Charles Chamberlin, '12 Timothy Hruza, '12

Grether Moot Court Competition Best Oral Advocate

Timothy Hruza, '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 Competition Regional and National Champions

Christine Baughman, '12 Audrey Johnson, '12

First-Year Client Counseling Competition – First Place

Sara Houston, '14 Halley Ostergard, '14

National Trial Team

Karen Keeler, '12	Nicholas Norton, '13
Jessica Murphy, '13	Catherine Cano, '12

Representation in Mediation Competition – First Place

Zachary Blackman, '12 Robert Seybert, '12

Animal Law Closing Argument Competition – First Place

David Voorman, '14

Manfred Lachs Moot Court Team

Zachary Blackman, '12	Adam Little, '12
Eric Dawson, LL.M. '12	

Pro Bono Initiative

Justin Swanson, '12

Around the College

Recent Scholarship & Activities



Women's Law Caucus Volunteers with Voices of Hope

Members of the Women's Law Caucus, along with Professor Beth Burkstrand-Reid, volunteered last spring with Voices of Hope, a local non-profit that provides 24-hour-a-day crisis intervention, advocacy and prevention services for domestic violence, sexual assault and incest.

Allen Moot Court Competition

The Allen Moot Court competition was held in March 2012. The winning team was comprised of Benjamin Herbers and Daniel Russell. The team also won the best brief award. Allyson Peetz and Joel Fulton were the second place finishers. Russell was named the best oral advocate in the competition.



Allyson Peetz, '13, Chief Justice Michael Heavican, '75, Justice Kenneth Stephan, '73, Justice William Cassel, '79, and Joel Fulton, '13



Daniel Russell, '13, along with Chief Justice Michael Heavican, '75, Justice Kenneth Stephan, '73, Justice William Cassel, '79, and Benjamin Herbers, '13

Toobin Addresses Class of 2012 At Spring Commencement

Jeffrey Toobin, a staff writer for *The New Yorker* and senior analyst for CNN, was the featured speaker at the College's May graduation.

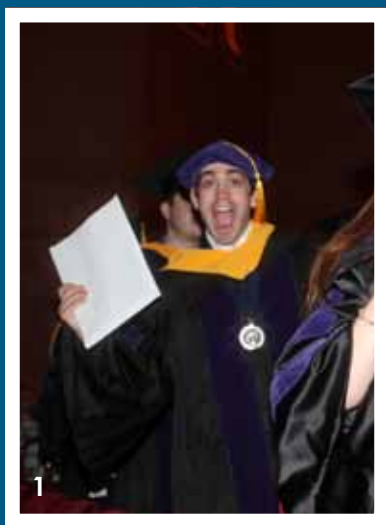
Toobin's most recent book, *The Oath: The Obama White House v. the Supreme Court*, was published in September 2012. His book, *The Nine: Inside the Secret World of the Supreme Court*, was published by Doubleday and spent more than four months on the *New York Times* best-seller list and earned the 2008 J. Anthony Lukas Prize for Nonfiction from the Columbia Graduate School of Journalism and the Nieman Foundation for Journalism at Harvard University.

Previously, Toobin served as an assistant U.S. attorney in Brooklyn, N.Y. He also served as an associate counsel in the Office of Independent Counsel Lawrence E. Walsh, an experience that provided the basis for his first book, *Opening Arguments: A Young Lawyer's First Case—United States v. Oliver North*.

Toobin earned his bachelor's degree from Harvard College and graduated magna cum laude from Harvard Law School where he was an editor of the *Harvard Law Review*.



Jeffrey Toobin



Around the College

Recent Scholarship & Activities



Photo 1: Stephen Rooke celebrates receiving his LL.M. degree.

Photo 2: The Class of 2012 prepares for commencement.

Photo 3: Robert Seybert

Photo 4: Cassandra Dorr

Photo 5: LL.M. graduate Daniel May.

Photo 6: Ben Civic prepares for graduation.

Photo 7: LL.M. graduate Eric Dawson.

Photo 8: Justice Kenneth Stephan, '73, addresses the Class of 2012.

Photo 9: Graduates prepare for commencement.

Photo 10: Jordan Blenner and Nicholas Buda prior to the ceremony.

Around the College

Recent Scholarship & Activities



Around the College

Recent Scholarship & Activities



Photo 1: Catherine Cano with her father, Timothy D. Loudon, '81, and her uncles Joseph P. Loudon, '84, and Lee S. Loudon, '87



Photo 2: Louvontree Hunter with his sister, Gloise Hunter, '02

Photo 3: A. Jase Allen receives his diploma.



Photo 4: Tobin Wolfe and his father, Jack Wolfe, '70

Photo 5: Amber L. Rupiper with Jan Vallentine representing Amber's grandfather Courtney L. Vallentine, '46.



Photo 6: Christine Baughman receives her diploma.

Photo 7: Jessica D. Meyer with her father, Barry R. Wilkerson, '90

Photo 8: LL.M. graduate Daniel May receives his diploma.

Photo 9: Class president Christopher Di Lorenzo.

Photo 10: Johann C. Johnson with his sister Heather Holland Anschutz, '04, and brother-in-law Thomas C. Anschutz, '04

Photo 11: Steven P. Canfield with his uncle, James A. Elworth, '81

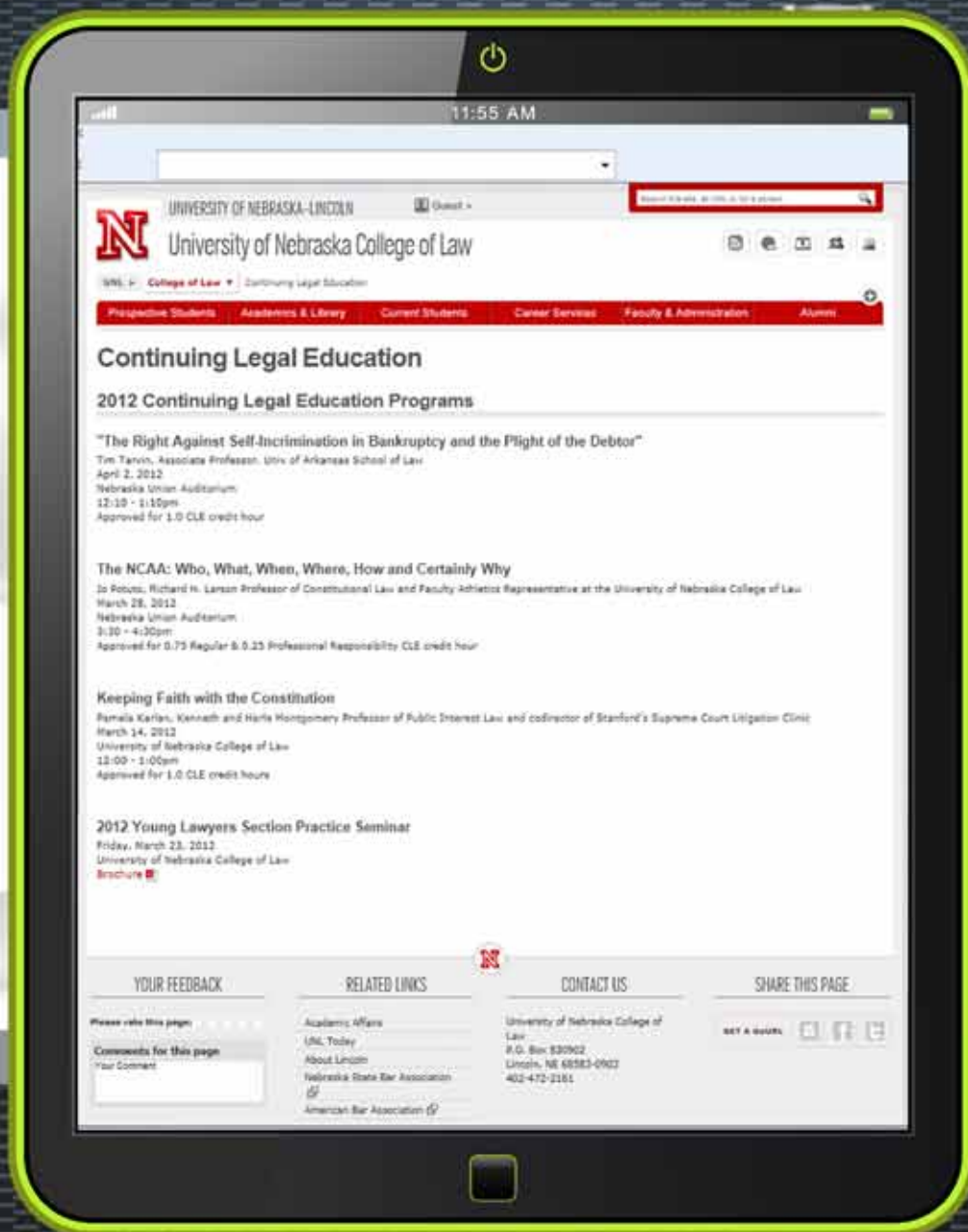
Photo 12: Chancellor Harvey Perlman, '66

Photo 13: Emily Rose and her uncle representing her great-grandfather, James L. McMaster, '16

Photo 14: Scott D. Pauley with his father, Douglas G. Pauley, '81



GOT CLE?



FREE Continuing Legal Education for Nebraska Law Alumni

<http://law.unl.edu/continuing-legal-education>

Milkweed Mogul, Knudsen, Credits His Success to Law, Science, Negotiation Skills

Herb Knudsen, '68, is the founder of Natural Fibers Corp., a company that makes products from milkweed pods, the scourge of Nebraska's road ditches and cornfields. The path that brought him to this unusual destination included studying chemistry and law, serving as a patent attorney for Dow Chemical and Standard Oil of Ohio and learning to be a top-notch negotiator, a skill honed, in part, through savvy dealings with former College of Law Dean Henry Grether.



Let's trace that route. After graduating from Lincoln Southeast High School, Knudsen matriculated at Dana College in Blair, Neb., where he majored in chemistry and served as student body president. After a summer trip to Europe, an "eye opening" experience that introduced him to the world beyond Nebraska, he went on to graduate school in chemistry at Florida State University. He did not find this particularly satisfying. The chemistry was fine, but he needed more contact with people. So after a year spent as the head of a Lutheran student house at New Mexico University, Knudsen contacted Law College Dean David Dow, the father of a high school friend. Within a month, he was enrolled.

The transition from chemistry to law was not easy. "In chemistry it's all about what you put in and what comes out; in law, it's all about what's in between. In chemistry, H_2O is water; in law, H_2O can be anything." But Knudsen worked hard and survived. "They really worked you to death," he recalled. "I understood why you went from a freshman to a junior; the freshman year was like two years out of your life."

Knudsen quickly involved himself in Law College politics, eventually becoming president of the Student Bar Association. In that role, he came into contact with Grether, the College's new dean. They became lifelong friends. Know-

Our Alumni Profile

ing Grether “was one of the most fun relationships I have ever had in my life,” Knudsen said. He vividly recalls one meeting in Grether’s office. “Herbie, I need to set you straight,” Grether said. “Students have no rights.” Knudsen’s response was to agree with him. “That’s right,” he said, “students have no rights. But I feel that if we have some reasonable thing that we want, you’ll be open-minded enough to consider it.”

One of those “reasonable things” was an upstart publication called THE NEBRASKA TRANSCRIPT. Bob Feder, ’68, was Knudsen’s classmate and “dear friend.” Feder wanted to start a magazine for the College’s students and alumni that featured articles about what was going on at the College. Feder’s proposed publication was controversial. “The Law Review people felt that their publication should be the only one. Around the College, students and faculty would ask, ‘What does that have to do with the law?’

“Bob was really motivated about this,” Knudsen remembered, “and I told him that I would help him in any way that I could. I felt it would be a spectacular publication. Bob worked day and night on this; I was his great encourager.” He was more than that; he used his relationship with Grether to help the magazine get published.

Knudsen also convinced Grether to support him when he ran for first vice president of the American Bar Association’s Law School Division. At the LSD’s meeting in Hawaii, he ran against a law student from Tulane, who was “pretty cocky.” He proclaimed that “if Jesus Christ walked in here, he couldn’t beat me.” Knudsen beat him by three votes.

Knudsen’s chemistry background led him to study patent law. Harvey Perlman, ’66, had been Knudsen’s fellow student when Knudsen entered law school. By his

third year, Perlman was his Intellectual Property professor. Perlman told him, “Herb, you ought to be teaching this; you know a lot more than I do about the patent side.”

Knudsen’s background led to him securing a legal job in Dow Chemical’s patent and licensing department. He was put in charge of handling a particularly important invention, and Dow was in a race against other companies to see who would secure the patent. Knudsen won the race. He later moved on to Standard Oil of Ohio (Sohio). One of his jobs was to protect the firm’s patents and licenses. When companies in East Germany, Romania, Bulgaria and Russia failed to honor the licenses, Knudsen took them to international arbitration.

It was when he was with Sohio that Knudsen got



involved with milkweed. The company was looking into growing milkweed as a crop to be used to create synthetic crude oil. But the price of oil went down when the Saudis flooded the market, and the program was suspended. By then Sohio had been bought by British Petroleum, which was not as interested in such speculative ventures. Knudsen had been working with Kimberly Clark on developing products using milkweed fibers, and he wanted to continue the project. So he acquired the milkweed business and struck out on his own.

Sohio had been cultivating milkweed on farms in the Ogallala area, so that's where Knudsen set up his business. He knew a "mechanical genius" who came up with a way to process the milkweed fiber and separate the floss from the pods using a revamped 1942 John Deere combine. The company is still using it today.

The original plan was to cultivate the milkweed on Nebraska farms, but hailstorms and fungus infections, in addition to the length of time it took it get a good yield, put an end to that idea. Now the company does wild collections, sending onion bags to New York, Wisconsin, Michigan, Nevada and Wyoming where people go out and pick pods, dry them, put them in the bags and send them to the company. The company processed 20,000 pounds of milkweed last year and expects to process 30,000 pounds in 2012.

And what does Natural Fibers Corps. do with the milkweed? "We were looking at what kinds of products we could produce and ultimately we ended up in down comforters." Under the name Ogallala Comfort Company, the company produces Hypodown comforters, pillow and feather beds that are sold online, through high end retailers and by working closely with interior designers. The products are a blend of milkweed fibers and imported goose down. Knudsen explains that the milkweed-down combination is a better product than pure down. "It is

more comfortable because it breathes better than down, it's hypoallergenic because it traps and suppresses the allergens that people react to and it's very durable, yet soft."

The company has also developed a line of skin care products, including lotions, soaps and body butter, using milkweed oil. Knudsen said that he recently discovered that the company's body balm had "miraculous" properties. "I was working on a blend for a customer at a time that I was about to go in for hip replacement surgery. So I said, 'I wonder what would happen if I put some of this on my hip,' and immediately the pain was gone and my mobility was restored. I said, 'This can't be true,' but I did it for a week and it kept on working. Finally I had the guts to face my family. They said, 'No way; you'll do anything to get out of the surgery.'" Subsequently, Knudsen said, they tested the product on 400 people, and the tests were positive. "It will even knock down headaches, including migraines. I think we snagged a whale here."

Knudsen has many stories to tell. This is one of his favorites: In 1982, he was fighting with a Japanese company about licensing rights. They negotiated and the company's president agreed to pay a lot of money for the right to use the product. At a dinner to celebrate the agreement, the president stood up and said, "Mr. Knudsen, I was born in Japan during World War II, and I was brought up to hate Americans, and the exposure I subsequently had with Americans reinforced that hatred. And then there was you. You treated me in a spirit of friendship and cooperation."

It all goes back, said Knudsen, to the way he negotiates: "Be easy on the people and hard on the problem. It was just like when I was dealing with Henry Grether back at the Law College. I never did anything but completely agree with him, yet I got what I needed from him." When asked if he would credit Grether, in part, for his success, Knudsen answered with a laugh, "I'm sure Henry would take credit for anything I did."

Alumni Council Honors Alumni, Students, Faculty at Annual Lunch

The Alumni Council honored alumni James Nearhood, '76, John, '53, and Jan Gradwohl, '54, 3Ls Christine Baughman and Audrey Johnson, and Professor Matthew Schaefer at its annual awards lunch on Friday, April 13 at the Lied Center for Performing Arts. The event was hosted by chair of the Alumni Council, Damon Barry, '00, and was attended by nearly 150 alumni and friends of the College. Nearhood was honored with the Outstanding Service Award; Baughman and Johnson received the Woods & Aitken Outstanding Student Award; John and Jan Gradwohl received the Distinguished Alumni Award; and, Schaefer received the Distinguished Faculty Award.



Award winners (l-r) James Nearhood, '76, Christine Baughman, '12, Audrey Johnson, '12, Jan Gradwohl, '54, John Gradwohl, '53, and Professor Matt Schaefer



Dean Susan Poser and Professor Matt Schaefer

Our Alumni Alumni Assets



The John & Jan Gradwohl family



Dean Susan Poser and Damon Barry, '00, with the John & Jan Gradwohl family



Doug Deitchler, '70, and Jill Gradwohl Schroeder, '84



Professor Rob Denicola, who presented the award to faculty award winner Matt Schaefer



John Gradwohl, '53, Damon Barry, '00, and Jan Gradwohl, '54



Our Alumni

Alumni Assets



James Nearhood, '76, and family



John and Jan Gradwohl with
Damon Barry, '00



Dean Susan Poser, Audrey Johnson, '12, Christine
Baughman, '12, and Damon Barry, '00



Professor Craig Lawson presented the
Woods & Aitken Outstanding Award to
Christine Baughman and Audrey Johnson



Audrey Johnson and family



Christine Baughman and family

Our Alumni Alumni Assets



1950s

Theodore L. Kessner, '59, received the 2012 Lifetime Achievement Award from the Nebraska State Bar Foundation in recognition of his significant contributions to the legal profession and community.



Kessner

1960s



Herzog

Robert K. McCalla, '61, was selected by his peers for inclusion in *The Best Lawyers in America 2013*. McCalla is a senior partner in the New Orleans office of Fisher & Phillips, a national labor and employment law firm.

David L. Herzog, '62, has been awarded Martindale-Hubbell's AV Preeminent Peer Review rating for 2012, the highest possible rating for an American lawyer. This is the 30th consecutive year that Herzog has so been honored. He is currently president and shareholder of Herzog & Herzog. He is engaged in the general practice of law with an emphasis in civil, criminal and family law litigation.

Hal Daub, '66, was a delegate to the Republican National Convention in Tampa, Fla.

Robert O. Hippe, '68, was awarded a Founder Award at the Nebraska Mediation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Founder Award honors exemplary individuals who are uniquely valued for their foundational building in creating and maintaining a system of mediation serving Nebraska's citizens, courts and communities.

Norman F. Langemach, '68, a Lincoln attorney and guardian ad litem, has been named by Gov. Dave Heineman to the Nebraska Children's Commission



Fuller

Ben Nelson, '70, United States Senator from Nebraska, was a delegate to the Democratic National Convention in Charlotte, N.C.

Gerald E. Rouse, '71, announced his retirement as judge of the county court, Fifth Judicial District, effective at the end of 2012. Judge Rouse served almost four decades on the county court bench in Seward and surrounding areas. Rouse is well known for his work with the juvenile justice system throughout his career.

Rex Fuller, '72, is the author of a legal/espionage thriller, *Decency*, a significant part of which takes place in southeastern Nebraska. Fuller is a self-employed lawyer in Chesapeake Beach, Md.

1970s

David M. Landis, '72, was awarded a Founder Award at the Nebraska Mediation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Founder Award honors exemplary individuals who are uniquely valued for their foundational building in creating and maintaining a system of mediation serving Nebraska's citizens, courts and communities.

David L. Piester, '72, was awarded a Builder Award at the Nebraska Mediation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Builder Award honors individuals who have made significant contributions through their professional career in government, education, law and the private sector to further mediation as a problem-solving process for Nebraskans.



Roberts

Neil Roberts, '72, celebrated his 30th year at The Boeing Company. He currently advises managers and executives regarding the impact of federal regulations on the strategic defense, space and security business. Roberts also is the company leader for terms and conditions included in Boeing defense contracts.

John R. Wertz, '72, has been elected president of the 2012 Bridgeport Education Holiday Bowl by the San Diego Bowl Game Association board of directors.

Byron Brogan, '73, has been named as city director/economic development director for Madison, Neb. Brogan's professional career has included working as a risk management, insurance and transactional attorney for Family Dollar Stores. He was also the creator and volunteer leader of "Ministry at Work," a faith-based unemployment crisis group in Charlotte, N.C.

Douglas L. Curry, '73, has been named of counsel to Erickson Sederstrom at its Lincoln office. Previously, Curry had served as in-house general counsel for the Lincoln Electric System.



Curry

Domina Law Group, headed by **David Domina**, '73,

received the Roger Baldwin Civil Libertarian of the Year Award by ACLU Nebraska for the firm's defense of the First Amendment.

Gregory C. Malhoit, '73, was one of the judges of the final round of the National Client Counseling Competition, won by Law College students Christine Baughman, '12, and Audrey Johnson, '12. Malhoit, of course, did not know that the winning team was from his alma mater until the competition was over. Malhoit is an assistant clinical professor of law and supervising attorney of the civil litigation clinic at North Carolina Central University School of Law in Durham, N.C. He currently teaches courses in Civil Litigation, Appellate Advocacy and Trial Practice.



Malhoit

James E. Gordon, '74, was awarded a Builder Award at the Nebraska Mediation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Builder Award honors individuals who have made significant contributions through their professional career in government, education, law and the private sector to further mediation as a problem-solving process for Nebraskans.

Greg Stejskal, '74, a retired FBI agent, wrote an article for the *New York Daily News* about New Orleans Saints' bountygate. In the article, Stejskal argues that, although the case would be difficult to prove, those involved could be prosecuted for conspiracy.

Jon A. Camp, '77, was a delegate to the Republican National Convention in Tampa, Fla.

Stan Feuerberg, '78, is the president and CEO of NOVEC, The Northern Virginia Electric Cooperative. NOVEC recently received the highest possible ranking in customer service in a regional study conducted by J.D. Power and Associates. NOVEC, headquartered in Manassas, Va., is a not-for-profit vertically integrated utility that produces and distributes electricity and energy services to more than 148,000 co-op members in Fairfax, Fauquier, Loudoun, Prince William, Stafford and Clarke counties, and the city of Manassas Park. It is one of the largest electric cooperatives in the nation.

Our Alumni

AlumNotes



Kresha

Sharon Kresha, '78, has been named to the Omaha Community Foundation board of directors. She is a partner at Baird Holm, specializing in business, tax and estate planning.

William Cassel, '79, was appointed to the Nebraska Supreme Court by Gov. Dave Heineman. Judge Cassel previously served on the Nebraska Court of Appeals and before that as a judge of the district court for the Eighth Judicial District.

Vince Powers, '79, was a delegate to the Democratic National Convention in Charlotte, N.C.

1980s

Deborah Brownyard, '80, was awarded a Sustainer Award at the Nebraska Mediation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Sustainer Award honors exemplary individuals who are uniquely valued for their ongoing sustaining efforts in creating and maintaining a system of mediation serving Nebraska's citizens, courts and communities.

William J. Mueller, '80, senior partner and co-founder of Mueller Robak, has been elected to a two-year term as president of the Nebraska Alumni Association executive board.



Copple

Robert Copple, '81, has been elected as the chair of the Alternative Dispute Resolution Section of the Arizona Bar Association for the 2012-13 term.

Victor E. Covalt, '81, was a delegate to the Democratic National Convention in Charlotte, N.C.

Elaine Hengen, '81, has retired from the El Paso, Texas Attorney's Office after 23 years of service. Hengen has joined the Bojorquez Law Firm of Austin, Texas, and primarily worked with two small cities located east of El Paso. In June, Hengen received the Galen Sparks Award for outstanding public service by an assistant city attorney from the Texas City Attorney's Association.

James R. Mowbray, '81, received the 2011 NCDAA Don Fiedler Excellence in Criminal Defense Award at the Nebraska Criminal Defense Attorneys Association seminar in November 2011. Mowbray has been chief counsel of the Nebraska Commission on Public Advocacy since 1996.

Kathleen M. Severens, '81, was awarded a Visionary Award at the Nebraska Mediation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Visionary Award honors exemplary individuals who are uniquely valued for their visionary purpose in creating and maintaining a system of mediation serving Nebraska's citizens, courts and communities.

Linda Willard, '82, has been presented the Gerald Henderson Human Rights Award by The Lincoln Commission on

Human Right (LCHR). Willard, an assistant attorney general for the State of Nebraska, served two terms on the LCHR from 1999 through 2007. She served on a task

force commissioned by the Nebraska Supreme Court to study problems associated with pro se litigants, those who represent themselves in court. She also serves on the Nebraska Minority Justice Committee.



Willard

Mark Young, '82, has been awarded County Attorney of the Year by the Law Enforcement Coordinating Committee of Hall County, Neb. Young is Hall County attorney. He currently is a member of the County Attorneys' Association board of directors and serves on the Nebraska Minority Justice Committee.

Timothy C. Phillips, '84, has been appointed as a county judge in the Third Judicial District in Lancaster County by Gov. Dave Heineman.

1990s

Phillips has practiced law for 28 years in Nebraska. He has trial experience at both the county and district court levels in bench trials and jury trials in civil and criminal litigation.

Steven D. Davidson, '86, a partner in the Omaha law firm Baird Holm, has been named to the board of directors of the Archdiocese of Omaha's Catholic Charities.

Theresa M. Dowling, '86, has been added to the Omaha law firm of Hightower Reff Law, as of counsel. Dowling has over 25 years experience in civil litigation, specifically in real estate and construction litigation.



Nina M. Vitek, '86, has formed the Milwaukee, Wis., law firm Vitek & Probst. The firm focuses its practice on family law issues.

Vitek

Scott Johnston, '87, has been named as vice-president, associate general counsel and assistant secretary at Blue Cross and Blue Shield of Minnesota. In

this position, he serves as liaison to the Blue Cross board of trustees and providing counsel for general business transactions and contracting. Johnston has been with Blue Cross for 18 years, holding different positions within the law department, most recently as principal attorney.

Joel E. Carlson, '88, has been named a partner with the Norfolk law firm of Stratton, DeLay, Doelee, Carlson & Buettner. He has a general practice with an emphasis on workers' compensation, family law and criminal law.

Greg Heier, '88, was named the Great Plains Athletic Conference Athletic Director of the Year following a vote of his fellow conference ADs. Heier has been the athletic director at Doane College since 2006.

Cathleen H. Allen, '89, has been appointed to the St. Francis Medical Center board of directors. She is a partner with the Grand Island law firm of Leininger, Smith, Johnson, Baack, Placzek & Allen in Grand Island.

Ann M. Frohman, '89, has established the government relations law firm Frohman Law Office in Lincoln.



Frohman

Linda R. Crump, '90, has been appointed to the board of directors of the Lincoln Community Foundation.

Clete W. Blakeman, '91, has joined the Omaha law firm of Carlson & Burnett. He has expertise in the areas of personal injury, wrongful death and general litigation. Blakeman is also an official with the National Football League.

Gene Summerlin, '91, has been named partner with the Lincoln office of Husch Blackwell. Summerlin has served clients in Lincoln, greater Nebraska and nationally for more than two decades, with experience in agriculture and civil litigation. He serves as a general counsel to a number of state and national agricultural and livestock organizations, genetics entities and food producers.



Summerlin

Mary C. Gaines, '93, has joined Dignity Health System as the regional director of labor & employee relations for the San Francisco Bay Area. Gaines oversees all aspects of labor and employee relations for four hospitals in the system located in San Francisco, Redwood City and Santa Cruz, Calif.

Tami K. Schendt, '93, of Broken Bow, has been appointed a county judge for the Nebraska Eighth Judicial District by Gov. Dave Heineman. She was formerly Custer County attorney.

Andy Davis, '94, is president of Mojo's Full Service Car Wash and Detail Center in Omaha. Mojo's is an eco-friendly carwash, where 85 percent of the water used to clean cars is then recycled. As president, Davis focuses on marketing, bookkeeping and legal compliance.

Jennifer J. Strand, '94, has been appointed general counsel of the National Title Company.

Our Alumni

AlumNotes

Vicky Weisz, '94 MLS, was awarded a Builder Award at the Nebraska Mediation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Builder Award honors individuals who have made significant contributions through their professional career in government, education, law and the private sector to further mediation as a problem-solving process for Nebraskans.

Christopher C. Caskey, '95, has joined the Norfolk office of Copple, Rockey, McKeever & Schlecht as an associate.

Anita L. Mayo, '95, has been added as a senior associate attorney at the Omaha law firm of Christensen & Madara-Campbell. Mayo has spent the past 15 years focusing exclusively in the area of family law.

Michelle "Shelly" R. Stratman, '95, has been appointed by Gov. Dave Heineman to serve as district judge in the Fourth Judicial District in Douglas County. She previously served as felony prosecutor in the Douglas County Attorney's Office and team leader of the felony attorney team.

Carl Eskridge, '96, was a delegate to the Democratic National Convention in Charlotte, N.C.

Daniel R. Fridrich, '96, has been appointed a judge on the Nebraska Workers' Compensation Court by Gov. Dave Heineman. Previously, he served for 10 years as senior counsel for workers' compensation for Werner Enterprises, Inc.

Rebecca Harr, '96, and Alexander Watson were married May 12, 2012, at St. Anglican Church in Sunshine Beach, Australia. They own Equathon Horse Riding Adventures on Sunshine Coast.

Wendy Hind, '96, was awarded a Builder Award at the Nebraska Mediation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Builder Award honors individuals who have made significant contributions through their professional career in government, education, law and the private sector to further mediation as a problem-solving process for Nebraskans. She also represented the University of Nebraska at the inauguration of Jacque Carter as the 12th president of Doane College in Crete.

Jeffery R. Kirkpatrick, '97, was Nebraska's representative on the Convention Rules Committee at the Democratic National Convention in Charlotte, N.C.

Steven Meints, '97, **Brian Wagner**, '97, enjoyed their First Annual NU Law Alumni golf tournament for the Orlando 1997 alums.



Meints & Wagner

Thomas W. Fox, '98, has been appointed a county judge in the Third Judicial District in Lancaster County by Gov. Dave Heineman. Fox has practiced law for 13 years in Nebraska and served as a deputy Lancaster County attorney in the Civil Law Division. Before that, he was a deputy in the office's Criminal and Juvenile Law Division.



Hayes

Jason W. Hayes, '98, has accepted the position of chief legal officer for the Nebraska Public Employees Retirement Systems, which is a pension system administrator for judges, state patrol, school, state and county employee plans. Hayes is responsible for providing counsel to the state agency in all legal matters including I.R.S. plan qualifications and review of domestic relations orders filed in divorce actions. In addition, Hayes is an adjunct professor for Doane College, teaching legal research and writing courses for the college's paralegal program. Previously, Hayes has served as the State's chief deputy state treasurer, an assistant attorney general and legal counsel for the Nebraska Legislature.

Shayla Reed, '99, is a personal injury trial attorney and president and owner of Reed Law Offices of Omaha. The firm represents victims of serious personal injuries and the families of wrongful death victims.

Julie Rogers, '99, has been hired as Nebraska's first inspector general for child welfare. Previously she was the community planning coordinator for the University of Nebraska at Omaha's Juvenile Justice Institute. In her new position, Rogers investigates allegations of wrongdoing.



ing by state child welfare employees, foster parents and private child welfare service providers. The position is affiliated with the State Ombudsman's Office, which is part of the legislative branch.

Kelly Tollefsen, '99, has announced the opening of Kelly Tollefsen Law Offices in Lincoln.

2000s

Angela Dunne, '00, has become a fellow of the American Academy of Matrimonial Lawyers. The AAML is an association of the nation's top matrimonial lawyers from the 50 states who specialize in all issues relating to marriage, divorce, annulment, custody, child visitation, property valuation, property distribution, alimony and child support. Dunne is a managing partner with Koenig Dunne Divorce Law in Omaha.

Kevin W. Gaughan, '00, has joined the Omaha law firm of Lieben, Whitted, Houghton, Slowiaczek & Cavanaugh as a shareholder. His practice is primarily in the areas of probate, estate planning, corporate/business law, banking, contracts, mergers/acquisitions, bankruptcy and civil litigation.

James Hamilton, '00, is the staff attorney, manager of corporate governance and records for Lincoln Electric System (LES) in Lincoln. He is involved in contract review and litigation, as well as employment law and union negotiations with LES' union work force. Hamilton and wife Amy welcomed Charlie Audiene to their family on March 24, 2012. Charlie is also welcomed by siblings Ella and Miles.



Hamilton



Michael G. Rogers, '00, has opened the Omaha office of Gilmore & Bell as lead attorney. Rogers has practiced public finance law since 2001.

Michael J. Flood, '01, has left the Nebraska unicameral legislature after serving for eight years. He was speaker of the legislature. Flood was also awarded a Builder Award at the Nebraska Mediation Association's 2012 Annual Conference, which celebrated the 20th Anniversary of the Nebraska Dispute Resolution Act. The Builder Award honors individuals who have made significant contributions through their professional career in government, education, law and the private sector to further mediation as a problem-solving process for Nebraskans.

Ella & Charlie



Maddox

Jesse Maddox, '01, has been selected for inclusion in Northern California *Super Lawyers Rising Stars* for the third consecutive year. This year, he is selected for his work in the area of Employment Litigation-Defense. Maddox focuses primarily on defending public and private employers in state and federal court, and prosecuting employee disciplinary appeals.

Victoria L. Collier, '02, was awarded the National Academy of Elder Law Attorneys Fellow of the Academy (NAELA) at the organization's annual meeting held in Seattle. This is the highest award bestowed by NAELA on attorneys who practice in the area of elder law. Collier is the founder of The Elder & Disability Law Firm of Victoria L. Collier in Decatur, Ga.



Collier

Our Alumni

AlumNotes

Cassandra V. Stajduhar, '02, was appointed workers' compensation judge on the Workers' Compensation Appeals Board for the State of California.

Pete Thew, '02, and wife Jennifer welcomed a daughter, Aria Emma Thew, on July 17, 2012.

Josh Eickmeier, '03, is the mayor of Seward, Neb. He also serves as legal counsel for the General Affairs Committee at the Nebraska Legislature.

David A. Lepant, '03, opened Lepant & Lentz in Lincoln. The firm practices in bankruptcy, estate planning, business planning and general civil and criminal litigation and has offices in Beatrice and Lincoln.



Stajduhar

Neleigh Smith, '03, has accepted a position as an attorney for the State of Nebraska's Department of Health & Human Services.



Weeks

Tobias Tempelmeyer, '03, has been appointed the city administrator and city treasurer by the Beatrice City Council. He also holds the position of Board of Public Works manager. Prior to that he served as Beatrice city attorney.

Andrew Weeks, '03, has been named an associate in the Lincoln office of Husch Blackwell. His practice focuses primarily in the areas of agricultural, commercial, constitutional and trademark law. He also has extensive criminal litigation experience, having handled hundreds of cases in his former capacity as a public defender in both Pierce and Lancaster counties in Nebraska.

Tracey L. Buettner, '04, has been named a partner with Stratton, DeLay, Doe, Carlson & Buettner in Norfolk. Her practice includes estate administration, estate planning and other transactional areas.

Adam R. Hornung, '04, has been awarded the 2012 Free Enterprise Award by the Lincoln Independent Business Association.



Hornung

Hornung is a Lincoln city councilman and a corporate attorney with the Scudder Law Firm.

Martin R. Klein, '04, deputy Hall

County attorney, has been named by Gov. Dave Heineman to the Nebraska Children's Commission.

Jake McKee, '04, has joined D.A. Davidson & Co.'s branch office as associate vice president and financial consultant of The McKee Group in Omaha.

David J. Proksel, '04, has been named vice president of the national commercial services division of First American Title Insurance Company. He joined the company as underwriting counsel in 2011.

Dustin Kessler, '05, has been named as a shareholder at the Omaha law firm of Fitzgerald, Schorr, Barmettler & Brennan. His areas of practice include employ-

ment and family-based immigration law as well as real estate and corporate business law. He is currently the chair of the Nebraska State Bar Association Immigration Committee and has served as an officer of the Iowa-Nebraska Chapter of the American Immigration Lawyers Association.

Austin L. McKillip, '05, has been named partner in the firm of Cline Williams Wright Johnson & Oldfather. McKillip's practice consists primarily of civil litigation with a focus on construction issues, agricultural disputes, commercial disputes, environmental issues, water issues and real estate disputes, including eminent domain actions. He has been with the firm since 2005.

Lucas L. Swartzendruber, '05, has been promoted to vice president & trust officer of Geneva State Bank.

Derek A. Aldridge, '06, has become a shareholder in the Lincoln law firm of Perry, Guthrey, Haase & Gessford. His primary areas of practice are school law, banking law, corporate law, real estate, commercial transactions and civil litigation.



Swartzendruber

Daniel E. Dawes, '06, Morehouse School of Medicine executive director of government relations, health policy and external affairs, delivered the annual Sybil Palmer Bellos lecture at the Yale University School of Nursing

Amy Ostermeyer, '06, has been named director of human resources for BryanLGH Medical Center.



Veik

Heather Veik, '06, has been named partner in the Omaha law firm of Erickson Sederstrom. Veik's areas of practice include commercial and general litigation, insurance defense, workers' compensation and adoption law.

Brenda George, '07, and Nicholas Smith were married on July 14, 2012, in York. George is an attorney at Koley

Jessen in Omaha.

Heath Stewart, '08, and Brittny Barber were married on August 11, 2012, in Beatrice. Stewart is an attorney with the law firm of Denney & Chilen in Fairbury.

Garth Glissman, '09, received the Nebraska Alumni Association's Early Achiever Award at the organization's annual Alumni Awards Banquet. Glissman, an associate attorney for Kutak Rock in Omaha, works primarily with the firm's commercial trial practice group, focusing on complex business disputes. He also works with the agribusiness and international practice.

Becky Holtje, '09, joined KPMG, LLP's Washington National Tax Corporate practice as manager. Prior to joining KPMG, Holtje was a docket attorney at the IRS Associate Office of Chief Counsel, Corporate in Washington, D.C.

Thomas P. McCarty, '09, has joined the Lincoln law firm of Keating, O'Gara, Nedved & Peter as an associate. His practice concentrates in public sector labor law, representation of law enforcement and other litigation matters.

Jennifer Wellan, '09, is a deputy attorney in Lincoln County. She had been with the county attorney's office in North Platte for three years. She is also active in the arts and has starred in several productions of the North Platte Community Playhouse.

Todd West, '09, and **Jessica Clark**, '11, were married on June 9, 2012, at Castle Unicorn in Pacific Junction, Iowa. West is an associate with Baird Holm in Omaha, and Clark is employed as an assistant public defender in Douglas County.

2010s

David Arnold, '10, and Tiffany Arney were married on June 16, 2012, in Omaha. Arnold is an account manager at MindMixer.

Nick Brand, '10, has accepted a position with the litigation firm of Harris & Hart in Kansas City.



Felton

Seth J. Felton, '10, has joined the Lincoln law firm of Kinsey Rowe Becker & Kistler as an associate attorney. He practices in the areas of estate planning and probate, family law, immigration and naturalization and administrative law.

John A. Lentz, '10, opened Lepant & Lentz in Lincoln. The firm practices in bankruptcy, estate planning, business planning and general civil and criminal litigation and has offices in Beatrice and Lincoln.

Gregory A. Butcher, '11, has been appointed Beatrice city attorney.

Jessica Clark, '11, and **Todd West**, '09, were united in marriage on June 9, 2012 at Castle Unicorn in Pacific

Our Alumni

AlumNotes

Junction, Iowa. Clark is employed as an assistant public defender in Douglas County and West is an associate with Baird Holm in Omaha.

Elizabeth Freshman, '11, is a clerk at the Douglas County Attorney's office. She taught business law this past summer at ITT Tech.

Ean Garrett, '11, was the guest speaker at the 2012 States Caucus for Mentoring Partnerships at Viacom in New York. The goal of the States Caucus for Mentoring Partnerships is to provide a lively forum for professional development and networking among national mentoring partnerships.

April Kirkendall, '11, has accepted a job with Legal Aid in Lincoln in the juvenile law area.

Ashley Kitt, '11, and David Spahn were wed in a May 5, 2012, ceremony in McCool Junction. Kitt is an attorney with the York-based law firm of Svehla Law Offices.

Lisa Meyer, '11, has joined the Fillman Law Offices in York. Her areas of practice include family law, civil and juvenile cases as well as background work for some of the firm's criminal cases.



Meyer

Jessica Miller, '11, has been named an associate with the Lincoln law firm of Harding & Shultz. Her practice focuses on general business, business entity formation, business and real estate planning, probate administration and real estate transactions.

Kara J. Ronnau, '11, has joined Cline Williams Wright Johnson & Oldfather. She practices in the areas of wills, trusts and estates, employment, litigation, real estate and business organizations.



Ronnau

Scott A. Schroetlin, '11, has become an associate with Wolfe, Snowden, Hurd, Luers & Ahl in Lincoln. His practice focuses on transactional law, business litigation and commercial transactions.



Sova

Drew Sova, '11, has been hired by Omaha Title & Escrow as commercial closer and assistant counsel. His primary responsibility is to handle the closing duties on all commercial transactions, along with assisting general counsel in day-to-day activities.

George Welch, '11, and Chelsey Kucera were married on September 8, 2012, in Hastings. Welch is an assistant attorney general for the Nebraska Department of Justice in Lincoln.

Breanna D. Anderson, '12, has been appointed Platte County deputy attorney.

Saul Bakewell, '12, and Lindsay Swartz were married on July 7, 2012, in Lincoln.

Christine Baughman, '12, has been named assistant director of admis-

sions at the College of Law. She is involved with recruiting, assisting with in-person visits, event planning and oversight of the Student Ambassador program.

Joshua P. Berns, '12, has joined the accounting firm of McDermott & Miller as a senior accountant in the firm's Hastings office.

Laura Gonnerman, '12, has accepted a position as a clerk for Justice John Wright with the Nebraska Supreme Court.

Kyle Groteluschen, '12, and Maggie Baker were wed on August 4, 2012, in Brainerd, Minn. Groteluschen is an associate business attorney with Davenport, Evans, Hurwitz & Smith in Sioux Falls, S.D.

Elsbeth Magilton, '12 has been



Max

named executive director of the College of Law's Space, Cyber and Telecommunications LL.M. Program. She oversees student recruitment, the scholarship program and serves as the main on-campus contact for LL.M. students. Magilton and her husband Morgan welcomed their son Max on May 12, 2012. He weighed 5 lbs. and 12 ½ oz.

Emily Z. McElravy, '12, has joined the Omaha law firm of Baird Holm as an associate specializing in education law.

Benjamin Murray, '12, has joined the Hebron law firm of Germer, Murray & Johnson.

Remembering a Legend

© NEBRASKA LAW REVIEW

Professor Richard S. Harnsberger, '49, passed away on March 29, 2012. THE NEBRASKA TRANSCRIPT is honored to publish the remembrances of four of his distinguished students and colleagues. These remarks are also being published in The NEBRASKA LAW REVIEW dedicated to Dick Harnsberger. THE TRANSCRIPT is grateful to the Law Review and to the speakers for permitting THE TRANSCRIPT to share these remarks with its readers.



Richard Harnsberger

By Susan Poser

Professor Harnsberger was a native of Ashland, Neb. and a 1949 graduate of the College of Law. A decorated officer in World War II who fought in the European theater, including Normandy, he attained the rank of captain and earned five bronze stars. Harnsberger joined the faculty of the College of Law in 1956 and took emeritus status

in 1992. While at the Law College, he held the Cline Williams-Flavel A. Wright Professorship. He taught Constitutional Law, Water Law, Legal Profession, Oil and Gas and Civil Procedure. He was a prolific scholar whose work gained national attention. In 1999, he was honored with the Groundwater Foundation's 1999 Maurice Kremer Groundwater Achievement Award. The Nebraska State Bar Foundation presented him with its 2001 Outstanding Legal Educator Award. The Lawrence

Berger and Richard S. Harnsberger Faculty Wing of the College of Law was dedicated in 2003. After taking emeritus status in 1992, he continued to teach or co-teach classes and seminars.

Professor Harnsberger personified what we all hoped and wished the law school could be, and what we on the faculty could be as teachers and scholars. Dick was incredibly smart and incredibly kind. He had a wicked sense of humor, and was admired, nay, adored, by generations of students, and by generations of colleagues.

I met Dick in 1994 when I first came to the Law College as a visiting assistant professor. During most of the 18 years that I knew him, Dick continued to roam the halls, stopping in to talk with his many friends and colleagues about the news of the day, the latest Supreme Court case or just to gossip. As the years went on, Dick would sometimes stop by my office and start speaking in what seemed like the middle of a thought, or the middle of a discussion we had started days earlier. Although it sometimes took me a few minutes to figure out what we were talking about that day, by the time the conversation ended I had always been stimulated to think of something new or interesting, or we had had a good laugh.

On April 12, 2012, there was a gathering at the College of Law of faculty, members of the Nebraska bench and bar, family and friends to remember and honor Professor Harnsberger. At that gathering, we heard from three former students of Professor Harnsberger's: UNL Chancellor Harvey Perlman, Nebraska Supreme Court Justice Kenneth Stephan and former president of the Nebraska State Bar Association, Robert Bartle. Professor John Lenich of the College of Law also presented remarks. In honor of Professor Harnsberger, these presentations are reproduced below.

Dick Harnsberger had a warmth, a wit, and a charm that will continue to make me smile for years to come.

Our Alumni

In Memoriam

By Harvey S. Perlman, '66

© NEBRASKA LAW REVIEW

Dick would not have us grieve at his death. Indeed, he would probably not like us making much of a fuss about it. He often objected to the standard tombstone inscriptions – the dates of birth and death separated by a dash, as though the dates were important, and all that was done in life was not. Dick had a long and productive “dash,” filled with accomplishments to be sure but, more importantly, populated with the strong personal relationships he formed and the many lives he fostered.

Indeed, Dick had such a memorable impact on those of us privileged to engage with him that his accomplishments were often overlooked. When you were in his presence, you did not think of him as a noted legal scholar – essentially a pathfinder in water management law. It was hard to imagine him marching across Europe with Patton’s army or being a hard-nosed prosecutor in the county attorney’s office. He was, for most of us, an amusing, bright and complex character. Every encounter with him ended with at least a smile if not a laugh. Every conversation with him was provocative and more often than not he was the provocateur.

Certainly as a law student, most often as a colleague and frequently as a friend, one left an interaction with him wondering about what he said, wondering about what he meant and wondering about whether he was serious or trying to provoke a reaction. Leaving his physical proximity did not end the conversation because the nuances, the analogies, the metaphors stuck with you until you managed, often minutes or hours later, to make sense of them.

I knew Dick Harnsberger for a long time. It reminds me of the Irish toast that goes: “May all my friends live to be ninety and may I be around to sing at their wakes.” I began dating Susan in 1961 when I was 19 and she was 17. Her parents were friends with Dick and Jean. The Harnsbergers would occasionally visit the Unthanks at their cabin on the Columbus lakes where Dick would often make the fourth for bridge.

More memorable for me, however, were the times I was present when Susan’s parents hosted their dinner club with the Harnsbergers and several other couples from the community. My impression was that being outspoken was a condition for membership in this club. All of the members, except Dick and Jean, were passionate supporters of Nixon and then Goldwater. Dick, you may know, was supportive of neither and, as you may guess, didn’t hide his lack of enthusiasm.

From these occasions, long before law school, I became familiar with his mode of argument, his use of the Socratic dialogue, the tortured analogies that became understandable only hours after they were uttered, the arguments that even the devil wouldn’t claim, the absolute refusal to stake out a clear position (or should I say a refusal to acknowledge a clear

position) even when everyone knew what his position was! When I got to law school, I learned these traits were not the result of pre-dinner cocktails – they were inherently Dick Harnsberger!

During my undergraduate days, my fraternity brother Steve Seglin and I worked at the Morris Paint store. Dick was an occasional customer. When I visited Dick in the hospital a couple of days before his death, he reported his vivid memory of walking into our class the first day and seeing those two paint store guys in the front row. Unfortunately my memory of that day was not seeing my old customer but the inane answers I gave to his first day grilling and my belief at the end of that hour that whatever had just occurred was a total mystery to me.

Like all of you, the memories of interactions with Dick are special. He provided me with my first real “case” while working as his research assistant in the summer after my first year in law school. He was ticketed turning left at Randolph and 27th street. We temporarily gave up worrying about the water law of Nebraska to focus on this injustice. He returned to the scene of the crime to discover that there was an argument to be made that the “No Left Turn” sign was partially obscured, and I discovered a statute in Nebraska that all traffic signs must be observable by a “reasonable person.”

We were successful in achieving a withdrawal of the complaint, proving to me that in law, the smoke

you generate is often a more potent weapon than the fire – which, the more I think of it, described Dick’s teaching style – smoke that was a more effective tool than fire to provoke his students intellectual growth.

He was fortunate to share his life with two women who became important ingredients of his existence: his wife Jean and, after her death, his friend Bobby Williams, both of whom were his important soul mates. He retained his intellectual curiosity and his youthful vitality to the end. He continued to acquire new interests including a passion for women’s basketball.

When Susan saw him in the last month of his life in a rehabilitation center, he was still politically engaged, reading a copy of *The Week* – a magazine of politics, opinions and cartoons – while watching CNN. During his and my last visit, he was harnessed to the multiple tubes and cords that are the signatures of modern medicine and yet, they had no impact that I could detect on his vibrancy, on his enthusiasm for conversation, on his infectious humor or his optimism.

I wrote in an issue of the NEBRASKA LAW REVIEW dedicated to Dick that knowing and interacting with him was one of those vivid experiences of law school that was shared by and thus connected more than 50 years of Law College graduates. He was unique; his mind worked in strange and wondrous ways; it worked constantly; it engaged anyone within earshot, and it made our own minds work better.

Our inventory of memories of Dick is now a finite number. Yet for most of us it is a large and rich storehouse. It is a testament to him that whenever any of us make a withdrawal from that storehouse we will be nostalgic, bemused and extraordinarily grateful for the opportunity.

No, Dick would not have us grieve for him. He would not have us fuss over his death. His humility probably did not allow him, in his last hours, to even comprehend how vivid are the memories he left with us, how many lives he nurtured, how long his shadow will remain or how much we will miss him.

Our Alumni In Memoriam

By Kenneth C. Stephan, '73

© NEBRASKA LAW REVIEW

When I think of Professor Harnsberger, I remember a beautiful morning almost 45 years ago. In the autumn of 1967, I was a very young and very anxious first-year law student, trying to make sense of what I had gotten myself into. I was seated in the main classroom of the old Law College building on 10th Street at the west edge of City Campus. The weather was warm and the classroom was not air-conditioned, so the windows were open. Professor Richard Harnsberger came to the podium and began talking about the Constitution. By the time he was finished, any doubts I may have had about my career choice had drifted out of those open windows. From that point on, I knew that I was where I wanted to be, doing what I wanted to do. Throughout his distinguished professional career, Richard Harnsberger was exactly where he wanted to be, doing exactly what he wanted to do. And he did it brilliantly.

Last week, I called my friend and classmate Jim Walters, who practices law in Atlanta. When I told him of Professor Harnsberger's passing, his first words were, "Harnsberger really loved the Constitution!" He truly did. And it was important to him that his students understood *why* he loved the Constitution. And so he taught them, employing his own unique blend of intellect, passion and humor.

He would typically start out by saying, "Well, you're sitting in your law office in the middle of the afternoon with nothing much to do and the phone rings. This guy has been arrested, and he is about to be arraigned and he needs advice." He would lay out the facts of this hypothetical defendant's problem, and then he would call on someone and ask, "What's the first thing you would do?" The student would do his or her best to identify and analyze possible constitutional issues. Professor Harnsberger would smile and say, "Well, probably the first thing you would do is figure out how to find your way to the courthouse." The resulting laughter put everyone at ease, and he would then move on. But there was a point

to the humor: unless you understand and successfully navigate through basic procedures, you will never reach substantive issues.

Another of Professor Harnsberger's favorite answers to his own "What's the first thing you would do?" question would be to reach into his suit coat and say, "You may want to consult your pocket Constitution." Again, the humor had a point. In his view, the Constitution was not simply a historical document to be revered but kept on a shelf. He regarded it as an everyday reference for the practicing lawyer, to be consulted regularly and always kept at the fingertips. Jim Walters and I both have pocket Constitutions. I usually keep mine in my briefcase. I think it was no accident that Professor Harnsberger carried his near his heart.

When Professor Harnsberger spoke of "The Great Man," we knew he was referring to Chief Justice John Marshall, whom he admired. When he muttered something about a "25 watt bulb" in reference to the author of a more contemporary judicial opinion, we knew that he was not particularly impressed with its reasoning. He encouraged us to strive for higher wattage.

Sometimes, Professor Harnsberger's humor came back at him. Neil Danberg recently reminded me of an incident that occurred on the first day of our Constitutional Law class. James Martin Davis entered the classroom a few minutes late, and not unobtrusively. Professor Harnsberger stopped talking and waited as Davis settled into his seat. He then smiled and asked, "Are you sure you're in the right place, Mr. Davis?" Without missing a beat, Davis smiled and shot back, "This is Creighton Law School, isn't it?" Harnsberger loved it, and Davis became one of his favorite targets.

I took Professor Harnsberger's classes in Constitutional Law, Pleadings, and Professional Responsibility. I did not take his Water Law class. I remember thinking at the time that this was a somewhat esoteric area of the law that I would probably never need to master. I couldn't have been more wrong. In most of the major water law cases which I have had a part in

deciding over the last 15 years, Professor Harnsberger's scholarly work was cited by the parties, the court or both. He trained many of the skilled lawyers who argue water cases in Nebraska courts and elsewhere. He will long be remembered for his pioneering work in this area of the law that is so important to his beloved native state.

Professor Harnsberger was a friend and contemporary of my father-in-law, now retired Judge Donald R. Ross of the Eighth Circuit Court of Appeals. Both were decorated veterans of World War II, having served in the European Theater. Professor Harnsberger was an artillery officer and Judge Ross was a B-17 bombardier. After the war, both received their law degrees from this College. For many years, Professor Harnsberger would invite Judge Ross to speak to one of his classes. Afterwards, they would both tell me how much they enjoyed their time together with the students. Judge Ross is unable to be here today, but he has asked that I convey his deep admiration and respect for his departed friend and comrade.

In a letter of advice written to his brother, another leading figure of that generation stressed the importance of being happy in one's work. Dwight Eisenhower wrote: "Happiness in work means that its performer must know it to be worthwhile, suited to his temperament, and . . . to his age, experience and capacity for performance of a high order." By that definition or any other, Richard Harnsberger must have found great happiness in his work. He devoted his life to the worthwhile cause of teaching students how to become good lawyers, proficient in their work and ethical in their conduct. He did it with style, grace, consummate skill and personal humility. Being a law professor was perfectly suited to his temperament, experience and capacity for performance of a high order. It was what he was born to do.

I suppose that a few law professors are feared by their students. I know that most are respected and admired. But Professor Richard Harnsberger was loved – for what he taught us, for how he taught us and for who he was. Those of us whose lives and careers he touched will never forget him.

Our Alumni

In Memoriam

By Robert F. Bartle, '76

© NEBRASKA LAW REVIEW

I have known fine teachers. I have met distinguished scholars. I have worked with outstanding lawyers. Rarely, however, do all such qualities combine in one individual. Rarer yet: to know one who holds a law degree coincident with a shy personality and a reticence to talk about himself. Such was the stuff of Professor Richard Harnsberger.

We can pay him no greater tribute than that he left in his final instructions to family and loved ones: no visitation, no sermon, private services. However, no student, colleague, friend or lawyer has appeared to protest today's celebration of the life of the Professor, except, of course, Professor Harnsberger himself. In your mind's eye, you can picture "Harnsie" observing this gathering – from across the horizon – shaking his head, looking a bit put out, adjusting his reading glasses and telling us "all this fuss is just a bit embarrassing."

So what was the mystique of Professor Harnsberger, perhaps the ideal teacher, scholar, colleague and friend? Was it the classic look of the law professor? In an issue of the NEBRASKA LAW REVIEW, most fittingly dedicated by the editors to Professor Harnsberger in the fall of 1987, Dean John Strong observed that "Dick looks so perfectly like a law professor, always neat, formal, slightly 'tweedy' and, in an era in which many law professors may easily be mistaken for rock guitarists, even a little anachronistic."

Strong went on to observe that he once acquired a tweed motoring cap to match Harnsberger's, but then noted, "I fancy that I never achieved quite the Chipsian quality that he derived from his." Indeed, Harnsie was much more Professor Chips than that stereotypical law professor we recall from the *Paper Chase* film of 1973, that of Professor Kingsfield, portrayed by the imposing John Houseman. While the master of his classroom, Professor Harnsberger could not even imitate the style of the stereotypical Houseman; after all, Harnsie was perhaps 5'4 and 130 lbs., wet. While others demanded respect through intimidation, the Professor preferred wit, with just a dash of humor, and perhaps a pinch of teasing.

What distinguished Professor Harnsberger was his ability to ask questions. And it was not just the mastery of the Socratic method which he illustrated in the

classroom. Nor do I mean solely his effort to convince students and colleagues that the key to the winning argument is the advocate's ability to frame the question. No, I am not simply focusing on Professor Harnsberger's teaching ability when I assert that he was the master of asking the question.

The Professor employed the "art" of asking a question in all forms of discourse and conversation. It was part of his innate ability to listen. When current and former students were drawn to his office for counseling, he was able to employ the art of the question to both allow them to find answers themselves, and to emerge from his chambers feeling better about their conversation. The Professor also used the art of the questioning process to deflect the conversation from penetrating to his own achievements, accomplishments, or for that matter, even his personal life. In a very sincere way, Dick Harnsberger was always more concerned about learning about us – his students, friends and colleagues, than he was about revealing his own achievements or personal beliefs.

And so only a few knew Captain Richard Harnsberger served in a field artillery battalion during WWII and was awarded the Bronze Star for his service in Normandy. A few knew that he began his career in private practice in 1949, and after six years in the so-called "real world," he served for a year in the Lancaster County Attorney's office, before teaching. Imagine, if you will, Deputy County Attorney Dick Harnsberger. Besides his immediate family, a few knew that he was a loving husband, father and grandfather, as well as a caring close friend to just a few more. Those were the quiet personal qualities of the Professor, which defined him beyond his vast scholarly achievements.

The father of our favorite teaching method, Socrates, despite being considered one of our greatest philosophers, left no writings at all. Most of what we know about his life and work comes from the writing of his disciples and his students, such as Plato. Like Socrates, Harnsberger left without allowing for sermons, diaries or even a funeral tribute. But he left us with so many disciples. We are the colleagues and admirers of the wise Professor. It is for us, the students, to carry forward those quiet qualities of listening, tolerating and teaching, asking the types of questions which make others around us feel so much an integral part of the conversation. So I ask, rhetorically, is there any question that he was the perfect teacher?

By John P. Lenich

© NEBRASKA LAW REVIEW

My friend, Dick Harnsberger, was a man of great courage and great charm. His courage manifested itself on the battlefield during World War II and also manifested itself in his daily life. He had the courage to reach out to people he had never met before, to talk with them, to find common ground and to make them his friends. He reached out to his fellow players on the Ashland High School football team, to his fraternity brothers at the University of Nebraska, to his fellow soldiers during the siege of Metz, to his coworkers at Stewart & Stewart, to his students at the College of Law—and he charmed them all. He even charmed some of the biggest names in show business.

When Dick was a youngster, about eight or nine, he took the train to Chicago with his mom and older brother to visit some relatives. One afternoon, they had lunch at a restaurant on State Street, not far from the State Theater where the Three Stooges were performing their vaudeville act. The Three Stooges weren't on stage at the time. They were instead having lunch in the very same restaurant, sitting at a table in the corner, protected by an army of waiters in white aprons.

Dick's brother dared him to go over and get the Three Stooges' autographs. Dick didn't move. His brother then double-dared him. And what younger brother can resist a double dare? So Dick headed off with paper and pen in hand, toward the table where the Three Stooges were sitting. The army of waiters protecting the table closed ranks to repel the young invader. And then Curly yelled, "Let the kid through!"

The waiters parted like the Red Sea and allowed Dick to pass by them and reach the table. As the Three Stooges were signing their autographs, Moe asked, "So, kid, where're you from?" Dick answered, "Ashland, Nebraska." The Three Stooges thought that was the funniest thing and started laughing and laughing. They just couldn't seem to stop. Dick wasn't sure why they thought his hometown was so funny – but he was sure of something much more important: he had their autographs.

Just as Dick was able to pass through the army of

Our Alumni

In Memoriam

waiters to reach the Three Stooges that afternoon so many years ago, Dick was able to pass through the defense mechanisms that we all use to keep strangers at a distance. There was just something about him that made us want to get to know him, to spend time with him and to make him our friend. Not surprisingly, he had lots of friends. We valued his friendship because he was somebody worth having as a friend. And he was a true friend, the kind of friend who would do anything for you. Well, to be honest about it, I suppose I should say that he was the kind of friend who would do *almost* anything for you because sometimes Dick would just say no for reasons I couldn't understand.

For example, when I visited him in the hospital one evening, we watched a college basketball game and talked about everything and anything, from blood tests to John Grisham's newest novel, *The Litigators*, which we had both enjoyed reading, perhaps because it was set in Chicago and we both had Chicago connections.

As would often happen when talking with Dick, the time just flew by. At one point, I looked at my watch, was surprised at how late it was, and made a suggestion that I thought any good friend would have jumped on. I said, "Hey, Dick. It's almost ten o'clock. How about we watch *The O'Reilly Factor*?" "No!" He just wouldn't go there. Now a little later he did admit to the nurse that he read *The Omaha World Herald* – when he was really desperate. But *The O'Reilly Factor*, well, that was a bridge too far.

Even though Dick and I didn't see eye-to-eye when it came to politics, I could easily see why he had so many friends. He was a genuinely nice guy. He liked people. He found people interesting. He cared about people. In that respect, he was much like George Bailey, the fictional hero of that holiday movie classic, *It's a Wonderful Life*.

Now certainly there are differences between George Bailey and Dick Harnsberger. George Bailey was a businessman who ran a building & loan. Dick was a law professor who ran a classroom. George had a younger brother, Harry, who was a pilot during the war and came home afterwards. Dick had an older brother, Carl, who was a pilot during the war but didn't come home afterwards. George had four children and cherished them. Dick had two children and cherished them. George was helped through some tough times by an angel named Clarence. Dick was helped through some tough times by an angel named Bobby.

But despite these differences, both George Bailey and Dick Harnsberger had some things in common. They touched people's lives. They helped people. They made people laugh. They made people smile. They made a difference in people's lives and, in doing so, they made the world a better place. And that's why, like George Bailey, Dick Harnsberger really had a wonderful life.

1940s

F. Blaine Sloan, '46, died April 16, 2012, in Fort Garland, Colo. Sloan was a navigator on a B-24 bomber in the US Army Air Corps in the Aleutian Islands during World War II. After graduating from the Law College, he earned an LL.M. in International Law from Columbia University. He joined the United Nations legal department shortly after its founding. For the last 12 years of his 30 years of service, he was director of the General Legal Division. While with the United Nations, he was on various peacekeeping and refugee foreign mission assignments in the Middle East and Korea. He contributed to the development of outer space, sea bed and international trade law. In 1979, after he retired from the United Nations, he taught international law at Pace University School of Law. His book, *General Assembly Resolutions in Our Changing World*, was published in 1991. He was also a member of the Panel of Arbitrators of the American Arbitration Association. The Blaine Sloan Lecture on International Law honors Sloan for developing the international law studies program at Pace.

Richard S. Harnsberger, '49, died on March 29, 2012, in Lincoln. He was 90 years old. He entered military service in 1943 and attained the rank of captain in the U.S. Army's 773d Field Artillery Battalion. At the end of World War II, he was awarded five bronze battle stars for Normandy, Northern France, Rhineland, Ardennes and Central Europe. His law practice included Stewart & Stewart, Lincoln, 1949-1955; Lancaster County Attorney's Office, 1955-1956; lecturer, University of Nebraska College of Business Administration, 1954-1956; faculty, University of Nebraska College of Law, beginning 1956. His appointments at the College of Law were assistant professor of law, 1958; associate professor of law, 1960; professor of law, 1963; Cline Williams-Flavel A. Wright professor of law emeritus, 1984; and emeritus, 1992. Harnsberger was honored with the Groundwater Foundation's 1999 Maurice Kremer Groundwater Achievement Award. The Nebraska State Bar Foundation presented him with its 2001 Outstanding Legal Educator Award. The Lawrence Berger & Richard S. Harnsberger Faculty Wing of the College of Law was dedicated in 2003. For a tribute to Prof. Harnsberger, see pages 77-84 of this issue of THE NEBRASKA TRANSCRIPT.

1950s

Alan L. Steinacher, '52, died on March 7, 2012, at the age of 82. After graduating from the College of Law, he started a law practice in Wilber. Early in his law career, he served as Saline County attorney and formed a law partnership with his childhood and college friend Joe Vosoba. Steinacher practiced law in Wilber for over 40 years.

Edwin C. Perry, '55, died on March 27, 2012. He was 80 years old. He served as a captain in the Air Force's Judge Advocate General office from 1955-1957 before returning to Lincoln. His local involvement included: chairman of Lincoln Lancaster County Planning Commission., president of the Lincoln Barristers, president of the Lincoln Bar Association, president of Nebraska State Bar Association, president of the Council of School Attorneys. He was legal counsel for Lincoln Public Schools for 21 years, legal counsel for Union Bank & Trust Co. and president of the Lincoln law firm of Perry, Guthrey, Haase & Gessford.

John Addison, '58, passed away on March 2, 2012, at the age of 83 in his home in Wayne. He attended the University of Nebraska-Lincoln before enlisting in the U.S. Air Force, training as a fighter-bomber pilot and serving with distinc-

Our Alumni In Memoriam

tion during the Korean War. After completing his law degree, he practiced law in the Wayne area for more than 50 years, serving as city attorney in Stanton. His offices were in Wayne, Stanton and Wakefield.

J.R. “Dick” Mapes, '59, died on July 24, 2012, in Norfolk at the age of 79. Upon graduating from the College of Law, he joined his father, Andrew, in the practice of law in Norfolk, in the firm that his grandfather, Burt Mapes, established in 1886. Mapes served in the U.S. Army Reserves and attended infantry school at Fort Benning, Ga., attached to the First Infantry Division of Fort Riley, Kansas. He served in the U.S. Army Reserves for a number of years before receiving his discharge from active status in October 1964 after attaining the rank of captain. He practiced law in the Wayne area for more than five decades, serving as city attorney in Wayne and assistant county attorney in Stanton.

1960s

Betty Jeanne Holcomb-Keller, '61, passed away on June 1, 2012, in Lincoln. She was 85 years old. During World War II, she worked in Washington, D.C., at the FBI Classified Division. She also worked for the Department of Defense of the EUCOM U.S. Army Headquarters in Heidelberg, Germany, after the war. She was on the staff of Nebraska Educational Television as a publicist for the local PBS station and an on-air personality during annual pledge breaks and auction fundraisers. A former Lancaster County election commissioner, Holcomb-Keller was appointed to the Governor's Commission on the Status of Women and served as on the Salvation Army board of directors. She was in private law practice in Lincoln for over 30 years, specializing in elder care.

Robert Ira Eberly, '65, passed away on December 23, 2011, in Lincoln at the age of 80. A native of Niobrara, he was a longtime Lincoln attorney. At the age of 15, he learned to fly airplanes and soon he was crop-dusting for local farmers. He joined the U.S. Army, and served in the Army Air Corps during the Korean War. He was passionate about veterans' rights. Eberly was a lifetime member of the American Legion, VFW and the Nation Rifleman Association. He served as state commander for the American Legion Post #3 in Lincoln. Later in his life, he was a river guide at the Niobrara State Park.

James D. Faimon, '66, died on June 25, 2012, in Lincoln. He was 74 years old. Faimon lost part of his hearing and most of his vision in a birth injury that damaged his optic nerve and closed his ear canal. In 2007, he retired after 40 years as an assistant attorney for the City of Lincoln. He was also co-founder of American Council of the Blind of Nebraska and the League of Human Dignity and was a member of the American Association of Visually Impaired Attorneys.

William Cone Owen, '67, passed away on March 23, 2012, in Tallahassee, Fla. He was 70 years old. After his graduation from the College of Law, Owen returned to Tallahassee where he clerked for the Honorable Richard W. Ervin, chief justice of Florida Supreme Court. In 1971, after his clerkship, he entered into the private practice of law. In 1988, Owen was appointed to the board of directors of Woodmen of the World Life Insurance Agency. He served as chairman of the Audit Committee, until he became the chairman of the board, the first independent director to attain this position in Woodmen's 120 year history. He retired from Woodmen in February 2012.

1970s

Earl C. Buckles, '70, of Memphis, Tenn., died on August 20, 2012, at the age of 69. During his career, Buckles worked in large firms as well as in solo practice. He often served as a special judge in civil and criminal matters when requested by judges. In addition to practicing law, Buckles served as an instructor in civil litigation at Rockhurst College in Kansas City, Mo., and as an adjunct professor of paralegal studies at the University of Memphis. He had a love affair with cars, particularly Corvettes.

Douglas R. Milbourne, '72, passed away on January 4, 2012, at the age of 64, in Columbus. Milbourne began his legal career with Baker & Tessendorf in Columbus and served as Platte County attorney for a short time. He served in the National Guard where he completed officer training. He served as president of the Nebraska Association of Trial Attorneys. He was also a member of the American Trial Lawyers Association and served several terms on the board of governors of that group.

James Clyde Paine, '72, died on February 14, 2012, at his Helena, Mont., home. He was 64 years old. He practiced utility law his entire career, working for the State of Nebraska, the State of Montana and the Stole Rives law firm in Portland, Ore. He was the Montana consumer counsel from 1981-1987. At the time of his death, he was a senior attorney for the Montana Public Service Commission.

Bradford E. 'Brad' Kistler, '74, passed away, at the age of 63, on May 9, 2012, at his home in Lincoln. Kistler was an attorney at Kinsey, Rowe, Becker & Kistler, the law firm he helped found in 1990. He had over a quarter century of experience in the practice of transportation law. He was a member of the Nebraska Motor Carriers Association and was their 2000 Man of the Year. He was past president of the Executive Club of Lincoln and of the Sowers Club of Lincoln. Kistler was dedicated to helping people with developmental disabilities live full and productive lives. He served as local and state president and 30-year board member of the Association for Retarded Citizens (ARC).

Harold Dean Lantz II, '75, died on April 10, 2012, in Omaha. He practiced law for many years with the St. Paul Insurance Company and in later years established a private law practice.

Larry Douglas Sather, '75, died on June 4, 2012, in Lincoln of heart failure. He was 61 years old. After serving as an Adams County deputy district attorney in Denver, he spent many years in private practice as a trial attorney. His legal practice emphasized trial work in insurance, medical, hospital and legal malpractice. After graduating from the Daniels College MBA program at the University of Denver in 2002, Sather went to Shanghai, China, for seven years to teach at Fudan University and several other universities. While in China, he also did consulting for a law firm and in the area of strategy and executive development for a management consultant. Since returning to Nebraska in 2009, Sather taught business law in the community college system in Lincoln, among other activities.

Willis G. Yoesel, '77, passed away on March 29, 2012, in Falls City. He was 68 years of age. He practiced law in Valparaiso, while living in Weston. He returned to Falls City in 1982, practicing law until he retired in 2009. He was a member and president of American Paint Horse Association.

Our Alumni

Annual Report

We are, again, deeply appreciative of all our friends and alumni who contributed during the 2011-2012 annual drive. As we travel through Nebraska and around the country we continue to be amazed by the generosity and dedication of those who support the Law College. We hope the events that we hold, the letters that we send and the interactions that we facilitate will give you a first-hand look at the positive impact you are having on students lives, faculty teaching and facility upgrades. You are helping make our mark as a Big Ten Law School. Thank you for your investment in the future of Nebraska Law.

Angie Hohensee
Senior Director of Development
402-458-1192
ahohensee@nufoundation.org

Ben Zitek
Director of Development
402-458-1241
bzitek@nufoundation.org



The Report on Giving recognizes all donors who made gifts to the University of Nebraska College of Law during the 2011-2012 fiscal year that spans between July 1, 2011 and June 30, 2012. Any gift recorded before July 1, 2011 was part of the previous year's totals; any gifts recorded after June 30, 2012 will be recognized in next year's report. We are pleased to report that during the 2011-2012 fiscal year, the Law College received \$2,025,163. This amount includes \$148,332.50 in gifts to the annual drive.

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. Please bring any errors to the attention of Christie Bordovsky at 1-800-432-3216 or cbordovsky@nufoundation.org.

For this publication, the University of Nebraska Foundation has honored individual requests from donors for how they wish their names to appear on external reports. Please let us know if you would like for your name to appear other than it does in the report.

Dean's Club

Dean's Club members are those individuals who contributed \$2500 or more during the 2011-2012 fiscal year.

Al & Elizabeth Abraham
Duane & Phyllis Acklie
Baird Holm LLP Attorneys at Law
Damon and Heather Barry
Mr. Charles B. Baumer
Karen Reimer Beadie
Joanne Berkshire
John K. & Lynne D. Boyer
Mrs. Virginia Chain Schmid
Cline Williams Wright Johnson & Oldfather, L.L.P.
Community Foundation for Greater Buffalo
Fraser Stryker PC LLO
G. Robert Muchemore Foundation
Mr. & Mrs. Ronald G. Gentzler
Richard Grosz
Deryl F. & Ramona Hamann
Mr. & Mrs. Stephen J. Henning
John & Hilda Arnold Foundation
Stephen C. Johnson
Barry G. Kaiman & Toni L. Victor
Theodore L. & Delores Kessner
Donald J. & Donna C. Kinlin
Robert W. & Jane L. Korba
Hon. & Mrs. Paul W. Korslund
KPMG LLP Foundation
Mr. Frank L. Labrador
Lamson Dugan & Murray, LLP
Michael O. Landers
Madison Foundation, Inc.
Marvin & Virginia Schmid Foundation, Inc.
Stephen Mazurak & Cynthia Zane
David A. & Karla A. Miller
James R. Nearhood & Family
Omaha Community Foundation
Thomas R. & Patricia K. Schuett Peterson
Dr. Susan Poser and Dr. Stephen DiMagno
Mr. Todd W. Ruskamp and Mrs. Marybeth Ruskamp
Ronald W. and Barbara W. Schaefer
Catherine Stuart and Richard C. Schmoker
Mr. Earl & Dr. Patricia Scudder
Mr. W. V. Bernie Siebert
Edward H. & Sue Tricker
Union Bank & Trust Company
Patricia J. Winter
Mr. and Mrs. William J. Wochner
Woods & Aitken LLP

Partner's Club

Partner's Club members are those individuals who contributed between \$1,500 and \$2,499 during the 2011-2012 fiscal year.

Charles B. Baumer, Inc.
Jeffrey & Margaret Curtiss
Robert and Christine E. Denicola
Gross & Welch, P.C., L.L.O.
Howard Fredrick Hahn
Claire & Charlene Johnson
Jeffrey & Olivia Keating
John P. Lenich
Mr. & Mrs. David A. Ludtke
Drs. Helen & Joel Lundak
William H. Lyons, J.D. & Karen V. Lyons, Ph.D
Ms. Eileen C. McVeigh
Mr. & Mrs. Joseph A. Morris
Robert E. Orshek
Harvey & Susan Perlman
Renaissance Charitable Foundation Inc.
Mark A. Scudder and Alison Armstrong
Kristine D. Brenneis & Robby J. Shortridge
Mr. and Mrs. Stuart Smith
Hon. Robert A. & Suzanne Wenke

Justice Club

Justice Club members are those individuals who contributed between \$750 and \$1,499 during the 2011-2012 fiscal year.

Mr. Todd W. Baxter and Ms. Sherry D. Baxter
Mr. and Mrs. Thomas V. Bender
Mr. and Mrs. John T. Connor II
Hal & Mary Daub
Mr. and Mrs. Scott E. Davis
Mr. William G. Dittrick
Timothy & Claudia Divis
Donald & Lorena Meier Foundation
Douglas C. Nelson P.C.
Edward J. & Mary K. Moyer
Mr. Ira S. Epstein
Professor Alan H. Frank & Barbara Johnson Frank
Hahn Law Firm, PC
Mr. Derrick J. Hahn
Mr. & Mrs. Robert A. Hill
Mr. Ward F. & Mrs. Julie Rawlings Hoppe
Victoria G. Horton & Bernard J. Mikell, Jr.
Terrill A. Hyde
Dr. Eileen K. Jennings, Ph.D.
Mr. Gregory R. Johnson

Annual Report

Richard G. & Joan K. Kopf
Mr. & Mrs. John F. Kotouc
Hon. Norman & Mrs. Helene Krivosha
Hon. and Mrs. James G. Kube
Mr. Kenneth R. Lang
Mr. Arthur R. Langvardt and Hon. Teresa K. Luther
Mr. & Mrs. Thomas A. Larson
Ms. Sunah K. Lee
R. Stanley Lowe
Jon Luebs
Lutton Law Office
Edward B. McConnell
Donald & Lorena Meier
Mr. & Mrs. Dyson R.C. Miller
Roger J. & Kristine O. Miller
Todd A. Morrison
Kim M. Robak, J.D. & William J. Mueller, J.D.
Nebraska State Bar Foundation
Robert & Mary Nefsky
Mr. Douglas C. Nelson
Novo Nordisk PAC Program
Stephen & Judith Olson
Mr. Curtis G. Oltmans and Ms. Lisa A. Falconer
Omaha Law League Foundation Inc.
Realty Trust Group
Rembolt Ludtke LLP
Mr. and Mrs. Blaine E. Rieke
Hon. and Mrs. William Jay Riley
Judge Donald R. Ross & Janice C. Ross
Mrs. Heidi H. Scherr and Mr. Joseph Hornung-Scherr
Scott E. Davis PC
Hon. and Mrs. Kenneth C. Stephan
Mr. and Mrs. Steven M. Thomas
James M. Walters and Pamela L. Walters, Esq.
Mr. & Mrs. Robert A. Weigel
Mrs. Barbara M. Williams
Lawrence and Shirley Wilson
Mr. & Mrs. Robert W. Wilson

Advocate Club

Advocate Club members are those individuals who contributed between \$250 and \$749 during the 2011-2012 fiscal year.

Abboud Law Firm
Mr. & Mrs. Christopher Abboud
Mr. Carlos G. Alfaro
Mr. and Mrs. Thomas B. Allington
Mr. Daniel J. Amen
Ralph and Judith Anderson
Arganbright Law Office
Mr. & Mrs. Warren R. Arganbright

Mr. & Mrs. Duane Austria
Mr. & Mrs. Robert F. Bartle
Ms. Sharon L. Bartter
Hon. Graten D. Beavers
Dr. Kathryn A. Bellman, Jr. and Dr. James F. Bellman, Jr.
John H. & Kristin A. Bergmeyer
Mr. & Mrs. Robert L. Boumann
Mr. & Mrs. Don A. Boyd
Mr. and Mrs. Steven D. Boyd
Mr. Robert E. Bramson
Mr. Jameson C. & Ms. Molly M. Brummond
Drs. David C. Buck & Lori B. Brunner-Buck
Dr. and Mrs. Chad W. Buckendahl, Ph.D.
Mr. & Mrs. Bruce A. Bullock
Mr. David R. Buntain
Mr. and Mrs. Gary D. Byrne
Hon. D. Nick Caporale
William B. & Audrey J. Cassel
Lauren J. Caster
Hon. and Mrs. Jeff P. Chevront
Hon. and Mrs. James R. Coe
Gene & Linda Crump
Miss SaraBeth Donovan
Mr. Timothy J. Dow
Mr. and Mrs. Vincent L. Dowding
Ms. Karen A. Dress
Mr. Douglas F. Duchek
Mr. Robert L. Eden
Ken & Jo Elson
Hon. & Mrs. Robert B. Ensz
Mr. & Mrs. Bruce L. Evans
Tasha A. & Brian K. Everman
Mr. and Mrs. Emil M. Fabian III
Mr. Alan A. Fairbanks
Ms. Marsha E. Fangmeyer
Mr. & Mrs. Richard M. Fellman
Mr. & Mrs. William B. Fenton
Mr. Charles L. Finke
Hon. Karen A. Flowers and Mr. John H. Flowers
Mr. Lloyd E. Friesen
Mr. James A. Gallant
Mr. and Mrs. Stephen S. Gealy
Mr. and Mrs. Paul T. Gefreh
Mr. Daniel R. Gilg and Mrs. Deborah K. Gilg
Mr. Greg P. Gillis
Sean M. Gleason
Judge Alan G. Gless
Mrs. Barbara G. Glover
Mrs. Alexandra L. Goddard
Hon. Donald R. & Dr. Carmen R. Grant
Mr. & Mrs. Bruce B. Graves

Mr. & Mrs. Robert T. Grimit
Mr. & Mrs. John M. Guthery, Jr.
Mr. and Mrs. John F. Haessler
Mr. Douglas R. Hart
Hon. Michael G. Heavican
Mrs. Lori C. Heigoth
Mr. and Mrs. John C. Hewitt
Harold & Pamela Hoff
Mr. Jeffrey D. Holloway
Hon. Donald D. Hopwood
Mr. & Mrs. David A. Jacobson
James PLLC
Jayne A. & John V. James
Ronald & Therese Jensen
William R. Jeppson
Mr. Eric M. Johnson
Mr. & Mrs. Con M. Keating
Mr. Kenneth P. Keene
Mr. & Mrs. Thomas O. Kelley
Mr. Jeffery R. Kirkpatrick and Ms. Glenda J. Pierce
Roger & Helga Kirst
Mr. Reginald S. Kuhn
Kutak Rock
Roger A. & Susan C. Langenheim
Ms. Glenda J. Lanik and Mr. Gerald T. Whelan, Jr.
Mr. & Mrs. Craig M. Lawson
Professor Richard A. Leiter
Professor Brian Lepard
Jason J. Lessmeier
Mr. and Mrs. Kent Lund
Mr. Michael P. Manly and Mrs. Colleen P. Manly
Mr. Ernest M. Martin
Mr. & Mrs. Robert J. McCormick
Mr. and Mrs. Terry L. McElroy
Mr. Christopher J. McVeigh
Professor Colleen and Mr. Steven J. Medill
Mr. and Mrs. Robert J. Melgaard
Mr. & Mrs. Arnold W. Messer
Mr. Dennis L. Meyer
Mr. & Ms. Gale Miller
Mr. and Mrs. Robert D. Moodie
Mr. & Mrs. Edward J. Moyer
Mr. & Mrs. Donald J. Mueting
Dr. & Mrs. Leo F. Nichols
Mr. & Mrs. David L. Niederdeppe
Jess & Harriet Nielsen
Diane L. & William M. Ojile, Jr.
Mr. & Mrs. Thomas R. Pansing, Jr.
Pamela B. Peck
Peetz Law P.C., L.L.O.
Joan H. Perry

Mr. Todd L. Peterson
LTC and Mrs. Thomas W. Pittman, Retd.
Dr. John D. Prien, Jr.
Mrs. Cheri S. Raymond and Mr. Joshua J. Raymond
Mr. Ronald D. Raitt
Mr. John W. Reiser
Mr. & Mrs. Richard S. Reiser
Scot M. Ringenberg and Kendra J. Ringenberg
Mr. Neil J. Roberts
Mrs. Suzanne M. Rodekohr and Mr. Craig M. Rodekohr
Mr. Michael G. Rogers and Ms. Jill E. Thomsen
Mrs. Kathleen Ross
Ms. Rebecca L. Ross and Dennis Linder
Mr. John M. Ryan and Mrs. Elizabeth K. Ryan
Mr. & Mrs. Robert M. Schafer
Mr. John S. Schaper
Mr. & Mrs. James L. Sedgwick
Mr. and Mrs. John L. Selzer
Trent R. Siders and Jessica C. Siders
Mr. & Mrs. Frank C. Sidles
Mrs. Kathryn Slepicka Dobrinic and
Mr. David C. Dobrinic
Mr. & Mrs. Daniel A. Smith
Mr. and Mrs. Richard D. Stafford
Mr. Galen E. Stehlik and Mrs. Anna L. Stehlik
Mr. Corey L. Stull and Mrs. Jeanette L. Stull
Lisa R. & Daniel J. Thayer
Thomson Reuters
Mr. Steven J. Twohig and Mrs. Gretchen R. Twohig
Dr. & Mrs. Donald F. Uerling
Mr. and Mrs. John E. Vihstadt
Steven & Barbara Voigt
Mrs. Amy J. Vyhlidal and Mr. Chad J. Vyhlidal
Mr. & Mrs. John Wagner
Mr. & Mrs. Robert M. Wagner
Gary & Jo Warren
Mr. Gene D. Watson
Dr. Victoria P. Weisz, Ph.D. and
Prof. Alan J. Tomkins, Ph.D.
Mrs. Victoria L. Westerhaus and
Mr. Douglas B. Westerhaus
William A. Wieland
Mr. and Mrs. Ryan B. Wilhelm
Mr. and Mrs. Barry R. Wilkerson
Matthew Williams & Patricia Read-Williams
Mr. and Mrs. John C. Wiltse
Mr. Fred T. Witt, Jr.
Clayton K. Yeutter, Ph.D.
Mr. and Mrs. Lawrence H. Yost
Mr. & Mrs. John H. Zelenka

Annual Report

Liberty Club

Liberty Club members are those individuals who contributed between \$100 and \$249 during to the 2011-2012 fiscal year.

Mr. & Mrs. William A. Ahlstrand
Mr. Mathew P. Anderson and Mrs. Britt N. Anderson
Mr. & Mrs. Joel E. Babcock
Mr. John C. Baker
Mr. & Mrs. Robert L. Bals
Ms. Katherine C. Baynes
Hon. & Mrs. C. Arlen Beam
Mrs. Jan E. Dutton and Mr. Robert M. Beecham
Berreckman & Berreckman PC
Professor Kristen M. Blankley
Don C. Bottorf
Mrs. Elisabeth Bridge and Mr. Flint Bridge
Hon. Alan L. Brodbeck
Mr. James P. Broderick
Mr. and Mrs. Thomas E. Brogan
Mr. and Mrs. Timothy D. Brown
Mr. Joel J. Brunner
Hon. & Mrs. Mark A. Buchholz
Mrs. Marie L. Buckley and Mr. Mark L. Buckley
Mr. John D. Bunger
Mr. & Mrs. Duane A. Burns
Hon. and Mrs. Steven D. Burns
Callan Associates Inc.
Mr. and Mrs. Kent N. Campbell
Mr. Matthew J. Carney
Mrs. Pamela M. Carrier and Mr. James L. Carrier
Mr. and Mrs. Rollo V. Clark, Jr.
Mr. & Mrs. Gary N. Clatterbuck
Hon. William F. Colwell
G. Bradford Cook
Ms. Roberta L. Cook
Mr. Brett T. Dae
Mr. and Mrs. David G. Dales
Mr. & Mrs. Richard K. Decker
Mr. and Mrs. Robert C. Decker
Mr. & Mrs. M. Douglas Deitchler
Mr. & Mrs. Thomas H. DeLay
Mr. & Mrs. James J. DeMars
Mr. & Mrs. Miles M. Dewhirst
Mr. Eric L. Dillow
Mrs. Christina D. Dodds and Douglas Dodds
Dr. and Mrs. Ronald J. Dolan
Domina Law Group PC
Don C. Bottorf, P.C.
Mr. & Mrs. Wayne R. Douce
Mr. David B. Downing
Mr. and Mrs. Rick L. Ediger

Mr. & Mrs. James G. Egley
Mr. Allen G. Erickson
Mr. & Mrs. Robert B. Evnen
Mr. Victor Faesser
Terry L. Fairfield
Mr. & Mrs. Allen R. Fankhauser
Mr. and Mrs. Stanley C. Feuerberg
Mr. Thomas H. Fike
Mr. Gordon B. Fillman
Mr. Marcos C. Flores
Mr. and Mrs. Robert P. Foster, Jr.
Mr. & Mrs. James B. Fournier
Mr. & Mrs. Ralph A. Froehlich
Mrs. Theresa A. Fromm and Mr. Stephen Fromm
Mr. John F. Futch Jr.
Mr. and Mrs. Aaron L. Gard
Mr. & Mrs. Barry L. Gerken
Mr. & Mrs. Thomas E. Geu
John & Jan Gradwohl
Hon. Dennis A. Graham and Ms. Janet B. Graham
Hon. Victoria J. Grant and Mr. Serapio Jaramillo Grant
Mr. & Mrs. William H. Grant
Mr. and Mrs. Keith J. Gredys
Mr. Gary A. Greinke
Mr. G. R. Guritz
Ms. Janet Gurwitch and Bert Gurwitch
Prof. and Mrs. Thomas L. Hagel
Mr. and Mrs. Mark S. Hahn
Nancy J. & William A. Harding
Mr. and Mrs. Richard A. Hartfield
Mrs. Diane Hastings Lewis
Mr. & Mrs. Charles W. Hastings
Mrs. Octavia Y. Hathaway and James Hathaway
Mr. John P. & Dr. Karen S. Heil
Mr. Robert A. Henderson
Mr. & Mrs. Lynn P. Hendrix
Mrs. Tamara S. Herrera
Mr. and Mrs. H. David Heumann
Dr. & Mrs. James W. Hewitt
Mr. and Mrs. John J. Hodik, Jr.
Mr. Chris A. & Dr. Tanya M. Horacek
Mr. & Mrs. Kim R. Houtchens
Michael & Stephanie Hroch
Hurley Law Offices
Mr. Dennis R. Hurley
Mr. Stuart M. Hurwitz
Mrs. Marilyn B. Hutchinson
Hon. and Mrs. Everett O. Inbody II
Eric V. Iovacchini, Ph.D.
John K. Shunk LLC
Mr. & Mrs. Cyrus A. Johnson
Richard A. & Margaret A. Johnson

Our Alumni Annual Report

Mrs. DaNay A. Kalkowski and
Mr. Timothy D. Kalkowski
Ms. Sarah P. Newell and Mr. Christopher A. Keetle
Kelley Publications LLC
Mr. & Mrs. Donald H. Kelley
Kirk & Jo Kinberg
Mr. and Mrs. James H. Kinsella
Mr. & Mrs. Gary G. Krumland
Mr. Stephen M. Krumm
Mr. Lauren D. Lampert
Mr. Eugene A. Lang, Jr. and Ms. Marguerite L. Johnson
Mr. Arlen W. Langvardt
Mr. Kenneth A. Legg
Mr. Richard A. Leigh
Mr. & Mrs. Loren L. Lindahl
Robert S. Lingo
Ms. Ann Littell Mills
Mr. & Mrs. Joel G. Lonowski
Mr. and Mrs. Douglas L. Loos
Loren L. Lindahl, P.C.
Mr. and Mrs. Russell E. Lovell, II
Mr. and Mrs. William R. Lowe
Mr. & Mrs. Steven D. Mahrt
Mr. & Mrs. William A. Marienau
Mr. Keith D. Martin
Hon. & Mrs. Philip M. Martin Jr.
Ms. Mariam J. Masid
Mr. and Mrs. Philip McConkey
Mr. & Mrs. John R. McPhail III
Mr. & Ms. Bryan S. McQuay
Mr. Duane L. Mehrens
Steven L. Meints
Mr. & Mrs. Douglas E. Merz
Mr. and Mrs. Scott A. Meyerson
Mr. & Mrs. M. Alex Mills, Jr.
Ms. Rebecca R. Anderson, M.D. and
Dr. William C. Minier, M.D.
Mr. & Mrs. Randall J. Moody
Lowell J. & Frankie J. Moore
John E. & Barbara Tanner Musselman
Mrs. Jill H. Nagy and Dr. George Nagy
Mr. Steve Nash
Hon. and Mrs. Jerry C. Nelson
Mr. and Mrs. Bradley E. Nick
Brian S. Nielsen
Ms. Coleen J. Nielsen and Sean Brennan Nielsen
Ms. Linda Norris
Mr. James R. Nygren
Dr. & Mrs. James R. Ogloff
Ms. Kathryn A. Olson and Mr. Randy L. Wiese
Dr. Gretchen A. Oltman and Mr. Ronald R. Oltman
Hon. Robert B. O'Neal & Ms. Karla R. Rupiper

Robert R. & Carolyn S. Otte
Mr. Timothy J. Otto
Mr. Alvin R. Pahlke and Mrs. Susan W. Pahlke
Peck Law Firm
Dr. John R. Lohrberg & Ms. Amy L. Peck
Sen. and Mrs. Donald W. Pederson
Mr. & Mrs. Kent E. Person
Mr. Dennis G. Peterson
Hon. C. Vincent Phelps, Jr.
Hon. Michael W. Pirtle and Ms. Kimberly Knoll
Ms. Kylee M. Pohl
Mr. Andrew S. & Dr. Kris M. Pollock
Hon. and Mrs. Roger M. Prokes
Mr. Lee M. Rankin
Dr. and Mrs. Ronald J. Reeb
Mr. Thomas J. Reich
Mr. John W. Reiser
Mr. & Mrs. James E. Rembolt
Mr. & Mrs. Michael K. Reppe
Mr. Terry R. Rickers
Mr. Brian K. Ridenour and Mrs. Rosalie K. Ridenour
Mrs. Amy A. Roberts and Seth Roberts
Ms. Julia H. Rogers
Carl & Jane Rohman
Mr. and Mrs. Charles F. Rolph III
Mr. and Mrs. Donald D. Ross
Hon. & Mrs. Donald E. Rowlands
Mr. & Mrs. John E. Samson
Mr. Edward P. Sands
Mark & Debra Schorr
Beatrice Seacrest Davies
Mr. & Mrs. Timothy F. Shaw
Sherrets Bruno & Vogt LLC
Parker L. Shipley, J.D. and Velma C. Shipley, Ph.D.
Mr. and Mrs. Dale R. Shook
Mr. & Mrs. Jack L. Shultz
Mr. John K. Shunk
Mr. Robert H. Sindt
Mr. & Mrs. Morris L. Sinor
Mr. Michael Sloan
Mr. Jerry D. Slominski
Bryan and Leslie Slone
Laurie Smith Camp
Mr. and Mrs. Steven C. Smith
Mr. Thomas M. Sonntag
Mrs. Joni L. Hoffman and Mr. Michael G. Sorensen
Ms. Patty A. Sprague
Hon. Robert R. Steinke
Mr. & Mrs. Gregory M. Stejskal
Mr. & Mrs. Jerry C. Stirtz
Mr. & Mrs. Alan G. Stoler
Professor Brian D. Striman

Annual Report

Mr. Joshua F. Stubbe
Mr. Tyler J. Sutton & Dr. Aina I. Silenieks
Mr. & Mrs. Ronald D. Svoboda
Mr. & Mrs. Dennis C. Tegtmeier
Mr. Timothy J. Thalken
Mr. & Mrs. Thomas B. Thomsen
Hon. & Mrs. Steven B. Timm
Mr. & Mrs. Larry A. Todd
Mr. Daniel Torrens
Ms. Ellen L. Totzke and Martin Totzke
Mr. & Mrs. David R. Uher
Mrs. Marianne E. Clifford-Upton & Mr. Steven J. Upton
Hon. Warren K. Urbom
Norm & Joodi Veitzer
Mr. and Mrs. Brian J. Waid
Ms. Michelle R. Waite
Mr. Terry O. Waite
Mr. & Mrs. Richard L. Valentine
W. LeAnn Wallace, Ph.D.
Ms. Karen K. Weinhold
Hon. Alan J. and Mrs. Marla White
Mr. Morgan A. R. White
Ms. Linda L. Willard
Mr. & Mrs. Matthew Williams
Mr. & Mrs. Neil E. Williams
Professor Catherine L. Wilson
Isaiah Wilson II
Mr. Thomas Wilson
Mr. & Mrs. Donald R. Witt
Mr. & Mrs. James L. Young
Mrs. Martha K. Zajicek and Robert Zajicek
Mr. James C. Ziter
Mr. and Mrs. Richard D. Stafford
Mr. Galen E. Stehlik and Mrs. Anna L. Stehlik
Hon. Robert R. Steinke
Mr. & Mrs. Gregory M. Stejskal
Mr. & Mrs. Jerry C. Stirtz
Mr. & Mrs. Alan G. Stoler
Professor Brian D. Striman
Mr. Joshua F. Stubbe
Mr. Tyler J. Sutton & Dr. Aina I. Silenieks
Mr. & Mrs. Ronald D. Svoboda
Mr. & Mrs. Dennis C. Tegtmeier
Mr. Timothy J. Thalken
Lisa R. & Daniel J. Thayer
Mr. & Mrs. Thomas B. Thomsen
Hon. & Mrs. Steven B. Timm
Mr. & Mrs. Larry A. Todd
Mr. Daniel Torrens
Ms. Ellen L. Totzke and Martin Totzke
Dr. & Mrs. Donald F. Uerling

Mr. & Mrs. David R. Uher
Mrs. Marianne E. Clifford-Upton and
Mr. Steven J. Upton
Hon. Warren K. Urbom
Norm & Joodi Veitzer
Steven & Barbara Voigt
Mr. & Mrs. John J. Wagner
Mr. and Mrs. Brian J. Waid
Ms. Michelle R. Waite
Mr. Terry O. Waite
Mr. & Mrs. Richard L. Valentine
W. LeAnn Wallace, Ph.D.
Mr. Gene D. Watson
Ms. Karen K. Weinhold
Hon. Alan J. and Mrs. Marla White
Mr. Morgan A. R. White
Mr. and Mrs. Ryan B. Wilhelm
Ms. Linda L. Willard
Mr. & Mrs. Matthew Williams
Mr. & Mrs. Neil E. Williams
Professor Catherine L. Wilson
Isaiah Wilson II
Mr. Thomas Wilson
Mr. & Mrs. Donald R. Witt
Mr. and Mrs. Lawrence H. Yost
Mr. & Mrs. James L. Young
Mrs. Martha K. Zajicek and Robert Zajicek
Mr. James C. Ziter

Law College Faculty & Staff

Eric Berger
Kristen M. Blankley
Molly M. Brummond
Robert Denicola
Alan H. Frank
John Gradwohl
Roger Kirst
Craig M. Lawson
Richard A. Leiter
John P. Lenich
Brian Lepard
William H. Lyons
Colleen Medill
Harvey Perlman
Glenda J. Pierce
Susan Poser
Patty A. Sprague
Alan J. Tomkins
Frans von der Dunk
Catherine L. Wilson

Gifts by Class Year

1938

Hon. William F. Colwell
Mr. Richard K. Decker

1942

Mr. Lauren D. Lampert

1943

Mr. Thomas E. Brogan

1946

Mr. Walter R. Kerl
Mr. John W. Stewart

1947

Mr. Rollo V. Clark, Jr.
Mr. Edward B. McConnell
Mr. M. Alex A. Mills, Jr.
Mr. Carl H. Rohman

1948

Hon. Ben Novicoff
Hon. Donald R. Ross
Mr. Warren E. Van Norman

1949

Mr. Kenneth H. Elson
Mr. Thomas H. Fike
Mr. R. Stanley Lowe

1950

Mr. Robert E. Bramson
Hon. Robert A. Wenke
Mr. Lee C. White
Mr. Robert W. Wilson

1951

Mr. Don A. Boyd
Mr. Jess C. Nielsen
Mr. Theodore W. Vrana

1952

Mr. Wayne R. Douce
Mr. Thomas J. Gorham

Hon. Donald R. Grant
Mr. Donald H. Kelley
Mr. James H. Kinsella
Mr. Robert D. Moodie
Mr. Robert E. Orshek

1953

Mr. Joel E. Babcock
Mr. David B. Downing
Mr. Gordon B. Fillman
Prof. John M. Gradwohl
Mr. Cyrus A. Johnson

1954

Mr. Bruce L. Evans
Hon. Janice L. Gradwohl
Mr. William H. Grant
Mr. Kenneth A. Legg
Sen. Donald W. Pederson
Mr. John S. Schaper

1955

Mr. Duane W. Acklie
Hon. Mark A. Buchholz
Mr. John F. Futcher, Jr.
Mr. W. Reid Lowe
Mr. Lawrence L. Wilson
Mr. Lawrence H. Yost

1956

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

1957

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

1958

Mr. John D. Bungler
Mr. Deryl F. Hamann
Mr. Claire D. Johnson
Hon. Norman M. Krivosha
Dr. John D. Prien, Jr.

Mr. Norman Veitzer
Mr. Richard L. Valentine

1959

Mr. Richard M. Fellman
Mr. Theodore L. Kessner
Mr. Ronald D. Raitt

1960

Mr. James B. Fournier
Mr. John F. Haessler
Mr. Roger A. Langenheim
Mr. Blaine E. Rieke

1961

Parker L. Shipley, J.D.
Mr. Frank C. Sidles

1962

Mr. G. Bradford Cook
Mr. Levi H. Goossen
Mr. David L. Herzog
Mr. Gene D. Watson
Mr. Robert A. Weigel

1963

Mr. Robert T. Gritmit
Mr. Harold E. Hoff
Mr. Ronald D. Svoboda
Clayton K. Yeutter, Ph.D.

1964

Mr. Duane A. Burns
Hon. Jeffre Cheuvront
Mr. Bruce B. Graves
Mr. Jon F. Luebs
Mr. Richard C. Schmoker
Mr. James L. Sedgwick
Mr. Morris L. Sinor
Mr. William A. Wieland
Hon. Dennis A. Winkle

1965

Mr. Ralph M. Anderson, Jr.

Our Alumni

Annual Report

Hon. C. Arlen Beam
Mr. Thomas H. DeLay
Mr. Vincent L. Dowding
Mr. Kenneth P. Keene
Mr. Richard A. Leigh
Mr. John E. Musselman
Hon. Jerry C. Nelson
Mr. Donald R. Witt

1966

Mr. Thomas B. Allington
Mr. Hal J. Daub, Jr.
Mr. Gary A. Greinke
Mr. Con M. Keating
Mr. Robert S. Lingo
Mr. Stephen G. Olson
Chancellor Harvey S. Perlman
Mr. Ronald L. Schwab
Mr. Earl H. Scudder, Jr.

1967

Mr. Larry D. Bird
Mr. Michael O. Landers

1968

Dr. Ronald J. Dolan
Mr. William B. Fenton
Mr. Robert A. Hill
Mr. Robert W. Korba
Mr. Thomas A. Larson
Mr. Kent E. Person
Mr. Gary D. Ragnow
Mr. Richard D. Stafford
Mr. Thomas B. Thomsen

1969

Mr. William A. Ahlstrand
Mr. Charles B. Baumer
Mr. John K. Boyer
Mr. John T. Connor, II
Mr. Robert C. Decker
Mr. James J. DeMars
Mr. Barry L. Gerken
Mr. William A. Harding
Mr. Stuart M. Hurwitz
Mr. Russell E. Lovell II
Hon. Bernard J. McGinn

Mr. Thomas R. Pansing, Jr.
Mr. John W. Reiser

1970

Mr. Alden A. Abraham
Mr. Steven R. Brott
Mr. James R. Cook
Mr. M. Douglas Deitchler
Mr. Howard F. Hahn
Mrs. Marilyn B. Hutchinson
Hon. Everett O. Inbody II
Mr. Stephen A. Mazurak
Mr. James M. Walters

1971

Mr. John C. Baker
Mr. Douglas F. Duchek
Mr. Melvin H. Evans, Jr.
Mr. Richard A. Johnson
Mr. Douglas C. Nelson
Mr. Robert L. Poff

1972

Mr. Gary D. Byrne
Mr. Jeffrey E. Curtiss
Mr. James A. Gallant
Mr. John M. Guthery, Jr.
Mr. Michael M. Hroch
Hon. Richard G. Kopf
Mr. Arnold W. Messer
Mr. John H. Moseman
Mr. Donald J. Mueting
Mr. Richard S. Reiser
Mr. James E. Rembolt
Hon. William Jay Riley
Mr. Neil J. Roberts
Mr. Daniel A. Smith
Mr. Stuart Smith
Mr. Dennis C. Tegtmeier
Mr. Robert P. Wintz
Mr. William J. Wochner

1973

Mr. Don C. Bottorff
Mr. Bruce A. Bullock
Hon. Steven D. Burns
Hon. Robert B. Ens

Mr. Victor Faesser
Mr. Lloyd E. Friesen
Mrs. Alexandra L. Goddard
Eric V. Iovacchini, Ph.D.
Mr. Loren L. Lindahl
Mr. John R. McPhail III
Mr. Roger J. Miller
Mr. Timothy J. Otto
Mr. Walter V. Siebert
Hon. Kenneth C. Stephan
Mr. Edward H. Tricker
Mr. David R. Uher
Mr. John J. Wagner
Mr. Richard J. Wegener

1974

Hon. Graten D. Beavers
Mr. Thomas V. Bender
Mr. Robert L. Boumann
Hon. James R. Coe
Mr. William G. Dittrick
Mr. James E. Gordon
Mr. Ward F. Hoppe
Mr. David A. Jacobson
Mr. Stephen C. Johnson
Hon. Paul W. Korslund
Mr. John F. Kotouc
Mr. Arthur R. Langvardt
Hon. C. Vincent Phelps, Jr.
Hon. Donald E. Rowlands II
Mr. Frederick W. Schrekinger
Mr. Steven C. Smith
Mr. Gregory M. Stejskal
Mr. Gerald D. Warren
Mr. Matthew H. Williams

1975

Ms. Roberta L. Cook
Mrs. Jan E. Dutton
Mr. James G. Egley
Mr. Allen R. Fankhauser
Mr. Charles L. Finke
Judge Alan G. Gless
Hon. Dennis A. Graham
Hon. Michael G. Heavican
Mr. H. David Heumann
Mr. John J. Hodik, Jr.

Hon. Donald D. Hopwood
Mr. Kim R. Houtchens
Mr. Barry G. Kaiman
Mr. Gary G. Krumland
Mr. Doug L. Loos
Mr. Douglas E. Merz
Mr. Lowell J. Moore
Mr. David L. Niederdeppe
Mr. Brian K. Ridenour
Mr. Robert H. Sindt
Mr. Jerry D. Slominski
Mr. Thomas M. Sonntag
Hon. Steven B. Timm
Ms. Toni L. Victor
Mr. Brian J. Waid
Mr. Bruce W. Warren
Ms. Patricia J. Winter

1976

Mr. Warren R. Arganbright
Mr. Robert F. Bartle
Hon. Alan L. Brodbeck
Mr. David R. Buntain
Mr. Lauren J. Caster
Mr. Gene Crump
Mr. Bruce D. Curtiss
Hon. Karen A. Flowers
Ms. Janet B. Graham
Mrs. Olivia M. Guerra Keating
Prof. Thomas L. Hagel
Mr. Lance J. Johnson
Mr. Donald J. Kinlin
Hon. Teresa K. Luther
Mr. Keith E. Martin
Mr. James R. Nearhood
Mr. Forrest F. Peetz
Mr. Dennis G. Peterson
Hon. Roger M. Prokes
Ms. Rebecca L. Ross
Mr. Gary C. Seacrest
Mr. Timothy F. Shaw
Mr. John E. Vihstadt

1977

Mr. Robert B. Creager
Mr. Rick L. Ediger
Mr. Paul T. Gefreh

Mrs. Deborah K. Gilg
Mr. Daniel R. Gilg
Mr. Charles W. Hastings
Mr. Michael H. Jensen
Mr. Ronald C. Jensen
Mr. Michael C. Klein
Mr. Kenneth R. Lang
Hon. Philip M. Martin, Jr.
Hon. Joseph M. Moothart
Mrs. Jill H. Nagy
Mr. Robert L. Nefsky
Hon. Robert B. O'Neal
Mr. Charles F. Rolph III
Mr. Barry L. Ross
Mr. Edward P. Sands
Mr. John A. Selzer
Mr. Jack L. Shultz
Hon. Laurie S. Smith Camp
Mr. Robert M. Wagner
Mr. Terry O. Waite

1978

Ms. Rebecca R. Anderson
Mr. Robert L. Bals
Mr. Timothy J. Dow
Lt. Col. B. Joseph Dromsky, Jr. Retd.
Mr. Stanley C. Feuerberg
Mr. Robert A. Henderson
Mr. Lynn P. Hendrix
Ms. Victoria G. Horton
Hon. Randall L. Lippstreu
Mr. Steven D. Mahrt
Mr. William A. Marienau
Hon. Michael W. Pirtle
Mrs. Barbara W. Schaefer
Mr. Galen E. Stehlik
Mrs. Anna L. Stehlik
Mr. Alan G. Stoler
Mr. Steven R. Voigt
Dr. James A. Widtfeldt, Ph.D.

1979

Judge William B. Cassel
Mrs. Marianne E. Clifford Upton
Ms. Marsha E. Fangmeyer
Mr. Daniel A. Fullner
Ms. Terrill A. Hyde

Dr. Eileen K. Jennings, Ph.D.
Mrs. Diane K. McDonald
Mrs. Patricia S. Peterson
Mr. Michael K. Reppe
Mrs. Kathryn Slepicka Dobrinic
Hon. Robert R. Steinke
Mr. Ross A. Stoffer
Mr. Larry A. Todd
Dr. Donald F. Uerling, Ph.D.
Mr. Fred T. Witt, Jr.

1980

Mrs. Karen J. Beadie
Mr. James P. Broderick
Mr. Gary N. Clatterbuck
Mrs. Claudia L. Divis
Mr. Timothy E. Divis
Mr. Emil M. Fabian III
Mr. Ronald G. Gentzler
Mr. Keith J. Gredys
Mr. Dennis R. Hurley
Miss Marcia A. Johnson
Mr. Stephen M. Krumm
Hon. Curtis L. Maschman
Ms. Mariam J. Masid
Mr. Joseph A. Morris
Mr. William J. Mueller
Hon. Joseph S. Ramirez
Mrs. Rosalie K. Ridenour
Mr. Michael Sloan
Mr. James R. Wefso

1981

Dr. Kathryn A. Bellman, Ph.D.
Mrs. Elisabeth Bridge
Mr. Kent N. Campbell
Mrs. Pamela M. Carrier
Mr. John E. Crabtree III
Mr. Arlen W. Langvardt
Ms. Eileen L. McBride
Ms. Kathryn A. Olson
Hon. Robert R. Otte
Mr. John E. Samson
Mr. David A. Waskowiak
Mr. John C. Wiltse
Mr. James L. Young

Our Alumni

Annual Report

1982

Mr. Christopher W. Abboud
Mr. Daniel J. Amen
Mr. Steven D. Boyd
Mr. Steven J. Britzman
Mrs. Pamela A. Buttram
Ms. Teresa M. Hampton
Mr. Chris A. Horacek
Ms. Susan M. Koenig
Ms. Nancy L. Loftis
Ms. Coleen J. Nielsen
Miss Cathy J. Norris
Mr. Alvin R. Pahlke
Ms. Glenda J. Pierce
Mr. Donald D. Ross
Mrs. Sandra I. Schefcik
Mr. Mark M. Schorr
Hon. Alan J. White
Ms. Linda L. Willard
Mr. Neil E. Williams
Mr. Mark J. Young

1983

Mr. David G. Dales
Mr. Richard A. Drews
Mr. Stephen S. Gealy
Mr. Thomas E. Geu
Hon. Victoria J. Grant
Mr. Richard A. Hartfield
Ms. Catherine D. Lang
Ms. Glenda J. Lanik
Hon. Frankie J. Moore
Mrs. Susan W. Pahlke
Mr. Richard T. Seckman
Mr. Charles D. Sinclair
Mr. Bryan E. Slone
Mr. Gerald M. Stilmock
Mr. Tyler J. Sutton
Hon. Matthew W. Williams
Mrs. Martha K. Zajicek

1984

Hon. Richard W. Grosz
Mr. Douglas R. Hart
Mrs. Joni L. Hoffman
Mr. Reginald S. Kuhn
Mr. Terry L. McElroy

Mr. Todd A. Morrison
W. LeAnn Wallace, Ph.D.

1985

Miss Diane H. Dentlinger
Mr. John C. Hewitt
Mrs. Kathryn C. Maresh
Dr. Eugene L. Martin, Ph.D.
Mr. Christopher J. McVeigh
Mr. Robert J. Melgaard
Mr. George S. Nash
Ms. Linda Norris
Mr. William M. Ojile, Jr.
Ms. Kim M. Robak
Mr. Robert W. Shively, Jr.
Ms. Ellen L. Totzke
Mr. J. Ronald Voss
Mrs. Sandra S. Voss

1986

Mrs. Christine E. Denicola
Mrs. Christina D. Dodds
Mr. Allen G. Erickson
Mr. Robert P. Foster, Jr.
Mr. Greg P. Gillis
Ms. Kathryn Houtchens
Mr. Michael B. Kratville
Judge Terry R. Rickers
Mr. John K. Shunk

1987

Mr. Miles M. Dewhirst
Ms. Janet Gurwitch
Mr. Frank L. Labrador
Ms. Amy L. Peck

1988

Mr. Jay W. R. Bohlken
Mrs. Abbie J. Bohlken
Mrs. Marie L. Buckley
Mr. Wayne E. Dolezal
Mr. Eric M. Johnson
Mr. Curtis G. Oltmans
Mr. Todd W. Ruskamp
Mrs. Elizabeth K. Ryan
Mr. John M. Ryan

1989

Mr. Timothy D. Brown
Mr. Matthew J. Carney
Mr. James D. Gotschall
Mr. Stephen J. Henning
Mr. Joel G. Lonowski
Mr. Ernest M. Martin
Mr. Bradley E. Nick
Dr. James R. P. Ogloff, Ph.D.
Mr. Robert J. Parker, Jr.
Mr. Todd L. Peterson
Mrs. Marybeth Ruskamp
Mrs. Lisa R. Thayer
Mrs. Victoria L. Westerhaus

1990

Mr. Todd W. Baxter
Ms. Sherry D. Baxter
Mrs. Linda R. Crump
Mr. Eric L. Dillow
Miss Kathryn J. Geiler
Mr. David A. Miller
Mr. Thomas J. Reich
Mr. Daniel J. Thayer
Mr. Barry R. Wilkerson
Mr. John H. Zelenka

1991

Mr. Robert L. Eden
Mr. Scott K. McCarthy
Mr. Randall J. Moody
Ms. Pamela B. Peck

1992

Mr. Mark J. Blazek
Miss SaraBeth Donovan
Mr. Ralph A. Froehlich
Mrs. DaNay A. Kalkowski
Hon. James G. Kube
Mr. Robert J. McCormick
Mr. James R. Nygren
LTC Thomas W. Pittman, Retd.
Mr. Andrew S. Pollock

1993

Ms. Sharon L. Bartter
Mr. John H. Bergmeyer

Mr. Scott E. Davis
Mr. Gregory R. Johnson
Mr. Steven M. Thomas

1994

Mr. David W. Melville
Mr. Scott A. Meyerson
Victoria P. Weisz, Ph.D.

1995

Ms. Kristine D. Brenneis
Mr. Jeremy D. Capps
Mrs. Heidi H. Scherr
Mr. Robby J. Shortridge
Mr. James C. Ziter

1996

Chad W. Buckendahl, Ph.D.
Mr. Robert K. Burbach
Ms. Kim L. Faden
Mrs. Elizabeth M. Frederick
Mrs. Tamara S. Herrera
Mr. William R. Jeppson
Mrs. Colleen P. Manly
Mr. Michael P. Manly
Mr. Jonathon D. Parry
Mr. John P. Rademacher
Mrs. Kristin E. Reynolds
Mr. Robert M. Schafer
Mr. Daniel Torrens
Mr. Eric D. Whitcher

1997

Mr. Duane A. Austria
Mrs. Elizabeth L. Hocking
Mr. Jeffery R. Kirkpatrick
Ms. Ann Littell Mills
Mr. Steven L. Meints
Mr. Thomas L. Selken
Mrs. Jeanette L. Stull
Mr. Corey L. Stull
Mr. William J. Toulouse

1998

Mrs. Nicki A. Auman
Mr. Derrick J. Hahn
Mrs. Octavia Y. Hathaway

Mr. Bryan S. McQuay
Dr. Gretchen A. Oltman
Mr. Jeffrey W. Shepard

1999

Mrs. Rebecca Tvrdik Anderson
Mrs. Theresa A. Fromm
Mr. Brent R. LaSure
Mr. Terry M. Meinecke
Mrs. Suzanne M. Rodekohr
Ms. Jill E. Thomsen
Lt. Col. Tim J. Tuttle

2000

Mr. Damon O. Barry
Mr. Jeffrey D. Holloway
Mr. Gary G. Peterson
Mr. Michael G. Rogers
Mr. Dale R. Shook
Mr. Trent R. Sidders
Mr. Joshua F. Stubbe

2001

Mrs. Lori C. Helgoth
Mr. Brian S. Nielsen
Mr. David Z. Petty
Mr. Timothy J. Thalken
Mr. Steven J. Twohig
Mrs. Amy J. Vyhldal
Mr. Ryan B. Wilhelm

2002

Mr. Mathew P. Anderson
Mrs. Britt N. Anderson
Ms. Tasha A. Everman
Mr. James A. Hempel, Jr.
Ms. Karen A. Mangan
Mrs. Jessica C. Sidders
Mrs. Gretchen R. Twohig

2003

Mr. Carlos G. Alfaro
Ms. Aliza Anvari
Ms. Molly M. Brummond
Mr. Thomas O. Kelley
Mr. Jeremy P. Lavene
Ms. Sunah K. Lee

Mrs. Cheri S. Raymond
Mr. Scot M. Ringenberg
Mrs. Kendra J. Ringenberg
Mrs. Amy A. Roberts

2004

Mr. Brett T. Dae
Mr. Jason J. Lessmeier
Ms. Karen K. Weinhold

2005

Mr. Sean M. Gleason
Mr. Jerry M. Harre
Ms. Sarah P. Newell
Mr. Lee M. Rankin
Mr. John L. Selzer
Mrs. Tara A. Stingley
Mr. Casey W. Tyler
Mr. Morgan A. R. White

2006

Mr. Jameson C. Brummond
Ms. Stacey L. Hines
Dr. Erinn K. McGorty, Ph.D.
Mr. Christopher D. Seifert
Mrs. Jamian J. Simmons
Mrs. Kristin M. Tyler

2007

Mrs. Caitlin R. Barnes
Mr. Jonathan W. Carlson
Mr. Chad R. Doornink
Ms. Karen L. Ebmeier
Mr. Marcos C. Flores
Mrs. Nicole K. Seckman Jilek
Mr. Isaiah Wilson II

2008

Mr. Ryan L. Cole
Mr. Jeffrey P. Ens
Mr. Alan A. Fairbanks
Mrs. Diane Hastings Lewis
Mr. David R. Koesters
Mrs. Jessica S. Tok
Mrs. Michelle M. Weber

Our Alumni

Annual Report

2009

Mr. Yohance L. Christie
Ms. Kylee M. Pohl
Ms. Michelle L. Sitorius
Ms. Jayne E. Sykora
Ms. Michelle R. Waite

2010

Mr. Michael G. Kuzma
Ms. Stephanie N. Mahlin
Mrs. Kristine S. Roberts

2011

Mr. Jonathan D. Gardner
Mr. Erik M. Mudrinich
Mr. Adam J. Tunning

2012

Ms. Christine E. Baughman
Ms. Carrie E. Bergen
Mr. Jess R. Berglund
Mr. Andrew R. Biehl
Mr. Zachary L. Blackman
Ms. Jordan A. Blenner
Ms. Charity F. Bolling
Mr. Nicholas A. Buda
Mr. Zachary J. Butz
Mr. Steven P. Canfield
Ms. Ashley A. Christiansen
Mr. Samuel J. Cooper
Mr. Christopher C. Di Lorenzo
Ms. Cassandra M. Dorr
Mr. Joel B. Gussman
Ms. Marlo K. W. Hamrick
Mr. Timothy Hruza
Ms. Audrey A. Johnson
Mr. Eric W. Knutson
Mr. James J. Krauer
Mr. Daniel E. May
Ms. Lisa A. Paladino
Ms. Katherine T. Quinn
Ms. Abbi R. Romshek
Mr. Leroy B. Scott
Ms. Leslie A. Shaver
Ms. Danielle B. Smith
Mr. Nicholas J. Thielen
Ms. Elissa M. Thompson
Mr. Joseph H. Wieland
Mr. Eric G. Wright

LL.M. Alumni Gather at Annual Space Symposium

Alumni from the first three classes of the College's Space, Cyber and Telecommunications Law LL.M. program attended the 28th Annual National Space Symposium in Colorado Springs, Colo., from April 16th to 19th.



From left to right:

Photo courtesy of Jon Vince, '10

Amber Charlesworth, LLM '11, is currently a foreign affairs officer with the Department of State's Office of Space and Advanced Technology in Washington, D.C.

Jessica Tok, LLM '09, is currently a space strategic analyst with USSTRATCOM at Offutt AFB, Neb.

Artiom Anisimov, LLM '10, resides in New York City and is the Space Generation Advisory Council's representative to the UN Economic and Social Council.

Ashley Broin, LLM '09, works in the space and cyber arenas at the congressional level as space assistant to the commander, legislative affairs, USSTRATCOM, Offutt-AFB, Neb.

Jon Vince, LLM '10, currently resides in Denver, Colo. and works as the deputy manager of space community relations for UN's World Space Week Association and sits as director and treasurer on the Board of the Society of Satellite Professionals International's Rocky Mountain Chapter.



Union Bank & Trust Seminar Room Dedicated

On August 23, 2012, faculty, staff and students gathered with alumni and friends from Union Bank & Trust to dedicate a new seminar room made possible by a generous gift from Union Bank. The Union Bank & Trust Seminar Room is located within the Marvin & Virginia Schmid Law Library and was previously used as a computer and printing lab. The room was repurposed in order to provide a comfortable learning environment for classes of 24 or less.



Practice in American Samoa Requires Alumna's Flexibility



Kimberly Hyde

As Kimberly Hyde, '06, puts it, life is slower paced and “scaled way down” in American Samoa, a Pacific island territory of the United States. Feral dogs roam the small island - often adopted by temporary residents from the mainland - fast-food chains are sparse and the largest movie theater houses only two screens. There are few major roads on the mountainous island and the speed limit rarely extends beyond 25 miles per hour. But on an island that stretches 26 miles in length, and 6 miles at its widest, 25 mph may not be so slow.

And until April 2014, this is where Hyde finds herself employed. She is in the midst of a two-year contract as assistant attorney general, working as a felony prosecutor. Hyde said her job as prosecutor includes standard practices of filing charges and preparing motions and depositions. However, she said the scaled-back legal culture presents many additional responsibilities.

“Here my job also includes being my own secretary and sometimes investigator due to the fact that police officers are poorly trained,” Hyde said in an e-mail interview.

Differences in American Samoa legal culture extend beyond extra responsibility. No one in court wears suits and almost everyone, judges included, wear flip flops every day – evidence of a more relaxed culture according to Hyde.

Given the relatively small population of the island (almost 56,000 in 2010), there are two judges that handle felony cases, and Hyde said both are rarely subject to any checks and balances, which allows them the freedom to “get away with things U.S. judges wouldn’t.

“One in particular uses his position to exude power in ways that really go beyond what a judge should do, and there really isn’t any accountability,” said Hyde.

Hyde said this particular judge has held attorneys in contempt and imposed fines against attorneys that are simply doing their job.

“You have to be careful what you say and do.”

Hyde has been a practicing lawyer for five years, and despite what she considers a short time in the profession, she said she is often more knowledgeable of the law than the judges, yet she finds herself in a position unable to correct them.

“That was a huge adjustment,” she said.

In American Samoa court, there also sits a panel of judges, but Hyde said the term is applied loosely, as the panel often consists of one member that holds a law degree and one or two well-regarded members of the community. This panel serves to ensure American Samoan customs and culture are respected. These judges don’t speak in court, and while they do confer on sentencing, their function as actual judges is limited.

Despite the differences, and sometimes limitations, of the legal system in which Hyde works, she said it did not take her long to acclimate.

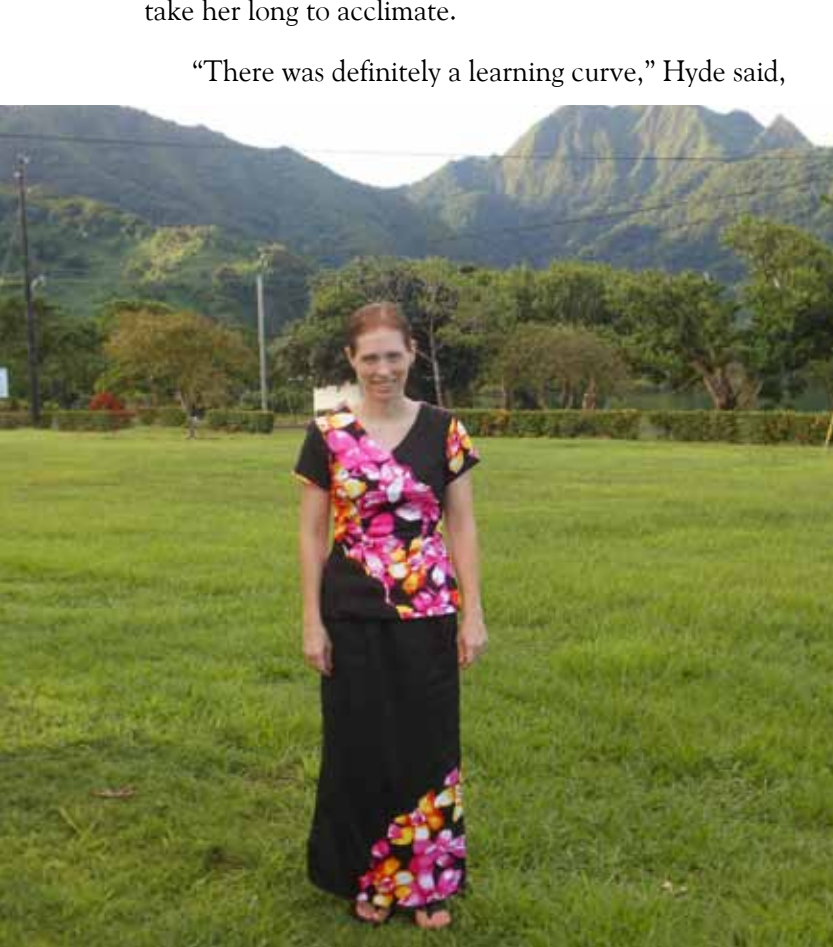
“There was definitely a learning curve,” Hyde said,

“and some of it was unlearning because the system is just not as developed here. But I would say, I’ve been here three and a half months, and I know how to do my job, so it didn’t take long to figure things out.”

To be sure, Hyde has been made acting chief of the criminal division, a position only granted to competence. She said moving into a supervisory position is fairly easy, as many workers in the legal system are contract workers like herself, so the people are constantly rotating in and out.

Nonetheless, Hyde said her success has no doubt been bolstered by her Nebraska Law education. Mock trials in her trial advocacy class taught her the basics of questioning witnesses and doing cross-examinations and making opening statements, and her evidence class taught skills that she uses every day in her job, Hyde said.

Hyde found her rather unique position through a former coworker and friend, who also took a job as a prosecutor on the island; however, this is far from her first experience outside the United States. She said working and living abroad has long been an interest of hers.



“I was an exchange student in Hungary in high school; I studied abroad in Germany in college; after college, I went to language school in Italy; and during law school, I did a study abroad in Argentina.”



Calendar of Events

November 2012:

November 9th

- Young Alumni Council Meeting, 9:00 -11:00, College of Law
- Alumni Council Meeting, 1:00 – 3:00, College of Law
- CLE: The Model Rules of Professional (and Technological?) Conduct: -
13 Ethical Issues In The Information Age
Professor Richard Dooling
3:00 - 4:00pm, College of Law, Register Online

November 12th

- CLE: FDR and George W. Bush on Presidential Power: The Disturbing Parallels &
Reflections on the New Law of Presidential Power & Human Rights
12:00 - 1:00pm, College of Law, Register Online

November 14th

- Water Law Conference 2012
8:00am - 4:30pm, Cornhusker Hotel, CLE credit available

November 30th

- CLE: Undercover Sting Operations and the Entrapment Defense in the Context of
Domestic Terrorism, 12:00pm, College of Law, Register Online

December 2012:

December 6th

- Lincoln Alumni Holiday Party, 5-7 p.m. VanBrunt Visitors Center

December 14th

- Commencement, College of Law

Nebraska Law

University of Nebraska

2012 Alumni Reunion November 9-10, 2012

Honoring the Classes of:
1952, 1957, 1962, 1967, 1972, 1977, 1982, 1987,
1992, 1997, 2002, and 2007

Friday, November 9th, 2012

Tours of the Facility

2:00pm - 3:00pm, College of Law

CLE: "The Model Rules of Professional
(And Technological?) Conduct: 13 Ethical Issues
in the Information Age"

Presented by Richard Dooling,
Visiting Professor of Law

3:00pm - 4:00pm

College of Law

1 Ethics Credit Hour

No Cost to Attend

All-Class Cocktail Reception

4:15pm - 5:45pm

College of Law

Saturday, November 10, 2012

Pregame Party

2.5 hours prior to Kick-Off
at the Nebraska Union
(Centennial Room)

NEBRASKA TRANSCRIPT

Fall 2012, Vol. 45 No. 2

Dean

Susan Poser

Editors

Alan H. Frank, Professor of Law
Molly M. Brummond, '03,
Director of Communications
& Alumni Relations

Student Editors

Catherine Cano, '12
Emily Rose, '12

Contributors

Tasha Everman, '02,
Assistant Dean of Career Services
Joel Fulton, '13
Angie Hohensee,
Senior Director of Development
Lori Petersen, Alumni Relations Events
and Communications Specialist
Tracy Warren, '03,
Assistant Dean of Admissions
Jacob Zlomke

Layout & Design

Zarullu Design, LLC

Photographers

Craig Chandler,
University Communications
Bambi King, Nebraska Law
Keri Leece, Zarullu Design LLC
Bob Olson, The Pictureman

The University of Nebraska College of Law
publishes the TRANSCRIPT semi-annually:
in April and November. We welcome
readers' comments. Contact us by
phone at 402-472-8375 or by email at
molly.brummond@unl.edu.

UNIVERSITY OF
Nebraska
Lincoln

THE NEBRASKA TRANSCRIPT
103 Law College
P.O. Box 830902
Lincoln, NE 68583-0902

Non Profit
US Postage
PAID
UNL

