

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

The Nebraska Transcript

Law, College of

Spring 2002

The Nebraska Transcript, Spring/Summer 2002 Vol. 36 No. 1

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



Part of the [Law Commons](#)

"The Nebraska Transcript, Spring/Summer 2002 Vol. 36 No. 1" (2002). *The Nebraska Transcript*. 8.
<https://digitalcommons.unl.edu/nebtranscript/8>

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

The Nebraska Transcript

UNIVERSITY OF NEBRASKA COLLEGE OF LAW

SPRING/SUMMER 2002

Vol. 36

No. 1



Dean's Message



Dear Alumni and Friends,

One of the perennial challenges at the Law College is to maintain a healthy balance between stability and change. On the one hand, we have more than a century of tradition and experience at the College. We want to maintain and draw upon that tradition, to instill in students an understanding of the longstanding and honorable history of our profession and of this College. At the same time, the world around us is changing and we want to adjust to those changes to ensure that our students are fully prepared for the world they are about to enter and for the one they will help create during their careers.

Right now at the College the emphasis seems to be on change and, it is true, the evidence of change is all around us:

- # Work on the building is proceeding apace, with much noise, dust and disruption, but if you look hard, you can also see the first outlines of a sparkling new building.
- # This fall, for the first time, the Law College will host a Harvey & Susan Perlman Alumni Visiting Professor of Law: Professor Edmund W. Kitch from the University of Virginia School of Law. Professor Kitch will teach a course on securities law and participate actively in the life of the College.
- # The Harold W. Kauffman Legal Writing Program is hiring more instructors, which will permit us to reduce our student-faculty ratio to about 14 to 1, one of the best in the country.
- # For the first time, next year's first-year students will be taking one substantive course in a small section of about 22-25 students.
- # This summer, for the first time, the College will co-sponsor a foreign study program for our students at Downing College, Cambridge University, in England.



At a College with our long history, however, all this change is balanced with the ballast of more than a century of tradition and accomplishment. The building will soon be different in many ways, but through the new Berger-Harnsberger Faculty Wing, Governors Seminar Room, Presidents Seminar Room and J. Lee Rankin Archive and Seminar Room, we will be reminded of the College's great traditions and accomplishments. The small sections in the Kauffman Legal Writing Program and in first-year courses will harken back to days, fondly remembered by many alumni, when classes were smaller and, perhaps, relationships more firmly welded. The study abroad program is merely a modern extension of a long tradition at the College of extending our education beyond the walls of this building to the State, the Nation and now the World.

Our present is one of change and growth, but it is also a present firmly tethered to the long and proud history of this College. And that is as it should be.

Steven L. Willborn

Dean and Richard C. And Catherine Stuart Schmoker Professor of Law

The Nebraska Transcript

UNIVERSITY OF NEBRASKA COLLEGE OF LAW SPRING/SUMMER 2002 Vol. 36 No. 1

Editor

Alan Frank, Professor of Law

Layout Editor

Sharon Braun, Alumni Development

Student Editor & Writer

Aliza Anvari, Class of 2003

Alumni Editor

Robin Hadfield, Class of 1990

Faculty Writers

Tony Dworak

Jan Gradwohl

Matthew Schaefer

Photographers

Terri Bierbower, Alumni Development

Sharon Braun, Alumni Development

Debra Doane, UNL Photography

Tom Slocum, UNL Photography

Cover Design

Sharon Braun, Alumni Development

Cover

Work on the Law College building is proceeding apace. Early on in the project, the covered walkway between McCollum Hall and the Welpton Courtroom was demolished. When the expansion and remodel project is complete, users of the building will no longer have to walk outside or go downstairs to go from one part of the Law College to the other.

THE NEBRASKA TRANSCRIPT is published by

The University of Nebraska

College of Law

P.O. Box 830902

Lincoln, NE 68583-0902

Telephone: (402) 472-2161

Fax: (402) 472-6795

Website: <<http://www.unl.edu/lawcoll/>>



It is the policy of the University of Nebraska-Lincoln not to discriminate on the basis of gender, age, disability, race, color, religion, marital status, veteran's status, national or ethnic origin or sexual orientation.

Table of Contents

2	Class of 2004
6	From Staff to Student: Sharon Joseph Crosses Over
7	Alumni Council's Achievements Include Awards, Newsletter
8	Cambridge Summer Session Offers Global Perspective
9	Stansfield, Conaway Join Library Staff
10	O'Connor: Terrorism Best Fought By Operating Under Rule of Law
11	Rhode: Sex Discrimination In Legal Profession Still Problem
12	A Tale of Two Colleges
20	Conscientious State Legislators and the Cultures of Compliance and Liberalization Relating to International Trade Agreements
25	Public Policy Center Thrives Under Tomkins' Leadership
27	Visiting Professor Preeta Bansal, Former N.Y. Solicitor General, Returns to Her Nebraska Roots
29	David Hill, Professor at Colorado, Returns to 'Big Red' Country
34	Fall Reunions 2001
36	Federal Judges Camp, Riley Bring High Standards to Bench
39	'Stormin' Norman'
41	Motorola's Copple Owes Success To Experience, Teamwork, Preparation, Prevention

Departments

16 Dean's Message

16 In Brief

31 Faculty Notes

43 AlumNotes

56 In Memoriam

58 Long Arm Jurisdiction

Class of 2004

Women Students Outnumber Men for First Time

By Aliza Anvari

When the College of Law's building on the University's East Campus was built, it came equipped with very limited female bathroom facilities. This problem was soon remedied, but for a while, men, much to their embarrassment, kept accidentally walking into the space that they alone had once occupied. Female enrollment at the Law College has increased dramatically since those days, and with the arrival of the Class of 2004, it finally happened. For the first time in the history of the Law College, an entering class has more women students than men. But both the men and women that make up the Class of 2004 share one thing in common – the ambition to earn a law degree from the College of Law. The following are profiles of five members of this ambitious, diverse and hardworking class.

#David Bergen

His full name is David John August Bergen. His nickname is "Dave." But to try to bottle up all the talent and drive that makes up this remarkable individual in merely a name would be explosive. This 29 year old has had political aspirations since he was a boy. "When people ask me what I want to do in life, I honestly respond that I would like to be governor or be elected to Congress someday." Bergen's dreams do not seem that far off considering he has already made his mark as the student body president/student regent his senior year at the University of Nebraska at Kearney and has been elected class president for the Class of 2004 not only in the class' first year at the College, but for next year as well. "As student regent, I had the opportunity to work with the other regents in setting policy for the NU system, lobbied state senators for campus projects, spoke with the governor about tuition and funding, and much more," he said.

Bergen earned his undergraduate degree at UNK, double majoring in political science and public administration. He went on to complete a master's degree in public administration from the University of Nebraska at Omaha, which he pursued in anticipation of a career in city management before deciding to attend law school.

Additionally, while working on his master's degree, Bergen worked at UNK's Division of Student Affairs as an academic advisor. He also worked as an intern for the Kearney City Manager's Office.

Bergen's success begins with his roots in his home town of Nora, Neb., population 30, where his parents farm what was once his grandfather's farm. Bergen's father was the mayor of Nora for eight years, and Bergen's younger brother, Andrew, is pursuing his Ph.D. in political science at the University of Iowa.

Even as a teenager, Bergen displayed ingenuity. At age 14, he founded and edited a newspaper in Nora. He published the paper, which had subscribers from coast-to-coast, until he graduated from high school. The paper included world, state and local news, as well as editorials, comics and sports. Bergen wrote everything except the sports section, which he delegated to his younger brother. For a few years after high school, Bergen wrote a regular editorial column about national and international affairs for his county newspaper, *The Superior Express*.

Bergen's small-town roots motivated him to attend the College of Law. "I have a deep love and staunch loyalty to Nebraska, the state where my grandfather chose to settle and farm after arriving from Germany, and where my family roots have been ever since. I likely will practice in Nebraska

Making History: The Class of 2004 At a Glance

Total Enrollment	153
Female	79 (52%)
Male	74 (48%)
Minority and Foreign	22
Median LSAT Score	153
Median GPA	3.60
Average Age	24
Median Age	23
States Represented	22
Schools Represented	56
Majors Represented	57

and would ultimately like to serve the state in public office, so attending the Law College here made sense.”

Bargen’s favorite thing about Nebraska is the people. “This is home, and the people of this state are incredible. Nebraskans create a culture that values honesty, hard work, fairness, inclusiveness, tradition and strong family values. It’s a great place to grow up, a great place to live and will be a great place to raise a family.” Raising a family may also be on Bargen’s itinerary in the future. He and his wife, Tatiana, who have been married for just over two years, have postponed the idea until Bargen is out of school.

Yet Bargen is concerned about how the family farm and the small communities that supported them are failing. His roots have enabled him to understand and sympathize with the plight of farmers. “It’s sad to see things that I remember from my childhood slowly slipping away, like country schools and small farms. It’s disturbing to see large corporate operations and consolidated schools, which sometimes span entire counties, replace them.”

Bargen likes being able to earn a top-notch law degree from his home state university. “It gives me the opportunity to meet more people from different parts of Nebraska, as well as from different parts of the country. I enjoy being able to attend law school in the capital city where there are opportunities to get involved with state government and the legal profession.” Law was the foundation of all Bargen’s leadership interests and he wants to understand and practice it so he can prepare for a life of public service, be that of an attorney or elected official. “I’ve always been curious about how and why we live our lives according to

‘the law,’ what that means, who makes it, who enforces it, the history of it and how it shapes our society.”

#Cynthia Lamm

Cynthia Lamm, a.k.a “Cyndi,” is not your typical law school student. When asked to describe her work experiences, she replied, “What haven’t I done besides farming and rodeo?” Some of her more challenging jobs included commodities broker, office manager for a trade and barter club, legislative aide for Nebraska State Sen. Mike Foley and being a mom.

Lamm, a diehard Disney fan who grew up 10 minutes away from Mickey Mouse’s home, was born in Orange, Calif., but has lived in Nebraska since 1988. She has been married for 23 years and has a son, 23, a daughter, 21, and more recently, a grandbaby named Blaze Zacheriah. Lamm told an interesting story about her new grandson. During law school orientation last fall, she won a drawing for tickets to the opening Big Red football game. Her husband could not wait to take Blaze to his first Husker game. Blaze was the youngest fan in the stands – just 16 days old! The *Omaha World Herald* took notice, and Blaze’s picture made the front page of that Sunday’s paper, entitled “Oh Baby, What an Opener.” Lamm mused, “That’s kind of how I’ve felt the whole year!”

Lamm, who did her undergraduate work at UNL as a communications major, says she is planted here where she likes “the comfortable pace and the fact that people hardly ever really leave – a person can make friends here that last



DAVID BARGEN

Favorite quote: “Character is doing what’s right when nobody’s looking.”
J.C. Watts



CYNTHIA LAMM

Favorite quote: “That which you compromise to keep, you will eventually lose.”



GUSTAVO GUTIERREZ

Favorite quote: “The best prophet of the future is the past.”

a lifetime and know that they can always find them (or at least their parents)."

At 43, Lamm does not fit the traditional law student mold, but has found her age to be an asset. "I'm older than most, if not all, of the students in the first year class, so I have lived a lot of the law we are studying. I have had landlords and been making contracts for longer than some of these students have been alive! As a result, I recognized that the law touches every area of my life."

Just what exactly drew Lamm to the law? Surprisingly, it was the film "The Sons of Liberty," which she watched in her eighth grade civics class, and a teacher who challenged her to take part in the community around her. Although Lamm feels law school is one of the hardest things she has ever done, she loves "that every day I learn something new, like it or not!"

#Gustavo Gutierrez

Gustavo Gutierrez, 26, (those who know him, call him Gus), grew up for the most part in Mexico, where he attended community college and received an associates degree in criminal justice. He then transferred to Valparaiso University in Valparaiso, Ind., where he doubled majored in sociology and political science. After graduating from Valparaiso in 1999 with a bachelor's degree, Gutierrez worked for two years as a social worker in the Chicago area.

When asked what made him interested in the law, Gutierrez responded, "I have always wanted to be in a profession that advocated for people, particularly those who are indigent and have not had an easy life. The law is a profession that I think could put me in a better position for a career in public service." So far Gutierrez has found his law school experience to be both "tough and rewarding." He said it has been a great experience to be around so many ambitious people and that the people at the College have been nice and welcoming to him.

Gutierrez, who is never afraid to give his opinion about things, admits that he might have experienced a different upbringing than most students are accustomed to. "I am definitely proud of my Mexican heritage. I am very proud of the struggle my parents went through so they can give my siblings and me opportunities that they never had. My parents migrated to this country from Mexico in the early 1970s and they went through a lot. So when I am in law school, not only am I doing it for myself, but I am doing it to honor them and thank them for the opportunity to do so."

Gutierrez is involved in many law school activities, including membership in Black Law Students Association and the Multi-Cultural Legal Society. "These organizations give me a chance to be part of a community and to promote issues that are important to me and I feel are important to the College." Gutierrez also has volunteered in a program called Equity in Nebraska, which helps immigrants with their legal status issues. "I

mostly have acted in the capacity of an interpreter, but hopefully in the future I can do more."

Gutierrez was willing to share his thoughts on minority representation in the legal field. "Minorities are underrepresented when it comes to lawyers and judges. I believe that more should be done to bring minority students to law school. Unfortunately, many times students of color feel unwelcome for a lot of reasons. I identify with a lot of those sentiments, but still took a chance and it has worked out very well for me." Taking chances will probably be a big and exciting part of Gutierrez's future.



RICK W. GRADY

Favorite quote: "Don't be the unreasonably reasonable person." Professor Duncan



RACHEL JONES

Favorite quote: "I'm no puppeteer. I only set the stage. You pull your own strings." Al Pacino in "The Devil's Advocate"

#Rick Grady

Rick W. Grady, 26, has a wicked sense of humor. When asked to describe something interesting about himself, he replied, "My birthmark is on my rear end, but I'm not sure that's appropriate for publication." But a wicked sense of humor is not the only credential Grady can boast. This UNL economics and English major speaks fluent Moroccan Arabic and what he describes as "pretty good French." This was the result of living in Morocco for the last two years as a member of the Peace Corps. Grady's other interests include socializing with friends and family, playing basketball and golf, reading *The New Yorker* and calling Morocco and France with cheap calling cards.

This Valentino's pizza-lover from North Platte has two little nephews who refer to him as "Uncle Wick" and a dog named Taffy who just barks at him. Grady became interested in the law for many reasons. "My uncle has his J.D. from the Law College, and he always has encouraged me to go to law school. My neighbor in North Platte is an attorney, and he recommended that I think about practicing law. Also, both of my brothers were engineering majors, so I feel I have to 'show them up' by earning a law degree."

Grady decided to attend the College of Law because of its reputation and low price. He also likes Nebraska's "four changing seasons and the unchanging, genuinely kind people." What bothers him about Nebraska is "the people's lack of curiosity of what is happening with politics and culture outside of Nebraska and the U.S."

Although Grady misses Morocco and all his college friends who have moved away from Lincoln, he has found his law school experience to be generally fun and interesting. "I love the challenges and the great feeling of actually coming to an understanding of some case's concept or doctrine, and then having that understanding confirmed by the professor's subsequent discussion about the material. Unfortunately, I don't get that feeling enough!"

There were other things Grady did not anticipate when he decided to attend law school. "I knew there would be a great deal of reading, but I didn't expect to read so much case law that was so difficult to figure out. Also, I didn't expect the underlying competitive attitude among students." We can only hope that all that competitiveness does not make Rick lose his great sense of humor.

#Rachel Jones

Can you imagine what it must be like to move to Micronesia when you are three years old and live there for 13 years with your missionary parents? Well, Rachel Ann Jones, affectionately known as "Rae" by her family, does not have to imagine. She has lived it. She explained that Micronesia is located in the South Pacific, close to Guam and the Philippines.

Jones' parents, three brothers and their cute dog, Aurora, all live in Odessa, Texas, where they moved after leaving Micronesia. Jones attended Abilene Christian University in Abilene, Texas, receiving an undergraduate degree in Psychology. Due to her experience growing up in a Third World country, Rachel is bilingual and interested in community service. She put that interest to good use last summer when she went back to Micronesia with her brothers and taught middle school students to speak English.

Jones said there are major differences between Micronesia and America. "Micronesia is more laid-back and community-oriented. More than one generation of family live together. There everybody does things with the big picture of 'what is best for the family' in mind. It is kind of like Japan, where the mind set is 'I can't dishonor my family.' Americans are more oriented around the individual and the individual furthering his or her own career." Jones also explained that in Micronesia things are left out in the open for the family communities to help themselves. The idea of stealing does not exist the way it does in the States. Everything one family member owns is yours, too.

Jones has found her law school experience so far to have been "very challenging. I am glad that the first year is almost over. Overall, I have found it rewarding. The faculty and staff were very friendly and one of the professors contacted me and told me that he had taught in Micronesia a few years ago." As for Nebraska, Jones said that here "you can see the horizon for miles," unlike in Micronesia where the trees block everything. She also likes the fact that it is greener in Nebraska than west Texas, but does not like that it is "very cold" here. She also misses some of the activities she engaged in in Micronesia, like snorkeling and swimming in waterfalls.

Jones shared a funny story. She said her dad was kind of obsessed with Dr Pepper, but unfortunately for him, they did not carry that brand in Micronesia. Apparently, he convinced a few vendors to import his favorite American drink to the country. When Jones went back for a visit last summer, she said that Dr Pepper had become all the rage. "Dr Pepper was all over the place!" she exclaimed.

Currently, Jones is in a dual degree program in international affairs and law. She hopes to be able to work internationally. If that doesn't work out, Jones might be interested in pursuing a field of study in psychology. But, based on her prior adaptability, it would be very surprising if an international practice would not be a good fit. ■

From Staff to Student: Sharon Joseph Crosses Over

By Aliza Anvari

If you ever get a chance to speak with Sharon Joseph around the Law College, she will inevitably be carting around all her books in one of those “backpacks posing as a suitcase on wheels” cargo gear. Is she planning on taking flight? Well, maybe. This self-proclaimed “Lincolnite” has stayed here practically all her life, but her academic aspirations have soared beyond the city in which she lives.

Joseph made a dramatic career shift when she switched from being a law school secretary to being a law school student. Joseph worked as a full-time receptionist in the dean's office for three years before she quit in April 2000 to attend her first year of law school. “I have always been interested in the law and thought off and on about going to law school, but I just never had enough confidence in myself to think I could do that. But sitting behind the receptionist's desk, listening to the students talking about their classes, really made me want to do it. It occurred to me that, well, I'm not dumb, I should be able to do this.”

But, when Joseph took the LSAT, she told only Dean Glenda Pierce. “My thought was if I don't do well, then everybody's going to know. It is not like I'm an anonymous student. That's the only time it was sort of awkward. Once I took it and was happy with how I did, I was fine. Then I let people know.” The biggest difference was that when she was accepted, the dean got to tell her personally, “You're in.”

There were other differences Joseph had to deal with. “I was very worried about referring to professors by their first names because I had done so for three years. I just hoped that I did not do that in class because that would be embarrassing.”

Joseph also felt different from traditional students – mainly because she was older than many of them. Many students came to law school directly from their undergraduate school, which they attended directly from high school. Nontraditional students, like herself, came from a different life and with a different perspective. But now, having completed two years of law school, it is not quite so



Law student Sharon Joseph is no longer the Law College's receptionist, but from time to time she helps out at the front desk.

different. Now all the students have the first-year experience in common.

Joseph believes she was more prepared for law school because of her experience on the staff. Her job was centered almost entirely around the students. “They'd come in and they'd want to know how to do this and how to do that. They were real stressed. I would hear a lot about what they were going through.” Hearing about those experiences gave Joseph a much better idea of what to expect. She also had the advantage of knowing the second- and third-year students.

“I remember during orientation I met two incoming students who were talking about how this was going to be one big party. I knew better. A week later, I ran into one of them and asked, ‘So how's the partying going?’ She looked at me and said, ‘Oh, my God; I had no idea.’ But you can't make them

understand because so many of these students were the best in their undergraduate class and they get to this environment where they suddenly can't be that. Only one person can be the top. I think it is harder for the younger students than the nontraditional students to understand that.”

Joseph still sees her old co-workers, despite changes in the staff. “It is kind of interesting taking a class from the associate dean who was my boss,” she remarked. She speaks fondly of her time on staff. She has worked in many other areas of the University, but said the Law College's environment stood out.

“Everybody is pretty much nice, polite and friendly. There is a big difference here. There is a different attitude. There is a lot more respect for what everybody does. I think I only had one person who called during the three years I was the receptionist that was not very polite.” The staff and students get along well, too. She said that the staff interacts with the students with the understanding that “the reason the staff is at the College is to assist the students. That is number one.”

Being a receptionist was an ideal job for Joseph, who loves “people” environments. What her job will be when she finishes law school is not yet known. But surely Joseph will fly over any obstacle that blocks her ascent. ■

Alumni Council's Achievements Include Awards, Newsletter

The College of Law's Alumni Council is a relatively new group of committed and dedicated alumni. Under the leadership of Chair Paul Schudel, '75, however, the Council is already helping the Law College to be an even better place.

The Alumni Council's mission is to "advise and support the College ... to enable [it] to accomplish its mission and achieve its goals and to enhance communication between the College and the practicing bar." The Council consists of 30 alumni and an Executive Committee with 12 members. The full Council meets every year in the spring, while the Executive Committee meets in the fall.

The most visible activity of the Council has been the establishment of Alumni Council awards and of an annual banquet at which the awards are presented. The Council is currently sponsoring four awards:

- # The Distinguished Alumni Award, for rare distinction in professional achievement;
- # The Outstanding Service Award, for outstanding service to the College of Law;
- # The Woods & Aitken Outstanding Service Award, for a third-year student who exemplifies the qualities of loyalty, service and achievement; and
- # The Distinguished Faculty Award, for a current faculty member for professional achievements in research, writing and/or teaching.

Sam Hohman, '92, chair of the Awards Committee, has spearheaded the organization of award nominations and the annual banquet. Also helping on the awards committee were Schudel, Yvonne Norton-Leung, '79, and Jess Neilson, '51.

The Council has also been active in other, equally important, areas. In order to help the Law College increase its presence among prospective students in the Omaha area, the co-chairs of the Recruitment Committee, Barbara Schaefer, '78, and Marcena Hendrix, '83, helped arrange a meeting between the Law College and community leaders in the Omaha area, especially in the African-American community. This meeting resulted in a recruiting event at

the University of Nebraska at Omaha targeted especially to prospective students who are members of minority groups.

Similarly, the chair of the Fundraising Committee, Bob Copple, '81, has developed a number of ideas designed to increase the visibility of the Law College among its alumni. Alums have already begun to see the implementation of these ideas. For example, in early May the College disseminated its first e-mail newsletter. (If you did not receive the e-mail newsletter, it probably means we do not have your current e-mail address. To be added to our e-mail list, please send an e-mail to Sharon Braun at sbraun1@unl.edu.)

Despite his claim that he was elected chair when he had to leave a meeting of the Executive Committee early, Schudel is enthusiastic about what the Alumni Council has and will achieve. He told the TRANSCRIPT, "The Law College has very supportive alumni. We now have a better vehicle for their involvement. We intend to support the College in any way we can and also see to it that there is some added value for the alumni, like continuing education programs."

The Alumni Council has quickly become a valuable contributor to the Law College and its students, faculty and graduates. In large part, this is because it is a structured and regular way to ensure that the College receives counsel and advice from supportive alumni. The hope of the College and the Alumni Council is that the accomplishments so far are just the first products of a long and productive relationship. ■



Dean Steve Willborn with Alumni Council Chair Paul Schudel.

Cambridge Summer Session Offers Global Perspective

This summer, the College of Law is co-sponsoring its first foreign study program – the Cambridge Summer Session at Downing College, Cambridge University in the United Kingdom. Professor Stephen Kalish will teach at the program along with two professors from Cambridge University and one each from the other three participating law schools, the University of Arkansas-Fayetteville, the University of Mississippi and the University of Tennessee. About 10 students from the College of Law are expected to attend.

Cambridge is a wonderful place for a summer foreign study program. Cambridge University is one of the most important and beautiful academic institutions in the world. Founded nearly 800 years ago, Cambridge's list of notable graduates is long and impressive: Sir Isaac Newton, Lord Tennyson, Oliver Cromwell, John Milton, Charles Darwin, Lord Byron, John Maynard Keynes, A.A. Milne, Stephen Hawking, Emma Thompson and many Nobel Prize winners. Downing College has its own list of famous graduates, ranging from the great English legal historian, Frederic Maitland, to the notable

English actor, John Cleese, who studied law at Downing and wore his college tie in "A Fish Called Wanda."

This summer's program will run from June 30 to August 8. Most students will take three two-credit courses from the six courses offered.

Kalish will teach a course titled Comparative Legal Professions: The United States and England. The other courses offered will be International Law, International Commercial Litigation, U.S. Antitrust Law in Comparative Perspective, Comparative Criminal Procedure, and Law and Literature.

Classes are offered only four days a week allowing the students time to travel. The program includes a daylong excursion to London to visit the Royal Courts of Justice, the Middle Temple Inn of Court and the "Old Bailey" criminal courts. Most students will probably also observe court proceedings in Cambridge during their time at the program.

Dean Steve Willborn, who was instrumental in securing the Law College's participation in the program, remarked, "The increasing globalization of the law makes foreign legal study through the Cambridge program a valuable complement to the many international law classes we currently offer at the Law College. The College offers this primarily as an exciting new opportunity for our students to continue their legal studies during the summer, to obtain new and interesting perspectives on the law and to have an enjoyable summer, all at the same time."

Kalish sees many benefits for the students who attend the program. "It is a first-rate opportunity for students to gain a perspective on the legal systems of both America and the United Kingdom and to travel," he said. "It is important for today's lawyer to have a global perspective."

Teaching in the program will allow Kalish the opportunity to continue his research on the British legal profession. He spent a semester in London in 1982 and saw the beginnings of an increasingly Americanized English legal system. (The cartoon to the left was from a TRANSCRIPT article covering that trip.) On this trip he will examine how this process has accelerated due to the major reforms, instituted by the Thatcher government and continued by the subsequent Labour governments, that have significantly deregulated the legal system. For instance, he pointed out that "while there are still barristers and solicitors, the distinctions between them have all but disappeared." ■



Stansfield, Conaway Join Library Staff

One has spent much of her life in Nebraska, the other comes from the South, but both of the newest members of the College of Law library professional staff – Tamra Stansfield and Teresa Conaway – believe they have found a home at the Schmid Law Library.

Tamra Stansfield, assistant professor and reference librarian, joined the library in September 2000. She earned her B.S. degree in criminal justice at the University of Nebraska at Kearney and a J.D. degree from the College of Law. After law school, she attended library school at the University of Missouri-Columbia, where she received her M.A. degree. While there, she took a law library class and worked with government documents.

Her first job was a general reference librarian and library skills instructor at Oklahoma State University Edmon Low Library. She wanted to return to Lincoln, however, and when the opportunity to work at the Schmid Law Library arose she jumped at it. In addition to her duties as a reference librarian, Stansfield is the library's safety manager and during the 2001-2002 academic year was the AV coordinator.

Teresa Conaway, assistant professor and reference/electronic services librarian, joined the library in July 2001. She received her B.A. degree in political science from Pikeville College in Pikeville, Ky., her J.D. degree from the Dickinson School of Law of Penn State University, an M.A.Ed. degree in student personnel and higher education from Virginia Tech., and an M.S. in information science from the University of Tennessee, where her thesis was "Libel in Cyberspace: Federal Judges and the Internet."

Her career path is equally varied. She has been assistant dean of student affairs at Kings College in Wilkes-Barre, Pa., a lawyer in Maryland, an intern in the office of the governor of Virginia, associate professor of legal assistant technology at Pellissippi State Technical Community College in Knoxville, Tenn., and associate professor of paralegal studies at the Mississippi University for Women in Columbus, Miss.

One of Conaway's responsibilities at the law library is working with electronic services. That means she coordinates with representatives from Westlaw and Lexis and works on the College's website and e-mail lists. Her goal is to create an online self-service center on which students can update their addresses and choose the websites and e-mail lists to which they want to subscribe.

For both Stansfield and Conaway, the Schmid Law Library is their first law library assignment, although both have been involved with law-related research in their previous jobs. They both have gone through a "rite of passage" as they got more comfortable with the job and more confident in what they are doing.

Teaching legal research is part of their job duties, and one that both enjoy. For librarians,

however, service is the primary mission. Stansfield enjoys the teaching aspect of working at the reference desk and helping law students and others work through their research problems. She has helped Professor John Snowden put together a list of Native American legal databases, and has written the legal materials chapter of a state reference manual for public librarians that was published by the Nebraska Library Commission. She has a particular interest in issues involving software licensing agreements.

Conaway enjoys the challenge of helping lay people understand fairly complex legal principles. She is working with the College's clinical programs, the Nebraska Appleseed Center and Nebraska Legal Services on a self-help project that will assist lay people to fill out simple legal forms and take care of other basic law-related needs.

Both librarians arrived at the Law College in time to participate in the library's expansion and remodel project. While the move to their temporary quarters and the rearranging of the collection were "chaotic" at times, they are looking forward to the day that they and the library's patrons will be able to utilize the new "really nice" facility with its majestic reading room and expanded space for students to meet. ■



Tamra Stansfield helps a student at the Schmid Law Library's temporary circulation desk necessitated by the remodel and expansion project.

O'Connor: Terrorism Best Fought By Operating Under Rule of Law

Even though United States Supreme Court Justice Sandra Day O'Connor was horrified by the terrorist attacks of September 11, she told a packed audience at the College of Law on October 18, 2001, that the remedy is "to show that democratic societies operating under the rule of law is the best way to go."

When she visited the World Trade Center site about a week after the attack, "Tears rolled down my cheek. I was unprepared for the horror of it." While the attacks mean that

Americans will face some restrictions on their personal freedoms, O'Connor said it will be up to the legal system to ensure that civil liberties are not eroded.

While eventually the Supreme Court might decide the legality and constitutionality of antiterrorist legislation, O'Connor said, legal challenges would likely have to percolate through the lower courts first. This is for the best, she said, because the Court prefers not to rule on "hot button issues" without the benefit of the fact finding and opinions of lower courts.

Most of O'Connor's brief remarks were devoted to explaining to the law school audience, "What a Justice Does." Even though she has been on the Court for 21 years (she was appointed by President Reagan in 1981), O'Connor said she still feels like a newcomer because the issues are "still vexing and one never feels that one knows enough."

She explained that the cases with which the Court deals are primarily of three types. One type is interpreting laws passed by Congress, which are always the result of compromise. The Court has to discover the statutes' meaning, fill in the gaps or resolve inconsistencies.

The second type involves constitutional issues, while the third type involves issues of criminal law and procedure. While she said, "I don't think there is a prisoner



University Chancellor Harvey Perlman presents U.S. Supreme Court Justice Sandra Day O'Connor with the Willa Cather Medal.

in America who has not petitioned the Court at least once," she cautioned that the Court needs to deal carefully with situations in which "the State is exercising all of its power against the least-favored members of society."

The Court operates on a schedule of two weeks of oral arguments and two weeks during which the justices read briefs and write opinions. Much of her time is devoted to reading petitions for review in order to decide which cases the Court should consider. The key criteria, she explained, are the

importance of the issue, the likelihood the issue will reoccur, and whether the lower courts are split on the question.

While the justices discuss cases after oral argument, much of the real debate on the issues occurs as justices exchange drafts of opinions. A justice may say, "I think I can join you on this, if you do this and that." As a result of that process, it may take several weeks to several months to get an opinion written.

O'Connor was introduced by Chancellor Harvey Perlman who presented her with the Willa Cather Medal, which recognizes individuals who have made great contributions to the humanities.

At the end of O'Connor's remarks, she was presented a corsage by law student Lisa Rasmussen, who noted that this year's first-year class is the first in the College's history in which women are in the majority. The justice replied that women were a long way from the majority when she went to law school "back in the Dark Ages."

O'Connor was in Lincoln to present the keynote address at the annual meeting of the Nebraska State Bar Association. The Law College appreciates the efforts of the Bar and of President Bob Mullin, '68, to facilitate the College's sharing Justice O'Connor's time while she was in the state. ■

Rhode: Sex Discrimination In Legal Profession Still Problem

By Aliza Anvari

On Friday, October 26, 2001, Deborah Rhode, Ernest W. McFarland Professor of Law and Director of the Keck Center on Legal Ethics and the Legal Profession at Stanford University Law School, delivered the Winthrop and Frances Lane Foundation Lecture on what she described as the “No Problem” Problem – how people today believe that women are no longer discriminated against in the legal profession. The common assumption is that equality in the legal world has been achieved. The legal world has assumed that the old inequality complaints are just “post-feminist blather.” According to Rhode, this is hardly the case. There are many gender inequality issues in the legal profession that still need to be addressed.

For instance, even though the ratio between men and women being admitted to law school has reached a greater balance, there continues to be underrepresentation of women. According to Rhode’s statistics, only 10 percent of law school deans are women, and only five percent of the women in law firms are in managing positions. In addition, women in law firms still make \$20,000 less annually than their male counterparts. This underrepresentation of women is a mere reflection of the “no problem” problem, Rhode said. The real factors at the root of the problem include traditional stereotypes, lack of mentoring and inflexible workplaces.

Rhode said that traditional stereotypes still say that what is assertive in a man is abrasive in a woman. Women must walk a tightrope to avoid being considered too weak or too aggressive. Also, women are more seriously criticized for their actions. Their comments in class are not viewed as seriously as those of men. Some people even believe that women are underrepresented in the workplace because they are just not dedicated enough.

Lack of mentoring is another factor. Rhode believed that female mentoring is sorely needed. Too many women remain out of the loop because they do not have a role model to usher them into the legal world. Women would feel more comfortable adjusting to a firm if they could see that other women were accepted there. Plus an atmosphere that fairly represents both genders would allow women to feel more at liberty to ask questions and participate because there would be no need to prove anything or fear that they were constantly being judged.

The last factor Rhode addressed involved workplace structures. While many firms have awakened to the problem, they have yet to solve it. Many firms keep inhuman hours and, as a result, female lawyers are forced to choose between work and family. Rhode cited a law school survey in which few

students ranked achieving a balance between work and family as a priority after graduation. This indicates that few students view a balance between work and family as a realistic possibility. It is accepted that a career in the law will not allow for family time. Today lawyers are tied to the workplace via e-mail, faxes and cell phones as if it were an all-consuming 24-hour commitment. Many women feel pressured into accepting that full-time commitment because any restriction on those hours will carry a permanent price. Men, too, fall victim to these unrealistic workplace schedules. Less than five percent of the men in firms take extended leaves. The result is that men cannot get on the “mommy track,” while women cannot get off it.

One example of subtle discrimination that often goes uncurbed is when a firm asks a woman whether she plans on having a family. A firm that asks this cannot reject a female job applicant solely because she may have aspirations to raise a family. If women take a stand against this type of discrimination, then the “no problem” problem may one day disappear, Rhode concluded. If women choose to work at only those firms that strive to eliminate inequality, then perhaps other firms will get the message. Ultimately, the refusal of women to accept inequality will be the most persuasive factor in eliminating the “no problem” problem.

Rhode is chair of the American Bar Association’s Commission on Women in the Profession and on the Board of Directors of the Equal Rights Advocates and the NOW Legal Defense Fund. She has published several books and articles on women and the law and women in the legal profession including *Justice and Gender*, *Speaking of Sex* and *Sex Discrimination and the Law*. ■



Professor Deborah Rhode

A Tale of Two Colleges



To the engineers, the lawyers were parasites. In the eyes of the lawyers, the engineers were narrow technicians. And so the rivalry between the two colleges continued.



By Deb Derrick
Editor, Contacts & Communications Specialist
College of engineering & Technology

Once upon a time on the University of Nebraska campus there were two colleges of esteemed reputation. Their students were honorable, intelligent men who received the finest professional training. But they never could get along with each other. The engineers pointed to the bridges, buildings and machines they built with pride. The lawyers' accomplishments were of a different nature, requiring skillful arguments and evidence to settle human disagreements. To the engineers, the lawyers were parasites. In the eyes of the lawyers, the engineers were narrow technicians. And so the rivalry between the two colleges continued.

Like today, Engineers Week in the 1920s was a major event. There was an entire week of activities including displays in downtown stores, a field day, a downtown parade with floats from every department, and boxing and baseball matches between the engineering and law colleges, whose buildings were located next to each other.

The law students often chose E-Week to wreak havoc on the displays and projects so carefully constructed by the engineers, and the engineers would retaliate in some fashion. The fracas usually resulted in one or both groups of students being dunked in a nearby lily pond. In 1924, the law students tore down an arch the engineers built and placed in front of University Hall. Over the years, there had been other incidents:

It seems that several years ago the engineers besieged the laws in the law building and proceeded to flood the building with a fire hose. The laws retreated to the second and third floors, the story goes, dragged down some of those half-foot thick law books from the library shelves, and pitching them out of the windows, laid out a number of engineers.

Daily Nebraskan, May 10, 1927

So it happened that one day, the engineers decided to fight back. After all, the honor of the engineering profession was at stake.

Engineers and Law Students Stage Riot Over Destruction of Dirigible

Something very near to a riot and closely resembling a "free for all" was staged by the engineer and law students on the second floor of the Law building Wednesday morning after 11 o'clock classes had started. The encounter continued to rage between the Library and the Law building a few seconds later as the result of an attempt on the part of the Engineers to avenge the burning and wholesale destruction of their dirigible, the E '27, placed in front of the Administration building to advertise Engineers Week, while they were at convocation.

"It seems like the Engineers and the Laws never did get along some way," was the remark of John Peterson, janitor of the Law school who has held that post for some time as he looked out the window of the building.

"Lots of noise" was the way the janitor described the incident occurring between the two buildings. He believes, however, that the Engineers must be Engineers in the true sense of the word as he was at a complete loss to understand how they managed to put the large sign on the Law building advertising Engineers Week, which was torn from its heights by the Law students early Wednesday morning.

A quart of gasoline purchased at the filling station immediately across from the Law building and a match was all that was needed to start the much advertised balloon in flames and the largest class fight in years. The wire holding the dirigible in position was loosened, letting it fall to the ground where holes were poked in it with sticks and the fire encouraged.

Rumors of this trouble has been on foot ever since Tuesday morning when the Engineers awoke to find that "Pharmacy Week" had been painted over "Engineers Week" on the dirigible placed to advertise that event.

Students in the School of Pharmacy proved their innocence in the matter by repainting the sign and by taking sides with the Engineers in the conflict that followed.

Daily Nebraskan, Thursday, May 5, 1927

Engineers Raid P.A.D. House In Night Debacle

Mob Forces Way Into Fraternity In Hunt for Laws After Airship Is Wrecked

Laws Punish Culprits Who Play Traitor

"The law of the clan shall not be broken." Three members of the Law college who broke faith with their group to the extent of assisting the Engineers in repairing the dirigible E '27, were summarily punished during the intermission between ten and eleven o'clock classes yesterday morning.

The irate lawyers forced the culprits, Wendell Cameron, Robert Powell, and Arch Weaver, to run a gauntlet of paddles as atonement for their misdemeanor. A double rank of paddle-wielders lined the sidewalk south of the Administration building to take part in the ceremony. A considerable number of spectators were attracted to the scene by the vicious "thwack!—spat!—thwack!" of the instruments of torture.

Daily Nebraskan, Friday, May 6, 1927

Legal Students Tubbed Delta Theta Phi House Escapes Unscathed; Police Riot Squad Is Called

The dirigible advertising Engineers Week was torn down and the P.A.D. house raided last night in a renewal of the ancient feud between the engineers and lawyers. Police were summoned to stop the fighting at the P.A.D. house, and firemen dispersed the mob outside by the use of water.

The trouble started about ten o'clock when the lawyers drove up in a machine and attacked the dirigible constructed by engineers in front of the Administration building. Engineers left their positions in the laboratories and hurried to the scene.

They organized into a mob and headed for the P.A.D. house where they surprised the lawyers in the act of carrying eggs down stairs in readiness for the attack. They proceeded to scatter them in a somewhat broken condition about the house.

Cause Damage

In the course of the struggle a window was broken out and several pieces of furniture were broken.

Riot calls were sent in by residents of the neighborhood and 7 or 8 policemen were sent down to quell the riot. They had some difficulty in keeping the engineers from going in en masse to drag out the lawyers who they believed were in hiding in the house.

Someone, evidently seeing the flare of a torch carried by the engineers, sent in the fire alarm. The trucks left but returned a few minutes later and the firemen used their equipment to disperse the mob which had gathered to witness the battle. Many onlookers were soaked and the crowd was soon dispelled.

It is estimated that the damage done in the P.A.D. house will total \$1,000, including broken dops, windows and furniture and damage done to floors and rugs.

Daily Nebraskan, Friday, May 6, 1927

Rudolph Umland, '29, recalled his memories of the incident in a history of the university:

The engineers had constructed a dirigible balloon and mounted it on a pole on the campus to advertise the annual "Engineers' Week." Some law students partly wrecked the balloon one night and the engineers considered it a direct attack upon the college honor. Names were called and threats exchanged. On the night of the riot the engineers were giving a public demonstration of the work of their college. I was assisting in the testing of concrete in one of the laboratories. Suddenly there were four blasts of a steam whistle — a signal that the lawyers had again attacked our balloon. We dropped our work and rushed from the building.

The lawyers had succeeded in entirely wrecking the balloon this time. We saw a large party of them fleeing up one street so we set off in pursuit. The miscreants reached the Phi Alpha Delta fraternity house, crowded in, and locked the doors. We milled around the house and shouted to them to come out and fight like men. They replied by hooting at us from the windows and throwing ripe eggs.

"Let's break in the doors!" someone shouted.

The doors readily gave way under our impact and we swarmed into the house. Several fledgling lawyers were caught and made captive; the others retreated up the stairway to the third floor. Pressing after them, we were halted near the upper landing by a shower of blows from milk bottles, chairs and clubs. More than one skull was bruised in the melee that followed. I remember feeling the trickle of warm blood down my own face when a chair leg hurtled through the air and struck me.

- R. McLaran Sawyer, *Centennial History of the University of Nebraska II: The Modern University, 1920-1969*.

THE BIG FIGHT

More excitement than ever last night. The airship was finally wrecked almost to shreds. The engineers engaged in a thrilling hunt for lawyers, stampeded through the homes of the two law fraternities, got a couple of lawyers and ducked them in the pharmacy pond. After the excitement was all over, the firemen came out in two trucks, and squirted water all over the neighborhood with particular wet aim against a crowd of sorority girls. Several hundred spectators enjoyed watching the shower of bad eggs at the start of the fight, and had even more fun dodging the firemen's (sic) barrage, and laughing at those who got wet.

The papers this morning, of course, will be filled with many paragraphs describing the raiding of the house, the calling out of police reserves (of which Lincoln has none), the heroic action of the firemen (who poured water on the spectators half an hour after the engineers and lawyers had declared an armistice) and general talk about the big mob scene which was mostly people in automobiles and on porches of neighboring houses.

Exaggerated as these accounts may all be, and apologetic we may try to be for exuberant (sic) spirits of college boys in the midst of tense collegiate rivalry, the feeling is inescapable that raiding of homes and wrecking of doors and furniture is carrying things a trifle too far...the whole idea of a near-mob scene at night with all the haranguing and rowdyism incidental to it, is somewhat out of gear with collegiate dignity, what little of it there is among students at play.

Engineers and Laws Decide to Bury The "Eggs"; Chip in to Pay Damages

Arrangements were made yesterday for a peaceful settlement of the damages incurred in the riot Thursday night by the engineers on the Phi Alpha Delta fraternity house.

The expenses will be met by an assessment on a per capita



(left) 1927 Phi Alpha Delta members.
(above) The Phi Alpha Delta Law
fraternity house.
(right) The Engineering Week Arch
destroyed by law students in 1924.



asis of all students in both colleges. It is thought that seventy-five cents per student will be sufficient to cover all damages.

Dean Foster put the situation before his lawyers at a convocation in the Law building at 11 o'clock. While the lawyers felt that they were really the injured parties and that they were not responsible for the trouble, they agreed that since it is to the best interest of the University and the College of Law, they would be willing to make some concessions to have the matter settled without court action.

Dean Ferguson presented the case to his engineers at a convocation in Temple theater at 4 o'clock yesterday afternoon. The men responded with a unanimous vote in favor of accepting the recommendations of the deans, and men were appointed to accept payments. It was agreed by all that the nominal price of seventy-five cents was ridiculously moderate for the fun they had.

The first offender in the fracas was identified and his confession was heard by the deans in a special session Saturday. His confession and answers to questions put him in cross-examination by Dean Ferguson were such that no doubt was left in their minds that he is the man who really changed the wording on the engineers' dirigible. He is neither a lawyer, an engineer or a pharmacist, and was assisted by a man who is not a student in the University and does not live in Lincoln, but was merely a weekend visitor looking for excitement.

With the settlement of these damages in such a satisfactory manner, it is probable that the conflict between engineers and law is over for this year anyway.

—*Daily Nebraskan*, Tuesday, May 10, 1927

And so another chapter in the engineering-law feud had come to an end. The conflict would continue for some time on the University of Nebraska campus until the outbreak of World War II, when the country's attention turned to more serious matters. Differences in academic training and philosophy between the two professions would continue to sow the seeds of a healthy rivalry that would sometimes transcend the boundaries of common sense.

"It is no wonder that the two never get along," the *Daily Nebraskan* editorialized. "They often can't get along under the roof of the same fraternity house, let alone on a star-lit campus with spring combat blood in the air."

"And the feud between the two student bodies will continue, as ever, possibly a bit more bitter, assuredly not sweetened a bit."

For more information:

Boye, A. John. *One Hundred Years of Excellence* Lincoln, Neb.: Department of Electrical Engineering, 1997.

Sawyer, R. McLaran. *Centennial History of the University of Nebraska II: The Modern University, 1920-1969* Lincoln, Neb.: Centennial Press, 1973.

Contacts magazine, Spring and Fall 1985. University of Nebraska—Lincoln Archives.

Thanks to Tom Mooney, University Archives, and John Boye, electrical engineering, for their research assistance.

Illustrations by Kevin Sypal.

Arch photo courtesy NU Alumni Association. Dirigible photo courtesy M.E. Scoville. All other photos from *The Cornhusker* 1927 yearbook.

This article originally appeared in the Spring 2001 issue of Contacts, published by the University of Nebraska—Lincoln College of Engineering and Technology in cooperation with the Nebraska and Engineering Alumni Associations. Despite the history of feuds between the two colleges, it is reprinted here with their kind permission. ■



(left) The Law College building.
(below) The Engineering Week dirigible
torched by law students in 1927.
(right) Engineering Sigma Tau Fraternity
of '27.



In Brief

Ivan Van Steenberg Bequest To Fund Student Scholarships

Before Ivan Van Steenberg, '34, passed away in 1995, he made sure that his estate would assist future students at the College of Law to have the same opportunities that he had. His will created the Hester Mary Van Steenberg Memorial Scholarship, which was intended to memorialize his wife upon her death.

When his wife died in 2001, Van Steenberg's estate donated \$90,000 to the University of Nebraska Foundation, the income from which will fund student scholarships at the Law College. It was Van Steenberg's hope that he could help others have as successful and fulfilling life in the law as he had with his Kimball firm of Van Steenberg, Myers & Burke.

"Ivan was very well-respected," said Bob Pinkerton, former publisher of *The Western Nebraska Observer* in Kimball. "Everybody liked Ivan; he was

just a wonderful person and a very good attorney. The gift is indicative of how Ivan lived his life here. He was always interested in helping other people. I don't think he had an enemy in the world."

Law College Dean Steve Willborn said the gift is an affirmation of the College's goals and mission. "The generous gift from the estate of Ivan Van Steenberg tells us once again that our graduates value highly the education and experience they received during their time here," he said. "We are always pleased to be reminded of that, and we are determined to continue that tradition. In this time of rising tuition, the gift will permit us to help a younger generation follow Mr. Van Steenberg's path."

Moot Court Team Wins Regional

For the sixth time in the past eight years, a team of students from the College of Law advanced to the



Hester Mary and Ivan Van Steenberg

final rounds of the National Moot Court Competition in New York City.

The team of Michelle Paxton Anderson, Robb N. Gage and Andrew Smith won the regional competition held at the University of Arkansas – Fayetteville, Leflar Law Center. They defeated teams from Arkansas – Fayetteville, the University of



Law Student Magazine, National Jurist, Rates Law College 'Great Value'

It comes as no surprise to the alumni, students and faculty of the College of Law that the College provides a great legal education at a relatively low cost. It is nice, though, to have that fact confirmed by an objective source. In its March 2000 issue, *The National Jurist*, which bills itself as "the magazine for law students," ranked the Law College "a great value." In its article, "Best School for Your Money," the magazine rated the Law College second only to The University of Akron Law Center in providing "the best bang for the buck" among public law schools.

The magazine used data compiled by the American Bar Association for 2000-2001. The study gave a 30 percent weight to tuition based upon nonresident rates, and a 30 percent weight to bar passage rates determined by comparing the school's pass rate in its primary jurisdiction to the overall pass rate in that jurisdiction. It gave 10 percent weights to unemployment rate (for the class of 1999 six months after graduation), grants awarded (median grant as a percentage

of nonresident tuition), clinic slots available (as a percentage of total enrollment), and faculty-student ratio.

Dean Steve Willborn was pleased with the College's ranking, but continues to have doubts about the value of such surveys. "We are a good school and we do provide good value, so we were not surprised that we did well on this ranking. At the same time, we don't put too much weight on this ranking or any other. Law schools are simply too complex to boil down to a simple ranking like this."

The same can be said for the well-known *U.S. News & World Report* rankings, where again this year the Law College was ranked in the second tier, the tier just behind the top 50 ranked schools. In a statement signed by almost all law school deans, these ranking systems were termed "inherently flawed because none of them can take [each student's] special needs and circumstances into account when comparing law schools." The full text of the letter can be found at www.LSAC.org.



Missouri – Columbia School of Law, Washburn University School of Law and the University of Kansas School of Law. Fifteen teams from nine law schools competed in the regional.

Anderson won the American College of Trial Lawyers silver bowl as the best advocate in the final round of the competition.

The Law College's other team – Joseph Bowman, Jon Amir Hatemi and Michele Lewon – was undefeated in its two preliminary rounds but lost by a narrow margin in the quarterfinal round to a team from the University of Arkansas at Little Rock.

The Young Lawyers Committee of the Association of the Bar of the City of New York and the American College of Trial Lawyers sponsor the competition. This year's competition problem focused on two legal issues involving the power of the Equal Opportunity Commission to pursue claims of employment discrimination.

Walker, Blakeslee Sing Blues At Law College 'Coffee House'

For two hours on Wednesday, September 5, 2001, the student lounge at the College of Law was transformed into a cozy, relaxing house of blues. For two hours, students were given a musical dose of Doctor John Walker a.k.a. "The Doctor" and "Johnnie Walker." For two hours, the healing sounds of folk songs, some humorous



Peter Blakeslee, '79, and John Walker sing at Law College "Coffee House."

("It's lonely at the top. It's lonely at the bottom, too!"), some irreverent, some sad, drifted in and out of the College. It would be just what any doctor would order for stressed out law students.

Doctor

John Walker was voted KZUM-FM Listener's Choice "Blues Artist of the Year" for 2000-2001. He and Law College alum Peter Blakeslee, '79, played on Dobro resonator guitars and sang the blues together while students were treated to popcorn, drinks and the music. Dean Steve Willborn met Walker at a Barnes & Noble Bookstore and invited him to the College. The result was students smiling and tapping their feet in what can only be described as a welcome change.

Many of the songs came from Walker's CDs. Walker has had five CDs released, many of which he has collaborated on with other artists. Walker's solo efforts include the albums "Get Back to the Well" and "Blue." His work with Daddy Squeeze include the albums "You Better Mind" and "Too

Sweet to Die" and his work with The Nightcrawlers is entitled "Loup River Saturday Night."

According to Walker on his song "Big Black Stinky Cigars,"



The Law College Moot Court team of Andrew Smith, Michelle Paxton Anderson and Robb Gage finished first in the regional competition.

"There are really only four general subjects for blues tunes: loving, eating, smoking, and drinking. I try to hit all of them in this tune." Some of the other popular tunes he sang include "Hesitation Blues" and "Jelly Roll Baker." Walker has described his love for Nebraska in a song entitled "Nebraska Skies." For him it described what it means to live in Nebraska. He felt that life goes on "like the Nebraska skies." Some of Walker's songs are original, some are stories passed along in the oral tradition, some are the creation of others, and some are collaborated efforts. But, running through the vein of all songs is what runs through the vein of all blues. And that is something that can't be described, but can only be felt.

In the words of LaVon Pape of the *Gothenburg Times*, "It was a cold February night when John Walker came to town and I'd go a long way to hear him again." Blues lovers at the Law College, however, only had to go down to the "Coffee House" in the student lounge.

-Aliza Anvari

#An-Na'im: International Law Essential to Protect Human Rights

"The rule of law in international relations is essential for the common good and the protection of human



Professor Abdullahi
Ahmed An-Na'im

rights." This was the premise of a talk, "The Atrocities of September 11 in Islamic and Global

Perspectives," delivered at the College of Law on October 12, 2001, by Abdullahi Ahmed An-Na'im, Charles Howard Carter professor of law at the Emory University School of Law.

An-Na'im said he was speaking as a Muslim but that he is critical of both sides in the conflict. He pointed out that all of the Muslim world has been subject to colonial rule for much of the past century. Independence finally came, he said, but the populace remains frustrated by the failure of independence to solve its problems.

As secular nationalism has seemed to fail, many people have turned to Islamic fundamentalism. But fundamentalism, a kind of totalitarianism that victimizes the people, is also doomed to failure. The challenge to Muslims is to make sense of Islam in the modern world.

An-Na'im said there is a terroristic dimension to Islam because the world in the eighth century was very violent and an "any means possible" mentality prevailed. Moderate voices are needed, but space for these voices to articulate moderate views is not present in the siege mentality that presently exists.

Part of the reason for that mentality is U.S. foreign policy that has undermined the rule of law and legitimized the use of force. The United States claims to believe in the rule of law, but it has often rejected the application of that law when it conflicts with its interests. Recently the U.S. Congress refused to recognize the authority of the international criminal court, An-Na'im pointed out, and it walked out on a n international conference in South Africa. All of this leads to the impression that "America is not a team player and not a positive force in the international community."

The government's response to the September 11 attacks was in violation of the U.N. Charter, An-Na'im said. Under the Charter, the use of force is illegal except for cases of self defense, and then only until the Security Council takes action. But the U.S. has refused to bring the conflict to the Security Council.

Americans must hold their government to the same standards around the world as they do within this country's borders if they hope to stop the cycle of terrorism, An-Na'im maintained. They must demand that the country stop supporting repressive regimes. He concluded, "You can be the bully of the world, but you cannot then be the moral leader of the world."

An-Na'im formerly taught at the University of Khartoum in the Sudan. Before joining the faculty at Emory, he was executive director for Human Rights/Africa.

His talk was sponsored by the UNL International Law Society, the Federalist Society, The Black Law Students Association, the Multicultural Legal Society, the Equal Justice Society and Nebraska Clerkships in the Public Interest.

#Wing Fears Implications of 9.11 On People of Color Worldwide

"America After 9.11 – Implications for People of Color" was the subject of the second annual John S. Rock & Charlotte E. Ray Symposium presented by the Midlands Black Law Student Association at the College of Law on October 25, 2001. The speaker was Adrien Katherine Wing, Bessie-Dutton Murray Distinguished Professor of Law at the University of Iowa College of Law. She has been a consultant to the United Nations and has served as constitutional advisor to the African National Congress. She has also acted as an advisor to the Palestinian Legislative Council and the Eritrean Ministry of Justice.

Wing began her talk by explaining that September 11 attacks were a defining moment in her life. But after a 20-year career as an international lawyer, particularly in the Middle East, they are not the only nightmare to haunt her.

For instance, in 1994 in Rwanda, she viewed a small room where 25,000 people were killed. All that remained of this African genocide were pile upon pile of skull and bones. There is no memorial for these people of color.

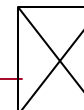
Wing's nightmare continued in Beirut. She was there when Israel was bombing the city to chase out the PLO. She remembers the hospital. She remembers the pancaking of the exploding buildings. The smell of those victims, those charred corpses, is unforgettable.

Wing continued that while some of her remarks may be critical of this country, she is speaking as an American patriot. She recognizes that as a minority female she would never have been able to achieve the kind of success she has had or have the opportunity to make a speech like this one if she did not live in America.

Wing cautioned her audience that they should not get all of their information from the American press. The news we read or hear, she said,



Professor Adrien Wing



may be biased or edited so Americans can digest it easier.

One failure of the news media, she said, is its failure to humanize the enemy. The retaliatory attacks on Afghanistan have caused civilian deaths in the thousands. "Don't those lives count?" she asked. "It is time for us to humanize the collateral damage."

The United States foreign policy in the Middle East has also caused it to lose friends around the world. While there is fault to be found on both sides, "We humanize Israelis in ways the Palestinians are not." A major problem

in the Middle East is our failure to utilize people who are educated in the ways of that part of the world. "How do we expect to understand what is going on in the Middle East, if our own correspondents and diplomats don't understand its culture or language?" she asked.

Wing said that she feared what the country's reaction would be should another act of terrorism occur and what the implications would be for people of color in this country. There have already been many instances of racial profiling and of hate crimes against Arabs and

Muslims, she said.

In concluding her lecture, Wing reemphasized how important it is for us to be a voice for people who do not have one. We should cry for the death of other families as we would our own families. She said that law students should use the tools they learn to explain to others about justice. Wing said we need to educate ourselves about current events and the history of other countries. This way we can fully understand the implications of the problems facing our nation.

-Aliza Anvari

Class of '91 Honors Lyons with Donation to Knapp/Lyons Scholarship Fund

When David Chang, '91, called Karen Lyons to see if she had any ideas about how the College of Law class of 1991 could honor her husband, Professor Bill Lyons, Karen had the perfect vehicle – the class could contribute to the Knapp-Lyons Scholarship Fund that Bill and Karen Lyons had already established.

The fund was set up to honor the Lyonses' parents who, although they never had the opportunity to go to college, let alone benefit from graduate education, were very supportive of their children's educational pursuits. In addition, Bill and Karen wanted to give something

back to students who paid such an important part in their teaching careers – Bill as a professor at the College of Law since 1981 and Karen as an English professor and assistant director of the Honors Program at UNL.

The fund provides scholarship money to students at the Law College with preference for women and students interested in tax or bankruptcy, Bill's areas of interest. While the Lyonses thought that the fund might be attractive to College alumni and others who would see it as an opportunity to support current law students, they never expected a response like the one they received from the class of 1991.

At its 10-year reunion dinner at the Cornhusker Hotel, the class presented Karen and Bill a check for \$2,500, a donation to the Knapp/Lyons Fund that Bill said was "a terrific gift for a class that has only been out of school for 10 years and is still paying off student loans. We are very appreciative."



At its 10-year reunion dinner, the class of 1991 presented a \$2,500 check to Bill and Karen Lyons for the Lyons/Knapp Scholarship Fund.

The contribution was the result of a lot of hard work by Chang, who is a senior analyst in WorldCom's business development group in Chicago. Chang thought the class should

give something back to the law school, and when he and others with whom he consulted came up with the idea of honoring Bill Lyons, a professor almost all the students in the class had had and who was always very generous with his time, the response from their classmates was overwhelmingly positive.

"It was a rewarding experience for the class because the Lyonses were genuinely touched," said Chang. "By setting up the scholarship fund, they once again showed their commitment to the Law College. We hope that other classes will follow in our footsteps and find ways of giving back to the school and benefitting future law students."

Conscientious State Legislators and the Cultures of Compliance and Liberalization Relating to International Trade Agreements

by Matthew Schaefer
Associate Professor of Law

In keeping with a new College of Law tradition, the College celebrated Professor Matt Schaefer's granting of tenure and promotion to associate professor of law by inviting him to give a lecture based on an aspect of his research. This article is a version of that lecture, which Schaefer delivered on October 22, 2001. The lecture was based on Schaefer's article of the same name that appeared in 95 American Society of International Law Proceedings 52 (2001).

The relationship between international trade agreements and federalism, particularly federalism in the United States, increasingly receives attention among policymakers and scholars.¹ As part of the exploration of this topic, it is appropriate to ask a somewhat more narrow question focusing on the interaction between international trade agreements and state legislators (as distinct from other statewide officeholders and federalism generally). However, any examination of this interaction cannot be done in a vacuum. Indeed, a comparative examination of the relationship between international trade agreements and federal legislators is necessary to place in proper context, or to best gauge, the interaction between such agreements and state legislators.

The Impact of International Trade Agreements on State Legislators

In the past decade, international trade agreements were expanded to include, or were strengthened in, numerous areas in which U.S. states are heavy regulators or otherwise significantly active.² These areas include services regulation, investment regulation, government procurement practices and the granting of subsidies. To understand the degree to which these expanded or strengthened international trade agreements, specifically the World Trade Organization (WTO) Uruguay Round agreements and the North American Free Trade Agreement (NAFTA), impact state legislators, it is helpful first to posit a world with no such agreements.

Even in the absence of these international trade agreements, the U.S. Constitution places many constraints on state legislators' ability to enact protectionist legislation. The Constitution explicitly prohibits state legislators from enacting tariffs, but the broadest constraint is one that has been implied in the Commerce Clause. The Commerce Clause grants power to the Congress to regulate interstate and foreign commerce. However, for over 150 years, the U.S.

Supreme Court has found that the Commerce Clause places limits on protectionist state measures even when the federal government has not utilized its affirmative grant of the Commerce Power to preempt state regulation, or in other words, when the Commerce Power lies "dormant." Under the so-called dormant Commerce Clause, U.S. courts invalidate state measures having a significant protectionist purpose or effect, giving the most careful scrutiny to measures that facially discriminate against interstate or foreign trade. The Equal Protection Clause has also been relied upon by U.S. courts to strike down certain state measures that discriminate against foreign service providers and investors.

A conscientious state legislator³ will apply these constitutional constraints as the legislator develops and votes on legislation. State legislators are required to apply these constraints and not simply leave the application of such constraints to the courts should the legislation be challenged after its enactment. All state legislators take oaths to uphold the federal Constitution. Indeed, the U.S. Constitution requires that state legislators take these oaths or affirmations. When applying these constraints, a state legislator is not allowed to arrive at his or her own interpretation of the Constitution; state legislators are bound to follow U.S. Supreme Court interpretations of the Constitution. Thus, even without any trade agreements, the conscientious state legislator must, in large part, avoid enacting protectionist measures.

Jumping to today's world, with the WTO agreements and NAFTA in place, the issue arises as to whether a conscientious state legislator must ask additional questions in developing and voting on legislation as a result of these agreements. The answer is yes, but the point should not be overstated. Constitutional constraints, such as the dormant Commerce Clause, overlap constraints in international trade agreements to a large extent, but the overlap is not complete.⁴ For example, results under the national

treatment obligation of the General Agreement on Tariffs and Trade (GATT) will be quite similar to results under the dormant Commerce Clause, even if the analysis on the face of the opinions differs. Nevertheless, at the margins, GATT's national treatment obligation may be either more lenient or more stringent than the dormant Commerce Clause constraints.

An even more prominent example of the lack of the complete overlap between the two constraints arises in the context of the market participant exception to the dormant Commerce Clause. Under the market participant exception, states are not subject to the constraints when acting as a buyer or seller or when granting direct payment subsidies. The original GATT 1947 also largely exempted government procurement and direct payment subsidies from its coverage. However, as a result of the Uruguay Round negotiations, state procurement and subsidy practices are constrained to a limited extent by the Government Procurement Agreement (GPA) and the strengthened Subsidies Agreement, respectively. Finally, constraints within the General Agreement on Trade in Services (GATS) and the Services and Investment Chapters of NAFTA may go beyond those found in the Constitution. (But it is important to keep in mind that these services and investment agreements essentially "grandfather" all existing nonconforming state laws and thus only apply to laws enacted and actions taken after the entry into force of these agreements in the mid-1990s).

Accordingly, the conscientious state legislator must ask the question of whether the legislation he or she crafts or votes on is in conformity with the additional constraints imposed by international trade agreements. Indeed, once again, the state legislator's constitutional oath requires that he or she ask such questions. Preemption is a well-established doctrine based on the Supremacy Clause that makes federal law, including international agreements, prevail over inconsistent state law. The implementing acts of the WTO Agreements and the NAFTA allow the federal executive, but not private parties, to bring suit against the states based on noncompliance with the agreements,⁵ a mechanism described as creating "weak preemption."⁶ The nature of these implementing acts does not eliminate the duties of state legislators vis-à-vis preemption. The conscientious legislator must apply the additional constraints and not simply think in a tactical fashion by merely assessing the possibility of suit by the federal executive, an act that may be politically difficult.

The lack of familiarity among state legislators (and their counsel) with international trade agreement constraints does not remove the need for them to apply such constraints. Instead, such difficulties highlight the need for further educative efforts. Recent anecdotal evidence exists to



After delivering his tenure lecture, Professor Matt Schaefer posed with Dean Steve Willborn and with Schaefer's parents, Anna and Don Schaefer.

suggest state legislators are increasingly aware of trade agreement constraints and faithfully seek to comply with such constraints. For example, last year, Ohio state senators introducing legislation to stiffen penalties for violating state laws requiring the use of domestically produced steel in public works projects, requested that the Ohio Legislative Service Commission prepare an analysis of the consistency of the bill with NAFTA and the GPA.

Thus, the conscientious state legislator's fealty to the oath he or she takes upon assuming office potentially goes a long way towards establishing a "culture of compliance" with trade agreements. However, there are two additional checks or mechanisms that can be utilized to further the culture of compliance. First, state governors can use veto threats in cases in which state legislators are considering legislation that would violate a trade agreement. For example, in 1998, Governor Schafer of North Dakota threatened to veto legislation being considered in the state legislature that would have discriminated against Canadian wheat in a manner inconsistent with the NAFTA. Similar threats by the president at the federal level to discourage Congress from enacting legislation that violates U.S. international commitments are quite common. Governors are encouraged to serve in this potentially lonely role because they also take an oath to uphold the federal Constitution. Additionally, at this point in time, governors probably have a greater appreciation for the benefits of trade (in part through their sponsorship or involvement in trade missions) and a greater awareness of trade agreements than state legislators. For example, prior to proposing legislation earlier this year that would give preference to domestically produced steel in state construction projects, West Virginia Governor Bob Wise had his counsel check with the office of the U.S. Trade Representative (USTR) to ensure that the legislation would not conflict with the GPA.

This action exemplifies the second additional avenue to ensure a culture of compliance, namely cooperation with the USTR. This type of cooperation is on the rise. For example, USTR has in the past several years met with state government organizations based in Washington, D.C., such as the National Governors' Association and the National Conference of State Legislatures (NCSL), to help ensure that state sanctions laws are developed in a manner that does not conflict with international trade obligations. One practical problem with this second avenue is that some state legislators are more suspicious of USTR's advice than the typical governor. Specifically, some state legislators fear that the USTR will give advice on obligations in a manner that avoids any possibility of challenge by a foreign country under the dispute settlement processes of NAFTA or the WTO (i.e. not allow a state to "toe the line"). Unfortunately, the response to this concern among some of these state legislators is to place heavy reliance on the advice of nongovernmental organizations that may not have sufficient respect for, or knowledge of, trade agreement constraints.

To obtain an even more accurate gauge of the impact of trade agreements on state legislators, one can turn to a comparative analysis of the impact on federal legislators. In stark contrast to state legislators, federal legislators face virtually no constitutional antiprotectionism constraints. Specifically, Congress is given authority to impose tariffs and regulate foreign trade in any manner its sees fit – protectionist or otherwise. Thus, international trade agreement obligations are placing almost entirely new, as opposed to largely overlapping, constraints on federal legislators. Additionally, the culture of compliance among federal legislators does not come from any constitutional oath or duty. Federal legislators take an oath to uphold the Constitution, but the Constitution obviously does not impose dormant Commerce Clause constraints on them,

nor are their actions preempted by international agreement since later-in-time federal law prevails over earlier-in-time international agreement. The culture of compliance among federal legislators instead must come from the international trading system itself and the benefits that system provides to the U.S. economy.

The (Future) Impact of State Legislators on International Trade Law

To date, state legislators have been involved to a lesser degree than state governors in shaping international trade agreement obligations. This results from several factors. First, there is a longer standing history of cooperation between governors and the federal government on trade issues. Second, a greater awareness of, and sophistication regarding, trade agreement obligations exists among governors and their staffs than among state legislators. Third, governors typically have greater representation on the formal state and local government advisory committee on trade negotiations, the Intergovernmental Policy Advisory Committee (IGPAC), established by the 1974 Trade Act. But the greater involvement of governors also has something to do with how little trade agreements have advanced in liberalizing state policies.

As mentioned above, the GATS and the NAFTA services and investment chapters essentially "grandfather" or protect from challenge all state measures not conforming to certain major obligations in the agreements and existing at the time those agreements entered into force in the mid-1990s. Indeed, since the creation of these agreements, the only challenges to state action in these areas are taking place under NAFTA's investment chapter that allows private foreign investors to bring arbitration claims against governments for violation of provisions of the agreement. The first four claims brought against the United States all relate to actions at the state level. However, the claims are focused on judicial and



executive actions rather than legislative ones. The claims are based primarily on the obligations within NAFTA to provide the international minimum standard of treatment (as defined by customary international law) and provide compensation in cases of a direct or indirect expropriation. The grandfathering technique was not available with respect to these obligations given their very nature.

The GPA was negotiated in a different fashion but with the same result: no liberalization of existing protectionist state procurement policies. Indeed, the GPA allows for new protectionist state procurement policies to a degree. Although the federal government maintains constitutional authority to bind all states to such an agreement, the federal government took a “flexible” approach to negotiations and only bound a state if its governor submitted a letter of commitment.⁸ Thirty-seven state governors submitted commitment letters that listed certain state entities and carved out exceptions for certain products and services. Thus, a state is only bound to follow the GPA to the extent the procurement is done by a listed state entity, the good or service is not exempted from coverage, and the procurement exceeds a contract threshold amount (one-half million dollars for goods and services) established by the agreement. No commitment letter, and consequently no provision of the GPA, required a change in existing state law. Further, the letters of commitment played only a political function, not a legal one, because consent of a state official cannot make constitutional what would otherwise be an unconstitutional act.⁹ State legislators were not involved in such decisions by governors to a great degree, and no state legislature formally approved of its governor’s letter. However, the NCSL was aware of and followed the negotiations. Additionally, the few individual state legislators who were members of the IGPAC signed on to a report supporting the agreement. As a result of these state commitments, the European Union agreed to coverage under the GPA, to some extent, of its heavy electrical and telecommunications utilities procurement, as well as its own subcentral government procurement.

Only one state law has been challenged by a foreign nation within the WTO dispute settlement processes for alleged violation of the GPA. The European Union and Japan requested consultations (the initial stage in any WTO dispute) with the United States over a Massachusetts procurement law providing a 10 percent negative preference against any company active in Burma, a country controlled by a military dictatorship with a poor human rights record. Massachusetts was one state whose governor, then Bill Weld, submitted a commitment letter and was thus bound under the GPA. The Massachusetts Burma law was enacted in 1996 shortly after the GPA entered into force. The primary sponsor of the law in the Massachusetts legislature, Byron Rushing, was unaware of the GPA at the time he

drafted the law, perhaps because of the limited involvement of the state legislature in crafting the governor’s letter of commitment. (As noted, the awareness of state legislators of the GPA and other trade agreements has improved significantly in the past five years).

Representative Rushing considered amending the law in response to the WTO dispute so that it would only apply to contracts below the threshold amount established by the agreement. However, all consideration of an amendment ended after it became apparent the law would be challenged in U.S. courts on domestic constitutional grounds by the National Foreign Trade Council (NFTC), an organization of over 300 businesses engaged in international trade. Indeed, no WTO dispute settlement panel ever examined the measure because the European Union and Japan first suspended and subsequently dropped the WTO case after the NFTC filed its claim in U.S. courts. The federal district court, the First Circuit Court of Appeals, and ultimately the U.S. Supreme Court all struck down the law. The Supreme Court invalidated the law based on preemption by a federal law sanctioning Burma and not the GPA because private parties cannot bring preemption claims based on the GPA as a result of the Uruguay Round agreement’s implementing act.¹⁰ Although the WTO dispute was mentioned in the opinion of all three courts, the result at each level would have been the same even in the absence of the WTO proceedings.¹¹ Thus, no one in Massachusetts should bemoan the Weld commitment letter or overstate the impact of the current GPA on state legislators.

In sum, negotiating techniques that allow states to grandfather existing nonconforming measures or that bind states only on a voluntary basis have essentially allowed the United States to obtain credit in the form of modest foreign liberalization for promising state conduct already required by the Constitution or followed as a matter of policy. However, this will likely change in the future. In order to obtain significant foreign liberalization in areas such as services, investment and procurement, the United States will likely have to go beyond a mere “standstill” at existing levels of state protectionism and seek to “rollback” some existing state protectionism. In other words, the United States may need to identify certain measures that are grandfathered or exempted from coverage under trade agreements that can be liberalized or eliminated without endangering the goals of federalism or undermining the achievement of legitimate state policy goals. For example, one question might be whether states could eliminate citizenship requirements applied to certain services or investments in return for further foreign liberalization.

The federal government has the constitutional authority to pursue the liberalization of state measures in international trade negotiations, but it is often politically reluctant to use the full extent of that power to achieve

liberalization without obtaining some type of state consent.¹² Indeed, the negotiation of the GPA is but one of many examples of this phenomenon. State influence in the U.S. domestic political process should not be underestimated. Proceeding with no state consent could lead to a backlash and a lack of cooperation by state officials. This in turn might necessitate a plethora of lengthy, time consuming and expensive federal government suits to bring states into compliance with an agreement that requires liberalization of current state measures.

However, the federal government may need to reanalyze whether the GPA method of relying on the “political sign-off” of governors alone will constitute sufficient state consent. When the federal government is only negotiating a standstill obligation preventing new protectionist state measures in an international agreement, it may make sense to rely primarily on gubernatorial consent since the governor has substantial power to prevent new protectionist legislation through the veto power. In contrast, any attempt to “rollback” existing protectionism will necessitate more involvement by state legislators because repeal of these state laws is preferable to either a large number of cases in U.S. federal courts invalidating these state laws or to simple nonenforcement of these laws by state executive agencies. The federal government will need to decide whether to seek consent of state legislators through the NCSL or through individual state legislatures.

Even if the federal government chooses not to involve state legislators to a greater degree, state governors may do so on their own accord. A failure to obtain a stamp of approval from his or her legislature may place a governor in a difficult position once a trade liberalizing agreement enters into force. A governor could choose to comply with federal law (the trade agreement) by refusing to enforce state law and consequently risk damaging relations with his or her state's legislators who are likely to be upset at their lack of involvement. Alternatively, a governor could continue to enforce state law inconsistent with the trade agreement obligations and thereby force either the federal government to sue the state or foreign governments to retaliate against the state's export interests.

Accordingly, a “culture of liberalization” will need to be fostered and nurtured within state legislators. Just as with federal legislators, development of this culture will require a constant dialogue and significant educational efforts. Indeed, the interactions required to foster the culture of liberalization within state legislators will be more complex and multi-tiered, involving the federal government, governors and state legislators. It will not be easy. During the Uruguay Round negotiations, state regulatory authorities, such as tax administrators and state attorneys general, sought to protect state laws from challenge under trade agreements at all costs, even if it meant forgoing

foreign liberalization in exchange for behavior already largely required by the U.S. Constitution. Thus, state legislators may find the federal executive branch and governors pulling on one arm and state regulators and attorneys general pulling on the other. Practical problems may also arise because some state legislatures only meet in session every other year. Of course, state legislators must also be aware that their power in the system does have its bounds. Failure to develop any culture of liberalization will force the federal government to consider more aggressive use of its constitutional powers and thus diminish the ability of state legislators to shape future trade liberalization. ■

1. See generally Matthew Schaefer, *Searching for Pareto Gains in the Relationship Between Free Trade and Federalism: Revisiting the NAFTA and Eyeing the FTAA*, 23 CAN. U.S. L. J. 441 (1997).

2. *Id.* at 449-54.

3. I borrow the term conscientious legislator and adapted arguments in this section from Paul Brest, *The Conscientious Legislator's Guide to Constitutional Interpretation*, 27 STAN. L. REV. 585 (1975) (discussing with respect to federal legislators).

4. See Matthew Schaefer, *The 'Grey Areas' and 'Yellow Zones' of Split Sovereignty Exposed by Globalization: Choosing Among Strategies of Avoidance, Cooperation, and Intrusion to Escape an Era of Misguided 'New Federalism,'* 24 CAN.-U.S. L.J. 35, 55-62 (1998).

5. See Matthew Schaefer, *Are Private Remedies in Domestic Courts Essential for International Trade Agreements to Perform Constitutional Functions with Respect to Sub-Federal Governments?* 17 NW J. INT'L L. & BUS. 609, 637-42 (1996/97).

6. Charles Tiefer, *Free Trade Agreements and the New Federalism*, 7 MINN. J. GLOBAL TRADE 45 (1998).

7. I borrow this term from Louis Henkin, *International Law: Politics, Values, and Functions*, 216 RECEUIL DES COURS (1989) (discussing in the context of nation states).

8. See Matthew Schaefer, *Twenty-First Century Trade Negotiations, the U.S. Constitution, and the Elimination of U.S. State-Level Protectionism*, 2 J. INT'L ECON. L. 71, 96-99, 101 (1999).

9. See *New York v. United States*, 505 U.S. 141, 181-82 (1992).

10. See *Crosby v. National Foreign Trade Council*, 530 U.S. 363 (2000).

11. See Matthew Schaefer, *Continuing Misconceptions of the Impact of International Trade Agreements on U.S. Federalism: The Beer II Case, Its Legacy, and Recent Developments*, J.L. & POL. IN INT'L BUS. (forthcoming 2001).

12. See Schaefer, *supra* note 8, at 111.

Public Policy Center Thrives Under Tomkins' Leadership

"The University of Nebraska has the expertise to contribute significantly to the understanding of major policy issues in the state, but a University-wide task force in 1997-98 determined that the expertise of faculty, staff and students was not easily accessed by state government officials and staff." According to Alan Tomkins, director of the University of Nebraska Public Policy Center, that was the reason the center was created by the University of Nebraska. Since 1986, Tomkins has been a professor in UNL's Law/Psychology Program, a joint graduate program of the College of Law and the Department of Psychology. He became the center's director when it opened in July 1998.

"It was not easy leaving the Law/Psychology Program; I loved working for the program," said Tomkins. But, after some initial hesitation, he began to see how the skills he had developed over the years would serve him well in implementing his vision for the PPC.

"The University was looking for someone with policy expertise who had been involved in doing interdisciplinary and multi-disciplinary activities. The Law/Psychology Program was by definition interdisciplinary, and I had worked with many people throughout the University on

multidisciplinary projects. I believed we could create a center modeled, in part, on some of the successes that we had in the Law/Psychology Program in getting grants and contracts and coordinating faculty and students in collaborative research efforts.

Instead of looking at law and society, which I had been doing, we would look at *policy* and society."

Tomkins said that, in fact, the transition was easier than he thought it would be. Although he had no formal public policy training, his legal training and his law and social science research background have served him well in his new position.

What is the Public Policy Center? According to its website: "The Public Policy Center seeks to inform public policy by facilitating, developing, and making available objective research and analysis on issues important to Nebraskans. The PPC is a link between the University of Nebraska's public policy resources and elected and appointed officials; state and local agency staff; the public at large; and others who represent the diverse policy interests of Nebraskans."

"For us," said Tomkins, "the University truly means the entire University. We serve not only UNL, but UNMC, UNO, UNK and the Institute of Agriculture and Natural Resources." The vice chancellor of academic affairs of each of those campuses serves on the center's advisory board, as do key representatives of the "state stakeholders" the center serves – the governor, the state court administrator and the chair of the Unicameral's Executive Board.

Tomkins emphasized that the PPC is not trying to be "the legislative research division north. We are not in the business of doing a quick turnaround on a bill that is before the legislature. What we do is marshal the resources of the University and the state to engage in longer-term policy research rather than short-term policy analysis."



Public Policy Center Director Alan Tomkins in the center's offices in Lincoln Square in downtown Lincoln. The offices are decorated with the works of Nebraska artists.



Tomkins and center Associate Director Nancy Shank look over flyers describing the many projects in which the PPC is involved.

What started out as a shoestring organization in offices made available by the College of Business Administration is now operating out of new offices in Lincoln Square, a downtown office building that was formerly the home of the Miller & Paine department store. Basic financial support comes from the University, with each campus and the central administration contributing. In addition, projects carry with them funding supplied by the requesting agency or some other funding source, such as a foundation.

While at one time Tomkins comprised its entire staff, and only half-time at that, the PPC now has an associate director, project managers, research specialists, an office manager and a number of ever-changing undergraduate and graduate assistants, including several law students. In addition, faculty members from throughout the University are affiliated with the PPC. “Although we have a whole range of backgrounds and talents on staff, when we get a particular project, we turn to faculty and others at the University with particular expertise,” Tomkins explained. For instance, for its project on legal and economic market issues relevant to preserving carbon in the environment, the Center turned to Law College Professor Norm Thorson and an agricultural economist.

By putting together these resources, explained Tomkins, “We are really developing a skill – translating academic knowledge into information ready for policy consumption. Also, the idea of developing new partnerships across the University is fun for us. It means that we are always working in different policy areas.”

Among the many projects the Public Policy Center has worked on are:

#The Minority and Justice Task Force: Created by the Nebraska Supreme Court and the Nebraska State Bar Association, the task force is examining whether ethnic and

racial minorities are treated the same as whites by the justice system. It is focusing on four areas – access to justice; civil, criminal and juvenile justice; personnel and employment; and the legal profession. The center is advising the task force regarding what research methods should be used, and is gathering both quantitative and qualitative data. Center staff also assists the task force in the coordination of the public hearings that have been held across the state. One meeting was held in Macy, home of the Omaha tribe, and was likely the first public hearing on sovereign nation territory.

The Nebraska Child Support Collection and Disbursement System Implementation Project:

The federal government ordered the states to centralize child support and disbursement, and each state was to develop its own plan for centralization. The center brought together all the various

stakeholders – judges, child support attorneys, custodial parents, noncustodial parents, district court

clerks, businesses, and representatives from the Department of Health and Human Services and from the legislature and the governor’s office. It consulted with federal child support enforcement staff, private companies working in child support around the country, and other national experts. It tried to identify a consensus about how people thought they could effectively work together to centralize the system. The PPC then created and coordinated specific recommendations for the Executive Board of the Nebraska Legislature to consider. “Nebraska, like other states, was experiencing challenges in transitioning from the status-quo system,” said Tomkins. “It’s really difficult to change your system when there are complicated issues of personnel and technology that must be solved simultaneously.”

#Public Trust and Confidence in the Courts: Working with the National Center for State Courts, the PPC helped develop a survey to discover what the American public thinks about the performance of state and local courts. Nebraska was used as a laboratory to develop questions for the national survey, which was administered by the Indiana Public Opinion Laboratory.

Tomkins has found the work he does with the center to be “very gratifying.” He added, “Because we rely on the expertise of the faculty and students at the University and don’t have a stake in the outcome, we have credibility. We can take that expertise combined with input from stakeholders and really make a difference in the way an organization operates, or a group of people think about the world, or the way a legislative committee conceptualizes possibilities. In my academic life, I always enjoyed when something I wrote or taught made a difference in the lives of people or in the way people thought about programs or issues. I’m doing the same thing now only with a different audience using a different platform.” ■

Visiting Professor Preeta Bansal, Former N.Y. Solicitor General, Returns to Her Nebraska Roots

What do you do next if you were valedictorian of your high school class, a magna cum laude and Phi Beta Kappa graduate of Harvard-Radcliffe College, a magna cum laude graduate of Harvard Law School and supervising editor of the *Harvard Law Review*, a law clerk for the United States Court of Appeals for the Second Circuit and for Justice John Paul Stevens of the United States Supreme Court, a lawyer with major Washington, D.C., and New York law firms, special counsel to the Office of the White House counsel, solicitor general of the State of New York, and have been called “one of the most gifted lawyers of her generation”?

If you are Preeta Bansal, you choose to return home to Lincoln, Nebraska, to be with your parents, to “reground” yourself, and to spend some time teaching at the College of Law. That is how Bansal came to be at the Law College as a visiting professor of Constitutional Law.

Bansal was born in India, but came to this country when she was three and moved to Lincoln at age five. She had a comfortable childhood in Lincoln where, like most young people, she spent much of her time “just fitting in.” Years later, when people wanted to know about her growing up as an Indian-American, she would quip, “I don’t know. I grew up in Nebraska. I thought I was blonde until I was 24.” Actually, over the years, Bansal said, “I have spent a good amount of time probing and trying to understand these identity issues.”

After she graduated from Lincoln East High School and from Harvard, she went to law school. Of course, she was intellectually interested in the law, but, “on a more personal level, both my brother and my sister had become doctors and it was my pathetic form of rebellion to be a lawyer.”

Bansal enjoyed learning about the law but did not enjoy the Harvard Law School experience. “There were a lot of people running around chasing some brass ring,” she said, “and I never knew what the brass ring was. I didn’t understand what everyone was running around in circles for.”

After law school, she clerked for Chief Justice James L. Oakes of the Second Circuit Court of Appeals and then for Justice Stevens on the

Supreme Court. At the Supreme Court, she said, “I was struck by how friendly and how much a tight-knit community the Court was. From cafeteria workers to the library staff, they all had a sense of a common mission.”

The Court’s collegiality afforded her an opportunity to meet and interact with the justices. “There was a tradition that each chamber’s clerks take out every justice for lunch,” she said. “We paid; they chose the restaurant.” All the women clerks attended aerobics class with Justice O’Connor. “It was expected” that you would be there. She also played squash with Justice Scalia. “I would get these e-mails telling me the time and place, and I would just show up. He never asked for a response.”

If all this sounds pretty regal, there is another side. According to Bansal, “Justice Stevens is the nicest man in the world. He’s a kind, gentle Midwestern person.” She



Preeta Bansal’s father, Dr. M. K. Bansal, was in the audience when she gave a talk at the Law College on the Supreme Court’s new federalism jurisprudence.

recalled a time when she needed to get his vote on a stay of execution request and could not reach him. She called the front desk of his condominium and asked for Justice Stevens. The person she was talking to sounded confused. "You mean John Stevens is a judge?" he asked.

After her year with the Court, Bansal went to the Washington, D.C., firm of Arnold & Porter where she worked with First Amendment, copyright and communications law. Although she saw a lot of clients, she spent much of her time writing briefs. "I wrote brief, after brief, after brief," she recalled.

After two years at Arnold & Porter, she moved on to the U.S. Department of Justice and then to the White House. "I wasn't really looking to leave. I wasn't very political," she said. But when people at Justice starting calling her and urging her to "come and try this out for awhile," she thought she would do it for a year or two and then come back to the firm. "In Washington legal culture, that's strongly encouraged."

At Justice, she worked on the Ginsburg nomination and confirmation. After being borrowed by the White House, she handled the Breyer nomination and those of a number of other federal judges and was involved with the litigation surrounding Hillary Clinton's health care task force. When Deputy White House Counsel Joel Klein became head of the Justice Department's Antitrust Division, she joined him there and worked on the early stages of the Microsoft investigation.

Then she left Washington, even though she seemed assured of a great job in the second Clinton administration. She described why: "I came to the conclusion that the people I really admired the most were people like Robert Rubin, the former secretary of the treasury, who had built a life and a passion and conviction outside of Washington. They came to Washington with a sense of having something to offer and wanting to serve, rather than trying to glom onto power or fame or fortune. I divided the world in my own mind into suns and moons. Most people are moons; they get their light from others' reflected glory. Very few people are suns whose power comes from within them and they emanate that outward. When I started looking at models of the people I wanted to be like, I realized that I wasn't going to become that kind of person by hanging around Washington. I needed to leave and build up a substance of my own."

So Bansal went to New York where she practiced with Gibson, Dunn & Crutcher. While in New York, she met a man who was a longshot candidate for New York attorney general, Eliot Spitzer. When he won the election, he urged her to work for him. After turning down a number of offers, he offered her his "crown jewel." He wanted her to be solicitor general.

As solicitor general for the State of New York, Bansal took on a huge administrative burden. She was in charge



While at the United States Supreme Court, Bansal clerked for Justice John Paul Stevens.

of managing 600 lawyers and, in particular, the 45 lawyers who did appeals. In the appellate courts alone, the office was filing 45 briefs a week, but they were also defaulting every day on appeals worth hundreds of millions of dollars. "A lot of what I did," said Bansal, "was conduct a massive recruiting campaign to bring in bright young lawyers who had tons of other options. I had to convince people to take \$300,000 pay cuts, and then I had to figure out how to unleash people's talent by putting them in the right situations." While during the day, "it was just administrative morass," she used her off hours to prepare for the oral arguments that she conducted before the U.S. Supreme Court and other appellate courts.

The job, Bansal said, "was incredibly empowering. I had a sense going in that I was a decent lawyer. But I had never run a major public law office." However, after two-and-a-half years, having accomplished what she set out to do, she resigned. "The challenging part was done," she said. "I could just perch or I could try something new. I guess I'm not a percher."

Yet Bansal was not ready to make a decision about the direction in which her career should go. As her parents are still living in Lincoln, she decided to return to Nebraska after a 20-year absence. She recollected, "I was starting to build a life on the East Coast that was very fast. I felt that there was part of me, the whole Midwestern side of me, that didn't quite jibe with that. I wasn't ready to commit myself to that kind of life. I needed to regroup myself personally. I also craved some kind of professional sabbatical that would allow me to stand back and synthesize my thinking about legal and public policy issues in light of my experiences so that, when

David Hill, Professor at Colorado, Returns to 'Big Red' Country

David Hill graduated from the College of Law in 1970 and immediately left the state. He returned in January 2002. In some respects, things were a lot different; he was not a law student but a visiting professor of law. In other respects, things were the same.

Hill was born in Chicago and grew up "all around the world," as his stepfather was in the army. After he graduated from high school in Chicago, he and his mother moved to Lincoln where he attended the University. It was not easy going to college in Nebraska as a black man, and it was not easy to get a job when you got out. He vividly remembers stopping for a cup of coffee in the Student Union before going to his final exam in psychology. He struck up a conversation with a janitor and learned that the janitor had a degree in civil engineering from the University. Yet the



only job he could find was janitorial work. "Needless to say," he said, "I didn't bother to take the final. I ultimately flunked the course. There were so many disincentives to go to college that it is a wonder that I ever completed it."

It took him about 10 years, but he did get his degree and entered the Law College. There were only two or three other blacks at the College at the time. But he made it through, thanks in good measure to Professor Dick Harnsberger, who took Hill under his wing and made sure he learned the things that he needed to do to be successful. "I was very well educated here,"

Hill said. "When I went into practice I did not meet any new lawyer who was as prepared to practice law as I was."

Upon his graduation, he and his wife Jane moved to Minneapolis, where as an integrated couple, they felt more comfortable and where he got a job with a law firm. It was

the time is right, I would again be able to serve in a thoughtful way. Then, out of the blue, Steve Willborn called and asked me if I'd like to teach."

What Willborn had in mind was a visit for a week or two. He was pleasantly surprised when she asked, "How about a semester?" It is clear Bansal enjoys the challenges of teaching; the one semester has grown into at least three. She is teaching Constitutional Law and has developed some new courses. One is a seminar on Federalism and Sovereignty, which investigates the Supreme Court's new federalism jurisprudence. "Ultimately, federalism is about trying to empower people at the grass roots state level. I want to give practical content to that with the aim of preparing students to assume creative and thoughtful roles at the state and local levels," she said. Another is a

seminar on Courts, Politics and Legal/Social Reform: Evaluating the Successes and Limits of Rights-Based Approaches, which examines the use of litigation as a strategy for social change. Law reform litigation, she pointed out, is kind of a top-down approach to change imposed by the courts. Ultimately to effect social change, "you have to win the hearts and minds of the people."

It is too early to say what Preeta Bansal's next venture will be. Perhaps government service, perhaps the judiciary, perhaps being a partner in a major East Coast law firm or being general counsel for a major media entertainment company, perhaps she will stay in academia. There is no question, however, that the College of Law is grateful that she stopped here along the way. ■



Even though he teaches at the University of Colorado School of Law, Professor David Hill, like Roscoe Pound, got his start in the law in Nebraska.

not until years later that he found out that before he was hired the firm had a meeting where they decided that if they were going to hire Hill, he would have the firm's full support. If a client objected to a black man doing its work, the client would have to find other counsel.

One of Hill's major clients was the Minneapolis Housing and Redevelopment Authority, and he became its chief of operations before returning to private practice. Eventually he left private practice to pursue an academic career. "In practice, I spent much of my time making rich people richer. For some folks, that's great. For me, that's not very rewarding or satisfying," he explained.

One event that triggered his career change was a dinner party he attended at the home of one of his colleagues. "One of their kids was in nursery school, and that day he had drawn a picture of his family. The kid drew his siblings, his mother, the dog, the cat, but left the father out. On our way home, my wife and I started talking about the hours we worked. My child was about five months old. I

decided that my children were not going to grow up not knowing their father."

Hill's teaching career began at Boston College. In 1977, he went to Colorado where he remains a member of the faculty. He finds law teaching very rewarding and enjoys "helping students get from where we see them to where they want to go. I've had students who wanted to become prosecutors because they thought that the most important part of criminal law was prosecutorial discretion and that you need someone in there who will have some empathy with those who are being charged and will not just roll over and accept everything that the police say. They're prosecutors in Denver now and doing a great job."

While he left Nebraska years ago, he remains a fan of the Cornhusker football team. His students at Colorado are well aware of this treachery and when they are on the losing end of a football bet, they have to wear red to class. This year, sadly, the results were different, and Hill had to

wear a Colorado sweatshirt. Before he was out of class, his picture was all over the law school list serve.

This spring, Hill returned to the Law College as a visiting professor. He enjoyed his teaching experience here, although he found that the upper-class students were much more reticent than those in Colorado. "When you call on them, they're just fine," he said. "But they're not going to volunteer." Another difference is that at Colorado, "we're not doing as good a job at educating students as they do here. The faculty here is pretty demanding, and I am as well."

Having come back after more than 30 years, Hill was disappointed that there were not more minorities in private practice in Lincoln. "Right now there is not a single black practitioner in private practice in Lincoln; I was surprised to find that out. That's what I saw when I was here as an undergraduate and when I was in law school." Hill said he knows that Dean Willborn is committed to recruiting African-Americans and other minorities to the College, and maybe, in the long run, that will make a difference. ■

Faculty Notes



C. Steven Bradford
Cline Williams, Wright,
Johnson & Oldfather
Professor of Law

Professor Steve Bradford has received a fellowship from The

Center for Computer-Assisted Legal Instruction (CALI) to prepare computer lessons in the business associations area. They will be included on the disk that CALI distributes to law schools.



Alan H. Frank
Professor of Law

Professor Alan Frank has been appointed by the Law School Division of the American Bar Association to a three-

year term on the Client Counseling Competition Subcommittee of the Competitions Committee. The three subcommittee members are responsible for devising the rules, judging standards and host school instructions for the Client Counseling Competition and for writing the problems for the intraschool, regional and national competitions. Frank has been an advisor and coach to the Law College's Client Counseling team since 1975.



Martin R. Gardner
Steinhart Foundation
Professor of Law

Professor Marty Gardner published the third edition of his casebook, *Crimes and*

Punishment: Cases and Materials, published by Lexis/Nexis Publishing. This fall, Lexis/Nexis will publish his Juvenile Law casebook, *Children and the Law: Cases and Materials*, which he is writing with Professor Anne Proffitt Dupre of the University of Georgia School of Law. He presented a paper, "The Criminal Sanction and Latter-Day Saint Thought," at the Latter-Day Saint Perspectives on Law Symposium at Brigham Young University. The paper

discusses the possible role played by the death penalty in Mormon thought. The paper addresses capital punishment and Mormonism as a particular manifestation of a general theory of retributive punishment entailed in the unique LDS emphasis on free agency and moral accountability. The paper argues that while the death penalty in particular finds no necessary connection to the Restored Gospel of Jesus Christ, one might meaningfully speak of a "Mormon Theory of Punishment" that justifies general application of the criminal sanction in terms of retributive, as opposed to utilitarian, theory. An article based on the paper has been accepted for publication by the *Brigham Young University Law Review*.



John M. Gradwohl
Ross McCollum
Professor of Law

Professor John Gradwohl continued during the 2001-2002 year to teach full-time during the fall semester

and not teach during the spring and summer sessions. In recent years, he has taught Arbitration and Legislation Seminar, while maintaining his interest in estate planning, labor/employment law, school law and judicial administration. He has prepared a two-volume course book, *Arbitration: Policies, Laws, Cases, Procedures and Skills*. He continues to be active in legislative issues and in bar activities.



Richard S. Harnsberger
Cline Williams-Flavel A.
Wright Distinguished
Professor of Law and
Professor of Law Emeritus

Professor Dick Harnsberger was

presented with the Outstanding Legal Educator Award at the annual Nebraska State Bar Foundation Fellows Dinner for his distinguished career spanning 52 years of service to the Bar

in the field of legal education. The award acknowledges momentous contributions to the field of legal education by a legal educator, a lawyer who volunteers his or her time to instruct, or to a lawyer who serves in continuing legal education capacities. In addition, he was one of two teachers recently selected by the Ashland-Greenwood Public School Foundation as Alumni of the Year.



Stephen E. Kalish
Margaret R. Larson
Professor of Legal Ethics

Along with philosophy Professor Dr. Robert Audi, Professor Steve Kalish taught

"Moral Theory and Its Practical Application: An Interdisciplinary Seminar" for academics in a number of different disciplines from a number of universities in the United States and New Zealand.



Roger W. Kirst
Henry M. Grether
Professor of Law

Professor Roger Kirst published "Filling the Gaps in Federal Rule 45 Procedure for Nonparty Nondeposition Docu-

ment Discovery," 205 *Federal Rules Decisions* 638. The article reviewed the early case law applying a 1991 amendment of the Federal Rules of Civil Procedure 45 in light of state versions that had been based on the federal rule. It also identified topics that were more completely addressed by state rulemakers and suggested how the federal rule could be applied to protect the interests of everyone involved in the production of documents held by a nonparty. Kirst continues to serve as reporter for the Nebraska Supreme Court Committee on Practice and Procedure, as a member of the Federal Practice Committee and as a member of the Robert Van Pelt American Inn of Court in Lincoln.

Faculty Notes



Craig M. Lawson

Professor of Law

Professor Craig Lawson attended the 10th Biennial Conference of the Legal Writing Institute, hosted by the

University of Tennessee College of Law, in Knoxville, Tenn., in the foothills of the Smoky Mountains. Lawson and 380 other teachers of Legal Writing (including Carleen Pruess, '97, one of the Law College's adjunct instructors of Legal Writing) spent four days discussing legal writing teaching and how to improve it.



Richard A. Leiter

Director of the Law Library and Professor of Law

Professor Leiter completed work on the fourth edition of his book,

National Survey of State Laws, published by Gale Group. *National Survey of State Laws* continues to find a wide audience in newsrooms and legislative libraries around the country. The third edition has sold nearly 4,000 copies so far. The fourth edition will be released this fall. The fifth edition is being planned for 2004. Leiter also served as a consultant to Handong University as it opened Handong International Law School. Leiter helped the founding dean develop a library budget and an initial acquisitions plan for the new law school. Leiter will continue to help develop the collection, which is now the premier U.S. law library in South Korea.

Leiter is co-founder of the Spirit of Law Librarianship Award for volunteer community service. The award has been given 10 times in 11 years. This year's award winner is Frosty Owen, manager of library services for Hunton & Williams in Richmond, VA, for his work building collections for public school libraries. The award is presented each year in conjunction with the annual meeting of the American Association of Law Libraries. Leiter also visited the

University of Montana School of Law as a member of the American Bar Association's accreditation inspection team. He was responsible for evaluating library services, computing infrastructure and physical facilities.



John P. Lenich

Professor of Law

Professor John Lenich was promoted from associate professor to professor of law by the University Board of

Regents. In June, Lenich taught a class on proof of damages to third-year Lithuanian law students at Vytautas Magnus School of Law in Kaunas, Lithuania. He also published "What's So Special About Special Proceedings? Making Sense of Nebraska's Final Order Statute," 80 NEBRASKA LAW REVIEW 240. In his article, he discussed the current confusion that surrounds Neb. Rev. Stat. § 25-1902, traced the statute back to its roots in the 1848 New York Code of Civil Procedure, and offered suggestions based on the history of the statute for reducing the current confusion.



William H. Lyons

Richard H. Larson

Professor of Tax Law

Professor Bill Lyons spent a month in the spring teaching United States individual income

taxation at the University of Leiden in Holland to a group of 60 students, some undergraduates studying law and some graduate students in an international tax LL.M. program. He prepared a substantial revision to his chapter entitled "Financially Troubled Partnerships" in the *Collier on Bankruptcy* volume on bankruptcy taxation. In January, he made a presentation on recent developments in bankruptcy tax law for the Individual Income Tax Committee of the American Bar Association Section of Taxation in New Orleans, La. He served as faculty advisor to the College's 2001-2002

National Moot Court teams and for the 2002 Thomas Stinson Allen Appellate Moot Court Competition. He served as chair of the planning committee for the annual Estate and Business Planning Seminar held at the College of Law. As chair of the ABA Tax Section's Important Developments Committee, he supervised the preparation of the 312-page series of Tax Section Committee reports published annually in *The Tax Lawyer*. He has been invited to be the coauthor, with Professors Paul Caron (Cincinnati) and James Repetti (Boston College), of a new individual income tax textbook.



Harvey S. Perlman

Chancellor, University of Nebraska-Lincoln and Professor of Law

Chancellor Harvey Perlman has been

named a life fellow of the American Bar Foundation. The Fellows is an honorary organization of attorneys, judges and law professors whose professional, public and private careers have demonstrated outstanding dedication to the welfare of their communities and the highest principles of the legal profession. The American Bar Foundation is the preeminent research center for the empirical study of the law, legal institutions and legal processes in society. Only the top one-third of one percent in the legal profession is eligible for nomination as a fellow.



Glenda J. Pierce

Associate Dean

Dean Glenda Pierce was elected chair-elect of the Nebraska State Bar Association House of Delegates. She has

served in the House of Delegates since January 2000.



Josephine R. Potuto
Richard H. Larson
Professor of
Constitutional Law
Professor Jo Potuto
delivered several

speeches and presentations as part of her responsibilities to oversee athletics department rules compliance. These included "Institutional Control and Ethical Conduct" at a Coaches Compliance Seminar, "Academic Integrity" to all incoming student-athletes, and "Academic Fraud and NCAA Legislation" for all athletics tutors and advisors. In addition, she conducted a Big XII Compliance Rules Workshop, "Infractions, Major and Secondary"; presented a Cather Circle Lecture, "The Impact of Title IX on College Athletics"; and lectured for the Polemic Society on "Campaign Finance Reform." She also submitted written testimony regarding the constitutionality of the fetal homicide bill sponsored by Sen. Mike Foley in the Nebraska legislature.

Potuto continues to serve on the NCAA Division I Committee on Infractions. The cases heard this year involved, among others, Alabama, Kentucky, Wisconsin and Minnesota. She also continued as a member of the NCAA Men's Gymnastics Championships Committee. Potuto participated in a panel presentation to the NCAA Division I Football Issues Study Group, comprised of university presidents. In addition, she is a faculty liaison to the Division IA Athletics Directors Association and currently serves on a committee set up by the Association to study and report recommendations on the NCAA governance structure.



Kevin L. Ruser
Clinical Professor of Law
Professor Kevin
Ruser has been
serving as a member
of the Action Plan
Committee for Ne-

braska Legal Services. The committee's purpose is to identify short-term and long-term goals for

increasing the availability of civil legal services for low- and moderate-income Nebraskans and to forward such goals, and recommendations for achieving them, to the Nebraska Legal Services State Planning Group, a larger group of stakeholders in the delivery of legal services, when that group convenes this fall. Ruser also:

made a presentation on the immigration consequences of criminal convictions at the Annual Institute on the Survey of Nebraska Law, held at the Law College;

was a presenter on family-based immigrant visas at a continuing education program held in Lincoln, entitled "Immigration and Naturalization Law and Procedure," sponsored by Nebraska Continuing Legal Education;

served as a panel member at a presentation entitled "Obstacles Faced by Lincoln's Immigrant Population," sponsored by Citizens Against Racism and Discrimination;

gave two presentations at the Balkan Law School Linkage Initiative Conference in Budva, Montenegro. The conference was jointly sponsored by the ABA's Central and East European Law Initiative (CEELI) and the U.S. State Department. Attendees included U.S. and Balkan law faculty. The presentations were entitled "Clinics in Practice: Live Client Clinics" and "Development of a Clinical Program: From Idea Through First Semester";

lectured to faculty and students at the Podgorica Law Faculty in Podgorica, Montenegro, on the U.S. common law system, operation of the Civil Clinical Law Program at the College of Law, and the history of clinical legal education in the U.S.; and

served as a trainer on immigration law, specifically on the issues of deportation and relief from deportation, at a training for volunteers through Equity-In-Nebraska, an initiative to help new immigrants conducted under the sponsorship of the Nebraska United Methodist Church.



Robert F. Schopp
Professor of Law and
Psychology
Professor Bob Schopp
published 'Reconciling
'Irreconcilable' Capital
Punishment Doctrine as

Comparative and Non-Comparative Justice," 53 *Florida Law Review* 475. The article discusses two lines of Supreme Court cases that require individualized assessment and guided discretion in capital sentencing. Several Supreme Court opinions and many commentators have contended that these lines of cases are irreconcilable in that no sentencing process can fulfill both requirements. Schopp argues that these two lines of authority are fully reconcilable in a manner that reflects the complimentary requirements of comparative and non-comparative justice. The defects in capital sentencing frequently attributed to these purportedly irreconcilable lines of authority actually reflect a fundamentally different problem involving the use of case-specific sentencers. In addition to continuing to serve as interim director of the Law-Psychology Program, Schopp organized a panel on the Nebraska Death Penalty Study that was held at the College of Law.



Steven L. Willborn
Dean and Richard C. and
Catherine Stuart
Schmoker Professor of
Law
Dean Steve Willborn
published the third

edition of his casebook, *Employment Law: Cases and Materials*, written with Stewart Schwab and John Burton and published by Lexis/Nexis. New editions of the statutory supplement and teachers' manual were also published. Willborn also wrote "Regulating Pensions in Europe and the United States," 5 *Employee Rights & Employment Policy Journal* 327.



You are cordially invited to attend
the College of Law's

Fall Reunion

**Honoring the classes of
1956, 1961, 1966, 1971, 1976,
1981, 1986, 1991 & 1996**

Friday, October 5, 2001

Reunion Dinner

The Cornhusker	6:30 p.m. Cash Bar
333 South 13th Street	7:00 p.m. Dinner
Lincoln, Nebraska	

~~~~~

Saturday, October 6, 2001

## Open House & Tailgate Party

(Starting 3 hours before kick-off)  
College of Law, 42nd & Fair Street  
Open House with Host Bar  
Shuttle Bus to and from Stadium

## Nebraska Vs. Iowa State Football Game

Memorial Stadium  
Kick-off time TBA



FALL REUNIONS 2001



# Federal Judges Camp, Riley Bring High Standards to Bench

By Jan Gradwohl  
Resident Adjunct Professor of Law

*In the past year, two distinguished graduates of the College of Law have been nominated, confirmed and sworn in as federal judges. Judge Laurie Smith Camp sits on the bench of the U.S. District Court for the District of Nebraska, and Judge William Jay Riley serves on the United States Court of Appeals for the Eighth Circuit. The TRANSCRIPT asked Judge Jan Gradwohl, resident adjunct professor of law at the College of Law, to profile these two new jurists.*

## #Judge Laurie Smith Camp – Portrait of a Role Model

Judge Laurie Smith Camp was formally sworn in as a judge of the federal district court for the District of Nebraska on February 22, 2002, the first woman to be appointed to the federal district bench in Nebraska. Her dedication to her profession and community qualify her superbly for her judicial role.

Judge Smith Camp's attitude toward her career demonstrates the basis for both her success as an attorney and her ability to make significant contributions to her community. She explained that she approached each of her

professional opportunities asking "What can I accomplish and how can I be of service in this job?" not "What are its requirements?" This approach, the judge stated modestly, "made each new opportunity more gratifying, both professionally and personally."

A 1977 graduate of the College of Law, Smith Camp served as editor-in-chief of the NEBRASKA LAW REVIEW. She studied at Northwestern University, Queen Mary College in London, and graduated with distinction from Stanford University.

Private practice of law in Nebraska and Kansas and service as general counsel to the Nebraska Department of Corrections, head of the Civil Rights Section of the Nebraska Attorney General's Office, and serving as chief deputy attorney general for criminal matters provided Smith Camp with ample opportunities to contribute to her profession and her state.

Her efforts resulted in the passage of significant federal and state legislation in the areas of prosecution, sentencing, criminal records management, inmate litigation and inmate work programs. She has written and lectured on a wide variety of subjects, including constitutional law, ethics, management, legal history and emerging trends in the law.

Smith Camp is a former chair of the Nebraska Federal Practice Committee, past president of the Robert Van Pelt American Inn of Court and a former director of the Nebraska County Attorneys Association and the Nebraska Coalition for Victims of Crime.

At her investiture ceremony, several individuals who had been opposing counsel to Smith Camp described the dignity with which they were treated in the legal matters that she handled. Her respect for fellow practitioners was illustrated when she nominated her opposing counsel in a particularly difficult prison inmate case for an award of the Nebraska State Bar Association recognizing outstanding *pro bono* service.



Judge Laurie Smith Camp





By maintaining high professional standards, Smith Camp was both an effective advocate and a formidable adversary. She attributes her attitude toward the legal profession to her father, Edson Smith, a highly respected Omaha lawyer. Judge Smith Camp recalls seeing the movie *To Kill a Mockingbird* with her father when she was nine years old. From that time on, in her mind, her father was always Atticus Finch, the heroic lawyer in the movie.

Smith Camp's life is multifaceted with a variety of interests beyond professional ones. She considers her most important role to be that of being the mother of Jonathan and Abby, whom she describes with "great joy and pride." She was among community members who undertook the renovation and revitalization of the old Haymarket District in Lincoln; she has served as a director of the Nebraska Conference of her church; she has been president of Abendmusik, which presents classical musical events, a board member of the Nebraska Shakespeare Festival and a director of the Willa Cather Pioneer Memorial Foundation.

Smith Camp was nominated by President George W. Bush on June 10, 2001, and received unanimous confirmation by the Senate. The people of the state of Nebraska and the legal community are the beneficiaries of the personal and professional values which she brings to the bench. There could be no better role model for all in the legal profession. ■

## #William Jay Riley – Paragon of Personal, Professional Excellence

**T**hroughout his personal and professional life, United States Circuit Judge William Jay Riley has epitomized the highest of standards. As the speaker at the College of Law 2002 graduation ceremony, he quoted Senior United States District Judge Warren Urbom for the principle that the law is a minimum standard of behavior, and that one entering the profession should have standards far above the minimum.

As an undergraduate at the University of Nebraska-Lincoln, majoring in history, Riley was a member of Phi Beta Kappa. While in law school he was editor-in-chief



Judge Roger L. Wollman, chief judge of the Eighth Circuit Court of Appeals, administers the oath of office to Judge William Jay Riley.

-Photo courtesy of The Daily Record, Omaha



of the NEBRASKA LAW REVIEW and a member of Order of the Coif. He graduated from the College of Law with distinction in 1972.

Upon graduation from law school, Riley clerked for United States Circuit Judge Donald P. Lay, after which he joined the law firm of Fitzgerald, Schorr, Barmettler & Brennan in Omaha. A skilled advocate, he was named chair of the firm's litigation department. He remained with the firm until he took office as a judge of the Court of Appeals for the Eighth Circuit on August 16, 2001.

Riley has long maintained an easy rapport with all whom he meets. The father of three and grandfather of two, he has been especially dedicated to students. This interest is demonstrated by the fact that despite a rigorous professional schedule he has taught Trial Practice at Creighton University School of Law since 1991.

Leadership in the profession has always been a standard of Riley's career. He was selected as a fellow of the American College of Trial Lawyers in 1992. He has served as Nebraska state chair of the American College of Trial Lawyers, and as both treasurer and president of the American Board of Trial Advocates. Riley's devotion to ethical conduct was recognized when he was selected to chair the Ethics Committee of the Nebraska State Bar Association. He has served as a delegate to the Nebraska State Bar Association House of Delegates and has been president, treasurer and a member of the Executive Council of the Omaha Bar Association.

Riley's interest in encouraging young people in the legal profession is also demonstrated by his involvement in the Robert M. Spire American Inn of Court, an organization devoted to mentoring young lawyers and encouraging them to abide by the highest standards of ethical and professional conduct. He was a charter member and a master in that group. Riley has been recognized in *Best Lawyers in America*, *Best Lawyers in Omaha* and *Who's Who in American Law*, as well as having been named a fellow of the Nebraska State Bar Foundation.



Wearing his judicial robes, Judge Riley speaks at his investiture ceremony.

-Photo courtesy of The Daily Record, Omaha

Excellence in the legal profession is not Riley's sole interest, for his devotion to young people is apparent through his involvement with the Boy Scouts of America. He was a troop leader for 10 years, advising more than 25 Eagle Scouts during that period. He was membership chair for the Mid-America Council of the Boy Scouts of America from 1995 to 1998 and remains a member of the Board of Trustees for the Mid-America Council. He has also been a juvenile diversion leader in a mentoring program for teenage first-time offenders. Riley's leadership in scouting was recognized with the Award of Merit in 1991 and The Silver Beaver Award in 1991.

Striving for the highest standards has been the theme of Judge William Jay Riley's personal and professional life. The example that he has set sends a powerful message to young people in the profession. His devotion to such standards will enable him to become a truly great member of the judiciary of the United States. ■

# ‘Stormin’ Norman’

## Trial Lawyer, Corporate Executive, Chief Justice: Norm Krivosha Has Worn Many Hats

By Tony Dworak  
Director of Development

*From 1978 to 1987, Norman Krivosha, '58, served as chief justice of the Nebraska Supreme Court. Years from now, historians will likely remember Judge Krivosha most for his dynamic leadership style and the new era of openness and accessibility that he brought to the state's highest court. People who know Krivosha today, however, are just as likely to think of him for a wide variety of accomplishments in addition to his noteworthy career on the bench. Trial attorney, corporate executive, teacher, community leader, political party leader and noted philanthropist are but a few of the mantles Krivosha has carried since he first arrived in Nebraska from Detroit in 1953.*

*The following are a few highlights from an interview I recently conducted for THE NEBRASKA TRANSCRIPT with Krivosha:*

**TRANSCRIPT:** Tell us a bit about what it was like growing up in urban Detroit in the 1930s and 1940s.

Krivosha: Actually, I went back to my old neighborhood a number of years ago. It had been involved in the riots of 1967. Much of the area, including the house I was raised in, was burned down. When I was growing up, it was principally a Jewish neighborhood. We were in one area, next to us were the Poles, next to them were the Italians, and everyone pretty much stayed in their own area. So coming to Lincoln was an interesting and new experience for me – and one that I grew to love very much.

**TRANSCRIPT:** How did you end up coming to Lincoln from Detroit?

Krivosha: There really is a God, and he does have a plan. I had a cousin teaching at the University of Nebraska. He said, “Why don’t you come here, live with me and go to school here?” That was the only way I could afford to go away to school, so I applied and was accepted to attend the University of Nebraska. Then I got out an atlas to find out where Lincoln was!



**TRANSCRIPT:** Was it hard to make the adjustment from Detroit to Lincoln?

Krivosha: No. I really came to love Lincoln. I joined the Sigma Alpha Mu fraternity right away, and later even became international president. It gave me a sense of family and a social life; almost more social life than I could handle, as a matter of fact.

**TRANSCRIPT:** What first inspired you to become a lawyer?

Krivosha: First, it was my future wife, Helene, who was responsible for me becoming a serious student. When we were dating, I would go to the library and ask her to go to coffee, and she’d say we could go at 10 o’clock. Well, I’d say “It’s only seven o’clock now, what am I going to do until 10 o’clock?” She’d say, “Why don’t you bring a book?” Well, I started bringing books over, and my grades started getting better. Eventually I started signing up for the same classes she was taking so I could see more of her. My grades just kept getting better and better until I ended up getting a Regents Scholarship.

As far as the inspiration for becoming a lawyer, that would be my chemistry professor, Dr. Harris. It had been my practice to go to my Saturday morning chemistry lab directly from wherever I had been Friday night. At the end of the year, Dr. Harris called me in and said “Krivosha, I’ve been here a long time and I’ve had lots of students, and you are without a doubt the worst one I’ve ever had. If you promise me you’ll never take another science course at Nebraska, I’ll pass you.” Well, not wanting to take another Saturday morning chemistry lab, I agreed.

**TRANSCRIPT: What were your first impressions of the Law College and its faculty?**

Krivosha: They were all incredible people. Professor Julius Cohen was the most sterling professor I ever had. Professor Alan Axelrod was a brilliant, brilliant professor. I remember Fred Beutel coming in the first week and saying, “Gentlemen, look to your left and right. One of you will not be back.” And he was right! David Dow would march back and forth on a raised podium. I remember the students littering the podium with cigarette butts just so we could watch him kick them back off in frustration. There were many, many more. The entire faculty was such a wonderful cast of characters.

**TRANSCRIPT: How did your law career get started?**

Krivosha: In my second year, I went to the Ginsburg firm and asked if I could clerk for them. They couldn’t pay me anything, and I said that was OK because I was already getting paid for selling shoes – what I needed was the legal experience. I started off by writing two briefs for them; one for the Nebraska Supreme Court and one for the Eighth Circuit Court of Appeals. We ended up winning both cases, and shortly after that they started paying me. By the time I was a senior at the Law College, I barely had time to attend classes because I had too much of a practice going. I eventually became the senior member at that firm. I must say that Herman Ginsburg was the most wonderful lawyer and greatest mentor in the world. I couldn’t have asked for a better mentor, and I was very lucky to have practiced with him for 20 years.

**TRANSCRIPT: What was it like making the move from trial lawyer to chief justice of the Nebraska Supreme Court?**

Krivosha: As a lawyer, I was gregarious and involved with everybody and everything. But as chief justice, it became a monastic life. I couldn’t do many of the things I used to do, like being involved in politics, for example. I did stay active, but it was more in terms of getting out to the public and speaking about the court. My life revolved to a large extent around my colleagues on the court. I was 44 years old when I was appointed, and one of them called me “Sonny.” Indeed, he was old enough to be my father.

**TRANSCRIPT: How did the education you received at the Law College help you serve as chief justice?**

Krivosha: I’ve said a number of times that I can live with predictable but bad law as a lawyer; what I can’t live with is unpredictable law. One of the lessons I learned at law school, and something I tried to do as a judge, was to understand that I ought not to just willy-nilly change the law, but create a body of law that had some stability so people could rely on it, count on it and give advice about it. As a judge, I am doing two things – I am deciding that case, and I’m declaring that law for the future. Therefore my opinions must be clear, concise and understandable.

**TRANSCRIPT: In 1987, you walked away from the state’s highest court to rejoin the private sector as general counsel for Bankers Life [which later changed its name to Ameritas]. Some might consider this an unusual move.**

Krivosha: I am a very, very fortunate guy in many respects. As a lawyer, I’ve gotten to do almost everything a lawyer can do – practitioner, judge, teacher, corporate lawyer. I mean the law has just been so good to me. I have never had to do anything I didn’t like doing. You see, there’s a philosophy that I’ve tried to live by: I never go somewhere because I want to leave where I am. I go somewhere because that’s where I want to be. I loved being chief justice, but I also loved being general counsel of Bankers Life, and I very much love what I am doing now [as the head of the Lincoln office of Kutak Rock].

**TRANSCRIPT: How have you seen the practice of the Law change over the years?**

Krivosha: The principal difference is this: There was a civility that existed that does not exist today. Today, there are trial lawyers and there are litigators. In those days, we were all trial lawyers. The difference is trial lawyers are lawyers who make their living only trying lawsuits, and understand that just because my client doesn’t like your client, I don’t have to hate you. We (the lawyers) were with each other every day. We would litigate toe-to-toe until five o’clock, and then we’d go have dinner. Of course, there were exceptions. But today, everybody’s a litigator; even those who don’t have the faintest idea what the lawsuit is about. When we went from being a profession to being a business, I believe we lost some of that civility. And that’s too bad.

**TRANSCRIPT: Would you recommend the College of Law to an aspiring lawyer today?**

Krivosha: Academically, there isn’t a better law school. It’s also a great opportunity to associate with the Bar at a level where it could be very beneficial to you upon graduation. The College of Law changed my life. I think I turned out to be a pretty good lawyer. And to a large extent this is from the education I received as a student, coupled with the training I received from my mentor. I wake up every day, 44 years later, still excited about being a lawyer. And I don’t think there’s anything more rewarding or better in the world than to be a lawyer. ■

# Motorola's Copple Owes Success To Experience, Teamwork, Preparation, Prevention

To paraphrase Gilbert & Sullivan, Robert Copple, '81, senior litigation counsel for Motorola, is the very model of a modern corporate counsel. Forget any images you might have had of corporate counsel being a "sleepy, easy inside job." According to Copple, "The beauty of what I do is that I can be entrepreneurial. There are a wealth of good projects out there that need to be done."

A glance at Copple's resume demonstrates that he has had no reluctance to take on projects. Since joining Motorola in 1996, Copple has been responsible for centralization of the company's Superfund program, development of a safety and

liability risk assessment program for the iridium launches, and reorganization of Motorola's e-Commerce legal team. He is also lead litigation counsel for all of the company's Superfund, environmental, e-Commerce and semiconductor products litigation, as well as being responsible for other computer, intellectual property and commercial litigation.

What makes a good corporate counsel? *Experience* is one thing. Copple received "excellent training" at the College of Law where he was "truly required to learn how to solve problems." But that was just the beginning of his legal education. It continued with clerkships with Norman

Krivoshia, '58, chief justice of the Nebraska Supreme Court, and with Robert Van Pelt, '22, United States district judge for Nebraska, and then in private practice with two Denver law firms where, among other things, he handled large Superfund litigation.

Armed with this experience, he was able to come to Motorola and take on large cases immediately. The key to being an effective in-house counsel, Copple asserts, is first developing expertise and contacts outside.

*Teamwork* is also essential. In-house counsel cannot do everything, and Motorola's attorneys work closely with outside counsel while retaining the authority to make the key strategic decisions. Copple played a central role on an outsourcing team that reduced the number of outside firms that Motorola employs from 250 to 60.

Paralegals are also vital members of the team. Copple is the cofounder of Motorola's Paralegal Council, which is committed to increasing the training and use of paralegals as a way of leveraging attorney resources. "A good paralegal is like a high-level nurse in a medical practice," Copple said. "Paralegals know what they know, know what they don't know, and know how to ask good questions."



Paralegal Clare Pendleton and Bob Copple of Motorola in their electronic litigation "work room." Copple explained, "The flag is Blackbeard's, which I have adopted as my litigation team banner. Translated it means, 'Time is short. Surrender now.'"



Once the team is in place, its success depends on *preparation and strategic thinking*. Cases need to be analyzed up front and, as quickly as possible, an offensive approach adopted, employing, where appropriate, counterclaims and parallel litigation.

The key is analyzing cases to determine their optimum result. To do this, Copple has used the decision sciences to develop methods to analyze litigation strategies and potential outcomes, such as decision trees and outcome graphs.

In one of Copple's cases, a plaintiff, who had originally demanded \$290 million, was hanging tough on its settlement figure of \$12 million. Copple's decision tree, which showed



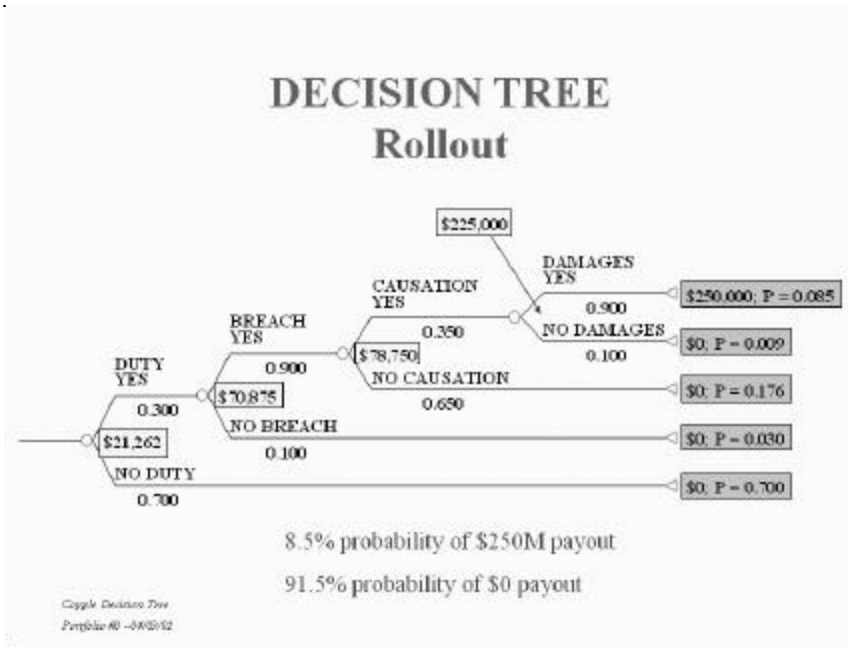
things you think about immediately."

Motorola utilizes a variety of ADR devices from mediation to binding arbitration. However, as Copple believes that the cost of arbitration can be almost as expensive as a trial, without some of the advantages, he stresses mediation. He prefers an aggressive style of mediation in which the mediator can tell a party what is wrong with its case. "Sometimes," he explained, "a company sees a claim as one of its major assets. A mediator may need to convince it that the claim is not as good as the company thinks it is."

Equally important to the resolution of current disputes, is the *prevention* of future ones. One concern with which Copple has dealt is the discovery of electronic documents. "In any given case," Copple said, "the other side can turn a weak substantive case into a difficult one by setting us up for a discovery motion and then asking for sanctions if we cannot produce the requested electronic documents."

Copple helped put in place a process by which experts can capture all of the relevant electronic documents to make sure they are preserved and not inadvertently discarded. He has also worked to teach Motorola personnel that e-mails are the equivalents of print documents and that one cannot just say anything in them. There is a similar problem with voice mail, which can be saved as wave files and may be subject to discovery.

Training personnel to be careful with what they write in e-mail and say in voice mail is a constant process, Copple said, but it is one of his many tasks. "In short," like Gilbert & Sullivan's major general, "in matters vegetable, animal and mineral," Bob Copple is one busy corporate counsel. ■



Among the tools Copple uses to analyze cases are decision trees, like the one above, which was created for a presentation at the College of Law that was cancelled due to the terrorist attacks.

that the case's true value was \$300,000, was so convincing to both the plaintiff and the mediator that the case settled at that figure.

As the above story indicates, strategic thinking also includes choosing the most appropriate forum to resolve the dispute. Copple is the Motorola Law Department's ADR coordinator and established the law department record for the most cases successfully resolved through using alternative dispute resolution devices in both 2000 and 2001. "ADR is not the wave of the future; it is the present," Copple said. "Using it is not a sign of weakness; one needs to use the right tool for the situation and ADR should be one of the

# AlumNotes

---

## 1 9 3 0

■ Governor Frank B. Morrison, '31, was the featured speaker for the Norris Foundation's 2001 Prayer Breakfast held in connection with the celebration of Heritage Days in McCook.

## 1 9 4 0

■ Samuel M. Kirbens, '42, Laguna Hills, Calif., spoke at Tifereth Israel Synagogue in Lincoln about his 23 years in Lincoln prior to his leaving in 1942. Judge Kirbens is now retired.

■ Charles Thone, '49, Lincoln, received the Nebraskan of the Year Award from the Downtown Lincoln Rotary Club 14. The award is presented to a candidate who represents honesty, integrity, concern for others, leadership and accomplishment in employment, and service in charitable and civic causes. Thone has served as Nebraska's deputy secretary of state, assistant attorney general, U.S. congressman and governor. He is senior principal at Erickson Sederstrom law firm.

## 1 9 5 0

■ John J. Edstrom, '51, was honored for 50 years of service to the Nebraska State Bar Association. Edstrom is a partner at the Wahoo firm of Edstrom, Bromm, Lindahl, Sohl & Freeman-Caddy.

■ Glen A. Fribig, Sr., '51, was honored at the Alliance Country Club for 50 years as a member of the Nebraska State Bar Association. During his career, Judge Fribig was a special agent for the FBI, an attorney in Alliance, a county court judge for Nebraska's 16th Judicial District and director of planned giving for the National Rifle Association Foundation.

■ Don Pederson, '54, North Platte, was honored with the Liberty Bell

Award by the Lincoln County Bar Association. This award recognizes contributions to the law and to the community. Sen. Pederson was also awarded the Patty Steele Memorial Award for excellence in public advocacy from the American Cancer Society. Sen. Pederson introduced and prioritized LB 677, the Breast and Cervical Cancer Treatment Act, in the 2001 legislative session. Pederson was also inducted into the Benson High School Hall of Fame.

■ Duane W. Acklie, '55, Lincoln, chairman of Crete Carrier Corporation, joined Behlen Manufacturing Company's Board of Directors.

## 1 9 6 0

■ Samuel Van Pelt, '61, Lincoln, has written *What Psalm-Singing Son of a Bitch Said That?* In the book, Judge Van Pelt, who has had a 30-year career as an attorney, district judge and Lancaster County sheriff, relates reminiscences about Lincoln's legal history by area lawyers, judges and politicians.

■ Gerald L. Schleich, '62, and his wife have opened the Schleich Red Wing Pottery Collection at the Home Real Estate corporate office building in Lincoln. Schleich is the chairman of the board of Home Real Estate.

■ Richard E. Shugrue, '62, presented a continuing legal education program to the Nebraska Bar Association's Corporate Counsel Section entitled "The Business Environment at the U.S. Supreme Court." He also presented "The United States Supreme Court, October 2000 Term" to the Nebraska Bar Association's Young Lawyers Section. Shugrue presented "The New Federalism is Here to Stay" to Nebraska district and county judges. He also addressed the Omaha Chamber of Commerce's Omaha Executive Institute and Leadership Omaha.

■ Jerome A. Hoffman, '65, Elton B. Stephens professor of law at the University of Alabama School of Law in Tuscaloosa, Ala., wrote "Thinking Out Loud about the Myth of Erie: Plus a Good Word for Section 1652," 70 *Mississippi Law Journal* 163.

■ Hal Daub, '66, Omaha, has been chosen to serve as chairman of the Social Security Advisory Board by President Bush. Daub has also established a new government affairs and lobbying unit for the Blackwell Sanders Peper Martin law firm, of which he is a partner.

■ James D. Faimon, '66, is one of 11 individuals who have been appointed to the Nebraska Advisory Committee to the U.S. Commission on Civil Rights. The committee assists the commission in its fact finding and investigative functions in the state. Faimon is an assistant Lincoln city attorney. Faimon has also been elected to the board of trustees of the Lincoln Bar Association.

■ Stephen G. Olson, '66, continues his more than 35 year association with Fraser, Stryker, Meusey, Olson, Boyer & Bloch in Omaha. His son, Stephen G. Olson II, '88, continues in private practice with Engles, Ketcham, Olson & Keith in Omaha. This was reported inaccurately in the fall 2001 edition of *THE NEBRASKA TRANSCRIPT*. The *TRANSCRIPT* apologizes for the error.

■ Richard R. Spencer, '66, Lincoln, retired as an attorney with the Nebraska Department of Health & Human Services and is in private practice specializing in administrative and eminent domain law.

■ George H. Krauss, '67, has been appointed to the board of West Corp., a telecommunications company in Omaha. Krauss is an attorney with Kutak Rock.

■ Jeffrey L. Orr, '67, received the Perry

W. Branch Award for Distinguished Service from the University of Nebraska Foundation “in recognition of his leadership and dedicated service to the University of Nebraska and the NU Foundation.” Orr is a partner in the law firm of Jacobsen, Orr, Nelson, Wright & Lindstrom in Kearney.

■ Robert P. Chaloupka, '68, has formed a new law firm, Chaloupka, Holyoke, Hofmeister, Snyder & Chaloupka, in Scottsbluff.

■ John Horan, '69, has been named a partner at Cline, Williams, Wright, Johnson & Oldfather in Lincoln.

■ Russell Lovell, '69, a professor at Drake University Law School in Des Moines, Iowa, was the principal speaker at the swearing-in ceremony of Iowa Associate District Court Judge Louise Jacob. Professor Lovell also presented “Court-Awarded Attorneys’ Fees: Examining Issues of Delay, Payment, and Risk” at the Georgetown Civil Rights Litigation East and West Coast Conferences in Washington, D.C., and San Francisco, Calif. Lovell also presented “Court-Awarded Attorneys’ Fees: The Demise of the Catalyst Theory and Four Structural Flaws in the Compensation for Delay in Payment” at the annual meeting of the Historical Society of Federal Courts (S.D. Iowa). His article, “Exciting Opportunity to Teach First-Year Law Students,” was published in *The Iowa Lawyer*.

■ Gilbert Lundstrom, '69, Lincoln, chairman and CEO of TierOne Bank, recently announced that TierOne is the new name for First Federal Lincoln Bank. TierOne has 58 branches in Nebraska, Kansas and Iowa. Lundstrom joined the bank in 1994 after 25 years as an attorney for Woods & Aitken.

■ Gale Tessendorf, '69, was named “Best Attorney” by *The Columbus [Neb.] Telegram*.

## 1970

■ M. Douglas Deitchler, '70, has been elected to the Lincoln Community Foundation Board of Directors for 2002.

■ Howard Hahn, '70, has been named to The Greater Omaha Chamber of Commerce board for 2002. Hahn is an attorney with Gross & Welch in Omaha.

■ Thomas T. Holyoke, '70, has formed a new law firm, Chaloupka, Holyoke, Hofmeister, Snyder & Chaloupka, in Scottsbluff.

■ Keith Sinor, '70, has been named president of the Noon Rotary Club. Sinor has been a member of Rotary in both McCook and Grand Island. He has operated a private practice in Grand Island, Sinor Law Office, since 1996.

■ James Waldron, '70, Omaha, was named a shareholder at Gross & Welch.

■ David B. Garwood, '71, was featured in an article about lawyers in *The Red Cloud Chief*. Garwood began his practice in 1971, and his office has been in the same location for his entire tenure. His practice includes abstracts, trusts, probates, partnering, corporate law and income tax work.

■ Stanley M. Talcott, '71, is dean at Barry University School of Law in Orlando, Fla. The school was recently granted provisional accreditation by the American Bar Association.

■ C. Scott Crabtree, '72, has been appointed by Governor Bill Owens to the 17th Judicial District of Colorado. Crabtree had been in private practice in Denver.

■ Douglas L. Kluender, '72, has joined the law firm of Locher, Cellilli, Pavelka & Dostal in Omaha.

## Nebraska State Bar Foundation Fellows

The following alumni of the College of Law have been named Fellows by the Nebraska State Bar Foundation for 2001. Fellows are selected based upon their dedication to improving the administration of justice in Nebraska, their leadership in the legal profession, their civic service, their integrity and their support for the Foundation.

Trudy A. Saunders Bredthauer, '84, Omaha  
 Judy A. Cada, '84, Lincoln  
 The Honorable John A. Colborn, '79, Lincoln  
 Charlotte Jean Connor, '83, Valley  
 David E. Copple, '83, Norfolk  
 Jerry J. Grossart, '60, Kearney  
 The Honorable Terri S. Harder, '85, Minden  
 The Honorable Everett O. Inbody II, '70, Wahoo  
 The Honorable Robert B. O'Neal, '77, Papillion  
 Alan E. Peterson, '67, Lincoln  
 William R. Reinsch, '77, Plattsmouth  
 Nancy A. Roberts, '78, Omaha  
 Christine C. Schwartzkopf-Schroff, '78, Lincoln  
 The Honorable John F. Steinheider, '72, Nebraska City  
 Kurt F. Tjaden, '83, Omaha  
 Scott H. Trusdale, '73, Cozad  
 Richard R. Wood, '64, Lincoln

■ David M. Landis, '72, Lincoln, emceed "Salute to Pearl Harbor," a USO-style show commemorating the 60th anniversary of the attack. The show was sponsored by the Lincoln Community Playhouse and the *Lincoln Journal Star*.

■ Wayne J. Mark, '72, has been appointed Nebraska state chair for the American College of Trial Lawyers. He has been with the Omaha firm of Fraser, Stryker, Meusey, Olson, Boyer & Bloch since 1972.

■ Jerry J. McDole, '72, was featured in an article about lawyers in *The Red Cloud Chief*. McDole started practicing general law in Red Cloud in 1972 and was sworn in as Webster County attorney in February 2001.

■ Tom Monaghan, '72, has opened his own law firm, The Monahan Group. Monaghan is a former state Democratic chairman and Nebraska U.S. attorney. The firm offers a combination of lobbying, government affairs and public relations to various businesses, including other law firms. Monaghan is also on the faculty at the University of Nebraska at Omaha as a part-time senior executive-in-residence.

■ Michael B. Edwards, '73, has been named assistant vice president and senior trust officer for Wells Fargo Private Client Services (PCS) in Lincoln, focusing on personal trust and estate administrative services for clients. Prior to joining Wells Fargo, Edwards was CEO of a local technology company for 18 years, specializing in office management software for physicians. He was also senior vice president and general counsel for a regional investment banking firm.

■ Larry A. Holle, '73, has been named partner in the law firm of Crowley, Haughey, Hanson, Toole & Dietrich in Bozeman, Mont. Holle was previously the senior tax partner for Cline, Williams, Wright, Johnson & Oldfather in Lincoln. He is listed in The Best Lawyers in America in the area of tax

law. Holle focuses his practice on taxation, all forms of business organization, the purchase and sale of businesses, incentive compensation arrangements, buy-sell agreements and estate planning.

■ Gregory C. Malhoit, '73, Raleigh, N.C., is the director of the newly established Rural Education Finance Center, created by the Rural School and Community Trust. The center provides services to rural groups across the nation that are working to improve funding for rural schools and the children they serve. Rural Trust is a nonprofit educational organization dedicated to strengthening relationships between rural schools and communities.

■ Rodney J. Rehm, '73, Lincoln, has been elected secretary of the American Trial Lawyers Association (ATLA) Workplace Injury Litigation Group. ATLA represents the largest national organization of lawyers working on behalf of injured workers.

■ David K. Karnes, '74, Omaha, president & CEO of the Fairmont Group and of counsel to Kutak Rock law firm, has been named to the board of directors at eOneGroup, a provider of Internet e-commerce products.

■ Steven E. Achelpohl, '75, was elected a fellow of the American College of Trial Lawyers. Achelpohl is a sole practitioner in Omaha, representing clients in commercial litigation, and is chairman of the Nebraska Democratic Central Committee.

■ Duane W. Schroeder, '75, was recognized by the Wayne Rotary Club for his significant contributions to the Wayne community.

■ Alan Brodbeck, '76, received the Distinguished Judge for Improvement of the Judicial System Award at the annual judicial dinner in Lincoln. Judge Brodbeck has served 17 years on the county bench and has earned a reputation as the "education judge" because of his long service as chair of the

county judges' education committee and other education efforts.

■ Edwin L. Epp, '76, has been named the 12th president of Bethel College in North Newton, Kan. Since 1996, Epp has served on the Bethel College Board of Directors as a representative of the Bethel College Corporation. He is currently a member of the executive committee and vice chair of the board. Epp was secretary and general counsel for Retirement Management Company from 1986 to 1993 and served as president from 1993 to 2001.



■ Margaret H. (Hornbeck) Greene, '76, was elected as the United States Telecom Association's first vice chair. Greene is the

executive vice president-regulatory and external affairs for the BellSouth Corporation. She has worked in the telecommunications industry since 1983.

■ Keith Prettyman, '76, has been named committee chair for distribution for the Lincoln Community Foundation.

■ Roberta S. Stick, '76, Lincoln, received the George H. Turner Award from the Nebraska State Bar Association for service to the Bar and Bench through unusual effort dedicated to furthering public understanding of the legal system, the administration of justice and confidence in the legal system. Stick is deputy director of Nebraska Legal Services.

■ Sally Johson, '77, has been appointed first assistant U.S. attorney for the District of Nebraska. Johnson will continue as chief of the civil division of the office and assume a variety of additional administrative duties.

■ James D. Smith, '77, was promoted to chief deputy attorney general by Attorney General Don Stenberg. Previously, Smith was a special prosecutor in 17 different Nebraska counties, was a senior attorney at a



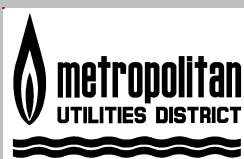
## As MUD CEO, Wurtz Puts Legal Training to Work

When he was a student at the College of Law, Thomas A. Wurtz, '75, thought he was preparing himself for a career as a litigator. "I never dreamed," he remarked recently, "that I'd work for a public utility." Wurtz not only works for one – as general manager of the Metropolitan Utilities District in Omaha, he is the CEO of the fourth largest public natural gas utility in the country. MUD also provides safe drinking water to the Omaha metropolitan area. "I never even took Professor Harnsberger's Water Law course," he remembered, "even though I came to specialize in water law."

Despite this change in focus, he believes his time at the Law College "prepared me well for the future. I'm in a managerial position. Lawyers make very good managers. We are trained in law school to analyze problems in a disciplined manner."

At MUD Wurtz does not lack for problems to analyze. His first task after assuming the position in December 2001, was reviewing the district's \$285 million budget from which he trimmed \$1.7 million in order to assure that the base natural gas and water rates did not increase.

Taking over less than three months after the September 11 terrorist attacks, security has been one of Wurtz's main concerns. "The country's infrastructure has been identified as a potential terrorist target," he noted, "so we have had to completely reassess. I work on security issues every day, which the former general manager never had to do." Among the questions that Wurtz and his staff wrestle with are: "What would happen to a community of a half of million people if it didn't have water? If a terrorist attack blew up a natural gas pipeline, how would we relight 190,000 homes?"



Security is one reason why MUD wants to assure it has multiple sources for water. While it presently gets most of its water from the Missouri River, MUD

wants to build a new water treatment facility along the Platte River in west Omaha, an idea that is opposed by many in Saunders County. "This is a treatment plant that is going to serve the needs of the metropolitan area for the next 50 years," Wurtz said.

"Without it, the area is not going to grow."

Despite wrestling with these issues, Wurtz says he is "having fun" in the job. He enjoyed his other jobs as well, beginning as a legal aid attorney after he graduated from the Law College in December 1974. He spent two years as a Trial Advocacy instructor and working in the Civil Clinic at the College before entering private practice.

In 1980, he took a job with MUD's legal department's governmental affairs division because he wanted to do legislative work. He became assistant general counsel in 1983 and general counsel in 1992. The move to general manager was a logical step because at MUD the general counsel "was part of the management team." Now he reports directly to the publicly elected board.

In addition to his job and raising three teenagers, Wurtz finds time to work on civic affairs. He is "still a big fan of the University and the College of Law," and does what he can to assist, especially in securing funding from the legislature, as a member of University President L. Dennis Smith's advisory council.



federal agency in Texas and worked as deputy county attorney in Madison County.

■ Terry R. Wittler, '77, has been elected to the board of trustees of the Lincoln Bar Association.

■ John W. Ballew, '78, Lincoln, has been board certified as a trial advocate by the National Board of Trial Advocacy (NBTA).

■ Paul E. Hofmeister, '78, has formed a new law firm, Chaloupka, Holyoke, Hofmeister, Snyder & Chaloupka, in Scottsbluff.

■ James Holmquist, '78, Lincoln, has been named general manager and executive vice president of the Nebraska Rural Electric Association. Holmquist joined the NREA in 1988. Before joining the statewide association, he served as an assistant legal counsel for the Nebraska Natural Resources Commission.

■ Michael O'Hara, '78, Omaha, was promoted to full professor at the University of Nebraska at Omaha's College of Business Administration. In addition, he started a practice as an expert witness in economics and serves on the board of directors of The Concord Center, one of six private not-for-profit mediation centers approved by the Office of Dispute Resolution of the Nebraska Supreme Court.

■ Kathryn Slepicka Dobrinic, '79, Hillsboro, Ill., is serving as a member of Illinois Gov. George Ryan's Commission on Capital Punishment. The commission was formed by executive order of the governor to examine administration of the death penalty in Illinois. Gov. Ryan has declared a moratorium on executions until the commission has completed its review of the death penalty system in Illinois. Dobrinic is Montgomery County state's attorney.

■ John Hoffert, '79, Lincoln, was appointed to the Nebraska Workers' Compensation Court. Hoffert has been a partner with the law firm of Knudsen, Berkheimer, Richardson & Endacott since 1985.

■ Randall G. Jauken, '79, is a shareholder at Darst & Associates in Omaha.

■ Vincent Powers, '79, was elected president of the Nebraska Association of Trial Attorneys. He currently heads Vince Powers & Associates law firm in Lincoln.

■ David Wilson, '79, Omaha, has been named to the executive committee at Marks, Clare & Richards.

## 1980

■ Tom Allan in his *Nebraska Byways* column for *The Omaha World-Herald* wrote about his arrival in New York after a three-week voyage on the Queen Elizabeth II. He was greeted there by his son, Tam Allan, '80, Lincoln. Tam

Allan, wrote Tom, wanted to provide a happier welcome than Tom had received when he arrived at the same pier in 1927 as a nine-year-old immigrant from Scotland. Even though Tom and his brother Bill could see their father waiting for them, they were quarantined for 10 days at Ellis Island because Bill had the chicken pox.

■ Kurt Hohenstein, '80, Charlottesville, Va., a graduate student at the University of Virginia specializing in American legal and political history, wrote "Note: William Jennings Bryan and the Income Tax: Economic Statism and Judicial Usurpation in the Election of 1896," 16 *Journal of Law & Politics* 163.

■ James Doyle, '81, was appointed by Gov. Mike Johanns as a district court judge for the state's 11th Judicial District. Doyle had been practicing law in Lexington with the firm of Cook, Wightman & Doyle. In addition, he served as a hearing officer for the Central Platte Natural Resources District.

■ Marvin O. Kieckhafer, '81, has joined Smith Peterson and will work in general litigation for the firm, which has offices in Omaha and Council Bluffs, Iowa. Kieckhafer previously practiced law in North Platte.

■ Jerry L. Pigsley, '81, was elected secretary of the board of trustees for the National Kidney Foundation of Nebraska for the 2001-02 fiscal year. Pigsley is an attorney in the firm of Harding, Shultz & Downs in Lincoln.

■ Steven A. Russell, '82, Lincoln, was recognized for his work in the area of criminal justice for the U. S. Department of Justice at the Nebraska Law Enforcement Coordinating Committee conference in Kearney.

■ Jan W. Sharp, '82, has been appointed the criminal section chief for the United States Attorney's Office for the District of Nebraska. As criminal section chief, he supervises the

operations of the General Crimes Unit. Sharp has been an assistant U.S. attorney since 1988.

■ Vernon C. Daniels, '83, has been appointed Douglas County Juvenile Court judge. Judge Daniels comes to the bench from the Juvenile Division of the Douglas County Attorney's Office, where he worked since 1993. Prior to that, he was supervisor of the Juvenile Unit at the Legal Aid Society.

■ Thomas Earl Geu, '83, was recently elected a fellow of the American Bar Foundation. The American Bar Foundation is the preeminent research center for the empirical study of law, legal institutions and legal processes in society. Geu is a professor at the University of South Dakota School of Law.

■ Jeff Cox, '84, is a member of The Advocates, a gospel music men's quartet. Cox is a practicing attorney in Holdrege.

■ Jose Soto, '84, has been elected to the Lincoln Community Foundation Board of Directors for 2002. Soto presented "Systems Change & Improvements: A Personal & Professional Responsibility" as part of the fall Scholarship IN Society speaker series sponsored by the UNL Office of Graduate Studies.

■ Joe W. Stecher, '84, resigned his position as Dodge County attorney to join Nebraska U.S. Attorney Mike Heavican's staff. Stecher will be assistant U.S. attorney, specializing in drug prosecutions.

■ John C. Hewitt, '85, has joined the Lincoln firm of Cline, Williams, Wright, Johnson & Oldfather. Hewitt practices labor and employment law, mediation and arbitration.

■ John C. Miles, '85, was elected for a second term as president of the Bright Lights Board of Directors. Bright Lights, Inc., is a nonprofit organization that provides elementary and middle school youth with summer learning enrichment

opportunities. Miles is an attorney with Cline, Williams, Wright, Johnson & Oldfather in Lincoln.

■ Kim M. Robak, '85, Lincoln, received the Gracious Lady Award from the city of Superior. The award was presented at the 11th annual Victorian Festival honoring Lady Evelyn Vestey. The award was instituted to honor a contemporary woman who exhibits leadership and community service. Robak also served as grand marshal for the festival parade. Robak is vice president for external affairs and corporate secretary for the University of Nebraska.

■ Robert Shively, '85, was elected president of the Lincoln Bar Association for 2001-2002.

■ Don Theobald, '85, has opened a law office in Red Cloud, and will also continue his position as the Red Cloud city administrator. The Theobald Law Office will concentrate on general law practice and tax returns.

■ Christine E. Denicola, '86, Lincoln, has been named vice president of community relations and scholarships at EducationQuest Foundation (formerly known as the Foundation for Educational Funding). Denicola oversees EducationQuest's need-based scholarship programs for Nebraska students, its Guidance Counselor Enrichment Scholarship for Nebraska high school guidance counselors, and its community grants program for Nebraska organizations that support education. EducationQuest Foundation is a nonprofit foundation devoted to improving access to higher education in Nebraska.

■ Daniel T. Haug, '86, Phoenix, Ariz., has been promoted to general counsel for Opus West Corp. and its affiliates, Opus West Construction Corp. and Opus West Management Corp. Haug continues to serve as associate general counsel for Opus Corporation, the Minneapolis-based parent of Opus West.

## Hallier Believes in Community Service

"Community service is a duty for anyone of any means." That belief has been the watchword for Angela Sinner Hallier, '90. Hallier, who in 1996 established Angela Sinner Hallier & Associates, an all-women law firm in Phoenix, Ariz., began demonstrating her commitment to the community in 1993. Hallier offered free weekly family law advice to women at the Sojourner Center, a domestic violence shelter in Phoenix, which is now the second largest domestic violence shelter in the country. She went on to serve on the board of directors for eight years, and served as president for three years. During that time, the center raised \$3.7 million. Hallier said the women "learned they had recognized power in our society to live violence-free lives."

The Sojourner Center contains 120 beds for victims of domestic violence, and it provides a continuum of services, including counselors for children and adults, job training, medical services, a full kitchen, a thrift store and a day care facility. "We try to give women tools to empower them not to live in violence, because just providing a bed doesn't do it," Hallier said.

She has passed the community service principle on to her daughter, who sometimes attended law school classes with Hallier at the Law College. Hallier says she is "most proud of raising a daughter who gives back to the community." Tiffany, who is a student at Arizona State University, recently received the national Planned Parenthood Federation Young Volunteer Award in Washington, D.C. "To win a national award at the age of 18 is just incredible," her proud mother said.

Hallier also serves on the board of The Pajama Project, a nonprofit organization that Hallier and other female attorneys founded in 1999. The organization grew out of the experiences of an attorney who had completed treatment for leukemia, and it provides adult cancer patients in six area hospitals with items of comfort during hospital stays, including "nice" pajamas, journals and slippers.

Hallier has been recognized for her community service. In 1998, she was awarded the IMPACT for Enterprising Women's Celebration of Success Award, and in 2000 received the Women of Distinction Award.

After she graduated from the Law College, Hallier joined the Jones, Skelton & Hochuli firm in Phoenix, where she developed the family law section for the firm. Hallier said the firm was "very male-dominated" and the major focus was on billing. The firm was a great place to learn litigation skills, but "not for being a person." Hallier, a single mother, decided to establish her own family-oriented firm. She set up a model law firm, offering flexible hours, liberal vacation time and job sharing. The five-women firm is the largest all-female family law firm in the Phoenix area and recently moved into expanded space for seven attorneys.

Hallier said she loves being her own boss and loves running her own law firm that is family- and female-compatible. Female clients seek out the firm because they think women can deal with their issues with more compassion, and males seek out the firm because they like the "appearance of not being boys beating up on the wife in the divorce arena," Hallier said. "I like that we're practicing law in a way that is not destructive but instructive and constructive."

*-Robin Hadfield*



■ Michael K. High, '86, Lincoln, was elected presiding judge of the Nebraska Workers' Compensation Court at the biennial meeting of the court's judges.

■ Mark A. Iocca, '86, Springfield, Ill., is one of the authors of "State Regulation – Medicaid Reimbursement," a chapter in *Issues in Long-Term Care* published by the Illinois Institute for Continuing Legal Education. Iocca is an assistant general counsel with the Illinois Department of Public Aid.

■ David R. Wurm, '86, has been appointed an administrative law judge in the Office of Hearings and Appeals of the Social Security Administration in Albuquerque, N.M. He was formerly the chief administrative law judge for the South Dakota Department of Social Services.

■ Donald G. Blankenau, '87, has joined the law firm of Fennemore Craig, based in Phoenix, Ariz. Blankenau is former general counsel, assistant director and interim director of the Nebraska Department of Water Resources and practices in the area of water law and related issues, including water rights litigation and compliance with endangered species legislation and water quality laws.

■ Dallas D. Jones, '87, has been elected secretary of the Lincoln Bar Association for 2001-2002.

■ Michelle Oldham, '87, Grand Island, was given a special award of honor by the International Narcotic Enforcement Officers Association for her work prosecuting drug cases. Oldham is a deputy Hall County attorney and has been with the office since 1991.

■ James A. Overcash, '87, Lincoln, has established ML2Construction Corp. in Des Moines, Iowa, and Lincoln.

■ Gregory Heier, '88, and Marjorie Mellor were married on May 25, 2001, at First United Methodist Church in

Cozad. Heier, director of the human resources department at Doane College in Crete, is also an assistant men's basketball coach and teaches courses in undergraduate law.

■ Brad R. Nygren, '88, Wahoo, and Pam Liliedahl were married on March 16, 2002, at Bethlehem Lutheran Church in Wahoo. Nygren is employed by The Gallup Organization in Lincoln.

■ Timothy E. Brogan, '89, was selected as part of *The Norfolk Daily News*' "20 Under 40" recognition program as one of the best and brightest under the age of 40. After graduation from law school, Brogan returned to Norfolk and entered into practice with his father and brother. In the spring of 2001, he started his own firm and contracts his services to Faith Regional Health Services. He also teaches business law at Northeast Community College.

■ Robert A. Burton, '89, senior associate athletic director for internal operation at UNL, was featured in an article in *The Omaha World Herald*.

■ Steve Grasz, '89, has joined the Blackwell Sanders Peper Martin law firm. He handles commercial litigation and government relations work in Omaha. Previously, Grasz headed the civil division for the Nebraska Attorney General's Office. He was awarded the 2001 National Management Association's Manager of the Year Award from its Nebraska state government chapter. The award was presented to Grasz at a ceremony in the State Capitol as part of the Association's "Breakthrough to Success Expo 2001."

■ Cynthia Hoppner, '89, Seattle, Wash., has joined the Law and External Affairs Department at AT & T Wireless as corporate counsel. Hoppner is also the director of philanthropy for drugstore.com, running its charitable foundation on a part-time basis.

■ Mark A. Ludwig, '89, Lincoln, has been named the general counsel of the Nebraska Accountability and Disclosure Commission. The commission administers and enforces state laws in the areas of campaign finance, lobbying and governmental ethics.

■ James R. P. Ogloff, '89, has co-authored "Evaluating the Comprehensibility of Jury Instructions: A Method and an Example," 25 *Law & Human Behavior* 409. Ogloff is a university endowed professor at Simon Fraser University in Burnaby, British Columbia.

■ Sally A. Rasmussen, '89, has joined the Lincoln firm of Knudsen, Berkheimer, Richardson & Endacott. Previously she practiced law in McCook. Rasmussen concentrates her practice in civil litigation, including personal injury and family law.

■ Thomas G. Schleich, '89, was elected to serve as secretary on the Lincoln Electric System Administrative Board. Schleich is CEO of Home Real Estate, a position he has held since 1993.

1 9 9 0



■ Susan A. Berson, '90, Kansas City, Mo., has been named partner at Shook, Hardy & Bacon. Berson is a member of the firm's business litigation

section, specializing in handling tax controversy matters.

■ Eric S. Miller, '90, is now with the health division of the Nebraska Attorney General's Office, where he handles disciplinary proceedings against individuals who hold state licenses, such as doctors and nurses. Previously, Miller served as interim county attorney and chief deputy county attorney at the Dodge County Attorney's Office.



## Pittman Presides As Military Judge in Europe

Lieutenant Colonel Thomas Wayde Pittman, '92, is serving as a military judge in the European Circuit, United States Air Force Trial Judiciary. Stationed at Ramstein Air Base near Kaiserslautern, Germany, Pittman travels throughout Europe presiding over courts-martial. This is his second tour of duty in Europe, having transferred from his position as staff judge advocate, Royal Air Force Alconbury, England. Prior to his judicial appointment, he gained extensive courtroom experience in previous assignments as area defense counsel (the military equivalent of public defender) and chief circuit trial counsel (lead Air Force prosecutor for the central United States). Of his current duties, he said, "Being a judge is a tremendous responsibility. I try to always keep in mind the importance of not only being fair, but appearing fair."

Pittman is one of several College of Law graduates in military practice worldwide. He believes it is the efforts of those who return to civilian practice, such as his friend, Beth Townsend, '89, now practicing in Iowa, that best help educate the public about the military justice system. Said Pittman, "It's not Tom Cruise grilling Jack Nicholson on cross examination in *A Few Good Men*. Our court-martial practice is pretty similar to what you observe in federal court. It makes sense when you consider that our criminal code is enacted by Congress and our procedural rules by the president. Except for military unique provisions that account for national security interests, our evidentiary rules are practically identical to the Federal Rules of Evidence."

One of the benefits of being in Europe is exposure to the criminal justice systems of other nations. Pittman observed a double murder trial last year in "The Old Bailey," London's historical criminal court, and he recently resolved a jurisdictional issue arising from a decision by the European Court of Human Rights, located only an hour away in Strasbourg, France. The circuit's chief judge, Colonel Linda Strite Murname, is currently assisting Latvian military personnel in establishing their own justice system. "Emerging nations look up to us – they want to speak to our senior judges to find out why our system works so well. It's a great opportunity," Pittman said.

Pittman and his wife, Roseanna, have twin sons, David and Kyle, currently attending the University of Nebraska.



■ Nancy R. Wynner, '90, Lincoln, has joined the firm of DeMars, Gordon, Olson, Shively & Zalewski as an associate. She was previously a deputy Lancaster County attorney and attorney for the Nebraska Department of Health and Human Services. Wynner practices in the area of civil litigation with an emphasis in insurance defense.

■ Evelyn Babcock, '91, was featured in an article, "Women of the Law," in *Today's Omaha Woman* magazine. Babcock practices family law, with an emphasis on adoption, from her Omaha home.

■ Kevin M. Keating, '91, Omaha, has joined the staff of Equity Fund of Nebraska, Inc., as chief operating officer and general counsel. Keating, who was previously with the Kutak Rock law firm, will assist in the day-to-day operations of the company and will be primary legal adviser for Equity Fund of Nebraska in its low-income housing tax credit syndication business.

■ Rena Y. Kim, '91, and Stuart N. Manning were married on May 4, 2002, at Fairlington United Methodist Church in Alexandria, Va. Kim is deputy

assistant general counsel for the U.S. Department of Housing and Urban Development Office of General Counsel in Washington, D.C.

■ Helen Kalin Klanderud, '91, was sworn in as mayor of Aspen, Colo., on June 11, 2001.

■ Patricia Janka Sandoz, '91, has joined the firm of Stellpflug, Janssen, Hammer, Kirschling & Bartels in DePere, Wis., specializing in workers' compensation, Social Security disability law and plaintiffs' personal injury

litigation. Sandoz previously was a trial attorney with the Law Offices of Stilp & Cotton and trial counsel for Liberty Mutual and Wausau Insurance companies.

■ Kris Thomas, '91, Omaha, was featured in an article, "Women of the Law," in *Today's Omaha Woman* magazine. She is a partner at Kutak Rock.

■ Sarabeth Donovan, '92, Omaha, has been named the Peru State College Foundation's director of planned giving. Previously Donovan was an assistant attorney for the United States Justice Department.

■ Amy G. Jacobsen, '92, was elected treasurer for the Lincoln Bar Association for 2001-2002.

■ Russel L. Jones, '92, North Platte, was elected to the board of directors of the Nebraska Criminal Defense Attorneys Association.

■ Charles "Chip" Maxwell, '92, Omaha, has written *Chip Shots: A Rookie Senator's Take on the Nebraska Legislature*. Besides being a state senator, Maxwell is development director for three Omaha Catholic grade schools and is a former *Omaha World-Herald* editorial writer.

■ Stephen D. Mossman, '92, and Jennie Cole were married on March 16, 2002, at St. Mary's Catholic Church in Lincoln. Mossman is a partner at Mattson, Ricketts, Davies, Stewart & Calkins law firm in Lincoln.

■ Mary C. Gaines, '93, has joined the law firm of Ballew, Schneider & Covalt in Lincoln. Gaines continues her practice in the areas of employment and administrative law, family and juvenile law and general civil trial practice.

■ Elizabeth A. Liess, '93, and Mark Varley were married on September 1, 2001, at St. John's Catholic Church in Cambridge. Liess is a vice president with the Securities Industry Association in Washington, D.C.

■ Elisa Linscott, MLS, '93, is a licensed mental health practitioner with Lincoln Behavioral Health Clinic in Lincoln.

■ Richard T. McDougall, '93, has been appointed to the position of vice president and manager of the Trust/Retail Investment Division of Cornerstone Bank in York. He has been a trust officer for approximately seven years at banks in Lincoln and Columbus.

■ Richard J. Rosenblatt, '93, has been elected to partnership at Kutak Rock. Rosenblatt is a member of the corporate department, focusing his practice on commercial and corporate real estate leasing, acquisition and development transactions. Prior to joining Kutak Rock, he served as in-house real estate counsel to First National Bank of Omaha.

■ Mark T. Smith, '93, and Jacque Branson were married on July 8, 2001, at the College View Seventh-day Adventist Church in Lincoln. Smith is an assistant professor of business at Union College.

■ Steven M. Thomas, '93, Kansas City, Mo., was named a partner in the law firm of Shook, Hardy & Bacon. He concentrates his practice on products liability work.

■ Dr. Sherry L. Blakey, MLS, '94, is a social/organizational psychologist with Blakey, Dabe & Associates in Austin, Texas.

■ Stephen A. Burt, '94, has joined the Lincoln branch of the Morgan Stanley brokerage firm as a financial advisor.

■ Amie C. Martinez, '94, was elected vice president of the Lincoln Bar Association for 2001-2002.

■ Michelle Owens, '94, has been promoted to first vice president, retirement plans, contracts and compliance at Mutual of Omaha Cos.

■ Rebecca Salmon, '94, is now residing in Salisbury, N.C. She was formerly York County public defender in Nebraska.

■ Gina L. Schaecher, '94, a member of Halloran & Sage of Hartford, Conn., has been named as counsel in its Washington, D.C., office. Schaecher's practice focuses on construction law and commercial litigation.

■ Travis A. Ginest, '95, Lincoln, and Keia L. Helmick were married on April 26, 2002, at the Lincoln Station Great Hall. Ginest is an associate with Erickson & Sederstrom.

■ Lori L. Klassen, '95, has been promoted to general assignment reporter with the Burt County *Plainedealer* in Tekamah.

■ Matthew W. McNair, '95, has joined the Lincoln firm of Cline, Williams, Wright, Johnson & Oldfather. McNair practices in the areas of corporate law and securities.

■ Andrew W. Snyder, '95, has formed a new law firm, Chaloupka, Holyoke, Hofmeister, Snyder & Chaloupka, in Scottsbluff.

■ LaShawn Young, '95, Omaha, was featured in an article, "Women of the Law," in *Today's Omaha Woman* magazine.

■ Reginald L. Young, '95, has been hired by Mayor Mike Fahey to serve as Omaha's human relations director. He will be responsible for monitoring equal opportunity and diversity issues in city government.

■ Michaelle L. Behrns, '96, and Paul Baumert were married on April 20, 2002, at St. Mary's Catholic Church in David City. Behrns is an attorney at Berens & Tate in Omaha.

■ Matthew Bock, '96, has joined the Omaha law firm of Lamson, Dugan & Murray.

## Midwest Background Aids Young in Hong Kong

When Jacob Young, '94, an attorney with the U.S. Securities group at the Hong Kong office of Clifford Chance, thinks back upon his years at the College of Law, he is grateful for the good background it gave him, which he has been able to successfully translate into his practice.

But he also appreciates something else about his law school experience – the many nights he stayed up late studying. While that might not sound like something one would look back on with fondness, Young maintains it helped to prepare him for the late nights that come with his practice, late nights that involve work, of course, but also the social activities that clients expect.

One late night experience Young particularly remembers is his midnight meeting with a client who pulled out a gun and set it on the table next to him, mumbling something about “how we needed to get the deal done or else.” While the client was only kidding, Young recalled, “I have never seen four lawyers and four investment bankers all speechless at the same time.”

Young's route from Nebraska to Hong Kong went through Kansas City where he practiced for a series of “corporate boutiques.” In 2000, he found out about an opportunity to work with Clifford Chance, an international law firm with offices in 28 cities. After two interviews, he began working in the Hong Kong office in December.

At Clifford Chance, Young has been involved primarily in representing buyers and sellers in private equity transactions and investors and companies in venture

capital transactions. His many activities include: working on the restructuring of the Indonesian telecommunications industry; representing clients making investments in Hong Kong, Korea and China, including working with the International Finance Corporation, as affiliate of the World Bank; representing companies in connection with equity sales in Korea; helping a buyer make an auction bid for a Japanese company; and assisting a client with a proposed tender offer for an Asian company.

Young also had the opportunity to speak before the Korean Venture Capital Association regarding making private equity investments. This was particularly challenging because his remarks had to be translated. The frequent pauses that the translating required made it difficult to get a good flow going. “On one occasion, I spoke without pausing for five or six minutes,” Young recollected. “When I finally stopped, my translator gave me an exasperated look, but she translated everything I said without missing a beat.”

Being in “this absolutely fabulous place” has been a great experience for Young, his wife and their young son. “We get to see places we never thought we'd have a chance to go and to meet people from all over the world,” Young said. Here, too, Young's Nebraska background helps. “The people are very friendly and approachable,” he explained, “just as in the Midwest.”

■ Nicole Bock, '96, has moved from the Blackwell Sanders Peper Martin office in Kansas City to its Omaha office. Bock practices in the area of labor and employment.

■ Barbara A. Ferguson, '96, has joined the Omaha law firm of Chesterman & Acierno.

■ Stephanie R. Hupp, '96, has been elected to the board of trustees of the Lincoln Bar Association.

■ James Nubel, '96, is an assistant to Omaha Mayor Mike Fahey. His primary job function is to work on city-county merger issues.

■ John P. Rademacher, '96, has become a principal shareholder in the

Kearney firm of Tye & Rademacher, formerly The Tye Law Firm.

■ Kent E. Rauert, '96, York, has been named shareholder in the firm of Svehla, Barrows, Thomas & Rauert.

■ Jennifer Robbennolt, '96, associate professor at the University of Missouri-Columbia School of Law, has co-authored “Studying Pretrial Publicity Effects: New Methods for Improving Ecological Validity and Testing External Validity,” 26 *Law & Human Behavior* 19. She has also written “Outcome Severity and Judgments of Responsibility: A Meta-Analytic Review,” 30 *Journal of Applied Social Psychology* 2572. She authored “Research Needed on Punitive Damages

Decisions” and “Challenges to Affirmative Action in University Admissions: The Role of Social Science” both in the American Psychological Association's *Monitor on Psychology*. Her paper, “Determining Punitive Damages: Empirical Insights and Implications for Reform,” has been accepted for publication by the *Buffalo Law Review*. Robbennolt has been appointed to the editorial board of *Psychology, Public Policy and Law*.

■ Agnes A. Serpe, '96, Ft. Pierce, Fla., is the legal editor of the *National Disability Law Reporter*, a publication dealing with issues arising under the Americans with Disabilities Act of 1990 as well as other state and federal laws affecting disabled individuals.

■ S. Grace Acosta, '97, Salt Lake City, Utah, is serving as a law clerk for Judge William A. Thorne of the Utah Court of Appeals.

■ James Bocott, '97, is Chase County attorney. Bocott is also employed at the North Platte law firm of McCarthy, Moore, Bacon & Hall.

■ Christine Pappas, '97, Lincoln, and J. L. Wilkerson have written the children's book, *Fighting Statesman: Sen. George Norris*. It is part of the Great Heartlanders Series.

■ Timothy Sopinski, '97 and Adrienne Davis, '00, were married on September 29, 2001, at Southwood Lutheran Church in Lincoln.

■ Corey L. Stull, '97, has been named partner at Knudsen, Berkheimer, Richardson & Endacott. Stull is a trial lawyer and works extensively in employment law.



■ Brian L. Wagner, '97, Orlando, Fla., has joined the firm of Marshall, Dennehey, Warner, Coleman & Goggin as an associate. He concentrates his practice in defending clients in theme park, corporate and product liability litigation. Wagner was previously an associate with the firm of Mateer & Harbert.

■ Stefan T. Wall, '97, has joined the litigation department at Crowley, Haughey, Hanson, Toole & Dietrich in Billings, Mont.

■ Keriann M. Fung, '98, has joined the Phoenix, Ariz., firm of Greenberg Traurig as an associate in the firm's bankruptcy practice. Previously, Fung clerked for Judge Gregg Zive, chief U.S. bankruptcy judge for the district of Nevada, and also worked in private practice in Denver.

■ Kristin M. Lynch, '98, has been named secretary/treasurer of the Omaha Barristers, a young lawyers' social organization in Omaha.

■ Jerry J. Sena, '98, has joined the Adams & Sullivan law firm in Papillion. Previously, Sena worked as an attorney with Paragas Law Firm. His practice includes general litigation, criminal defense, domestic law, estate planning and bankruptcy.

■ Sue Ellen Wall, '98, is one of 11 individuals who have been appointed to the Nebraska Advisory Committee to the U.S. Commission on Civil Rights. The committee assists the commission in its fact finding and investigative functions in the state. Wall is an attorney practicing in Lincoln.

■ Bobbi J. Benson, '99, and Scott Rank were married on September 22, 2001, at Winner United Methodist Church. Benson is an attorney with May, Adam, Gerdes & Thompson in Pierre, S.D.

■ Kristin Lawson Crawford, '99, reviews policy and legislation in areas of criminal justice, juvenile justice and law enforcement for Gov. Mike Johanns. Previously, she was a clerk for the Nebraska Court of Appeals.

■ Daniel J. Fischer, '99, has joined the Omaha law firm of Gross & Welch.

■ Jennifer L. Harms, '99, and Robert J. Likes, '00, were married on April 27, 2002, at St. Paul United Methodist Church in Omaha. Harms is the president of Central States Petroleum in Council Bluffs, Iowa. Likes is an associate at Stinson, Mag & Fizzell in Omaha.

■ Paul Heimann, '99, and Erin O'Gara were married July 28, 2001, at St. Peter's Catholic Church in Lincoln. Heimann is an attorney with Erickson & Sederstrom. O'Gara is a second-year student at the College of Law.

■ John S. Hertzler, '99, has joined the Omaha law firm of Brashear & Ginn as an associate.

■ Kathy Kirschbaum, '99, Omaha, is an attorney at the Koley Jessen law firm.

■ Troy F. Meyerson, '99, and Jamie Endelman were married in May 2002. Meyerson is an attorney with the Omaha law firm of Fraser, Stryker, Meusey, Olson, Boyer & Bloch.

■ Ryan J. Reis, '99, has been named deputy county attorney at the Gage County Attorney's Office in Beatrice. Previously Reis served as an attorney for Transportation Claims Inc. in Lincoln. He handles traffic cases, misdemeanors and juvenile court matters, as well as being the lead attorney for county planning and zoning issues.



■ Kerri S. Reisdorff, '99, has joined the Kansas City, Mo., office of the law firm of Constangy, Brooks & Smith as an associate. The firm provides labor and employment law counseling on behalf of management. Reisdorff was previously an associate with Shughart, Thomson & Kilroy in Kansas City.

■ Shelly Rodie, '99, and Jeff Sedlak were married August 11, 2001, at St. Gerald Catholic Church in Omaha. Rodie is the Council Bluffs city attorney.

■ Jill E. Thomsen, '99, and Michael G. Rogers, '00, were married on September 1, 2001, at St. Margaret Mary Catholic Church in Omaha. Thomsen is an attorney with the Union Pacific Railroad in Omaha. Rogers is with the Baird Holm law firm in Omaha, where his practice focuses on commercial loan documents, real estate acquisition and lending, tax-exempt municipal securities and corporate matters. Rogers previously served as a law clerk to Justice John Gerrard of the Nebraska Supreme Court.



## Magazine Names Barry Ebony Future Leader



Because football is about “more than winning” and because he loves working with kids, Damon O. Barry, '00, serves as a board member of the Northglenn (Colorado) Youth Football Association. The organization is just one of Barry's community commitments that helped him earn the designation as an *Ebony* Leader of the Future for 2001. Each year, *Ebony* magazine names 30 leaders who are deeply involved in community activities and working to create more opportunity for all Americans.

Barry said the football organization ensures boys and girls an opportunity to play and to learn about teamwork. Barry was a wide receiver for the 1991 national champion football team at the University of Washington. Injuries prevented him from being able to play professional football, but he works as a sports agent specializing in NFL clients. One of his clients is Tony Ortiz, a former University of Nebraska player who now is a member of the Tampa Bay Buccaneers.

As corporate counsel for CSG Systems International, Inc., in Northglenn, Colo., Barry specializes in intellectual property and mergers and acquisitions. He said he obtained the position after meeting the company president on a plane. Barry asked about the responsibilities of an in-house counsel, then wrote a letter to the president and was hired for the position. The company provides software solutions for customer care and billing for communications companies, including cable television, direct broadcast satellite and online services. The company has more than 2,000 employees.

Barry is a former president of the United People Corporation, a nonprofit organization that delivers diversity training, and he has served as vice president of Young Democrats of Adams County. He is also vice president of a property management company.

Barry's honors include being named to the Denver Urban League's Wall of Equality and receiving a Shades of Leadership Award from the University of Nebraska in 2001.

-Robin Hadfield

2 0 0 0

■ Eve M. Brank, '00, is one of the authors of “Parental Compliance: Its Role in Termination of Parental Rights Cases,” 80 NEBRASKA LAW REVIEW 335.

■ Michelle Dreesen, '00, and Daniel Epstein, '00, were married on September 29, 2001, in Columbus. Dreesen is employed at Locker, Cellilli, Pavelka & Dostal in Omaha. Epstein is employed at Cassem, Tierney, Adams, Gotch & Douglas in Omaha.

■ James D. Hamilton, '00, has joined the Omaha law firm of Engles, Ketcham, Olson & Keith.

■ Marne Koerber, '00, was promoted to general counsel for Sand Systems, Inc., where she will be responsible for overseeing and managing the daily legal requirements of the company. The Columbus company provides swine facility management to domestic and international enterprises.

■ Daniel Packard, '00, Lincoln, has been named a deputy county attorney for Lancaster County.

■ John Prososki, '00, and Shannon O'Connor were married on August 25, 2001. Prososki is an attorney with Croker, Huck, Kasher, DeWitt, Anderson & Gonderinger in Omaha.

■ Shane S. Siewert, '00, has joined the Lincoln law firm of Harding, Shultz & Downs as an associate. Siewert's practice is focused primarily in the areas of business law and estate planning.

■ Sara B. Anderson, '01, has joined the Omaha firm of Kutak Rock. Anderson practices with the real estate group in the corporate department.

■ Elizabeth M. Callaghan, '01, has joined the Omaha firm of Koley Jessen. She practices in the areas of general civil litigation and media law.

■ Shanna Cole, '01, is with the Lincoln law firm of Pierson, Fitchett, Hunzeker, Blake & Katt.

■ Timothy J. Tuttle, '99, and Carmel Irwin were married on March 9, 2001, at Offutt Air Force Base. Tuttle is a captain and an attorney in the U.S. Air Force.

■ Ryan Wilcox, '99, has joined Green Law Office in McCook. Wilcox previously worked in the Lincoln County Attorney's Office.

■ Joseph A. Wilkins, '99, has joined the Lincoln firm of Knudsen, Berkheimer, Richardson & Endacott. He will work primarily in litigation.

■ Chastity K. Wilson, '99, has joined the Omaha firm of Kutak Rock. Wilson is primarily providing services to a major institutional lending client of the firm.

■ Kelli Cummins-Brown, '01, has joined the Grand Island firm of Lauritsen, Brownell, Brostrom, Stehlik, Thayer & Myers as an associate attorney.

■ Danielle Curtiss, '01, has joined the law firm of Spencer, Fane, Britt & Browne in Kansas City, Mo., as an associate practicing in the labor & employment group.

■ Grayson Derrick, '01, Omaha, has joined Baird Holm law firm, practicing in the firm's health section.

■ Kevin Eike, '01, is with the Portland, Ore., law firm of Abbott, Davis, Rothwell, Millin & Earle. He specializes in insurance defense, construction defect litigation and professional malpractice defense.

■ Michael Flood, '01, Norfolk, has joined Jewell, Collins, DeLay & Gray as an associate attorney. Flood is also the general manager and founder of US 92 radio station. He practices in all areas of law, including business, farm and ranch, criminal, divorce, real estate and civil litigation.

■ Scott D. Grafton, '01, has joined the York law firm of Svehla, Barrows, Thomas & Rauert, which also has an office in Aurora. Grafton practices in general litigation with an emphasis on workers' compensation and personal injury, as well as work in the family law and estate planning areas.

■ Thomas E. Jeffers, '01, has joined the Lincoln firm of Knudsen, Berkheimer, Richardson & Endacott. He concentrates his practice on civil trial work.

■ Elizabeth D. Jensen, '01, has joined the real estate practice group at Kutak Rock in Omaha.

■ Susan M. Kemp, '01, has joined the Omaha firm of Fraser, Stryker, Meusey, Olson, Boyer & Bloch as an associate. Her areas of practice include commercial

transaction, business and corporate practice and real estate.

■ Justin D. Lavene, '01, and Jill Wendell were married on February 16, 2002, in Smithfield. Lavene is an attorney with Crosby Guenzel in Lincoln. He practices in the areas of natural resources law, water law, agribusiness law, environmental law and litigation.



■ Jissella Long, '01, has joined the Omaha office of Blackwell Sanders Peper Martin. She is in the corporate department and practices financing and lending law.

■ Kara E. Mickle, '01, has joined the Woods & Aitken law firm in Lincoln. She practices in the areas of construction litigation, general litigation and labor and employment law.

■ Angela M. Pelan, '01, has joined the Omaha firm of Lamson, Dugan & Murray. Pelan is a member of the corporate department, specializing in taxation, estate and business succession planning, and probate and trust administration.

■ Adam J. Prochaska, '01, has joined the litigation department of Armstrong Teasdale in Kansas City, Mo.

■ Keri Schechinger, '01, was recognized as an outstanding bankruptcy law student by being awarded a 2001 ABI Medal of Excellence in Bankruptcy from the American Bankruptcy Institute.

■ Byron L. Schneringer, '01, has been appointed public defender for York County.

■ Tonya L. [Peters] Skinner, '01, and David Skinner were married on April 21, 2001, at Memorial United Methodist Church in McCook. Tonya Skinner is employed by the Lincoln City Attorney's Office.

■ Timothy J. Thalken, '01, is an associate with the Omaha law firm of Fraser, Stryker, Meusey, Olson, Boyer & Bloch. His primary areas of practice are civil litigation and insurance defense.

■ Drew Theophilus, '01, has joined the Baird Holm law firm in Omaha. His fields of specialty include corporate, banking and securities, technology and intellectual property.

■ Steven J. Twohig, '01, has joined the Fremont law firm of Donald D. Schneider as an associate.

■ Scott M. Vogt, '01, Lincoln, has joined Hoppe & Harner as an associate. He will be principally involved in litigation.

■ Lori C. Wood, '01, was selected to serve a one-year appointment as a judicial clerk for the Nebraska Court of Appeals.

■ Matthew P. Anderson, '02, and Britt N. Anderson, '02, were married on May 18, 2002, at the First Presbyterian Church in Grand Island. Matthew Anderson is an attorney with Foley & Lardner in Milwaukee, Wis.

■ Jacob B. Mueller, '02, and Laci M. Eiler were married on May 18, 2002, at St. Luke's Catholic Church in Ogallala.

■ Brian E. Sobczyk, '02, and Alisa M. Alfaro, '02, were married on May 18, 2002, at St. Joseph's Catholic Church in Lincoln.

■ Stephanie Lynch Taylor, '02, Burbank, S.D., competed in the South Dakota Old-Time Fiddle Contest in Yankton, S.D. This was the 22nd consecutive year that she has participated in the contest.

# In Memoriam

*The College of Law extends its deepest condolences to the families and friends of the following alumni:*

1 9 3 0



■ Sherman S. Welpton, Jr., '31, Los Angeles, Calif., died on January 3, 2002, at the age of 93. The Sherman S. Welpton, Jr.

Courtroom at the College of Law was named in his honor. Welpton practiced law in Omaha for a decade and was the head of the litigation department of Gibson, Dunn & Crutcher in Los Angeles. He helped draft the Code of Professional Responsibility for the American Bar Association and the Code of Trial Conduct for the American College of Trial Lawyers. He served as chairman of the American Bar Association's Ethics and Professional Responsibility Committee and was a member of the ABA's House of Delegates.

■ James R. Shively, '33, Fayetteville, Ariz., died in August 2001, at the age of 91. Shively practiced law in Hastings and Omaha before moving to Boston, Mass., where he worked in the legal department of Employers Group Insurance Co. After serving in World War II, Shively received his M.A. and Ph.D. degrees in English at the University of Nebraska. He was a professor of English at the University of Nebraska, Oklahoma State College (Ada) and Mankato State University. His publications include "Writings From Willa Cather's College Years."

■ Alfred H. Adams, '36, Lincoln, died February 22, 2002, at the age of 89. He began working as a loan officer at State Security Savings in 1940 and retired as CEO in 1982. Adams was a prominent figure in Lincoln, serving on numerous boards and volunteer committees during a 50-plus-year career as an attorney.

■ Robert J. Bulger, '38, died on November 23, 2001, at the age of 86. Bulger practiced law for more than 58 years in Bridgeport and sold life insurance. During World War II, he flew 17 missions over Japan as an Air Force bombardier.

■ William G. Whitford, '39, died September 8, 2001, at the age of 93. Judge Whitford was the Madison County judge for 12 years and practiced law in Madison until 1988. He was the author of *Nebraska Probate and Administration*, a handbook of probate law and practice widely used before Nebraska's adoption of the Uniform Probate Code.

1 9 4 0

■ Herbert M. Fitle, '41, died December 27, 2001, at the age of 82. Fitle was the Omaha city attorney for 40 years and served a total of 51 years in the law department. He assisted with the transition to the current mayor-council form of government following the 1956 charter. In 1987, Fitle was honored by the National Institute of Municipal Law Officers for being an outstanding city attorney.

■ Bruce R. Grant, '42, Alexandria, Va., died July 5, 2001, at the age of 85. Grant was an intelligence research specialist with the Department of the Army until he retired in 1973.

■ Wallace Wayne Angle, '47, died July 5, 2001. Angle was the York city attorney for 30 years.

■ Warren C. "Bud" Johnson, '48, Lincoln, died October 20, 2001, at the age of 81. Johnson was a senior partner at the Cline, Williams, Wright, Johnson & Oldfather law firm and legal counsel for the University of Nebraska-Lincoln. He was former chairman of the Board of Trustees of the University of Nebraska Foundation and former president of the Lincoln Bar Association. He was a recipient of the Perry W. Branch Award for Distinguished Service, the highest award the NU Foundation gives for volunteer work.

■ Thomas F. Luhe, '48, a Denver investment banker, died in August 2001 at the age of 83. Luhe received the Bronze Star for heroism in World War II, where he fought in Normandy and the Battle of the Bulge.

1 9 5 0

■ G.E. "Skip" Stahl, '51, Amarillo, Texas, died February 14, 2001, at the age of 74. In 1960, Stahl founded Stahl Petroleum Co., which was involved in all facets of the oil and gas business except refining.

■ William P. "Rocky" Mueller, '53, died on April 7, 2002, at the age of 75. Mueller practiced law with the Ogallala law firm of McGinley, Lane, Mueller & Shanahan for 32 years. He was senior co-captain and starting halfback for the 1950 Cornhusker football team. Mueller served as president of the Nebraska State Bar Association, the Nebraska Association of Trial Attorneys and the University of Nebraska Touchdown Club.

■ Thomas J. Clear, Jr., '56, died January 22, 2002, at the age of 74. Clear was an attorney in Albuquerque, N.M., and played a major role in improving working conditions and salaries at state hospitals and developing a procurement code. He was a candidate for governor and attorney general in New Mexico.

## 1960

■ Vincent D. Brown, '60, Lincoln, died at the age of 66 on March 27, 2002. Brown served as clerk of the Nebraska Legislature from 1967 to 1978, and after retiring from this position, he became executive director of the Nebraska Petroleum Council for the American Petroleum Institute.

■ Neil C. Stillinger, '60, Sante Fe, N.M., died November 11, 2001, at the age of 64. Stillinger practiced water law in New Mexico for 33 years.

■ Thomas L. Anderson, '67, Grand Island, died February 17, 2002, at the age of 64. Anderson founded the partnership of Anderson, Vipperman, Kovanda & Wetzel in 1974. He was also instrumental in the development of several lakes in the Grand Island area and at one time ran a trout farm.

## 1980

■ Ralph P. "Bud" Cuca, Jr., '84, Lincoln, died April 17, 2002, at the age of 43 after a long battle with lung cancer. He was president of the Nebraska Trucking Association. He had served as legal counsel for Gov. Kay Orr and also worked as a lobbyist.

■ Sarah R. (Traub) Allen, '84, Scottsdale, Ariz., died July 13, 2001, at the age of 42. Allen was a senior staff attorney for the Legal Aid Society in Omaha before accepting a position as staff attorney with the Arizona Center for the Law and Public Interest in 1989.

She later worked for the legal department of Arizona Public Service and as corporate counsel with Giant Industries.

■ Gerhard "Gary" Raedeke, '85, Bismarck, N.D., died October 7, 2001, of colon-rectal cancer at the age of 42. To keep his dream alive of preserving the Missouri River in North Dakota, Raedeke established the North Dakota Conservation Fund and the North Dakota Conservation Foundation. For the past eight years, he served on the North Dakota Supreme Court Central Legal Staff.

## 1990

■ Gary F. Smolen, '90, Omaha, died June 19, 2001, at the age of 42.

■ William "Alston" Reddy, Jr., '94, Lincoln, died November 18, 2001, at the age of 47. He was a staff attorney for Nebraska Advocacy Services, Inc.

## Fall 2002 Calendar of Events

### August

- 26 Classes Begin
- 30 & 31 Annual Institute on the Survey of Nebraska Law

### September

- 20 Kansas City Day  
CLE with Natalie Choate
- 23 On Campus Interviews Begin

### October

- 11 & 12 Fall Class Reunions\*
- 15 NSBA Annual Meeting-Law College Luncheon
- 21 Fall Break

### November

- 13 Lecture by Professor Judith Winston of American University
- 14 Lecture by Professor Geoffrey Hazard, Jr. of the University of Pennsylvania
- 15 Ethics Seminar

### December

- 5 Lincoln Area Alumni Holiday Reception
- 21 Graduation

\* (honoring the classes of '57, '62, '67, '72, '77, '82, '87, '92, & '97)



# Long Arm Jurisdiction

I hope these photographs of alums I have been able to "track down" during my travels throughout the country remind you that even though you have left the Law College and may have left Nebraska, the College will continue to reach out to you to assure that substantial contacts between you and the College are maintained. If you see an old friend on these pages whom you'd like to contact, give me a call!

*Tony Wacht*



Pictured clockwise starting at upper left: Lee White ('50), Robert Sindt ('75), Murry Shaeffer ('74) and John Vihstadt ('76) at the Mayflower Hotel in Washington, D.C.; Charles Wright ('58), Judge Kenneth Vampola ('92) and Frank Podany ('87) having lunch in Homer; Mayor Hal Daub ('66) in his office at Blackwell, Sanders, Peper & Martin in Omaha; former U.S. Secretary of Agriculture Clayton Yeutter ('63) in his Washington, D.C., law office at Hogan & Hartson; Jeffrey M. Wightman ('93) of Wightman & Wightman in Lexington.



Pictured clockwise starting at upper left: Professor Larry Berger with U.S. Eighth Circuit Judge William Jay Riley ('72) attending a Cornhusker football game; Sen. James Exon and Charles Pallesen ('62) in Lincoln; Ray Cumming ('50) at Cafe Bizou in Studio City, Calif.; Bruce Bullock ('73), coach Frank Solich and James Pansing ('73) at a "Friends of Frank" fundraiser in Denver, Colo.; U.S. Sen. Ben Nelson ('70) at his office in Washington, D.C.

# Stay In Touch . . . . .

We want to make sure we have the most current information on our alumni. Please take a few moments to complete this form and mail it back to us.

Current news about yourself, photos and clippings are always welcome. Materials will be used in future *AlumNotes* in THE NEBRASKA TRANSCRIPT.

(Please Print or Type)

Name: \_\_\_\_\_ Class Year: \_\_\_\_\_

Business Name/Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

Business Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-mail: \_\_\_\_\_

Practice Area: \_\_\_\_\_

\_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-mail: \_\_\_\_\_

News & Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Please e-mail me the bi-annual College of Law e-mail newsletter. My e-mail address is listed above.

**Mail or fax to: Alumni Development Office  
UNL College of Law  
P.O. Box 830902  
Lincoln, NE 68583-0902  
Fax: (402) 472-6795**