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NEBRASKA TRANSCRIPT

UNIVERSITY OF NEBRASKA COLLEGE OF LAW



Speaker Mike Flood, '01,
Works to Find Shared
Interests in Unicameral

Also in this issue:

Alumni Master Eartha Jean Johnson, '90
Stejskal, '74, Leads FBI Probe into Steroids
Roger Kirst: Success Measured By Student Achievement



SPRING 2012, VOL. 45 NO. 1

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Kirst measures personal success by the achievements of his students.



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Faculty Profile

Eve Brank, '00, returns to College as part of Law/Psychology faculty.



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Alumni Masters Week

Eartha Jean Johnson, '90, follows passion, entrepreneurial spirit in creation of legal consulting business.

Speaker Mike Flood, '01, Helps Legislators Find Shared Interests

Due to term limits, Flood approaches the end of his time in the Unicameral – a career that has been marked by his ability to build bridges and find common goals in order to achieve results.



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Alumnus Provides Leadership in FBI

Gregory Stejskal, '74, reflects on FBI career and role played in an operation that exposed top athletes' steroid use.

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Dean's Message



“I am very grateful to be at such a strong state school with such rich traditions and loyal alumni.”

As I write this message, it is 80 degrees in Lincoln and the daffodils are blooming in the middle of March. This has been quite an unusual winter in Nebraska, although not too much to complain about.

We have had another busy year at the College. The faculty continued its review of the curriculum and made several changes. Among the most significant is the addition of a required first-year class called International Perspectives in the U.S. Legal System. This class, which will be offered beginning in spring 2013, will ensure that all of our students graduate with some exposure to international and comparative law, areas that are increasingly relevant to law practice no matter where it takes place. In order to add this to the first year curriculum, we took two credits from the Torts class which will now be a four-credit course. The other change to the first-year curriculum is the addition of a unit on professionalism and ethics to the Legal Research and Writing course. The faculty adopted two new dual degree programs this year: Law and Gerontology, in partnership with the Gerontology Program at the University of Nebraska at Omaha and Law and Public Health (JD/MPH), with the College of Public Health at the University of Nebraska Medical Center. We created two new areas of concentrated study in Intellectual Property and in Small and Solo Firm Practice. The curriculum review continues.

“Our students continue to amaze us with their intelligence and energy. They are making the Law College stand out through the quality of their work in the classroom, the service they provide through their law school student organizations, and the success they achieve when they enter the profession.”

We had a very successful hiring season this year, and we are adding three new professors to the faculty. There will be more information about the new faculty in the Fall edition of the TRANSCRIPT.

Our students continue to amaze us with their intelligence and energy. They are making the Law College stand out through the quality of their work in the classroom, the service they provide through their law school student organizations, and the successes they achieve when they enter the profession. Just before this issue of the TRANSCRIPT was going to press, our client counseling team won the ABA Law Student Division’s 39th National Client Counseling Competition. This is the fourth time that a Nebraska Law team claimed the national championship!

I hope that you enjoy reading about the many other things going on at the College in this edition of the THE NEBRASKA TRANSCRIPT. As I look around at other law schools, especially in these difficult economic times, made more difficult by some bad press that law schools have received over the last year, I am very grateful to be at a strong state school with such rich traditions and loyal alumni. So thank you for your support of the College and, as always, please contact me directly if you have any questions, concerns, or suggestions.

Best wishes,

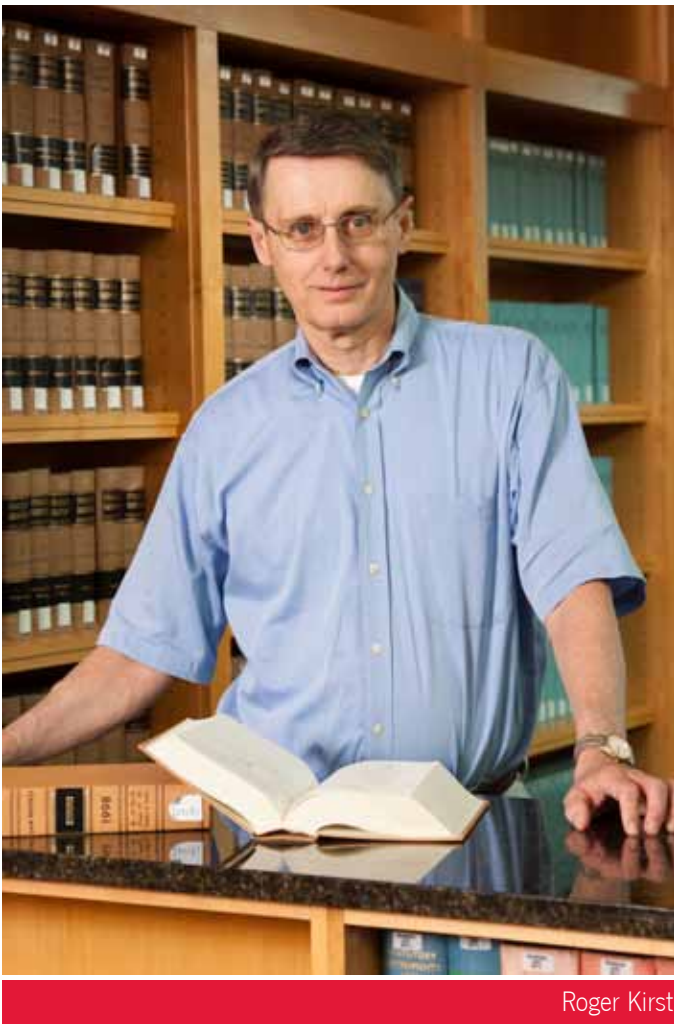


Susan Poser
Dean and Richard & Catherine Schmoker Professor of Law

Profile

Kirst Measures His Success as Professor Through Growth, Achievements of His Students

By Emily Rose, '12



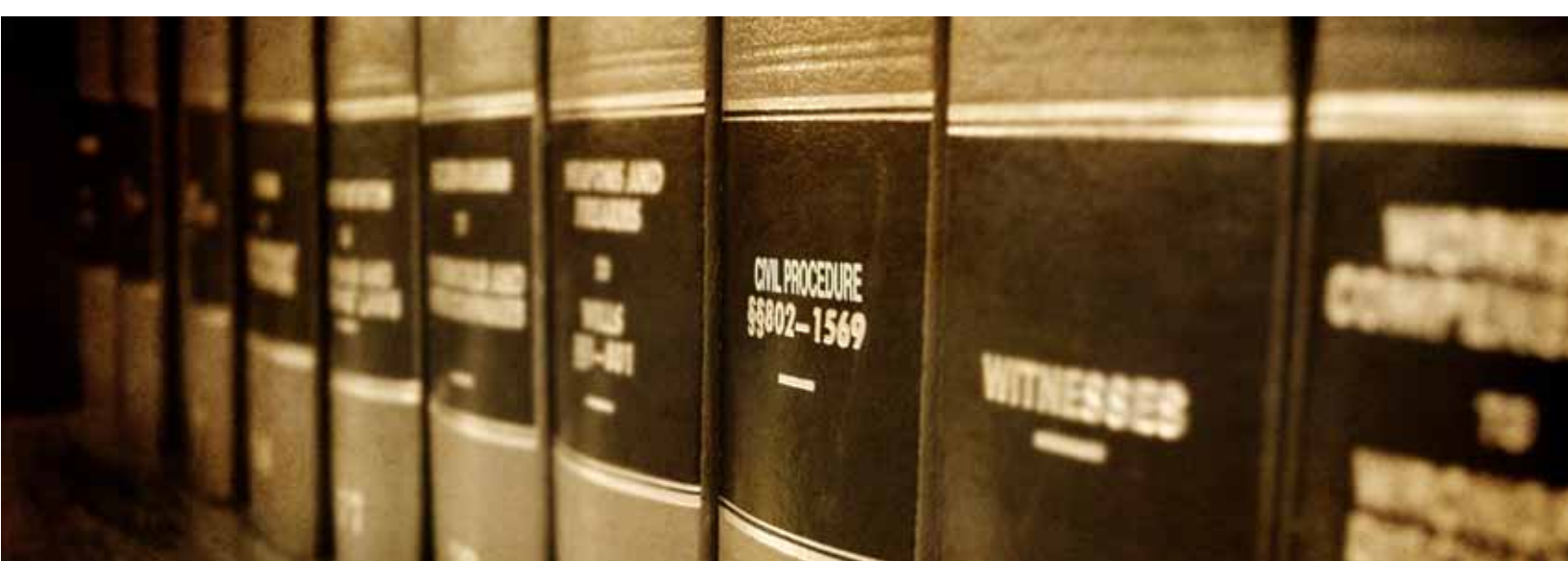
Roger Kirst

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 and Marty Gardner.

Professor Roger Kirst has devoted his career at Nebraska Law to furthering what he sees as the core mission of the College of Law: educating students to become successful lawyers. He measures his success as a professor through the success and growth of his students. “One of the most rewarding times as a professor is sitting on the stage at graduation and remembering what the students were like on the first day of class, and how they have developed and changed in their three years here,” said Kirst. “Sitting there, you see some evidence that what we have done has been successful.”

Before joining the College of Law faculty in 1974, Kirst received his B.S. in Economics from the Massachusetts Institute of Technology and his J.D. from Stanford Law School, where he served as a member of the *Stanford Law Review*. After graduating from Stanford in 1970, Kirst was employed for seven months as an associate in the litigation department of a New York City law firm. He looks back at this time in New York with fond memories of living with his wife Helga just above the West Village, getting the Sunday edition of the *New York Times* on Saturday nights and taking advantage of New York’s many cultural offerings including concerts at Lincoln Center.

“One of the most rewarding times as a professor is sitting on the stage at graduation and remembering what the students were like on the first day of class, and how they have developed and changed in their three years here.”



Kirst traded in the bright lights of the city for rural Maryland where he served at a Naval Air Station for the U.S. Navy JAG Corps. Kirst was primarily charged with handling military discipline cases, giving legal advice to service members and representing service members in local courts. In addition to these duties, Kirst took on his first role as a teacher by conducting a business law course for military members and civilian employees, an experience he particularly enjoyed.

Toward the end of his four-year active duty term, Kirst and Helga found themselves uncertain of where to go to begin his teaching career. “We looked at a number of places, heavily in the Midwest,” he said. “We thought Nebraska was a pleasant place to be and felt comfortable with the school and the city. It seemed like the best choice, and we have been happy to stay here.”

Kirst has taught Civil Procedure since 1974, his first year at the Law College, and it still holds his interest

today. “It is like a large, complex puzzle,” he remarked. “The basic core of civil procedure remains the same, but new issues arise with how the rules apply and adapt to changing economies, political systems and societies.” Kirst believes that teaching Evidence was a natural progression for him, and he considers a working knowledge of both subjects paramount to being successful as an attorney because they cut across all substantive areas and provide a means of effectuating or enforcing substantive outcomes. Kirst also teaches Civil Rights Litigation, which involves a combination of constitutional law and sophisticated procedure.

Outside of the Law College, Kirst serves as the reporter for the Nebraska Supreme Court Committee on Practice and Procedure and a member of the Federal Practice Committee for the District of Nebraska. He also enjoys travelling with his wife, son and daughter around the country and internationally to such locations as New Zealand, Germany and Ireland. ■

Recent Scholarship & Activities

Schmid Law Library Faculty Fulfills Varied Missions Expected of Law Librarians in Today's Modern Era

The law library faculty at the Schmid Law Library does much more than collect and manage books and databases. The modern law librarian is an expert at both managing information and networking in order to bring researchers and materials together. Modern law librarians are also teachers and innovators, and many on our faculty have made significant contributions to the law library community both locally and nationally.

Here are some highlights of activities of the Schmid Law Library Faculty:



Sandy Placzek

Sandy Placzek, Associate Director & Professor of Law Library

Aside from notably and nobly filling the role of acting director of the law library while Richard Leiter was away on academic leave, Sandy Placzek refined and updated her CALI lesson on Nebraska Primary Resources. She also served on the editorial board of CALI, the Center for Computer-Assisted

Legal Instruction. Placzek gave two presentations at the Nebraska Library Association annual meeting and two at the Mid America Association of Law Libraries (MAALL). But Placzek's primary focus is on the Law College. At Nebraska Law, she oversees the research component of the first-year Legal Research and Writing Program and manages all aspects of reference, circulation and interlibrary loan at the law library. She also serves the University as a member of the Academic Rights and Responsibilities Committee.

Brian Striman, Head of Technical Services & Professor of Law Library

Brian Striman is a nationally known expert on the inner workings of library "technical services." This means that he's a whiz at all the detailed organizational schemes that are used in order to make the Law College's collection as easy as possible to use. He has served as chair of various national technical services groups and this year has been nominated for the position of chair of the Technical Services Special Interest Section of the American Association of Law Libraries (AALL). Striman also served for a number of years as editor of the section's newsletter and he has put that experience to good use serving for the last two years as editor-in-chief of *MAALL Markings*, the newsletter of our regional law library association. Striman has created and maintains a professional Facebook group for librarians working with the new standardized cataloging rules called Resource Development and Access. He is collaboratively working on a publication titled *Nebraska State Documents Bibliography*, which is sponsored by the American Association of Law Libraries' Government Documents Special Interest Section. He also regularly serves as a speaker at both regional and national association annual meetings and last fall was a speaker at the MAALL annual meeting.



Brian Striman



Stefanie Pearlman

Stefanie Pearlman, Reference Librarian & Professor of Law Library

Stefanie Pearlman's interest in the growing field of animal law has given her a platform for many interesting activities. Each year she leads an outstanding group of law students to the National Animal Law Closing Argument Competition. This year's competition was held at the UCLA School of Law. Pearlman also co-

authored the book, *Animals Confined for Human Benefit: A Legal Research Guide*. She is moderating a program on environmental law at this year's annual meeting of AALL. Pearlman's a leading member of that association's new Animal Law Caucus. This year she is also serving as president of MAALL. Locally, Pearlman's a faculty advisor to Nebraska Law's Moot Court Board, and she co-teaches the research component of the first-year Legal Research and Writing Program.

Matt Novak, Reference Librarian & Associate Professor of Law Library

For the last few years, Matt Novak has designed and taught a specialized legal research course for the Law College's, Space, Cyber and Telecommunications students. As a member of AALL's Electronic Legal Information Access Committee, he helped shape AALL's input on the Uniform Law Commission's Uniform Electronic Legal Material Act. Additionally, he was the Nebraska coordinator of AALL's effort to create a national inventory of state primary legal materials. Novak has written on the topic of legal research for the *Nebraska Lawyer* and contributes to national and regional law library publications and newsletters. He has also been active on various University committees.



Matt Novak



Marcia Dority Baker

Marcia Dority Baker, Access Services Librarian & Assistant Professor of Law Library

Marcia Dority Baker is presently the chair of the Colleges & Universities section of the Nebraska Library Association, a section in which she's been quite active. Her responsibilities include planning the section's spring meeting to be held in Omaha in May and coordinating the C&U programs for the annual Nebraska Library Association conference held in Lincoln.

She's a regular presenter at all NLA meetings and conferences. She has developed a reputation as an expert on the use of social media and technology trends in libraries. She's written and presented programs about use of Twitter and Facebook at the Law College and has presented programs on the topic at MAALL and at the Law College's Continuing Legal Education programs. She also serves as a member of various UNL library committees including ones on development of electronic resources.

Richard Leiter, Director & Professor of Law

Last summer, Richard Leiter taught Advanced Legal Research in Nebraska Law's summer program in Cambridge, England. After a few weeks home in August, he moved to Cambridge, Mass., for the semester where he was an academic research fellow at Harvard Law School's Library Innovation Lab. While there, he worked on developing a new method of enhancing case law full text database searching, called Leading Case Service. He expects the project to be completed sometime in the 2013 academic year. Leiter also completed the second edition of *Landmark Supreme Court Cases*, a three volume reference book published by Facts on File. He served as president of MAALL last year and served on various committees and colloquia for AALL and other organizations. He was invited this summer to address the Association of Reporters of Judicial Decisions.



Richard Leiter

Faculty News

Faculty Notes

For information about the activities of the Schmid Law Library faculty, see the Law Library column on pages 6 and 7 of this issue of THE NEBRASKA TRANSCRIPT.



Eric Berger
Assistant Professor of Law



Professor Eric Berger's article, "Individual Rights, Judicial Deference, and Administrative Law Norms in Constitutional Decision Making," was published at 91 *Boston University Law Review* 2029. This article was previously named the 2011 winner of the American Constitution Society's Richard D. Cudahy Writing Competition on Regulatory and Administrative Law. Berger presented a new paper, "Deference Determinations and Stealth Constitutional Decision Making," at the second annual Loyola Constitutional Law Colloquium at Loyola University Chicago School of Law. He also was voted "Professor of the Year" by the upperclass law students.



Kristen M. Blankley
Assistant Professor of Law



Professor Kristen Blankley was invited to speak to the ABA Section of Labor and Employment ADR Section for their Midwinter Meeting, held in Panama City, Panama. Blankley spoke to the group on issues relating to recent United States Supreme Court decisions and their impact on labor and employment arbitrations. She also

spoke at the Democracy and the Workplace Conference at the University of Nevada, Las Vegas William S. Boyd School of Law on how increased use of attorney limited scope representation agreements have the possibility to increase worker voice and access to attorney services when coupled with alternative dispute resolution procedures. Blankley has been appointed to serve on the board of directors for the Global Collaborative Law Council.



Brian H. Bornstein
Professor of Law and Psychology



Professor Brian Bornstein was awarded the 2011 Outstanding Teaching and Mentoring Award by the American Psychology-Law Society at the society's annual meeting in Miami. His recent publications include "Jury Decision Making: Implications for and from Psychology," 20 *Current Directions in Psychological Science* 63 (with Greene); "Cloudy Forecasts," 47(4) *Trial* 28 (with Greene); "Exploring Separable Components of Institutional Confidence," 29 *Behavioral Sciences & the Law* 95 (with Hamm, Ptylik Zillig, Tomkins, Herian & Neeley); "How Reasons for Surgery and Patient Weight Affect Verdicts and Perceptions in Medical Malpractice Trials: A Comparison of Students and Jurors," 29 *Behavioral Sciences & the Law* 1 (with Reichert, Miller, & Shelton); and the edited volume, *Handbook of Trial Consulting* (with Richard Wiener). Bornstein was recently invited to create a jury blog for the online version of *Psychology Today* magazine (<http://www.psychologytoday.com/blog/the-jurys-trials>).



C. Steven Bradford
Earl Dunlap Distinguished Professor of Law

Professor Steve Bradford spoke on crowdfunding at the SEC Government-Business Forum on Small Business Capital Formation in Washington, D.C. His article, “Crowdfunding and the Federal Securities Laws,” was published by the *Columbia Business Law Review* in March.



Eve M. Brank
Assistant Professor of Law and Psychology

Professor Eve Brank and her graduate students (Leroy Scott, Lindsey Wylie, Lori Hoetger and Josh Haby) presented seven posters and papers at the annual meeting of the American Psychology-Law Society (Division 41 of the American Psychological Association) held in San Juan, Puerto Rico. Their posters and papers presented research about parental responsibility laws, Fourth Amendment search and seizure, perceptions of the mentally ill, older adult eyewitnesses, sibling bullying and guardianship issues for older adults. In the fall, Brank presented, “Issues Facing the Elderly” as part of the Elder Law Issues in Nebraska Courts sessions for Nebraska clerk magistrates and judges. An article about Brank appears at page 16 of this issue of THE NEBRASKA TRANSCRIPT.



Beth Burkstrand-Reid
Assistant Professor of Law

Professor Beth Burkstrand-Reid presented her work “Dirty Harry Meets Dirty Diapers: Masculinity, At-Home Fathers and Making the Law Work for Families” at the University of Missouri-Kansas City conference, Women as Decision Makers. The research focuses on how insights into masculinity can be used to improve the Family and Medical Leave Act. The recent deluge of reproductive health and same-sex marriage news has kept her busy helping journalists grasp the complexities of laws related to contraception, abortion and marriage. She has been interviewed by local and national print and broadcast media on a variety of topics including the Susan G. Komen-Planned Parenthood funding controversy, birth control coverage, the changing face of the American family and the impact of emerging fertility treatments on families and the law.



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

Professor Rick Duncan spoke on “Federalism, Liberty and Sanctuary” at four Florida law schools: Florida International University College of Law in Miami, Florida A & M University College of Law in Orlando, the University of Florida Frederick G. Levin College of Law in Gainesville and Florida State University College of Law in Tallahassee. He also spoke on “The Tea Party Constitution” at the University of Chicago Law School, the University of Idaho College of Law and the University of Montana School of Law. His article on the “The Tea Party Constitution” is online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1984699. Also online is Duncan’s paper, “By the Waters of Babylon: Christian Libertarianism in the Age of Obama,” at <http://ssrn.com/abstract=2010131>. A shorter version of this article will be published in *The Christian Lawyer*.

Faculty News



Alan H. Frank
Professor of Law



The Client Counseling Competition teams coached by Professors Alan Frank and Craig Lawson finished first and second in the 2012 regional Client Counseling Competition held at Creighton University Law School in Omaha. The teams were Christine Baughman, '12, and Audrey Johnson, '12, (first place) and Andy Hanquist, '13, and Trevin Preble, '13, (second place). This was the first time Nebraska Law teams have finished both first and second in a regional competition, but Law College teams have won regionals in 10 of the past 17 years. The Baughman-Johnson team went on to win the national competition and to represent the United States in the international competition in Dublin, Ireland.

Craig Lawson
Professor of Law



Martin R. Gardner
Steinhart Foundation Professor of Law



Professor Marty Gardner has completed an article entitled, "Punitive Juvenile Justice and Public Trials by Jury: Sixth Amendment Applications in a Post-McKeiver World," which will be published in the NEBRASKA LAW REVIEW.

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



Brian D. Lepard
Law Alumni Professor of Law



Professor Brian Lepard published an article on an important tax issue involving transfer pricing between related companies. The article, "Many Questions Unanswered Concerning Application of Codification of Economic Substance Doctrine to Transfer Pricing," was published online by the Bureau of National Affairs (BNA). Lepard is the author of three BNA Tax Management Portfolios on transfer pricing and was featured last year in the BNA Tax and Accounting 2011 Calendar for the month of July. Lepard also published an article on "International Law and Human Rights" in the *Handbook of Human Rights*, a comprehensive encyclopedia on human rights published by Routledge. In addition, he published a book chapter on "Parochial Restraints on Religious Liberty" in *Parochialism, Cosmopolitanism, and the Foundations of International Law* published by Cambridge University Press. The chapter explores global challenges to full respect for religious freedom today. Lepard also presented a paper entitled "A Global Ethic and Global Law: The Role of Fundamental Ethical Principles in International Law and World Religions" at an international symposium on "Global Ethic, Law and Policy" held at Georgetown University in Washington, D.C. Lepard also made a presentation on international human rights law at the seventh North American Bahá'í Conference on Law held at the John Marshall Law School. As part of UNL's recognition of the Martin Luther King, Jr. holiday, Lepard presented the lecture "Martin Luther King, Jr. and the Global Struggle against Racial Discrimination."



Colleen E. Medill
Warren R. Wise Professor of Law



Professor Colleen Medill moderated “An Objective Discussion of Public Sector Pension Plans,” a joint program co-sponsored by the Section on Employee Benefits Law and Executive Compensation and the Section on State and Local Government, at the Association of American Law Schools’ Annual Meeting in Washington, D.C. She presented her current scholarly work in progress, entitled *The New Revocable Property*, at the Conference on Employee Benefits in an Era of Retrenchment at Washington University Law School in St. Louis. At the invitation of the Federal Judicial Center, she spoke to career federal law clerks on “ERISA Litigation in the Federal Courts,” as part of the Judicial Clerkship Institute, which was held at Pepperdine Law School in Malibu, Calif. Medill also served as the program moderator for the Tenth Annual Symposium on Employee Benefits Law, which was hosted in Chicago by the Center for Tax Law and Employee Benefits at John Marshall Law School. In addition, Medill spoke at a Brown Bag Lecture sponsored by the College of Law’s Health, Law and Ethics student group on the Patient Protection and Affordable Care Act.



Richard E. Moberly
Associate Dean & Associate Professor of Law



Professor Richard Moberly presented on the topic, “Sarbanes-Oxley at 10,” in several locations: at Griffith University Law School in Queensland, Australia, and

the University of Tasmania Law School in Tasmania, Australia, as well as at the International Whistleblower Research Conference in Seattle, Wash. The presentation examined the impact of Sarbanes-Oxley’s whistleblower provisions ten years after its enactment. While in Australia this spring, Moberly met with several government officials examining Australia’s federal whistleblower laws.



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



On March 28, 2012, Professor Jo Potuto delivered the 2012 Chancellor’s Distinguished Lecture, “The NCAA: Who, What, When, Where, How, and Certainly Why.” Selection as chancellor distinguished lecturer is the highest recognition the Research Council can bestow on an individual faculty member. The lectures are high profile public events that celebrate significant achievements and contributions made by faculty. Potuto has written “They Take Classes, Don’t They? Structuring a College Football Post Season,” which will be published in the Spring issue of the *Maryland Journal of Business and Technology Law*. The article’s genesis was a presentation she did at the University of Maryland School of Law at its symposium, “The Intersection of Sports and Business in Today’s Legal Arena.” Potuto has also completed an article, “The NCAA State Actor Controversy: Much Ado about Nothing.” She is the co-recipient of a Knight Commission grant. The project will explore “What’s at Our Core? NCAA Division I Voting Patterns vs. Student-Athlete Well-Being and the Amateurism Principle.”

Faculty News



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



Professor Kevin Ruser was a panelist for a presentation, “The Ethics of Nebraska Negotiations: Are There Any?” during the 2011 Nebraska State Bar Association’s Annual Meeting in Lincoln. He also made or will be making half-day presentations on “*Padilla v. Kentucky*” and the ‘Crimmigration’ Issue” in Kearney, Broken Bow, Norfolk and Columbus and at the 2012 Nebraska State Bar Association’s Annual Meeting in La Vista. Ruser made a day-long presentation on legal issues in long-term care, including a review of the amendments to guardianship and conservatorship statutes that became effective January 1, 2012, at the Thirty-Six Hour Social Services course presented by the Nebraska Health Care Association in Lincoln. On behalf of the National Center for State Courts, Ruser participated in the evaluation of clinical programs at the University of Pristina Law Faculty at Pristina, Kosovo.



Matthew P. Schaefer
Law Alumni Professor of Law and Director of
Space, Cyber and Telecommunications Program



Professor Matt Schaefer was a guest speaker at Columbia, Fordham, Brooklyn and Michigan Law Schools on space and cyber law topics. The talks were sponsored by the international law societies and/or technology law societies at the four law schools. He also spoke on legal, regulatory and strategic issues related to space debris remediation and on-orbit servicing at the International Space Debris Remediation Congress in Montreal. He organized and

moderated both sessions of the Law College’s fourth annual D.C. Space and Cyber Law Conference that included a trip to NASA General Counsel’s Office for the Law College’s LL.M. students. Schaefer also organized and presented at the Law College’s fifth annual Omaha Space and Cyber Law Seminar in conjunction with U.S. STRATCOM’s Space and Cyber Law Symposium. He led successful efforts to create an online version of the LL.M. degree and a new global legal perspectives course for first-year J.D. students. Schaefer’s article “Constraints on State-level Foreign Policy: (Re)justifying, Refining and Distinguishing the Dormant Foreign Affairs Doctrine,” was published in 41 *Seton Hall Law Review* 201-318 and was listed on SSRN’s top ten download list for “Other Political Economy: National, State & Local Government; Intergovernmental Relations.”



Steven J. Schmidt
Assistant Clinical Professor of Law



Professor Steve Schmidt returned this spring to Mexico City to teach “Teaching Oral Trial Skills to Others” at the National Autonomous University of Mexico (UNAM). The three day “working seminar” was designed for UNAM professors who will teach trial advocacy at UNAM and other Mexican law schools. Schmidt was joined by Professor Peter Hoffman, a former Nebraska Law professor now at Elon University School of Law, and Kristina Korobov from the Marion County Prosecutor’s Office in Indianapolis, Ind. Samuel Padilla, a Nebraska Law 3L, also participated by conducting a class on the oral advocacy system practiced in the U.S. The other faculty for the course consisted of the Mexican professors who have received training by Nebraska Law. The training program is a result of the UNL-UNAM Rule of Law partnership designed to assist Mexico as it adjusts its criminal justice system from a mixed inquisitorial system to an oral adversarial system.



Robert F. Schopp

Robert J. Kutak Professor of Law & Psychology



Professor Bob Schopp presented “Mental Health Courts: Competence, Responsibility and Proportionality” at the Section on Law and Mental Disability at the Annual Conference of the American Association of Law Schools in Washington, D.C., and “Mental Illness, Dangerousness and Police Power Interventions in Pursuit of Justice and Well-Being” to the Conference on Justice, Conflict and Wellbeing: Interdisciplinary Work in Social Science and Law in Lincoln.



Anthony Shutz

Assistant Professor of Law



Professor Anthony Schutz is currently working on an article entitled “State Constitutional Restrictions on Special Legislation as Structural Restraints.” He continues to compile the on-line update to his book with Peter Longo, ’83, *The Nebraska Constitution: A Reference Guide* (2d ed. 2009) and published the 2011 update on Article 7 of the UCC in *The Business Lawyer*. Schutz, in cooperation with the National Drought Mitigation Center and UNL’s Public Policy Center, continues to facilitate the Republican River Basin Water Sustainability Task Force created

by LB 1057, helping that group fulfill its legislative charge of defining water sustainability, developing and recommending a plan to achieve it, and developing solutions to Republican River Compact compliance issues. Those efforts will conclude in May 2012 with a final report. Schutz continues to be involved in the American Association of Law Schools’ Section on Agricultural Law. He currently serves on the board of directors of the American Agricultural Law Association, the only national professional organization focusing on the legal needs of the agricultural community.



Anna Williams Shavers

Cline Williams Professor of Citizenship Law



Professor Anna Shavers presented on the effectiveness of immigration law in providing relief to sex trafficking victims at Oregon State University’s Interdisciplinary Conference on Sex Trafficking in the United States: Researching Vulnerable Populations, held in Corvallis, Ore. She also presented “Crossing the Border through Immigration, Importation and Illicit Means and the Implications for Human and Civil Rights” at a panel on “The Landscape of U.S. Immigration” at the Journal of Civil Rights and Economic Development’s Spring 2012 Symposium at St. John’s School of Law in Queens, N.Y. Shavers has been appointed to serve as chair of the Association of American Law Schools (AALS) Committee on Academic Freedom and Tenure (CAFT). CAFT has jurisdiction to consider matters involving academic freedom, tenure of faculty members and discrimination against a faculty member as defined by the AALS.

Faculty News



A. Christal Sheppard
Assistant Professor of Law



Professor Christal Sheppard was appointed to the editorial board of the *Biotechnology Law Report*. *Biotechnology Law Report* is devoted to the evolving body of law and government regulation concerning biotechnology, particularly in the industries in which new products from these technologies are developing the most rapidly: pharmaceuticals, chemicals, agriculture, food processing, energy, mineral recovery and waste treatment. Additionally, Dr. Sheppard was a speaker and panelist at Duke University School of Law's 11th annual "Hot Topics in Intellectual Property" Symposium. The symposium focused on recent developments in patent law, including the America Invents Act and perspectives on how it will affect business and innovation. She also presented "The America Invents Act: Missed Opportunities and Next Steps for Patent Law Reform" at Drake University's Intellectual Law Center's Fifth Anniversary Gala. This event brought together judges, academics, practitioners and students from throughout the United States to discuss American patent law and jurisprudence.



Steven L. Willborn
Harry S. Spencer Professor of Law



The fifth edition of Professor Steve Willborn's textbook, *Employment Law: Cases and Materials*, was published by Lexis/Nexis, which also published the accompanying Statutory Supplement and Teachers' Manual. The book's co-editors are Stewart Schwab from Cornell, Gillian Lester from Berkeley and John Burton from Rutgers. Willborn's book, *Statistics of Discrimination: Using Statistics*

in *Employment Discrimination Cases*, was published for the first time in paperback format by Westgroup. The book is co-authored by Ramona Paetzold, '90, from the Mays Business School at Texas A&M University. Willborn served as chair of the American Bar Association Site Visit team to the Dedman School of Law at Southern Methodist University. ABA Site Visit teams visit accredited law schools every seven years to monitor continuing compliance with the ABA Standards for Accreditation. The team was composed of legal academics, university leaders and community members.



Catherine Lee Wilson
Associate Professor of Law



Professor Catherine Wilson served as the co-chair of the University of Nebraska–Lincoln's Martin Luther King, Jr. Week committee, which sponsored events commemorating the Martin Luther King, Jr. holiday.

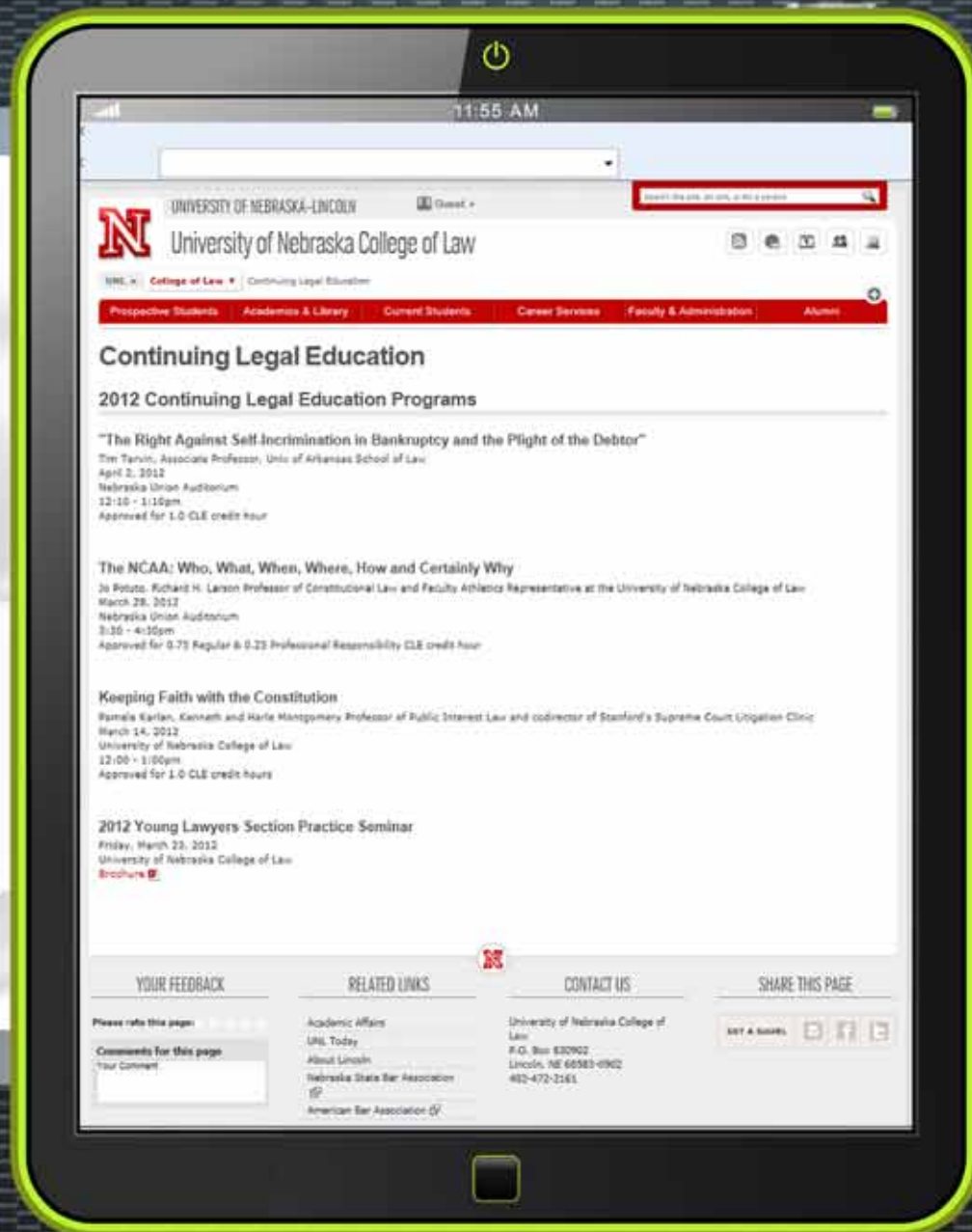


Sandra B. Zellmer
Law Alumni Professor of Natural Resources Law



Professor Sandi Zellmer testified about state authority to regulate the Keystone pipeline before the natural resources committee of the Nebraska Legislature during the special session held in November. She has blogged on the topic on www.progressivereform.org. In addition, Zellmer has finished the second edition of her *Natural Resources* casebook with co-authors Jan Laitos from Denver and Mary Wood from Oregon. The casebook will be available from Westgroup this fall.

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Profile

Brank Returns to Law/Psychology Program as Faculty Member

In 1996, Eve Brank, '00, ventured north from Florida to attend the University of Nebraska and Nebraska Law as a student in the University's acclaimed Law/Psychology Program. In 2008, she made that same trip, this time as a faculty member in the Law/Psych program. This spring semester, Brank is teaching her first "pure" law course, Elder Law.

Brank's goal when she came to the University the first time, after completing her undergraduate degree at Jacksonville University, was to obtain her J.D. and Ph.D. degrees and work in a public policy center on the interface of law and psychology. For many, that is not an easy path, but Brank describes it as "an extended honeymoon." To be honest, what she meant by that was that she and her husband were married two weeks before their arrival in Lincoln.

Actually her studies involved a lot of hard work. She remembers the hours of study with classmate Amy (Sutliff) Mitchell, '99, in the quiet of the basement of the agricultural library. Despite the work, Brank found her time in the program intellectually stimulating. She especially appreciated the integrated nature of the program in which, after one year of law school, the students studied law and psychology at the same time, facilitating an integrated understanding of the disciplines. She was especially close to the core group of students who went through the Law/Psychology program together and still sees many of them at the annual American Psychology/Law Society meeting.



Eve Brank

By the time Brank graduated with her law degree in 2000 and her psychology Ph.D. in 2001, her career goals had changed. She so much enjoyed the research and teaching aspects of the program that she found herself looking for an academic position focusing on family issues and the way that law intervenes in family decision-making.

Brank and her husband and their one-year-old daughter returned to Florida where her husband had been admitted to medical school. Her first position was as a lecturer in the Department of Statistics at the University of Florida in Gainesville. Two years later, she was hired as an assistant professor at the University of Florida's Department of Criminology, Law and Society, an interdisciplinary program that facilitated her research agenda and allowed her to teach courses such as Juvenile Law.

In 2008, when a position opened up at Nebraska's Law/Psychology program, she was thrilled at the opportunity to rejoin the program. Up to now, she has taught undergraduate and graduate psychology and law/psychology courses. Brank's invitation to teach Elder Law at the Law College coincided with her growing interest in aging and elder issues. It also corresponded with the announcement of a new joint degree program in Law and Gerontology that Nebraska Law will be offering beginning in the fall 2012 in partnership with the Department of Gerontology at the University of Nebraska at Omaha.

Teaching Elder Law has been a challenge because the subject matter cuts across so many areas of the law including contracts, torts, property, government assistance and criminal law. But the students are engaged and excited about the topic, and her class preparation has opened up to her new possible areas for research and investigation.

Brank's current research focuses on both family and aging issues including parental responsibility laws that attempt to punish parents when their children break the law and, on the elder law side, how older and younger adults view issues of elder abuse and caregiving. In addition, she works with a number of graduate students on their research on a variety of topics.

Brank is excited to be associated with the Law College and greatly appreciates the warm welcome she has received from the administration, faculty and students. For example, she was invited to be a member of the Women of the Law Faculty (WOLF) team for the Mel Shinn Day run. She appreciates how much the gender demographics of the faculty changed in her seven years away from the Law College. Even though there were some women on the law faculty when she was a student, she never was enrolled in a class taught by a female law professor. That was a concern to her when she began teaching her Elder Law course because she worried about whom she would pattern herself after.

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She has easily overcome that obstacle and is looking forward to the future. One thing on the horizon is the celebration of the 40th anniversary of the Law/Psychology Program in 2014. The University's program was the first of its kind in the nation, and Eve Brank has been an important part of it as a student and professor, and she expects to play a meaningful role its future. ■

As Nebraskans ‘Expect Results’ on Issues, Flood Helps Legislators Find Shared Interests



Senator Mike Flood

Due to term limits, the 2012 legislative session is Senator Mike Flood’s, ’01, final one as a member of the Nebraska Unicameral and as speaker of the Legislature, at least for now. But his eight years of legislative service and six years as speaker have been remarkable ones. In fact, it is remarkable that Flood was even elected speaker as he was only 31 years-old at the time, the second youngest speaker in Nebraska’s history, and that only by a month, and he had no experience as a committee chair, previously an unwritten perquisite for the job.

Flood said that his goal after his second year in the legislature was to be chairman of the Judiciary Committee. But “this was a time like no other in our legislative history; 22 people were leaving because of term limits, so there weren’t enough people to go around,” he recalled.

So at the urging of a number of his friends in the Legislature, he took the risk and was elected speaker.

“It was gratifying to get elected, but that lasted for about a minute. It was somewhat terrifying,” Flood remembered. “There were a lot of naysayers out there. I walked into the office, brought my staff in and said the rule number one is, ‘We can’t screw this up.’”

The worry was unnecessary. By all accounts Flood’s tenure as speaker has been exceptional. The secret to Flood’s success lies in his personality and his background and training as a lawyer, a mediator, a radio personality and station owner, as Republican whose parents are Democrats, and as a lifelong resident of Norfolk, Nebraska.

Norfolk, of course, is the hometown of television star Johnny Carson, and Flood analogizes the speaker's position to that of being a talk show host. The idea is to make the guests look good, not the host. "You want your committee chairs and senators to accomplish what they want to accomplish, and to be recognized. It's not my job; it's not my work. It's their work. They're the ones who sit through committee hearings; they're the ones who have gone through the bills to get them ready. I try to facilitate what I think the majority of the body wants," he said.

Flood entered law school with the intent of practicing law in Norfolk. He found the education he received at Nebraska Law was "the perfect step" toward fulfilling that goal. But his experiences as a law student and general practitioner have also served him well in the Legislature because they exposed him to a wide variety of issues. Moreover, as a lawyer, he was frequently asked what he thought about the legal implications of proposed legislation. And while Flood believes that more general practice lawyers ought to consider serving in the Legislature, he offers a word of caution: "My advice would be, don't move your mouth unless you actually know what the law is because the one time you mislead somebody, you lose your credibility."

Flood said that he learned a lot from the Negotiations and Mediation classes he took at Nebraska Law.

"As speaker, you have two ways you can deal with an issue," he reflected. "You can come in and just lay down the law, try to use force or intimidation, or you can come in and try to understand where there are shared interests and what, in view of that, can be accomplished. Once you earn your colleagues' trust, they'll invite you in. But you can't just walk in and say that you want to put yourself in the middle. You have to be invited."

Once he has been invited in, Flood has often been able to help forge an agreement. While there are issues on which legislators and their constituents cannot compromise – like abortion and the death penalty – there are others about which "you just need to find the best solution that you can because sending people away after a session with no result, with bad feelings and harboring animosity doesn't age well over the interim to the next session. If you don't have the ability to mediate, or at least respect both sides enough to try to encourage them to find a resolution, this would be a pretty miserable place to be. It's rewarding to see both sides embrace something where they were enemies before."

Another source for Flood's ability to respect both sides of an issue is his growing up as a staunch Reagan Republican raised by parents who were and are "very good Democrats – true believers." Living in this environment, he said, "waters down the world enough so you can understand those values."



Feature

Nebraska's nonpartisan Legislature also promotes compromise. In states where the speaker is the leader of the majority party, if a speaker starts getting pushback, he or she can manipulate committee assignments or office space to help work the speaker's will. Sometimes people from outside Nebraska expect that, as speaker, Flood can just "make it happen." He said that he responds, "I'll certainly think about that after I talk to 48 other people, and then we'll make the decision together. But I don't call the shots in this office."

Flood is proud of the many things that the Legislature has accomplished during his tenure and of the fact that "when we have tough issues, we deal with them. We don't kick the can down the road." One such issue was reforming the Commission on Industrial Relations. "Where the legislators in Wisconsin and Ohio were at each other's throats, we had about as civil a discussion you could have on a very tough topic. The Legislature has created a culture that expects results."

One topic in which Flood was personally invested was the passage of the Parenting Act that mandated mediation in cases involving child custody. As a lawyer, he was involved in a case in which a 13-year-old had to testify about with which parent the child wanted live. "I hated the experience of having to watch a teenager having to pick between mom and dad. The system was so adversarial that it was doing a disservice to these kids." Getting the act passed involved forging a coalition between the mediation, child welfare and domestic violence communities that have not always seen eye-to-eye on the issues.

"As speaker, you have two ways you can deal with an issue. You can come in and just lay down the law, try to use force or intimidation, or you can come in and try and understand where there are shared interests."

The result was an innovative bill that created a specialized alternative dispute resolution system for parents involved in domestic violence or high conflict situations. "I had no idea we were doing something innovative for the country," Flood said. "I thought we were just figuring out an answer to a problem."

Flood sees helping the state figure out answers as part of the service he owes the public as a lawyer and a citizen. He developed this sense of public service early in his life, and it manifested itself first in his involvement in radio. "Radio is in my blood. It is a great business," Flood maintains. "It's not just about playing songs; it's about



connecting to people. It is a fun business; everyday on radio you make someone happy, but it can also be very serious. By broadcasting tornado warnings and community disasters, you become the voice of the community. You put into words what a lot of people are thinking."

When he was 15, Flood got an overnight job at a Norfolk radio station, taking out trash and occasionally being on the air. While attending Notre Dame University, he worked at stations in Indiana including a stint as a morning stunt man. "My job was to wear a jump suit and go out in a Hummer and have adventures, like getting rolled down steps in bubble wrap."

While at the Law College, he worked a summer at a country station in Lincoln. Then, with the help of some investors, he had the opportunity to get a license to start

a new station in Norfolk. Flood took a semester off to start up the station and, when back at the Law College, commuted back to Norfolk. "I'd usually get back for the afternoon show," he said. In 2008, the group added a second station.

Now that his term in the Legislature is coming to an end, the obvious question is, "What is next for Mike Flood?" Flood said that he has taken the advice of former Speaker Bill Barrett, who told him that being speaker was the best job he'd ever done and to enjoy every day of it and not worry about what's next. So is Flood's future primarily in politics, the practice of law or the media? Stay tuned. ■

Admissions Report

Warren Transitions to Admissions Role

New Assistant Dean for Admissions Tracy Warren may be new to the admissions office, but she is certainly no stranger to the College of Law. A 2003 alumna, Warren was the associate director for career services for the College prior to being named the assistant dean of admissions by Dean Susan Poser in March. “Moving to admissions was an opportunity that I couldn’t let pass. It is the perfect opportunity to combine my passion for the school with my love of working with students. It’s truly an honor to do this job, and share with prospective students what a great education I received here and that they, in turn, will receive at the College as well.”

Before coming to the Law College, Warren was an assistant attorney general for the State of Nebraska for approximately six years. Prior to that, she was in private practice. Given these experiences, combined with her work at the College, Warren is well-suited to speak with students about the different doors a law degree opens. “When people hear the term ‘lawyer,’ or when they think about law school in general, many of them think of Perry Mason or Elle Woods. They think of the trial lawyer. But, the career paths that lawyers take vary so greatly. As any lawyer will tell you, the law touches every part of life. So, whether your goal is to be a journalist for the *New York Times*, an entrepreneur, an educator or a CEO of a non-profit, coming to law school and becoming a lawyer is a good step in pursuing that dream career. It is important that we get that message out to prospective students,” said Warren.

Indeed, with applications to law schools down nationally, there is a competition among law schools for students. “Some believe there has been a paradigm shift within the last few years in law school admissions. What that means for Nebraska Law is that we must continue to grow the pool of prospective students, and in doing so, educate the public about what being a lawyer means – the

doors it opens, the different career paths that can be taken.”

In addition to talking with prospective students about what a career as a lawyer can look like, Warren believes the key to successfully recruiting students to the College will be developing personal relationships with them. “We will have to use an ‘all hands on

deck’ approach. My hope is that current students, alumni and faculty will help me reach out to these students and sell Nebraska Law and the education we provide. In doing so, hopefully each student makes a connection that turns out to be the tipping point.”

Warren also believes that increasing the number of prospective students who visit the College during the recruitment process is essential. “We have a beautiful facility. As you walk the halls, you see the collegiality between the students that exists. If you sit in on a class, you witness the tremendous teaching that takes place here. Nebraska Law is a special place, and students need to see it.” ■



Tracy Warren

Feature

Clinics Give Law College Students Opportunity To Experience Immediacy of Practicing Law

By Emily Rose, '12

The Clinical Program at Nebraska Law provides students with an opportunity to put their two years of learning fundamental legal doctrine to the test. Most students find their participation in the clinics to be vastly different from anything they have experienced in a traditional law school classroom setting.

“The main thing that sets the Clinic apart from other courses, whether they be doctrinal or simulation courses, is the fact that students are representing actual clients, appearing in court in real cases and solving real problems,” said Professor Kevin Ruser, director of clinical programs at Nebraska Law and supervising attorney for the Civil Clinic. “In my opinion, there is no way that any course not involving live clients can simulate the urgency, immediacy and reality of actual practice. In order to experience actual practice you have to be engaged in actual practice. The Clinic allows students to do that.”

The College of Law currently offers three in-house clinics including the Civil Clinic, Criminal Clinic and Immigration Clinic, all supervised and taught by full-time resident faculty members and support staff. Dean Susan



Professor Kevin Ruser (center) reviews a case with clinic students.

Poser considers the current clinic curriculum at Nebraska Law important in developing students' ability to apply the knowledge learned in the classroom to real-life situations, something she says is a skill in itself. “Our curriculum aims to create a synergy among all of the types of interconnected knowledge one needs to be an effective lawyer: the law, the theory behind the law and a wide variety of practical skills. The clinics bring all of these together in a live-client situation supervised by an experienced lawyer and professor,” said Poser.

The Civil Clinic was established in 1975 and accommodates 14 students per semester with two full-time faculty members and two full-time support staff. Civil Clinic students typically represent low-income clients in a wide variety of civil and administrative cases selected by the supervising faculty for potential litigation and trial experience, as well as maximum pedagogical benefit.



Christine Baughman

Christine Baughman, '12, chose to participate in the Civil Clinic as a way to gain practical experience and insight into just what it means to be a practicing attorney, something she felt was missing from traditional law school classes and clerkships. "In Clinic I was able to do a range of tasks including interviewing clients, writing pleadings, drafting documents, negotiating agreements and appearing in court," said Baughman. "I have definitely progressed as a law student through my Clinic experience because it enabled me to take the legal knowledge I gained during my first two years of law school and apply it to real situations and real clients. I now have the confidence that I can handle a variety of cases."

Baughman also gained the confidence to go up against one of her professors during her Clinic experience. "My partner and I argued on a summary judgment motion against a former professor who had taught us how to argue summary judgment motions in his Pretrial Litigation course," said Baughman. "It was a great experience to be able to argue against him in district court." Aside from appearing in court and watching other attorneys at work, Baughman considers the sense of autonomy as a favorite aspect of her Clinic experience. "My partner and I handled cases while consulting with our supervising attorneys regularly," said Baughman. "We were in charge of communicating with clients, the court and opposing counsel. I enjoyed having a sense of ownership and responsibility over our cases."

Troy Bird, '12, had a similarly rewarding experience participating in the Civil Clinic, which included being responsible for a wide variety of cases involving guardianships, conservatorships, landlord-tenant issues, adoptions, divorces and even a case argued before the Nebraska Supreme Court. Bird said that the lessons learned from each of these cases have allowed him to build a solid foundation that will serve him well throughout his career as a trial attorney. Even more than that, however, Bird counts his interaction with clients as the most rewarding part of the Clinic experience. "Being able to see their smiles when their cases closed or receiving a genuine, heartfelt, thank you from those who had felt helpless until their case was accepted by the Clinic was unbelievably rewarding," said Bird. "At the center of each of the cases are the people who are involved in the disputes. Working with these individuals is an entirely different dimension of the law than anything else I had been exposed to until the Clinic."



Troy Bird

Around the College

Students at the Law College are also given the opportunity to participate in the Criminal Clinic. Established in 1979, the Criminal Clinic accommodates 10 students per semester and has a full time faculty member and support staff member. It is one of the few prosecution clinics in the country, with students typically prosecuting misde-

meanor and felony cases out of the Lancaster County Attorney's office.

The focus of the Criminal Clinic is on trial practice with jury trials occurring frequently. Students can expect to appear in court nearly every week as they are lead counsel in all of their cases.



James Krauer

James Krauer, '12, has always been interested in the criminal justice system and his clerkship at the Lancaster County Attorney's Office expanded this interest even more, leading to his participation in the Criminal Clinic. "As a law clerk, I have seen the valuable role prosecutors serve in our legal system and the variety of interesting cases they get to try. Criminal Clinic allowed me to experience this first hand," said Krauer. "I knew that Clinic would not only teach me the technical and procedural side of prosecuting cases, but also allow me to gain insight into the legal and ethical aspects prosecutors and defense attorneys face."

In addition, Krauer wanted to take advantage of the opportunity to become more familiar with the inside of a courtroom. "I want to be a trial attorney who is calm and confident in the courtroom," said Krauer. "My Clinic experience has strengthened my courtroom presence and trial preparation skills. I am more prepared, confident and comfortable in the courtroom and before a judge. Clinic is the best class a student can take to gain real and practical courtroom experience."

The Immigration Clinic at Nebraska Law was established in 1998 and accommodates two students who work on immigration cases year round. This Clinic allows students an in-depth, hands-on experience in representing clients before federal immigration agencies and courts. The types of cases students handle are those typically presented by low-income immigrants, such as family-based immigrant matters, Violence Against Women Act cases, deportation defense, affirmative and defense asylum applications and Special Immigrant Juvenile Visa cases.

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Laura Gonnerman

Laura Gonnerman's, '12, interest in immigration law developed during a clerkship with the University of Nebraska where she worked on a suit which challenged a Nebraska statute that allowed undocumented students who graduated from Nebraska high schools to attend public colleges at resident tuition levels. Gonnerman said that this introduction to the complexities of

immigration law left her wanting to learn more and sparked a desire to help people in the community.

Nebraska Law's Immigration Clinic allowed Gonnerman to fulfill these goals and then some. "My experience has far exceeded my expectations," she said. "I started Clinic not knowing much about immigration law, and I will leave knowing a great deal about the immigration system, how to read and interpret the complex and numerous statutes and regulations and how to handle some of the problems that plague the immigration system in the United States. I do not think my law school experience would be complete without having participated in Clinic."

Gonnerman will also leave her Clinic experience knowing that she truly advocated for and helped people in need. "My favorite moment in Clinic so far has been helping a deserving client receive his permanent residency," said Gonnerman. "He was having trouble meeting some of the technical requirements for his application, so we made a creative argument to USCIS. We went to his interview hoping his application would not be denied. We wanted to get a continuance to sort out this problem. Instead of granting us a continuance, they granted his application based on the argument we had previously made. It was an extremely exciting moment for him and his family, and I was able to share in their excitement."

Gonnerman said that her interaction with clinic support staff and faculty members proved integral to her positive Clinic experience. "I am thankful for the time I have been able to spend with Professor Kevin Ruser, who has taught me so much and has been an amazing mentor to me as well as the other students in the Clinic," said Gonnerman. "I am also greatly appreciative of the support staff in the Clinic, Deanna Lubken and Anne Stalker, who work behind the scenes to make sure the Clinic runs smoothly. I highly recommend Clinic to any student who is willing to put in the time and energy. It is an experience that cannot be learned anywhere else."

In addition to the current clinical offerings at Nebraska Law, a full-time faculty member has been hired to teach an Entrepreneurship Clinic in which students will represent actual business clients regarding transactional matters. "This Clinic aims to complement the litigation emphasis of the current civil and criminal clinics by focusing on transactional work involved in starting a new business," Poser said. "Under the supervision of the director of the Clinic, students will advise clients on aspects of a new business, including choice of entity, trademark, employment contracts and other legal aspects of a business plan."

Overall, Ruser hopes that students, through their experience in one of the clinical offerings at Nebraska Law, develop protocols of practice that will aid them in their development as professional attorneys. "I hope the students will develop models of practice that allow them to teach themselves how to practice law competently and professionally once they leave law school," he said. "That has many aspects to it, ranging from a very fundamental understanding of the nuts and bolts of daily practice to the ability to plan and carry forward cases, to the ethical engagement in the legal profession in all of its forms."

It is aiding students along their journey to develop these models of practice that Ruser considers as an important aspect of his position as a supervising attorney. "My close and frequent interaction with the students is the most rewarding part of my job. Nothing else comes close," said Ruser. "I enjoy litigation, I enjoy putting cases together, and I enjoy solving clients' legal problems, but all of those joys pale in comparison to working with students. They keep me young, constantly challenge my thinking on both teaching and practicing law, and turn into valued colleagues once they graduate. I really value that." ■

Career Services Report

'Exploring Opportunities' Exposes Students To Variety of Employment Options

This year the College of Law's Career Services Office launched the "Exploring Opportunities" program series to assist students in identifying practice areas of interest. The programs were also designed to educate students about different types of legal employers and allow them the opportunity to network with local practitioners. Over the course of the year, students acquired information about 13 distinct practice areas, heard from 52 different practitioners and learned about almost as many different legal employers.

Exploring Opportunities panels were held every other Tuesday with each program focusing on a specific practice area, such as personal injury, business transactions or public interest. The moderated panels featured four attorneys specializing in the featured practice area with members of the faculty often serving as moderators for panel discussions in their areas of expertise. Law firms of every



Brad Roth, '82, Sarah Newell, '05, Stan Beeder, '04, Dave Stickman, and Tracy Warren

size, government agencies, businesses and non-profit organizations were represented on the panels. The programs were held over the noon hour and legal employers had the opportunity to sponsor lunch for the students.

The Exploring Opportunities program has done exactly what it was designed to do: educate students about practice areas and employment options as well as introduce them to the legal market. "As someone who came into law school knowing

only that I wanted to get into the legal field and not much else, the Exploring Opportunities series broadened my horizons by exposure to the different practice areas and the attorneys who have made careers in those areas," said Caitlin Cedfeldt, a first-year student. "After a semester's worth of lectures, I have a much better idea of what I want to do –

– and don't want to do

– when I graduate," Cedfeldt stated. Students appreciated that the series not only featured a wide variety of topics but also provided information on employment options they may not have contemplated prior to attending. According to first-year student Elizabeth "Libby" Weishahn, "The vast range of practitioners, firms and other companies that have been represented have given me the insight into areas of the law I had never considered."

“[This] series broadened my horizons by exposure to the different practice areas and the attorneys who have made careers in those areas.”

– Caitlin Cedfeldt, 1L

If you are interested in being a panelist on an Exploring Opportunities panel or sponsoring lunch for one of the events, or if you just want additional information on the series, please contact the Career Services Office at (402) 472-5130 or lawcareer@unl.edu. ■

Given its warm reception and initial success in the 2011-2012 academic year, the Exploring Opportunities series will return next year with 13 programs already planned. Dates and topics for the 2012-2013 academic year are:

Fall 2012

August 28: Government Practice
September 11: Family & Juvenile Law
September 25: Corporate and In-House Practice
October 9: Criminal Prosecution
October 23: Environmental Law
November 6: Personal Injury Law
November 20: Public Interest

Spring 2013

January 15: Estate Planning
January 29: Criminal Defense
February 12: Employment and Labor Law
February 26: Solo and Small Firm Practice
March 12: Practicing in Greater Nebraska
March 26: Business and Real Estate Transactions

Willborn Portrait Unveiled



Faculty, staff, friends and family gathered at the College of Law to honor former dean Steven L. Willborn with the unveiling of his official portrait. The portrait now hangs with those portraits of the College's other former deans in the hallway of the Welpton building at the College of Law. ■

Recent Scholarship & Activities

'A Perfect Storm: National Security, Civil Liberties, Ethics in Post 9/11 World'

By Catherine Cano, '12

The University of Nebraska hosted a panel on whistleblowing at the Lied Center last fall. Two of the panelists, Thomas Drake and Jesselyn Radack, spoke at the College of Law as well. Their lecture was entitled, "A Perfect Storm: National Security, Civil Liberties and Ethics in a Post 9/11 World." Both Drake and Radack shared their remarkable experiences as whistleblowers.

"At 7:00 a.m. I noticed a number of cars pulling out in front of my house and about 12 FBI agents streaming across my lawn. My spouse and my 10 year-old son were in the house, which was searched for eight hours. Never did I imagine that I would become a national security case and the object of a federal criminal prosecution, indicted under the Espionage Act, becoming an enemy of the state," Drake began.

Drake's story started on his first day as a senior executive at the National Security Agency (NSA), which was September 11, 2001. "NSA was formed in 1952 under a secret presidential order; its primary focus was foreign intelligence. The first commandment at NSA was that you shall not eavesdrop on an American without a warrant," Drake said.

However, after 9/11 things changed. "Jesselyn and I were on the forefront of two of the most controversial decisions of the Bush administration: wiretapping and torture," he continued. "On 9/11, the government failed America by allowing the 3000 murders that happened on our own soil. Under the cover of making Americans feel



Thomas Drake

safe again, the government made a unilateral decision to do whatever it wanted." The Trailblazer communication surveillance project fell under this cover. "There was a legal warrantless wiretapping regime, the Foreign Intelligence Surveillance Act (FISA), which had been in place for 23 years. Under Trailblazer the United States became a foreign country for surveillance purposes. It was a fundamental violation of the 4th Amendment, and it didn't have to be that way," Drake said.

"I was so concerned about my accountability as a senior executive that I raised the issue to the third-ranked person at NSA. I was referred to the Office of General Counsel, and I talked to one of the senior lawyers at NSA. I was told that NSA was the executive agent for the White House on this program, it was all legal, the lawyers had approved it and not to worry about it. The government was going to make Americans feel safe again

by hiding behind national security. The mood was understandable; when perceiving a threat, we want to take action and we don't give ourselves enough space or time to think about it. We just react," Drake said.

"I got caught up in congressional investigations about the provision of extraordinarily classified information about what NSA knew and what was withheld prior to 9/11. I also became involved in a Department of Defense Inspector General investigation in response to complainants on a hotline in 2002, in which I was the unnamed senior official," Drake explained. In 2005, a new director took over at NSA and an article was published in the *New York Times* exposing some of the disturbing aspects of Trailblazer. The *Times* had held onto the information for over a year due to White House pressure. After the article was published, questions were raised about where the leak had come from. The Department of Justice launched an investigation, but ultimately determined the leak came from Congress. Drake knew that he would be caught up in the investigation, and he was when the FBI raided his home.

"I was read my Miranda rights. They wanted to ask questions about the *Times* article, and they took books, papers, family photos and all of my phone records. I voluntarily cooperated with them over the next five months. I sought representation in April 2008," Drake said.

Drake was not a source of the *Times* article. The only contact Drake had with reporters was in 2006 when he contacted the *Baltimore Sun* with completely unclassified information. "I have no regrets; the only thing I would've done differently would be to hire a lawyer immediately," he said. Drake also said he would not wish the treatment he faced on anyone, "They went after me for two years

before I was indicted. Imagine your life being put under a microscope and everything about you being revealed to the government; every email, every credit card transaction, all of your friends' Facebook and twitter feeds, all opened up."

Drake was indicted and faced 10 felony charges, for a total of 35 years in prison if he was found guilty. Among the charges were violations of the Espionage Act for allegedly having classified documents in his home, obstruction of justice and making false statements to the FBI. "On the eve of the trial I agreed to plead guilty to a misdemeanor (exceeding authorized use of a computer), but they dropped the 10 felony charges. The government's case had collapsed," Drake explained.

The charges had frustrated Drake nonetheless. "Exceeding autho-

rized use of a computer is a crime that any government employee who has gone onto Facebook or a private email account at work is guilty of. And when you look at the counts in the indictment, the evidence (for the Espionage Act charges) was information only deemed to be classified after it was found at my house. Last time I checked we don't have ex-post-facto laws. They were sending a chilling message to the rest of the intelligence community. They wanted to make a lesson out of it; you do not talk about what we do behind closed doors with anyone, including those sanctioned to conduct investigations and oversight."

Radack assisted Drake with his defense by spreading the truth as much as possible, "Jesselyn wrote an article for the *LA Times* a few days after the very public indictment. I asked my mother to reach out to her, which she did. Jesselyn and the Government Accountability Project (GAP) began a multi-month campaign to get the truth out and to show why this was such an important case," Drake said.



Jesselyn Radack, Thomas Drake and Professor Richard Moberly

Around the College

“Our perspective was that we need people to understand that he (Drake) went through every conceivable proper channel and still nothing changed, so he then went to the media with unclassified information,” Radack said. “At the same time, his criminal defense lawyer was telling him to keep quiet. It was a conflict of lawyering styles, but the media can protect you on the whistleblowing side of things. There is always a risk that you are poking the bear,

you know that rule 4.2 (of the Model Rules of Professional Conduct), the anti-contact rule, prohibits talking to a person represented by counsel. His (the prisoner’s) parents had retained counsel for him, and it did not fit into any exceptions of the rule. We tried to help prosecutors figure out ethical ways of doing what they wanted to do. We talked about options,” Radack said. “But I was called back on Monday morning and told that the FBI had interrogated him over the weekend. I said they could not use the fruits of that interrogation for criminal pros-



“But as a whistleblower, it was just beginning for me. In trying to get this information out there, I had released the full force of the entire executive branch. I was 29 and pregnant, and the government called me a turncoat and a terrorist sympathizer in the *New York Times*.”

but in all the examples I have seen, the media has been a saving grace and not inflamed the government enough to cause it to retaliate,” Radack said. “There are a number of things that should be secret, like troop movements and nuclear technology, but you should not be able to hide illegal activity by a secrecy agreement,” Drake said.

Prior to helping Drake, Radack was a whistleblower as well. She joined the Department of Defense out of law school and defended the government for about four years. She then started a new position with the Professional Responsibility Advisory Office. After 9/11, Radack received a phone call from a counter-terrorism attorney. The attorney wanted to interrogate a prisoner. “The advice I gave was that you can’t do it. If you’ve taken legal ethics

ecution, but that they could use it for national security purposes. I was getting the vibe to quit pursuing this case, but there was a picture of this man naked, blindfolded, bound, strapped with duct tape. He was being held in a coffin sized shipping container. That made me more than a little bit nervous,” Radack explained.

Shortly thereafter, the attorney general announced that the government would be pressing charges against John Walker Lindh, the prisoner who had been interrogated. “Someone asked if Lindh had requested a lawyer. Ashcroft responded that Lindh would have been provided an attorney if he had asked for one. That was not accurate. During the next press conference, Ashcroft said Lindh’s rights had been completely honored. The pictures completely belied that statement; it was simply untrue,” she said. “I didn’t do anything, and it made me uncomfortable,” she admitted.

Then, out of the blue Radack received a poor evaluation at work, even though she had a record of outstanding performance evaluations and had recently been promoted. “My boss told me that I didn’t seem happy working there. I told her that I was very happy working there. She told me that she would put the evaluation in my personnel file if I didn’t find another job. It just wasn’t making sense to me.” Radack finally put the pieces together after she received an email from a prosecutor on the Lindh case. “He said he had two e-mails pursuant to a federal discovery order and asked if there was anything else. That request had been concealed from me. I knew I had written way more than two e-mails about this topic. I went to check the hard copy file, which I knew had about one inch stack of articles, memos etc. about the Lindh case; I opened the file and I just felt sick because there were only two pages in it,” Radack said.

Radack sought advice from a colleague who explained that the file had been purged and suggested she contact technical support. With their help Radack was able to recover about 90 percent of the electronic documents concerning the Lindh case. Radack wrote an email to her boss with the files attached, and she submitted her resignation. “It was obvious that I had to quit. You don’t blow off a federal court discovery order or destroy files that are relevant in the most high profile criminal case that the top law enforcement agency has going on,” Radack said. After resigning, she continued to hear the Department of Justice deny that Lindh requested counsel, “I had a lot of sleepless nights because he was going to trial and facing death penalty counts. But this wasn’t about him, it was about playing by the rules. Government attorneys are supposedly held to a higher standard.”

Radack heard a reporter on National Public Radio talking about the prosecution’s ability to use any statements Lindh made since he did not request an attorney. She called in, and the reporter wrote an article about the missing emails. “The night before the suppression hearing, in a surprise plea bargain, Lindh plead guilty to minor charges and was sentenced to 20 years in jail,” she said. “But as a whistleblower, it was just beginning for me. In trying to get this information out there, I had released the full force of the entire executive branch. I was 29 and pregnant, and the government called me a turncoat and a terrorist sympathizer in the *New York Times*. I was also placed under investigation for ‘leaking,’ which isn’t an



actual crime. The government referred me to the state bars in which I am licensed based on a secret report that I could not access. It makes it hard to defend yourself when you don’t know the charges,” Radack said.

In addition to the bar complaints, Radack was placed on the no fly list. “Those were just some of the forms of the retaliation that was brought against me. Half of our income was gone, and I was racking up legal bills. We had a second mortgage on our house. Eventually I got represented pro bono, and the criminal case closed with no charges and the bar complaints were dropped. That is my story, but out of that, you have to put your life back together,” Radack said. “I decided to dedicate my life to helping whistleblowers. And when they say that I won’t believe what the government is doing to them, I can say that I can.”

Drake ended the lecture with a serious question for the audience, “I took an oath to uphold the Constitution four times; I did not take an oath to sacrifice our civil liberties. I vowed to defend the Constitution, not a person or an organization. What kind of country do you want to keep?” Both speakers’ stories are available in print. *Traitor* follows Radack’s story and the tentatively entitled *Enemy of the State* will tell Drake’s. ■

LL.M. Report

Final NASA Grant Report: LL.M. Program Achieving Goals

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

The University of Nebraska College of Law was fortunate to receive a grant from NASA in order to allow the College to finalize establishing and to advance the nation's first space, cyber and telecommunications law degree-bearing program, and the only one in the world taught in the English language. The United States is the most active nation in, and most dependent nation on, space from a civil, military and commercial perspective. Thus, the absence of a Masters of Law (LL.M.) program in space law prior to the establishment of Nebraska Law's LL.M. degree was a significant gap in the U.S. educational landscape. The United States is a leader in space activities, but also increasingly a leader in the development of space laws and regulatory frameworks that other nations look to for models and guidance. Therefore, this program is important internationally as well, and helps advance U.S. foreign policy goals to maintain free access to space and prevent interference with space activities.



Panelist Dennis Burnett, '73, Vice President of Trade Policy and Export Controls for EADS North America, participates in a panel discussion at the program's 2010 Washington, D.C. conference.

For these reasons, the College of Law's NASA grant had the following four goals:

1. Education – To educate lawyers and other professionals who can fill needs in this growing area and provide intelligent and responsible leadership;
2. Scholarship – To publish significant scholarship in the field that will lead and guide future national and international legal developments in the area;
3. Outreach – To provide educational conferences and programs to serve the professional needs of government officials, industry leaders and academics involved with these issues in the United States and around the world; and
4. Internationalization – To nurture international connections that will broaden the education of students and provide them with more opportunities.

These four goals have been achieved, but, of course, the goals are ongoing and the Space, Cyber and Telecommunications LL.M. program expects to improve upon them as it continues to educate lawyers in the field, produce scholarship in the field, host conferences among leading lawyers and policy-makers and nurture international connections.



Professor Matthew Schaefer and Lori Garver, deputy NASA administrator



LL.M. students Leslie Riley, '11, Luke Pelican, '11 and Robert Bush, '11



Professor Matthew Schaefer, Gen. James Cartwright, Major Gen. Claude Bolton, Jr.

Education – Students

Nebraska Law graduated 23 students (including those finishing up their thesis papers) in the first three years of the program and has eight more students in our fourth LL.M. class graduating in 2012. Our LL.M. graduates who have benefitted from NASA grant scholarship money are already working at key institutions and companies including space operations at JFCC-Space at Vandenberg Air Force base, SpaceX, NASA Jet Propulsion Lab, U.S. Cyber Command, Air Force Cyber Command, New America Foundation, U.S. Strategic Command, U.S. State Department and the Federal Communications Commission. The program's reputation has grown quickly, with the program attracting law students from Top-10, Top-20 and Top-30 law schools.

Nebraska Law LL.M. students have participated in the North American Rounds of the Lachs Space Law Moot Court competition each of the past three years. The 2010-11 team received the award for the best memorial (brief) in the competition.

The program created a mentor program in 2010, which pairs each student with a practicing professional in the space, cyber or telecommunications fields for thesis assistance and professional development advice.

Education – Curriculum and Library

No other LL.M. program in the United States features space law and its combination with cyber and telecommunications law, which has been applauded by U.S. policy-makers, distinguishes us from other space law LL.M. programs abroad that combine a space law focus with air law. In addition to courses in international law, space law, national security space law, national space legislation, cyber law, telecommunications law, international telecommunications law and European regulation of space and telecommunications taught by the permanent faculty of Professor Frans von der Dunk, Professor Matthew Schaefer and Professor Marvin Ammori (and subsequently Professor Jack Beard who joined the faculty in May 2011), the NASA grant allowed us to offer additional specialized courses by leading lawyers in the field. These included courses in U.S. Military Space Law, taught by the former chief of cyber and space law at U.S. Strategic Command; Spectrum Management Law and Policy, taught by the former wireless bureau chief of the Federal Communications Commission; and International Traffic In Arms Regulations (ITAR) and Export Control Law application to space industries, taught by the vice president of a leading defense contractor. The NASA grant also allowed the Law College library to expand its space law collection into one of the leading collections in the country.

Around the College

Scholarship

Professor Frans von der Dunk, Professor Marvin Ammori and Professor Matt Schaefer were very active in publishing articles and making presentations at conferences in the areas of space, cyber and telecommunications during the grant period. Von der Dunk, one of the leading space law academics, published over 20 articles/book chapters, including in the *NEBRASKA LAW REVIEW*, the *Journal of Space Law*, the *Cologne Commentary on Space Law*, the *Annals of Air and Space Law* and numerous volumes of the International Institute of Space Law Colloquia Proceedings. He also made over a dozen presentations, and he edits a series of books on space law. Ammori, one of the leading net neutrality experts, published articles or wrote articles for publication in the *Wisconsin Law Review*, the *Federal Communications Law Review* and the *Administrative Law Review*, and also made over a dozen presentations. Ammori returned to D.C. for private consulting in the summer of 2011, but continues to assist the program's students and alumni located in Washington, D.C. Professor Jack Beard joined the faculty in the summer of 2011 and is twice published in the *American Journal of International Law* and is currently working on an Oxford University Press book project on cyber and other high technology warfare. Schaefer, in addition to directing the program, spoke at conferences sponsored by the European Center for Space Law, International Institute of Space Law, International Law Students Association, the American Branch of the International Law Association and Fordham Law School.



Advisory board chair Maj. Gen. Claude Bolton, Jr.

In addition, students have produced LL.M. thesis papers on a variety of critical topics, including an analysis of preemption doctrines potentially impacting U.S. space legislation, a proposal for salvaging space junk from outer space, a proposed legal framework for cyber espionage and an analysis of the Pentagon's Cyber 3.0 document.

Outreach

The LL.M. program held successful annual conferences in Washington, D.C., (fall of 2008, 2009, 2010) and Lincoln (spring of 2009, 2010, 2011) as well as a space and cyber law seminar, in Omaha each year in conjunction with STRATCOM's Space and Cyber Symposium (Fall of 2008, 2009, 2010). We also held regional conferences in San Diego, Calif. (focused on space insurance) and Ann Arbor, Mich. (focused on space and cyber law) in the spring of 2010. The conferences hosted by the Law College have involved private sector, military and civilian government experts and provided a forum for interaction between the various segments of the space, cyber and telecommunications fields. This interaction is increasingly important given the reliance on commercial entities by the government for access to space and the use by the military of commercial space assets, such as leasing transponders on commercial satellites.

Keynote Speakers at conferences have included Gen. James Cartwright, vice chair Joint Chiefs of Staff; Lori Garver, deputy NASA administrator; Alan Ladwig, senior advisor to the NASA administrator; General Kevin P. Chilton, commander U.S. Strategic Command (and also a former NASA mission specialist); Ambassador Richard Butler, former chief UN weapons inspector for Iraq and former Australian ambassador to the UN, Thailand, and Cambodia; Rusty Schweickart, former



Ge. Robert Kehler, commander of the U.S. Strategic Command

Apollo 9 astronaut and head of the Association of Space Explorer's Near Earth Object Committee; Jonathan Adelstein, FCC commissioner; and Alec J. Ross, senior advisor for innovation to the U.S. secretary of state. Speakers from NASA's General Counsel's Office include Jay Steptoe, associate general counsel (international affairs), Courtney Graham, associate general counsel (commercial), Robin Frank and Steve Mirmina. Speakers from many other key agencies, such as the State Department, the Department of Defense, U.S. STRATCOM and the Department of Commerce have also been participants in our conferences. Legal counsel for various private sector companies have also spoken, including those from SpaceX, Virgin Galactic and Boeing. Our 2009 Lincoln conference focused on Near Earth Objects and led to a report that was formally received and acknowledged by the UN Committee on Peaceful Uses of Outer Space (UN COPUOS). Our 2010 Lincoln conference focused on Transparency and Confidence Building Measures (TCBMs) in conjunction with the European Space Policy Institute and led to a report by ESPI that was utilized by the EU in formulation of its draft code of conduct for space activities.

In addition to hosting conferences, the Law College faculty engaged in outreach to student groups throughout the country. Schaefer spoke at numerous law schools on space law, including the University of Michigan, Cal-Irvine, Fordham and Northwestern. Von der Dunk and Ammori also spoke to students at numerous law schools, including Northwestern, Stanford and Creighton.

The program receives formal guidance and input through an advisory board created in 2009 and chaired by Maj. Gen. Claude Bolton, Jr. Board members include former or current lawyers for NASA, US STRATCOM, SpaceX, Virgin Galactic, Northrop Grumman, Boeing Satellite Systems and the FCC.

Internationalization

Our second LL.M. class included our first two international students, one from Canada and one from Belarus. However, the installation of state-of-the-art video-conferencing and technical capabilities now allows the Law College to offer the degree via remote learning to students from around the world starting in the fall of 2012. The Law College's reputation and promotional efforts abroad have been increased. The 2011 Lincoln Space Conference was in essence a space law summit drawing speakers and participants from 18 different nations. The College was also able to establish a cooperative agreement with the International Space University (ISU) that will allow LL.M. students to enroll in the ISU space studies program each summer and for additional cooperation as well.



Gen. James Cartwright

Conclusion

The increasing number of States involved in space activities has emphasized the need for effective laws and policies on space activities, not just on an international level but also on the national level. The successful operation of space law, policies and institutions in a country relies on the presence of suitable professionals. Institutions that address the subject of space law and policy play an important role in promoting national expertise and capacity in this field.



Professor Matthew Schaefer moderates a panel at the 2010 Washington, D.C. conference.

Office for Outer Space Affairs
United Nations, Vienna

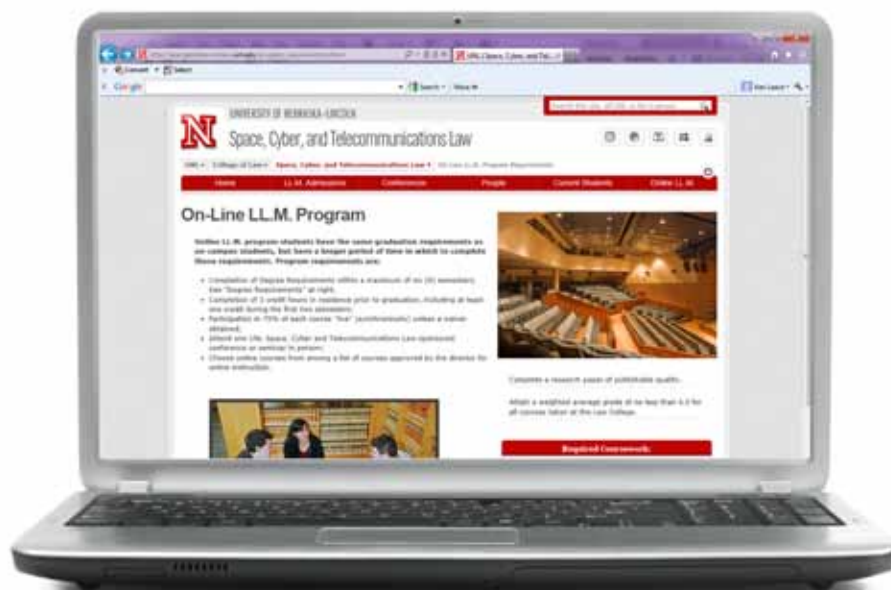
The development of a U.S.-based program for the education of future leaders in the field of space, cyber and telecommunications law is highly relevant not only to NASA's mission but U.S. national and economic security. As illustrated by the above statement from the United Nations' Office for Outer Space Affairs, the need for policies on space-based activities is present at both the national and international levels. As the primary

government actor in space, the United States needs to play a vital role in the development of a critical mass of scholars in the space law field who are ready to meet this need. The NASA grant's support for the development of a space and telecommunications law program within the U.S. is and will continue to provide long-term benefits to NASA and all U.S. agencies that regulate or utilize space-based systems. ■



LL.M. students: Eric Dawson, '12, Daniel May, '12 and Robin Scott, '12

Space, Cyber, and Telecommunications Law LL.M. — Now ONLINE!



A world-class degree for leading practitioners in the fields of space, cyber and telecommunications law.

Nebraska Law is excited to announce that the country's only LL.M. degree in space, cyber and telecommunications law is now available through online learning. The Online LL.M. is perfect for the experienced lawyer who wants to learn more about these burgeoning areas of law without leaving his/her practice. Classes are taught synchronously with the on-campus classes, but students "attend" technologically.

<http://spaceandtelecomlaw.unl.edu/onlinellm>

Recent Scholarship & Activities

Crisham: Fuller Taught Associates Importance of Humility, Preparation, Ethics, Integrity, Civility

By Catherine Cano, '12



Thomas Crisham and Leslie Fuller

Every year Nebraska Law hosts a speaker to honor and remember Perry Fuller, '49, a nationally renowned Chicago trial attorney who died in 2007. Fuller's daughter, Leslie Ann Fuller, established the Perry Fuller Trials Skills Fund, which funds the lecture series. This year's speaker was Fuller's former associate, Thomas M. Crisham, himself an acclaimed trial lawyer currently practicing with Schuyler, Roche & Crisham in Chicago. Crisham's lecture was entitled "Perry Fuller: A Sage of his Craft."

"Being here to honor Perry is one of the high points of my legal career. It is impossible to put a price tag on my experience from Perry," Crisham said as he recalled the many lessons Fuller taught him. "He called me into his office and instructed me to go to the Law Institute Library and pull the *Martindale Hubbell* edition from 50 years ago. He told me to closely look at each of the names listed. I did so, and when I returned he asked me whether I recognized any of the names that I saw. I told him no. He told me there was a lesson there. I think he

was teaching me that in the practice of law you do things because it is the right and proper thing to do, not so you can have streets and parks named after you," Crisham explained. During his tour of the Law College he noticed the bust of Roscoe Pound. "For every Roscoe Pound there are 100,000 lawyers that no one will remember. That does not mean that many of them did not do good things," he said.

Aside from humility, Fuller also taught his associates the importance of preparation and education. He enjoyed teaching and spent his Saturdays holding seminars for associates. "During those Saturdays, he would teach us all the things we needed to learn about how to be trial lawyers that we did not learn in law school. He would start at the beginning: how to draft a complaint, how to review it, how to decide whether to answer and how to draft an answer. Later there were lessons about how to prepare for and take a deposition and, finally, how to prepare a case for trial, how to try a case, how to select a jury and how to conduct yourself in court. The basics were ethics, integrity and civility. After three hours or so, Perry would take us to a local restaurant for lunch and regale us with war stories. After a few years we had received a priceless post-graduate education in trial ad," Crisham recalled.

The final Fuller lesson Crisham relayed to students was the importance of acting professionally. "In considering this, ask yourself what are a few things that you would do to protect yourself as a lawyer if the firm ceased to exist?" he asked. Crisham advised students to be competent and to make sure others were aware of this competency, to be loyal and to develop and foster a sense of collegiality. "I am not, nor will there ever be, another Perry Fuller. But Perry was a consummate professional," Crisham stated. Although Perry Fuller is no longer with us, there are clearly lessons to be learned from his legacy. ■

The Tragedy of William Jennings Bryan

By Emily Rose, '12



Professor Gerard N. Magliocca, Samuel R. Rosen professor of law and associate dean for research at the Indiana University Robert H. McKinney School of Law in Indianapolis and author of *The Tragedy of William Jennings Bryan: Constitutional Law and the Politics of Backlash*, published by Yale University Press, presented a lecture at Nebraska Law focusing on the life and accomplishments of the influential Nebraskan. In discussing his book, Magliocca said, “I want to convince you that Bryan was one of the most important constitutional figures in history even though he was never on the Supreme Court or became president.”

Magliocca linked Bryan’s constitutional influence to his failed efforts to be elected president in 1896, 1900 and 1908 and his leadership in the Populist Party. He said that these activities created a judicial backlash. In response to the Populist agenda, the Supreme

Court established a series of constitutional principles that transformed constitutional law for decades.

“I want to convince you that Bryan was one of the most important constitutional figures in history even though he was never on the Supreme Court or became president.”

These new constitutional principles included the creation of the “separate but equal” doctrine, using the Commerce Clause as a means of evoking federal authority, the authorization of the use of force against striking workers and the creation of liberty of contract. “The Supreme Court was not keen on the populist agenda and neither were other people in the political establishment,” said Megliocca. “The judicial backlash of the 1890s, the most powerful we have ever experienced, illustrates the risk of seeking fundamental social change.” ■



Recent Scholarship & Activities

December Graduates Celebrate Commencement, Family Tradition



Brandon Collingsworth



The Hon. Cheryl Zwart, '88, addresses the graduates.



Jeffrey Kanger



Professor Richard Moberly hoods Toshia Rae Long



Dean Susan Poser and Kaley Ballard



April Kirkendall



Dean Susan Poser and Elsbeth Magilton



Dean Susan Poser and Michael Echternacht



Professor Richard Moberly hoods
Ryan Wilkinson



Dean Susan Poser and Austin Leighty



Justin Swanson and his father
Donald L. Swanson, '80

Around the College

Recent Scholarship & Activities



April Kirkendall



(left to right) Elsbeth Magilton, Michael Echternacht, Tosha Rae Long, Breanna Anderson and Laura Gonnerman



Erick Sayer



Dean Susan Poser and Justin Swanson



Kaley Ballard and family



Dean Susan Poser and Charles Wilbrand

Recent Scholarship & Activities

Connect with Us! Nebraska Law Using Social Media

*By Marcia L. Dority Baker, Access Service Librarian
and Assistant Professor of Law*

Who do you follow on Twitter? Are there particular groups or organizations you “like” on Facebook? Did you know you can connect with the Law College, Schmid Law Library, Law College departments and/or people via social media?

The Law College is using Twitter (<https://twitter.com/UNLCollegeofLaw>) to communicate announcements, like law school events, news and notices. The College’s Facebook page (<http://www.facebook.com/NebraskaLaw>) is available to anyone using Facebook; it includes Law College information, photos and general announcements, including information about upcoming Continuing Legal Education opportunities.

Follow Schmid Law Library on Twitter (<https://twitter.com/schmidlibrary>) for a variety of tweets on library trends, law headlines, current events and more. The library’s Facebook page (<http://www.facebook.com/SchmidLawLibrary>) is a great place to check hours or find interesting articles and news.

The Space, Cyber and Telecom program is active in the digital world via Twitter (<https://twitter.com/spacecyberlaw>); follow along for Space Law and Telecom information, links to relevant topics in the field and discussion on breaking news.

Current law students, recent graduates or Law College alums can find information and helpful links on the Career Services’ Facebook page (<http://www.facebook.com/pages/Nebraska-Law-Career-Services/227197627327195>).



Several Law College faculty members are using social media such as Twitter. Are you interested in how a reference librarian uses Twitter to connect with her first year legal writing students? Follow Schmid Law Library’s associate director and reference librarian, Sandy Placzek (https://twitter.com/research_prof) to find out. Check in with Arbitration and Mediation professor Kristen Blankley (https://twitter.com/ADR_Prof) as she provides daily tweets on her subject area (#ADR). Dean Susan Poser (<https://twitter.com/SusanPoser>) is using Twitter as another communication channel; follow her for announcements and interesting tweets.

If social media sites are not of interest, you can also connect with the Law College or individuals via LinkedIn. LinkedIn is a professional networking site similar to an online Rolodex that allows people to connect to colleagues or friends in a business setting. ■

Our Alumni

Alumni Assets

Dean Poser's Travels

Throughout the year, Dean Susan Poser has the opportunity to travel across the nation to meet with alumni and friends of Nebraska Law. Trips to Denver, Kansas City, Washington, D.C., Naples and Scottsdale were all a part of her travels in 2011-2012.



Eartha Johnson, Founder of LegalWatch, Urges Students to Chase Their Dreams

By Emily Rose, '12

Nebraska Law welcomed Eartha Jean Johnson, '90, as its honoree for the Nebraska Alumni Association's Alumni Masters Week 2011. Johnson spent three days at the College meeting with students, visiting classes and delivering a lecture that was open to the Nebraska Law community.

Johnson's lecture focused on how she applied her law degree in a creative and unconventional way by forming LegalWatch, Inc., a legal staffing and training company aimed at advising other companies and their employees about how to avoid litigation through risk mitigation, diversity, ethics and employment law training. LegalWatch's clients include Shell, Wal-Mart, Halliburton and Exxon.

Johnson began LegalWatch after a successful career practicing commercial and environmental law for Exxon and working for the United States Department of Justice. Using the knowledge and information she gained through her legal practice, Johnson created classes that focused on helping companies avoid behaviors that can often force them into unnecessary settlements or lead to costly litigation and damaging headlines.

The response was overwhelming. Her classes and training services were soon in high demand by general counsel departments of Fortune 500 companies. To meet the growing demand, she contracted with and trained local attorneys to travel with her and conduct the workshops.

In addition to the training courses, LegalWatch



Eartha Jean Johnson

designs compliance programs and negotiates settlements with third parties and governmental regulators across the United States and abroad. In business for 13 years, it has 12 full-time employees and works with approximately 65 independent contractors.

During her lecture, Johnson reflected on her decision to go to law school at a time when most would have been content with the life she was leading as a successful career woman with AT&T, a wife and a mother. However, she had always wanted to become a lawyer, and this desire coupled with hearing a presentation by Susan Taylor, then CEO of *Essence Magazine*, encouraging people to go after their dreams and not become complacent with their lives, inspired her decision to apply to law school. Johnson said

that her experience at the Law College gave her a sense of confidence and a solid foundation that she has carried with her throughout her career.

Johnson said that she considers diversity in the workplace to be an essential part of her company's policy. "Diversity doesn't just have to be about ethnicity, but also about different thoughts, characters and perspectives," she stressed. It is important for lawyers to surround themselves with differing viewpoints. "If you don't have diversity, you won't be the best you can be." Johnson concluded her lecture with words of wisdom for the law students in the audience, "Never let anyone define who you are or what you can achieve; understand what you want and go after it, and have mercy." ■

Our Alumni

Alumni Assets

Stejskal Spearheaded Landmark FBI Probe Into Illegal Steroid Usage by Athletes

Greg Stejskal, '74, a retired 30-plus year veteran of the FBI, spearheaded a landmark investigation into steroid distribution called Operation Equine. The probe, which spread across the United States and reached into Canada and Mexico from 1989 to 1993, led to more than 70 steroid trafficking convictions and exposed such athletes as Jose Canseco and Mark McGwire as users of steroids. Stejskal had warned Major League Baseball (MLB) about its growing steroid problem in 1994, but the information fell on deaf ears. The echoes of the so-called steroid era still reverberate in MLB and will be particularly loud when former pitcher Roger Clemens is retried for steroid use this spring. THE NEBRASKA TRANSCRIPT had the opportunity to interview Stejskal about his role in Operation Equine. Here is what he said:



Bo Schembechler and Greg Stejskal, '74

Almost 25 years ago, I met with the University of Michigan football coach Bo Schembechler to discuss a concern he had. I had come to know Bo through making presentations to Michigan's football teams since 1982 regarding issues such as sports gambling. Bo's concern was the increasing use of steroids by football players.

He was not only concerned about college players, but also the high school players he was seeing in the University of Michigan's summer instructional camp. When I met with Bo, Mike Gittleson, Michigan's strength coach, was also present. Bo knew the sale and possession of steroids had recently been made a felony under federal law. He wanted to know what was being done to enforce the law. I told him I didn't know, but that I would find out.

What I learned was that nothing was being done. I decided to propose a limited undercover (UC) operation. I

pitched the proposal to the drug unit at FBI headquarters, but they were less than enthusiastic. They were not convinced steroids were the drugs they should be targeting.

Ultimately, I got approval from the unit that investigated fraud against the government. I argued that the steroids dealers were circumventing FDA regulations, as steroids were a prescription drug. (My Crim Law prof would have been proud.) We still prosecuted the dealers under the federal narcotics statutes.

During the course of our UC operation, there was a reluctance to pursue our case. With the exception of the official who authorized the investigation, Assistant U.S. Attorney Mike Leibson, FBI administrators and prosecutors didn't view steroids as being a serious problem. Mike understood the severity of the problem and supported the operation from the very beginning to the end of the prosecution phase, a total of more than five years.

The case was originally planned to only be a local initiative. After starting slowly, it became an international case resulting in over 70 trafficking convictions and the seizure of over 10 million dosage units of steroids. Partially as a result of one of the cases in Canada in which we worked extensively with the Royal Canadian Mounted Police, Canada's Parliament changed the statutes governing steroids to include veterinary steroids. We code-named our case Operation Equine because it was veterinary steroids for horses that were and continue to be popular as illicit performance-enhancing drugs with human athletes.

One of the subjects we prosecuted was Curtis Wenzlaff, a supplier to several MLB players. The best venue to charge Wenzlaff would have been the Northern District of California, where he was residing and where we had consummated the buys. That District's U.S. Attorney's Office refused to prosecute him in 1992, as they didn't view steroid dealing as a serious offense. Later that same district would prosecute the case of the Bay Area Laboratories Co-Operative, or BALCO, for steroid trafficking. Apparently their view of steroids had changed.

In August, 1994, after the UC portion of our case had concluded, I shared the information we had learned from Wenzlaff about steroid use in MLB with the MLB's senior vice president for security, Kevin Hallinan. Kevin indicated he had some knowledge of the steroid problem,



ing steroid use in front of Congress. In October 2009, the St. Louis Cardinals organization announced it was hiring McGwire as its batting coach. Many people, including me, publicly voiced concerns that hiring McGwire sent the wrong message regarding MLB and steroids.

Finally, in January 2010, McGwire admitted extensive and long-term use of steroids and human growth hormones, including during the period in which he broke Roger Maris' single season record for home runs.

All of us who were involved in Operation Equine take pride in what we accomplished. We overcame many obstacles to develop an unprecedented UC operation that

"We code-named our case Operation Equine because it was veterinary steroids for horses that were and continue to be popular as illicit performance-enhancing drugs with human athletes."

but because the players could not be tested under their contracts, he didn't think there was much that MLB could do about it.

Among Wenzlaff's customers were Jose Canseco and Mark McGwire, two players who were then playing for the Oakland A's. Wenzlaff not only provided them with steroids, he counseled them on which steroids to use and in what amounts.

In 2005, McGwire refused to answer questions regard-

is still the most successful case of its kind.

I often wonder how things would have been different had MLB acted on our warning. In 2006, MLB denied that we had warned them, and even now they have never unequivocally admitted that we did so. I like to think we pioneered the way for BALCO and other steroid cases. I also believe that people like Bo Schembechler and his strength coach, Mike Gittleson, who stood up to condemn steroids long before many people believed it was a problem, should be recognized. ■

Our Alumni

AlumNotes

1950s

D. Nick Caporale, '57, was the recipient of the Distinguished Service Award presented by the Nebraska State Bar Foundation. A former justice of the Nebraska Supreme Court, Caporale became of counsel to the Omaha law firm Baird Holm upon leaving the court.

Deryl Hamann, '58, was the king of the 2011 Knights of Ak-Sar-Ben Foundation Coronation and Scholarship Ball held in Omaha. Hamann is a former managing partner of the Baird Holm law firm, in which he continues to serve as senior counsel; former chairman and CEO of Great Western Bancorp and former chairman of Great Western Bank. The auditorium at the College of Law bears his name.

1960s

Blaine E. Rieke, '60, has joined the board of directors of CerMed International, an international medical device company. Rieke has served as chairman of the board and CEO of Firstar Trust Co. in Milwaukee, Wis.; as a general partner with Huntington Partners, a Chicago-based equity investment firm and as board member with ING group, a major international financial institution.

Larry W. Myers, '64, Omaha, is the arranger and sponsor of Heisman Trophy winner Johnny Rogers' private cocktail party at the Princeton Club of New York held on the Friday night before the Heisman Trophy announcement.

Les Seiler, '66, has been appointed by Gov. Dave Heineman to the Nebraska Legislature representing District 33. Seiler is senior law partner at Seiler & Parker in Hastings.

1970s

James A. Cada, '72, of Cada, Froscheiser, Cada & Hoffman, served as chair of the cabinet for the United Way of Lincoln and Lancaster County campaign.

Assistant United States attorney **Don Hansen**, '72, has been selected as senior litigation counsel in the Middle District of Florida in the area of immigration issues and computer technology crimes. Hansen prosecutes cases involving computer technology and intellectual property crimes, white collar fraud offenses, felon alien illegal re-entry cases and alien smuggling cases.

Roger Miller, '73, was named "Omaha's Litigation-Labor & Employment Lawyer of the Year for 2012" by the Best Lawyers publication.

Michael Tavlin, '73, has been elected chair of the Community Health Endowment of Lincoln. The Community Health Endowment was founded "to make Lincoln, Nebraska, the healthiest community in the nation." The endowment, starting with \$37 million from the sale of Lincoln General Hospital, has grown to \$60 million and has made health-related grants of over \$15 million since it was founded. Tavlin is the chief financial officer for Speedway Motors and Speedway Properties in Lincoln.



Wayne C. Kreuscher, '74, has been named as an Indiana Super Lawyer 2012. Kreuscher, who has been a partner in Barnes & Thornburg's Indianapolis office since 1981, is a litigator who does products liability and medical malpractice defense and other types of litigation.

Steven E. Achelpohl, '75, has joined the Omaha law firm of Gross & Welch as a director. Achelpohl has spent the last 35 years practicing civil and business litigation, white collar criminal law and appellate practice.



David R. Buntain, '75, a partner with the Lincoln law firm of Cline, Williams, Wright, Johnson & Oldfather, has been named the Best Lawyers' 2012 Lincoln Employment – Management Lawyer of the Year.

Tom Cullinan, '76, has been named to the inaugural class of its Leadership Institute by the Partnership for Philanthropic Planning. Cullinan is a charitable gift planner in Elkhorn, Neb., and Corpus Christi, Texas, who advises not-for-profit organizations and generous people through his firm, Schola Donum Inc.

John Feller, '76, has been named chair of the Nebraska Abstractors Board of Examiners, which is the licensing and regulatory agency for abstractors and abstracting companies. He has served on the board since 2007. He is the owner and president of United Title and Escrow in Beemer.

Karen B. Flowers, '76, Lancaster County District Court judge, received the 2011 Award of Special Merit at the Nebraska State Bar Association's Annual Meeting. Judge Flowers was recognized for her role in creating the Lancaster County Drug Court, which celebrated its 10th anniversary in 2011. The Lancaster County Drug Court has successfully handled hundreds of cases that would otherwise have been destined for the regular court system.

Tom Hagel, '76, and his brother, former U.S. Senator Chuck Hagel of Nebraska, helped the Veterans History Project launch a new campaign to chronicle the experiences of those who fought in the Vietnam War. They were featured at a luncheon held on December 7, 2011, in the Library of Congress' ornate Members Room. Nebraska Educational Telecommunications donated to the project hours of footage from a 1999 journey the Hagel brothers took to Vietnam that served as the basis of NET's documentary "Echoes of



War." In the documentary, the Hagel brothers returned to the two sites in Vietnam where they nearly gave the ultimate sacrifice to their country. On one occasion, the brothers were part of the same patrol that tripped a booby trap and, less than a month later, were in the same vehicle that ran over a landmine. In the first incident, Tom saved Chuck's life. In the second, Chuck returned the favor. In all, Tom was wounded three times during his tour and Chuck was wounded twice. Tom Hagel is a professor at the University of Dayton School of Law.

Jean A. Lovell, '76, has retired as Lancaster County Court judge after more than 13 years on the bench. Before being appointed to the bench, Judge Lovell worked as Scotts Bluff County attorney, directed the Governor's Policy Research Office and chaired the Nebraska Board of Parole.

Peter J. Whitted, M.D., '76, is the chair of the board of directors of the University of Nebraska Foundation.

H. Daniel Smith, '77, of Smith Gardner Slusky Law in Omaha, has been selected by his peers for inclusion in *The Best Lawyers in America* in the real estate law area.

James D. Smith, '77, has been named head of the Civil Litigation Bureau with the Nebraska Attorney General's office.

Gary Rex, '78, is the director of narcotics affairs at the U.S. Embassy in Kingston, Jamaica. He develops and manages U.S. programs to support criminal justice reform and to assist Jamaican law enforcement in combating narcotics and firearms trafficking, gangs, organized crime, money laundering and police corruption. Rex joined the U.S. Foreign Service in 2004 and has also served as a diplomat in Haiti and New Zealand.

Dennis Arfmann, '79, has been appointed to the Earth Day Network board of directors. He is a partner at Hogan Lovells in Denver, where he co-chairs of the firm's Global Climate Change and Clean Energy practice.



Our Alumni

AlumNotes

Lori L. Wilson, '79, managing attorney of the Grand Island office of Legal Aid of Nebraska, was awarded the 2012 Ruth Miller Award for Outstanding Advocacy. The award is based on the best example of advocacy for clients. The award is named for Ruth Miller, a long-time Legal Aid staff member known for her dedication to helping low-income Nebraskans with their legal problems. Wilson has expertise in areas of the law affecting low-income people, and before moving to Grand Island two years ago, worked for the Lincoln office of Legal Aid, where her specialty was legal issues affecting the homeless.



1980s

Marie Asch, '80, professor of law at Suffolk University Law School in Boston, has published "Privacy and Prurience: An Essay on American Law, Religion, and Women," 51 *American Journal of Legal History* 461, and "Women's Wrongs, Religions' Rights: Women, Free Exercise, and Establishment in American Law," 21 *Temple Political & Civil Rights Law Review* 1.

Thomas L. Hafemeister, '82, associate professor at the University of Virginia School of Law and associate professor of medical education at the University of Virginia School of Medicine, has published, "If All You Have Is a Hammer: Society's Ineffective Response to Intimate Partner Violence," 60 *Catholic University Law Review* 919.

Vernon Daniels, '83, judge of the Separate Juvenile Court for Douglas County, received a 2011 NSBA Diversity Award at the Nebraska State Bar Association's Annual Meeting. The award recognized Judge Daniels for

his exceptional commitment to diversity through his support for individuals who have been historically under-represented in the legal profession.

Catherine D. Lang, '83, has been named by Gov. Dave Heineman as director of the Department of Economic Development. She will also continue to serve as the commissioner of the Nebraska Department of Labor. Prior to this appointment, Lang served as property tax administrator and was the director for the Department of Property Assessment and Taxation. Lang has also served as the director of the Property Tax Division and special counsel to the tax commissioner.

Kurt F. Tjaden, '83, has been elected to the statewide board of directors of the Nebraska Community Foundation. Tjaden is the chair of Koley Jessen's Tax Practice Group and is senior member of the firm's Estate and Business Succession Planning Practice Group.

Arthur "Art" Wetzel, '84, has been appointed by Gov. Dave Heineman as county judge for the Ninth Judicial District, serving Nebraska's Hall and Buffalo counties. Prior to his appointment, he was a solo practitioner at the Grand Island firm of Anderson, Vipperman, Kovanda & Wetzel.

Amy Peck, '87, a nationally-recognized immigration lawyer, has been named as the best of her kind in Omaha by "Best Lawyers" peer review. In addition to this most recent honor, Peck earned the President's Award for Workplace Compliance and has been AV (preeminent) rated by *Martindale-Hubbell Law Directory* since 2010. In 2011, *Martindale-Hubbell* also recognized her on its Bar Register of Preeminent Women Lawyers. She has also earned spots on the US News' "Best Lawyers" report, and was peer selected as best lawyer for 2011 in the Annual Guide to Immigration Law featured in *The American Lawyer*. She practices in the Omaha office of Jackson Lewis.

Mark Quandahl, '87, has been elected vice-president of the Nebraska Board of Education for 2012. He was appointed to the board in 2009 and previously represented Omaha's District 31 in the State Legislature from 1999 to 2005.

Melanie Whittamore-Mantzios, '88, of Wolfe, Snowden, Hurden, Luers & Ahl, was elected vice president of support services for the Boys & Girls Clubs of Lincoln/Lancaster County board of directors.

Cheryl R. Zwart, '88, magistrate judge for the U.S. District Court for the District of Nebraska, addressed the graduates at the Law College's December commencement held in the Hamann Auditorium.

Carl J. Sjulín, '89, has been elected chair of the Lincoln Community Foundation board of directors. Sjulín is president and chairman of the board of West Gate Bank.

1990s

Rena Y. Kim, '91, received the U.S. Department of Justice, Criminal Division Assistant Attorney General's Award for Excellence in Management in an awards ceremony at Main Justice in Washington, D.C. As the chief of the Criminal Division's, Freedom of Information Act (FOIA)/Privacy Act (PA), she was recognized for outstanding managerial achievement that significantly improved the Criminal Division's approach to FOIA/PA requests from the public, Congressional members, public interest groups and the media. As a result of Kim's leadership and management, the Criminal Division achieved the lowest backlog of pending FOIA/PA requests in 25 years, which resulted in a more responsive and efficient FOIA system for the division.

Clark Sackschewsky, '91, has joined the accounting and consulting firm of BDO USA as a tax partner in the firm's Houston office. He works with companies in the energy sector to integrate each respective company's strategic goals and plans with the optimizing of their tax profile. He also educates staff members on the tax rules and regulations impacting the energy indus-

try. Prior to joining, BDO, Sackschewsky served as the global director of tax accounting and compliance for Hess Corp.

Andrew J. Wilson, '91, has been named a director in the Omaha law firm of Gross & Welch. His 20 years of experience have focused on litigation, including insurance defense, subrogation, commercial matters, employment law and criminal defense.



Thomas Wayde Pittman, '92, a senior legal officer with the International Criminal Tribunal for the former Yugoslavia (United Nations), authored an article entitled "The Road to the Establishment of the International Residual Mechanism for Criminal Tribunals: From Completion to Continuation" in 9 (4) *Journal of International Criminal Justice* published by Oxford University Press.

Rex J. Moats, '93, was installed as grand master of Nebraska Masons at Waterloo Masonic Lodge No. 102. He is president of Moats Law Firm in Elkhorn.



Kurt D. Maahs, '94, has joined the Phoenix law firm of O'Connor & Campbell as a senior attorney. He specializes in all types of civil litigation.

Kevin T. Lytle, '96, has joined the Phoenix office of Snell & Wilmer as a partner in the firm's real estate group.

Anthony A. Urban, '96, a tax partner in McGladrey - Assurance, Tax and Consulting, has been named leader of the firm's national, state and local tax practices. He will also continue his role as a tax partner in the firm's Omaha office.

Our Alumni

AlumNotes

Robert M. Schafer, '96, has joined the board of directors of the Nebraska Chamber of Commerce and Industry for a three-year term. Schafer is a partner with Carlson, Schafer & Davis in Beatrice.

Kyle J. Gilster, '97, has been named a partner by Husch Blackwell in Washington, D.C. He joined the firm in 2004 after working on Capitol Hill for six years, most recently as counsel for the House Financial Services Committee. Gilster's areas of practice include governmental affairs, government contracts and governmental ethics & election law.

Jenna Mullin, '99, and F.J. Higgins were married on November 11, 2011, at Bali Hai Golf Club in Las Vegas. She is senior counsel with Travelers Insurance in Las Vegas.

Jennifer Likes, '99, has been selected as a member of the 2011 class of "40 Greater Omaha, Sarpy Co., Council Bluffs Entrepreneurs, Executives and Professionals under the Age of 40." She is currently part of the operations management team of Central States Petroleum's parent company, Harms Oil Co., in South Dakota. A board member of the Petroleum Marketers and Convenience Stores of Iowa, Likes was the first female chairperson of the organization in 2008.

Scott E. Tollefsen, '99, and his brother Tom appeared on the television show *Pawn Stars*. The object that they brought to the pawn shop was a letter that famous Notre Dame football coach Knute Rockne sent to their grandfather describing the evils of smoking. The letter was in response to a letter their grandfather sent Rockne as part of a classroom project.

2000s

Sheri A. Burkholder, '00, has had her name added to the name of the Lincoln law firm that is now known as McHenry, Haszard, Roth, Hupp, Burkholder & Blumenberg. Burkholder joined the firm in

2001 and was elected a shareholder in 2004.

Adam Kirshenbaum, '00, has been recognized as part of the 2011 class of "40 Greater Omaha, Sarpy Co., Council Bluffs Entrepreneurs, Executives and Professionals under the Age of 40." He is a partner at Husch Blackwell in Omaha.

Trent Sidders, '00, of Cline, Williams, Wright, Johnson & Oldfather, was elected treasurer for the Boys & Girls Clubs of Lincoln/Lancaster County board of directors.

John C. Spatz, '00, has been named executive director of the Nebraska Association of School Boards. He was formerly the association's legal counsel.

Lt. Col. **Craig Strong**, '00, has been named commander of the Nebraska Army National Guard's 110th Multifunctional Medical Battalion. Strong's military career began in 1986 when he enlisted in the U.S. Navy Reserve as a construction electrician. He transferred to the Nebraska Army National Guard in 1993 and received his commission through the Nebraska National Guard OCS program in July 1995. Strong has served in numerous leadership and staff positions during his time with the Nebraska Army National Guard including: platoon leader and company commander of the 313th Medical Company (Ground Ambulance); supply, intelligence and operations officer for the 110th MMB; and deputy state surgeon. A veteran of two deployments to Iraq, Strong currently works as the full time comptroller for the Nebraska Army National Guard.



Grayson Derrick, '01, has been selected as one of the Omaha Jaycee's 79th Annual Ten Outstanding Young Omahans. He is a partner with Baird Holm, where his practice focuses on the negotiation of agreements for software development, licensing and technology acquisition.

Megan D. Neiles, '01, has been named legal counsel for the Nebraska Association of School Boards.

Angela M. Splittgerber, '01, has joined the Kansas City, Mo., office of Hughes Hubbard & Reed. Her practice specializes in defending major product liability litigation.

Trent Steele, '01, is UniServ director for the central region for the Nebraska State Education Association.

Julie Karavas, '02, has been named partner in the Lincoln firm of Baylor, Evnen, Curtiss, Gritmit & Witt. Her practice includes business and commercial law, charitable organizations, estate planning and probate, succession planning for family businesses and agriculture operations and employment law.

Monica K. Miller, '02, is one of the authors of "Increasing Juror Satisfaction: A Call to Action for Judges and Researchers," 59 *Drake Law Review* 707, part of the Eighth Annual American Judicature Society Symposium: "Jury-Rigged: The Increasing Precarious State of Common Jury Practices in the United States Judicial System." Miller is an associate professor of criminal justice and social psychology at the University of Nevada-Reno.

Paula (Lyon) Quist, '02, has been named partner with Jones Day's Chicago office. Jones Day is a global law firm practicing in the major centers of business and finance throughout the world.

Cathy Trent-Vilim, '02, has been named a partner at the Omaha law firm of Lamson, Dugan & Murray. Trent-Vilim, who joined the firm in 2008, has a general litigation practice with emphases in legal malpractice defense and appellate advocacy.

Danielle, '03 and **Tom Conrad**, '03 welcomed their first child, Caroline Scarlett Conrad, born December 23, 2011.

Tim Langan, '03, has been promoted to commercial manager and general counsel of Omaha Title & Escrow.



Amy Osberg Roberts, '03, has been elected partner in the Dallas firm of Jackson Walker. She represents clients in a variety of matters including complex commercial litigation, intellectual property litigation, probate litigation, oil and gas litigation, and arbitrations before the Financial Industry Regulatory Authority (FINRA). Roberts also has experience handling bankruptcy adversary proceedings, real estate disputes and antitrust matters.

David J. A. Bargaen, '04, has been named a partner with the Lincoln law firm Rembolt Ludtke. Bargaen started his practice at Rembolt Ludtke in 2006 after working two years as staff attorney to the Hon. C. Arlen Beam of the United States Court of Appeals for the Eighth Circuit. His practice is concentrated in the areas of municipal law, water law, civil litigation, administrative law and government.

Chris Blomenberg, '04, has had his name added to the name of the Lincoln law firm that is now known as McHenry, Haszard, Roth, Hupp, Burkholder & Blomenberg. Blomenberg joined the firm in 2004 and was elected a shareholder in 2007.

Stephanie Beckwith, '04, has opened a Thrivent Financial office in downtown Albion.

Jarrold P. Crouse, '04, has been named partner in the Lincoln firm of Baylor, Evnen, Curtiss, Gritmit & Witt.



His practice focuses on a wide range of litigation including commercial matters involving real estate, condemnation, contract disputes and unsettled trusts and estates. He also handles the defense of negligence cases with an emphasis on accidents involving commercial motor carriers.

Our Alumni

AlumNotes

Anastasia Wagner, '04, has been named a partner at the Omaha law firm of Lamson, Dugan & Murray. Wagner's practice focuses on the Federal Employer's Liability Act and environmental matters. She joined the firm in 2004.

Jami Lyn Birkel, '05, married Mark Frederick Jacobs on June 26, 2011, at the Royal Resort in Playa del Carmen, Mexico. Jami Jacobs is an assistant deputy public defender with the Douglas County Public Defender's office.

John A. Cunningham, '05, has been appointed executive director for NCAA compliance at Boise State University in Boise, Idaho. He previously served as assistant athletic director for compliance at Texas Christian University and compliance coordinator at the University of Maryland.



Tara Stingley, '05 and husband Travis welcomed twin sons, Emmett Charles and Jack Travis, on September 16, 2011.

Stephanie A. Mattoon, '05, has been named partner in the Omaha law firm of Baird Holm. She represents business clients with respect to securities law compliance, mergers and acquisitions and corporate governance matters.

Laurie Hellbusch Wolford, '05, was named a 2011 *Midlands Business Journal* 40 under 40 award winner. Wolford is the owner of Spirit World in Omaha.

Amber Ackerson, '06, has been appointed human resources manager at Orthman Manufacturing. Orthman Manufacturing, headquartered near Lexington, is a maker of agricultural machines.

Daniel E. Dawes, '06, has been named executive director of government relations at Morehouse School of Medicine in Atlanta, Ga. He was formerly a healthcare attorney at Premier Healthcare Alliance in Washington, D.C.

Nicole D. Flatowicz, '06, is the owner of the Law Office of Nicole D. Flatowicz. Her practice focuses on contracts, employment law, corporate formation and immigration. Prior to starting her own law practice, she was a staff attorney at a local non-profit corporation in Omaha.

Erin N. Fox, '06, has joined the Omaha office of Ritsema & Lyons. Her practice focuses primarily on workers' compensation defense. Prior to joining the firm, she was a senior staff attorney at the Nebraska Workers' Compensation Court.

Justin Poots, '06, married Stephanie de Souza on March 3, 2012, at St. John's Catholic Church in Omaha. Poots works as a senior ETL at Target in Minneapolis.

Major Alan Schuller, '06, is the deputy staff judge advocate for the 3d Marine Aircraft Wing in Miramar, Calif. He trains aircrew in understanding and applying operational law during combat missions by flying with them during predeployment exercises and in combat. Major Schuller spent most of 2010 deployed to Afghanistan.



Heather B. Velk, '06, has been named a partner at Erickson Sederstrom. Velk practices commercial and general litigation, insurance defense, workers' compensation and adoption law at the firm's Omaha office.

Luke Alexander, '07, a financial advisor with the Lincoln office of Wells Fargo Advisors, has earned the certification of certified financial planner, professional (CFP) as authorized by the certified financial board of standards.

Tara Gardner, '07, of the Gardner Law Office in Lincoln, received the 2012 Robert M. Spire Pro Bono Award at the Nebraska Lawyer's Foundation's Barrister's Ball. Gardner was



recognized for finding time in a very busy solo practice, to help with the self-help clinics in Lincoln, as well as assisting individuals who need legal representation and have no other way to obtain it. The award is presented to a person whose dedicated service to helping people obtain advice and representation is in the highest tradition of the dedication illustrated by Robert M. Spire, founder of the Volunteer Lawyers Project.

Jason Grams, '07, has joined the litigation division of the Omaha law firm of Lamson, Dugan & Murray. Prior to joining the firm, he served as a law clerk to Senior Judge Lyle E. Strom of the United States District Court for the District of Nebraska and to Chief Judge William Jay Riley of the United States Court of Appeals for the Eighth Circuit.

Jason A. Cantone, '08, a graduate of the Law College's Law/Psychology program who works for the Federal Judicial Center in Washington, D.C., is one of the authors of a report on pro se access to justice, which surveys the types of services each federal district court offers.

Andrew J. Huettner, '08, has joined the Omaha office of Erickson Sederstrom as an associate. His practice focuses on the areas of estate planning and probate.

Todd D. Morten, '08, has joined Island & Huff of Gering. Morten's practice focuses on criminal defense, juvenile and family law, construction law and bankruptcy.

Bradley A. Sipp, '08, of Stock & Sipp in Lincoln, was the recipient of the 2011 Outstanding Young Lawyers Award given by the Nebraska State Bar Association's Young

Lawyers Section. Sipp was recognized for his contributions to the community, his public service and his participation in state and local bar activities, as well as for his professional knowledge, skill, integrity and courtesy.

David A. Houghton, '09, has joined the Omaha law firm of Lieben, Whitted, Houghton, Slowiaczek & Cavanaugh as an associate attorney. His areas of practice include the firm's business and commercial litigation group, as well as construction and design law. He also has experience in business entity creation and dissolution, and real estate transactions.

Allison Lepp, '09, and Adam Freeman will be wed on June 2, 2012, at Temple Israel in Omaha. Lepp is an associate attorney with Hinshaw & Culbertson in Tampa, Fla.

2010s

John A. Lentz, '10, an associate attorney with Lepant Law Office in Lincoln, has published "When Cannons Go to War in Indian Country, Guess Who Wins? *Barrett v. United States*: Tax Canons and Canons of Construction in the Federal Taxation of American Indians, 35 *American Indian Law Review* 211.

Matthew Poulsen, '10, an associate attorney with Suiter-Swantz in Omaha, has published "Jurisprudential and Economic Justifications for Gene Sequence Patents," 90 *NEBRASKA LAW REVIEW* 196.

Brock D. Wurl, '10, and his wife Emily were featured in the *North Platte Telegraph News* as part of a series on young people shaping the future of North Platte. Wurl is as associate with Norman, Paloucek & Herman.

Laura Arp, '11, has been appointed as an associate in the Lincoln office of Cline, Williams, Wright, Johnson & Oldfather. Her area of practice is litigation.

Our Alumni

AlumNotes

Sarah Johnson, '11, has been appointed deputy Hall County attorney.

Melanie A. Kirk, '11, has opened a law office in Lincoln, Kirk & Mikolajczyk, focusing on family law, estate planning and mediation.

Grant T. Maynard, '11, has joined the Lincoln office of Cline, Williams, Wright, Johnson & Oldfather as an associate. His areas of practice are real estate and business/corporate law.

Robert McEwen, '11, has joined Nebraska Appleseed in Lincoln as a staff attorney in the Child Welfare System Accountability Program.

Megan N. Mikolajczyk, '11, has opened a law office in Lincoln, Kirk & Mikolajczyk, focusing on family law, estate planning and mediation.

Michael Murer, '11, married Mary Jo Walsh on March 23, 2012, at the Durham Museum in Omaha. Murer is deputy county attorney with the Dodge County Attorney's office.

Audrey A. Rowley, '11, has joined the law firm of Huston & Higgins in Grand Island as an associate attorney.

Robert (Bobby) Truhe, '11 has joined the Lincoln law firm of Harding & Schulz as an associate. His practice is focused on education law, labor and employment law, constitutional law litigation and general practice.

Matthew R. Watson, '11, has joined the Lincoln law firm of DeMars, Gordon, Zalewski & Wynner as an associate attorney. Watson's practice is primarily focused on representing individuals in employment law matters, but he also practices real estate, probate and administrative law.

Omar Zabih, '11, has joined Nebraska Appleseed in Lincoln as a staff attorney in the Immigration Integration and Civil Participation Program.

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Our Alumni

In Memoriam

1930s

Thomas M. Davies, '37, died on December 18, 2011, at the age of 96. After his graduation from the College of Law, Davies practiced with his grandfather. He enlisted in the Navy the day after Pearl Harbor and was assigned to Naval Intelligence. He served on a destroyer as the intelligence officer for the North Atlantic Convoy Fleet for two years until he was transferred to Naval Intelligence Headquarters in Washington, D.C. After the war, Davies enrolled in a special graduate course of study on taxation at Harvard Law School. He was a founding partner of Ricketts, Davies, Stewart & Calkins and practiced law for over 70 years. He served as president of the Lincoln Bar Association, the Nebraska State Bar Association and the Nebraska State Bar Foundation. In 2006, he received the Citizen of the Year Award from the Hickman Community Foundation.

1940s

Lawrence R. Brodkey, '49, passed away on December 24, 2011, at age 88. He served in the Army in World War II aboard the USS Wakefield. Brodkey was engaged in the private practice of law for over 50 years in Omaha and retired as the city attorney for Fort Calhoun. He was also an adjunct professor of law at Bellevue University teaching medical ethics and served as local chairman of the American Cancer Society.

1950s

Richard L. Coyne, '50, of Omaha, died on March 1, 2012, following a brief fight with cancer. He was 87. Coyne had a 33-year career with Peter Kiewit Sons' Inc., retiring as a vice president and general counsel. He also served for 26 years on Kiewit's board of directors. He retired in 1984. He also served as chairman of the Peter Kiewit Foundation board. He was appointed to the Nebraska Game and Parks Commission, as Nebraska's representative to the Central Interstate Low-Level Radioactive Waste Commission and to the Nebraska Liquor Control Commission.

Charles David Burns, '57, of River Ridge, La., died on October 3, 2011, at the Kansas Veterans' Home in Winfield, Kan., of complications from Alzheimer's disease. He was 84 years old. He served briefly in the Navy in World War II and in Germany during the Korean War. After his graduation from the Law College, Burns served as a special agent with the FBI in Salt Lake City and Chicago. Burns spent most of his career in the area of labor relations. He became president of the Employers' Association of Greater Chicago, an organization of more than 1500 Chicago area companies. In 1980, he moved to New Orleans, where he served as president and chief spokesman for the New Orleans Steamship Association in labor matters pertaining to the International Longshoremen's Association.

John C. McElhaney, '58, passed away on October 21, 2011, in Monroe, Wis., at the age of 79. Prior to attending the Law College, he served in the Army in the Korean War. He was employed as a trust officer in Lincoln before moving to Wisconsin to take a job with the Commercial Bank of Monroe in 1963. He served as vice president and trust officer before retiring from Bank One in December 1988.

Our Alumni

In Memoriam

Charles M. Kokes, '59, passed away on February 7, 2012, in Portland Ore. He was 81 years old. Upon his graduation from the Law College, Kokes joined the FBI serving in the bureau's Portland, New Orleans and Jackson, Miss., offices. He then returned to Portland where he joined the Multnomah County District Attorney's office. He spent three decades as a prosecuting attorney, retiring in 1997.

1960s

Charles M. Pallesen, Jr., '62, died on November 26, 2011. He was 74 years old. After his graduation from the College of Law, Pallesen served in the Army Judge Advocate General's Corps, representing the United States in courts-martial appeals. During his service, he attained the rank of captain and was awarded the Army Commendation Medal. Pallesen also attended graduate law studies at George Washington University, earning his L.L.M. in 1965. He practiced law in Lincoln for over 40 years as a partner with Cline, Williams, Wright, Johnson & Oldfather. Pallesen served on the State Personnel Board, the Merit System Council board of directors and the inaugural board of directors of Boys and Girls Club in Lincoln and Lancaster County. In addition, he served as chairman, finance committee chair and counsel to the campaigns of Governor and U.S. Senator Jim Exon, and as an adviser to Senators Bob Kerrey and Ben Nelson.

Donald W. Hand, '64, died September 16, 2011, in Blue Springs. He was 80 years old. In addition to practicing law, Hand served in the Air Force and the Nebraska Air National Guard and was a pilot for Pan American Airlines.

Mike (Mickey) Monette, '68, died at his home in Cedar Park, Texas, on August 4, 2011, at the age of 72. Prior to attending the College of Law, Monette served in the Marine Corps. He practiced law with the Monette Law Office in Omaha.

1970s

Patrick E. Quinn, '71, died December 13, 2011, of brain cancer at his home near Chattanooga, Tenn. He was 65 years old. Quinn was co-founder of U.S. Xpress Enterprises, the nation's third-largest truckload carrier. Quinn was a partner in the Lincoln law firm of Nelson & Harding, a firm that had a strong transportation practice. One of his clients was Southwest Motor Freight. In 1977, he became in-house counsel for Southwest and later joined the firm's general management. In 1985, he started U.S. Xpress. An advocate for the trucking industry, Quinn served as chairman of the American Trucking Association. On the federal stage, he was appointed to the National Surface Transportation Policy and Revenue Commission and to the Trade and Transportation Advisory Council of the Federal Reserve's Atlanta regional bank.

Christopher Jon Thiel, '77, passed away on June 19, 2011, at the age of 67. Prior to attending the College of Law, Thiel served in the U.S. Army, initially in the Military Police and later as a commander of an attack helicopter company during two tours in Vietnam. After graduating from the Law College, he practiced law in New Port Richey, Fla., in private practice and as city attorney. Thiel was interred at Arlington National Cemetery.

1980s

Glenn V. Davis, '86, died April 11, 2011, in Trinidad, Colo., at the age of 60. Davis worked as a deputy district attorney in La Junta, Colo. He then moved to Trinidad, where he served as Las Animas County district attorney for 10 years. For the next 10 years he was in private practice specializing in criminal defense work.

1990s

Kathleen Zeitz, '91, died February 28, 2012, in Surprise, Ariz., after nearly a two year struggle with breast, lung and bone cancer. She was 67 years old. She worked for many years in the Nebraska Methodist Hospital System as lead attorney. She advocated, lobbied and testified before Congress on behalf of the National Breast Cancer Coalition for the next 24 years. Zeitz was instrumental in the passing of the Nebraska Legislative Bill 88, requiring insurance coverage for mammography screening for the uninsured and under-insured.



Professor W. Scott Van Alstyne, Jr., passed away on December 10, 2011, in Gainesville, Fla. He was 89 years old. Van Alstyne joined the faculty of the College of Law in 1956 where he taught Personal Property, Real Property and Federal Estate and Gift Taxation. He was born in 1922 in Syracuse, N.Y., and graduated from the University of Wisconsin Law School in 1953, where he was executive editor of the *Wisconsin Law Review* and was elected to Order of the Coif. He earned an S.J.D. at Wisconsin in 1954 and practiced briefly in Milwaukee before joining the Law College. He returned to Madison, Wis., in 1958 where he set up a commercial practice and taught at the University of Wisconsin Law School as an adjunct faculty member. In 1972, he joined the faculty at the University of Florida Law College, where he taught Property, Business Organizations and Commercial Paper. He retired in 1990 as professor of law emeritus.

Calendar of Events

May 2012:

May 5, 2012

- Family Tradition Ceremony, 1:45 p.m., Lied Center for Performing Arts
- Commencement Ceremony, 3:00 p.m., Lied Center for Performing Arts, featuring address by Jeffrey Toobin, legal analyst for CNN and *The New Yorker*

May 10-11, 2012

- CLE: 2012 Estate & Business Planning Seminar (Register by contacting mtintera@unl.edu)

August 2012:

August 9, 2012

- Kansas City Alumni Reception

August 10, 2012

- CSO Kansas City Student Interview Day

August 16-17, 2012

- Student Orientation for the Class of 2015

August 17, 2012

- Student Orientation for LL.M. Class

August 20, 2012

- Fall semester begins

November 2012:

November 7-10, 2012

- Alumni Masters Week

November 9, 2012

- Young Alumni Council meeting

November 9, 2012

- Alumni Council meeting

November 9-10, 2012

- Reunion Weekend

December 2012:

December 14, 2012

- Commencement & hooding ceremony, College of Law

NEBRASKA TRANSCRIPT Spring 2012, Vol. 45 No.1

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Nebraska Law Reunion Weekend November 9-10, 2012

Events:

CLE Program, November 9 at 3:30 p.m.,

Hamann Auditorium – College of Law

Cocktail Party, November 9 – 4:30-5:45 p.m., College of Law

Class Dinners, TBD

Pregame Party, November 10 – 2 ½ hours prior to kickoff, Nebraska
Club

Huskers v. Penn State

*Interested in tickets? The College has a limited number of tickets
available for purchase. To enter your name in the lottery, email
lori.petersen@unl.edu.

If you are a member of the classes of 1962, 1967, 1972, 1977, 1982,
1987, 1992, 1997, 2002 or 2007 and would like to help plan your
Class Dinner, please contact Molly Brummond at 402-472-8375.

NOVEMBER 2012

UNIVERSITY OF
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