

Edith House Lecture

EVANS ENCOURAGES WOMEN LAWYERS TO USE THEIR VOICES

"If you've got something important and unique to say, I hope you'll say it."

—Stacey Godfrey Evans
(J.D.'03)

Georgia state Rep. Stacey Godfrey Evans (J.D.'03) presented "The Voice of a Woman Lawyer: Why it Matters and How to Use It" as Georgia Law's 34th Edith House Lecturer during the spring.

Noting that while there has been progress for women lawyers, Evans said there is definitely a lot more to do, offering several tips on how to use the "woman lawyer voice."

Use it: Evans encouraged each woman to share her unique perspective.

Use it to take business risks: During her first legislative term, Evans was offered "the opportunity of the lifetime" to take on a major whistleblower case. It required her to leave the firm where she was working and take a major risk. "I really hope you won't shy away from those opportunities to take a business or financial risk," she said. "... Seriously consider smart, calculated business risks."

Use it to stay the course and do what's hard: While working on the whistleblower case, Evans was serving in the legislature and learned she was pregnant. "It's okay to be overwhelmed but just remember that this too shall pass," she said. "Just dig in and make sure you stay the course because I'm pretty sure the best opportunities we all have are not going to pick the time that's most convenient for us to come along. We've kind of got to seize them when it comes."

Use it to do what you want to do, not just what you are asked to do: Evans encouraged lecture attendees to always do their part to make sure tasks in firms are spread equally between men and women.

Use it to network: Networking is an important part of building a professional reputation. "Make time for it," Evans encouraged. "... This is a huge part of getting ahead."

Use it to hear and understand voices different from yours: "It's human nature to seek out those you know or those who look like you and talk to them because it's more comfortable, but don't do that," Evans said. "Instead, look for people that you don't know and don't look like you. Sit



with them. Talk with them. Get to know them. It's going to help you not only broaden your world but also [give] you a chance to enlighten them."

Use it to encourage others: "We have to be cheerleaders for each other," Evans said, asking women to encourage each other while also not worrying about the concept of balance. "Life is not going to fit neatly into a box – into little boxes – and sometimes you're going to have to multitask."

Don't shy away from using it to discuss a controversial topic: Evans spoke about a bill in the legislature limiting abortion, and how the vote was scheduled for the day she was to give birth to her daughter. "I had every excuse not to speak, but I really wanted to," she said, so she recorded a statement to play. "I felt it was important for my voice to be heard, even though I didn't have an invitation to speak and even though I had every excuse not to. ... It was very controversial, but I did it anyway. ... If you've got something important and unique to say, I hope you'll say it."

Use it to lead and don't wait for an invitation: "By and large, to get wholesale change, we're going to have to change policy ...," she said. "In other words, use your woman lawyer voice to vote, support other women who are running for office and run for office yourself. I don't care if it's as a Republican or a Democrat, just run. And please, don't wait for an invitation to run for office. ... Seek it out."

The Edith House Lecture is sponsored by the Women Law Students Association in honor of one of the first female graduates of Georgia Law. House, a native of Winder, Georgia, was co-valedictorian of the law class of 1925, the first to graduate women.

Sibley Lecturers

BRINGING TERRORISTS TO JUSTICE

Richard C. Tallman, a judge on the U.S. Court of Appeals for the 9th Circuit, presented “Bringing Terrorists to Justice” as the law school’s 114th Sibley Lecturer.

Tallman discussed the detention of and debate over terrorists who were captured and housed in Guantanamo Bay, Cuba, after the 9/11 terror attacks. The U.S. government and its courts have been faced with a number of questions on how to prosecute these detainees.

After initial plans to try them in federal courts, then-Attorney General Eric Holder eventually declared that detainees would be tried by military tribunal.

However, “no trial date has been set for 9/11 suspects and pretrial hearings continue to drag on before the military commissions,” Tallman said. “The Pentagon has built a \$12 million courtroom capable of trying six alleged conspirators before one judge and a jury.”

The courtroom is designed such that media and other observers can be sequestered and will hear audio on a slight delay so that it may be muted if court officials suspect someone is about to reveal classified information.

“It is predicted that trials and appeals will go on for years [and will] require significant time and money as lawyers identify, produce and examine an enormous volume of classified material,” he said.

Courts are currently dealing with a “wide array” of questions regarding burden of proof, the president’s detention power, questions of what offenses can be adjudicated, immigration issues and plans for those charged in the future.

“The legality of military commissions and the type of process they must afford to detainees remain open questions,” Tallman said. “The resolution of these questions calls for a delicate balancing between designing procedures to ensure justice for detainees while at the same time successfully prosecuting the war most effectively. ... It is the role of the judiciary to hold that delicate balance steady and true.”



U.S. Court of Appeals Judge Richard Tallman presented the 114th Sibley Lecture. Attending the event with him was his law clerk, Georgia Law 2015 alumna Amanda McDowell.



David Wilkins, Harvard University’s vice dean for global initiatives on the legal profession, was the law school’s 113th Sibley Lecturer.

GLOBAL LEGAL NETWORK AFFECTED BY ACCOUNTANCY FIRMS’ TRANSFORMATION

David B. Wilkins, Harvard University’s vice dean for global initiatives on the legal profession, presented “The Accountants Are Coming – Again! The Rise and Transformation of the Big 4 Accountancy Firms and What It Means for the Global Market for Legal Services” as the law school’s 113th Sibley Lecturer.

Wilkins spoke about how at the turn of the 21st century, major accounting firms and the legal field had an “uneasy balance” with the ties between accountants and tax lawyers. He added that accounting firms began to create legal networks of their own and expanded globally. However, the Enron scandal in 2001 caused shifts for the firms, as the corporation’s implosion was blamed on a lack of auditing independence. As a result of new U.S. regulations, big accountancy firms then unbundled their legal networks, he said.

However, through his work as the faculty director of Harvard Law School’s Center on the Legal Profession, Wilkins and fellow researchers have determined in the years since Enron, accounting firms have rebuilt and expanded the reach of their legal networks and made them bigger and stronger by diversifying both the type of work they are doing and their regional coverage.

Wilkins identified concerns regarding these changes and whether lawyers were turning into consultants whose primary objectives are to integrate laws to achieve business objectives and urged legal stakeholders to “pay attention to what [the firms] are doing and what the increasing success of their model says about the future of global services.”

He said that “predictions are difficult, particularly about the future. ... [Y]ou don’t know if you’re in a paradigm shift when you’re in the middle of one. ... But here’s the thing I think we can be sure of – I don’t think it’s the death of big law, and I certainly don’t think it’s the end of lawyers.”

The Sibley Lecture Series, established in 1964 by the Charles Loidans Foundation of Atlanta in tribute to the late John A. Sibley, is designed to attract outstanding legal scholars of national prominence to Georgia Law. Sibley was a 1911 graduate of the law school.



Second-year student Pedro Dorado (center) serves as the Dean Rusk International Law Center Fellow, while law fellow students (l. to r.) Danielle Glover, Taryn Arbeiter, Chanel Chauvet and Olga Gambini are members of center's student ambassador initiative.

Center undergoes exciting changes

Georgia Law's 38-year-old Dean Rusk International Law Center continues to expand its collaborative efforts and increase opportunities for both students and faculty to focus on global legal issues.

Led by Associate Dean for International Programs and Strategic Initiatives & Woodruff Chair in International Law Diane Marie Amann, the center itself has a new, modernized look that also acknowledges the rich history of international scholars who have greatly influenced the direction of the law school. Artwork is a focal point, including portraits of former U.S. Secretary of State and Sibley Professor of International Law Emeritus Dean Rusk, the center's namesake, and the inaugural holder of the Woodruff Chair in International Law, Louis B. Sohn, namesake of the center's Sohn Library on International Relations.

At an October rededication ceremony, Kannan Rajarathnam (LL.M.'88), who serves as head of office for the United Nations Assistance Mission for Iraq, delivered a keynote address titled "The United Nations at 70: Pursuing Peace in the 21st Century."

New to the center this year are Director of Global Practice Preparation Kathleen A. Doty, Administrative Assistant Martica Marín and Executive Administrator Elena Williams. They join Amann and Director of International Professional Education Laura Tate Kagel

(J.D.'06). Assisting them are second-year student Pedro Dorado, the Dean Rusk International Law Center Fellow, and about one dozen other student ambassadors, who provide research and other support.

In addition to hiring new staff, the center broadened its adviser base. The Dean Rusk International Law Center Council, comprising faculty, alumni/alumnae and counselors, includes lawyers practicing in a variety of international and transnational law subfields throughout the world.

Center initiatives include study abroad in Europe and opportunities to obtain practice experience through the Global Externship At-Home and Global Externship Overseas. GEA offers placements within the United States in legal departments, government offices and nongovernmental organizations, while GEO offers summer placements in a variety of law-office settings around the world.

Numerous events are planned for the 2016–17 academic year. Among them is a Sept. 23 conference – sponsored by the center, the *Georgia Journal of International & Comparative Law* and the International Committee of the Red Cross – at which experts will examine the new Geneva Convention Commentary edited by ICRC Legal Advisor Jean-Marie Henckaerts (LL.M.'90).



Dean Rusk
International
Law Center

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More on these events and other Dean Rusk International Law Center initiatives may be found on social media, the center's Exchange of Notes blog (<https://deanruskintl.com/>) and its redesigned website (<http://law.uga.edu/RuskIntl>).

Top tax scholar joins faculty

Georgia Law is pleased to announce that Gregg D. Polsky will be joining the law school's faculty this fall as the Francis Shackelford Distinguished Professor in Taxation Law.

Dean Peter B. "Bo" Rutledge said Polsky embodies the sort of world-class scholar and first-rate teacher who will help advance UGA's commitment to excellence.

His teaching expertise includes tax, private equity and an innovative course on business basics for lawyers. He is the co-author of the casebook *Federal Income Taxation: Cases and Materials*. His other key works include: "A Compendium of Private Equity Tax Games" in 146 *Tax Notes* 615 (Feb. 2, 2015), "Acqui-hiring" in 63 *Duke Law Journal* 281 (2013) and "Taxing Punitive Damages" in 96 *Virginia Law Review* 1295 (2010).

Polsky, whose work has been profiled in *The Wall Street Journal* and cited in *The New York Times* and other media outlets, said he strives to write and research in areas that

have significance with practicing lawyers and policymakers. "I want to research the issues that tax practitioners in private practice and in the government are thinking about so that my work will have real world impact," he said.

In part his specialty was established during his time as a Professor in Residence in the IRS Office of Chief Counsel in Washington, D.C. During the 2007–08 academic year, Polsky worked on a variety of projects, which stimulated his interest in the tax issues of private equity, venture capital and hedge funds.

He said his current research is not results oriented with a predetermined goal or result. "I just want to find the right conceptual and practical approach regardless of who benefits – the government or the taxpayer." He also likes the way that tax



law is so pervasive. "It affects everything – policy discussions, distributional issues, administrative concerns. . . . It is a fascinating puzzle, and I am looking to

promote good policy results."

Polsky regularly engages in consulting and expert witness activities relating to tax and business issues. He often incorporates these experiences into his classroom to put the lessons into real-life context.

Previously, Polsky was the Willie Person Magnum Professor of Law at the University of North Carolina School of Law. He has served on the law faculties of the University of Minnesota and Florida State University. He earned his J.D. and his LL.M. in Taxation from the University of Florida. Before joining the legal academy, he practiced tax and business law in the Miami office of White & Case.

New associate dean named

Alexander W. "Alex" Scherr has been named the school's new associate dean for clinical programs and experiential learning. In this role, he will work to enhance and advance the school's experiential learning offerings, which currently include 15 clinical and practical training courses and a wide range of simulation classes.

Scherr joined the Georgia Law faculty in 1996 as its first director of civil clinics. He has played a large role in the establishment of clinical courses at the law school, including the Atlanta Semester in Practice program, the D.C. Semester in Practice program, the Civil Externship, the Family Violence Clinic, the Mediation Practicum and the Community Health Law Partnership. He also served as program coordinator for the Public Interest Fellowship program, which ran from 2007 to 2012.

Scherr is a consultant for clinical programs nationally and regularly presents at national and regional clinical legal education conferences. He has played an active role in reforming American Bar Association standards for externship courses. He serves as a drafter of the Multistate Performance Test for the National

Conference of Bar Examiners and of the California Performance Test. He is a member of the Advisory Group for the Aspire Clinic, a multi-disciplinary clinic at UGA that includes legal services offered by students under his supervision.

Scherr is the co-editor of the leading text for externship clinics, *Learning From Practice: A Text for Experiential Legal Education*, 3d ed. He has served as president of the Clinical Legal Education Association, as chair of the American Association of Law School's Clinical Advisory Committee and as a member of the AALS Clinical Section's Executive Committee. He chaired the planning committee for the 2015 AALS Clinical Conference that had more than 700 participants and over 200 presenters.



FACULTY ACHIEVEMENTS

Baradaran is key voice in national debate on postal banking

Since the publication of her book *How the Other Half Banks: Exclusion, Exploitation, and the Threat to Democracy* (Harvard University Press, 2015), Hosch Associate Professor Mehrsa Baradaran has become a leading voice in the debate on postal banking.

Her publication traces the history of banking in America to show how trends including deregulation and the consolidation of banks have resulted in a banking system that, while enjoying government support in the form of deposit insurance, interest-free loans and bailouts, has no incentive to serve Americans who most need small loans. The solution to this problem, Baradaran argues, is found in every ZIP code: the United States Post Office.

Baradaran has been a sought after speaker participating in a banking reform panel with U.S. Senators Sherrod Brown and Elizabeth Warren as well as delivering talks at the World Bank and the U.S. Department of Treasury.

She has also received national and international press, including being featured in *The New York Times*, *The Washington Post*, *The Atlantic* and the *Financial Times* in addition to appearances on National Public Radio's "Marketplace," C-SPAN's "Washington Journal," Public Broadcasting Service's "NewsHour" and as part of TEDxUGA.



Beck receives Garwood Visiting Fellowship at Princeton

Randy Beck, the holder of the Justice Thomas O. Marshall Chair of Constitutional Law, has been awarded a Garwood Visiting Fellowship through the James

Madison Program in American Ideals and Institutions at Princeton University for the 2016–17 academic year.

While in residence, Beck will research early American *qui tam* statutes that allowed private citizens to sue government officials for failure to perform statutory duties. He said the research is relevant to modern constitutional issues such as who has standing to sue under Article III and permissible mechanisms for ensuring legal accountability of executive officials.

"My research would consider the range of public duties enforced by *qui tam* legislation, as well as case law and other historical materials relating to the effects of enforcement efforts," he said.

Beck's current view is that use of *qui tam* legislation to monitor executive officials may be warranted in instances where legal noncompliance is least defensible, where public confidence in government lawfulness is most important, and where other executive officials responsible for enforcing the law may labor under a conflict of interest.

National conference spotlights Burch's focus on aggregate litigation

Kirbo Chair Elizabeth Chamblee Burch organized a conference titled "The Future of Aggregate Litigation" as part of her receipt of the American Law Institute Young Scholars Medal in 2015.

It was held during April at New York University and included some of the nation's leading scholars, practitioners and judges in the field. The keynote speaker was U.S. Court of Appeals for the 3rd Circuit Judge Anthony J. Scirica.



According to Burch aggregate litigation is in the state of flux. "Over the last 15 years, the class-action

landscape has shifted steadily, with Congress and the appellate courts making class certification more difficult through federal jurisdiction and a series of appellate decisions," she said. "Alongside other developments in arbitration, multidistrict litigation and administrative agencies, these changes have pushed group litigation in new directions."

The conference's panel topics centered on areas of concern for both courts and scholars – aggregate litigation outside of Article III courts, judicial power and its limits in multidistrict litigation, individuals within the aggregate, and the future of group litigation.

Lanier receives Borchard Foundation research grant

Eleanor Crosby Lanier, the Mediation Practicum managing attorney, recently received a \$20,000 research grant from the Borchard Foundation Center on Law & Aging.



Lanier will research both legal and practical barriers to the entry of limited guardianship orders by reviewing statutes and case law as well as surveying people with practical expertise to gain their perspective on the barriers. She will also conduct a content analysis of self-help information on government and court websites to determine the extent to which information about limiting guardianship is available.

Her goal is to advance collective knowledge about the practical barriers and provide recommendations for overcoming them so that limited orders can be entered where they are appropriate.

The Borchard Foundation awards four grants of up to \$20,000 annually to further scholarship about new or improved public policies, laws and/or programs that will enhance the quality of life for the elderly. Each grant recipient is required to publish an article on the subject of their research in a top-flight journal.



Ringhand provides insights about SCOTUS nomination

With the passing of U.S. Supreme Court Justice Antonin Scalia, Associate Dean for Academic Affairs and Hosch Professor Lori A. Ringhand has been busy sharing her expertise in the areas of Supreme Court

nominations and the confirmation process.

Ringhand was quoted in *The New York Times* stating that a long confirmation fight without so much as a hearing would hurt the Supreme Court.

"Law matters to the court, and it is the law that is going to get lost in the media frenzy," she said. "Interest groups and partisans will dive in with no holds barred, but neither the nominee nor the senators will have the opportunity to talk through important issues at stake in the relatively more disciplined format the confirmation hearings can provide."

Ringhand is the coauthor of *Supreme Court Confirmation Hearings and Constitutional Change* and "The Institutionalization of Supreme Court Confirmation Hearings" (41 *Law and Social Inquiry* 126 (Winter 2016)). In the fall of 2015, she was named associate dean for academic affairs at the law school.

Thompson testifies before judiciary subcommittee

Larry D. Thompson, the holder of the Sibley Professorship in Corporate and Business Law, testified in a U.S. House of Representatives Judiciary Subcommittee on the Constitution and Civil Justice hearing on "Oversight of the False Claims Act."

The purpose of the hearing was to examine the act's success and seek ways "to prevent, detect and eliminate false claims costing taxpayer dollars, while ensuring fair and just results."



Thompson drew upon his experience as U.S. deputy attorney general, a U.S. attorney, general counsel of PepsiCo and his years of private practice in addition to his membership on a Blue Ribbon Panel on High

Quality Ethics and Compliance Programs convened by the Ethics and Compliance Certification Institute and funded by the U.S. Chamber of Commerce.

Three win faculty awards



Three faculty members were recognized this year by Georgia Law students. They include Dean Bo Rutledge with the O'Byrne Memorial Award for Significant Contributions Furthering Student-Faculty Relations (left), Cleveland Distinguished Chair of Legal Ethics and Professionalism Lonnie Brown with the Student Bar Association Professionalism Award (center) and Marshall Chair of Constitutional Law Randy Beck with the Ellington Award for Excellence in Teaching.

Georgia Law hosts inaugural Rural Healthcare Symposium

“Obstacles and Opportunities Going Forward” was the title of Georgia Law’s inaugural Rural Healthcare Symposium, held in conjunction with the health law and consulting firm Boling & Company during the spring.

“This inaugural symposium was a focused policy discussion between local and national healthcare executives, policymakers and advocates,” Associate Professor and symposium organizer Fazal Khan said. “This program presented an opportunity to examine the difficult challenges rural healthcare providers are currently facing as well as potential policy solutions to solve some of these concerns moving forward.”

The keynote presentation by Alan Morgan, chief executive officer of the National Rural Health Association, analyzed the latest data available regarding many aspects of rural healthcare delivery and presented both barriers and opportunities for providers and policymakers who work in these settings. Morgan has more than 20 years of experience in health policy development, including tenures with the American Society of Clinical Pathologists and the Heart Rhythm Society. Morgan has published health policy articles in several publications and served as the co-author of the sixth edition of *Policy & Politics in Nursing and Health Care*.

Other panelists at the conference included medical and legal professionals from community hospitals, public service, universities and healthcare consulting firms. The daylong conference included four panel discussions which centered on rural hospital consolidation, affiliations and closures; regulatory issues affecting rural healthcare and potential remedies; technological innovations addressing access shortages; and medical staff alignment and recruitment strategies.

“This symposium benefited from a diverse composition of panelists and participants that cut across disciplines such as law, medicine and public policy,” Khan said. “The program successfully allowed various rural healthcare stakeholders to have candid and spirited discussions regarding the needs and future of their field.”

The law school student group Health Law Society assisted with the organization of the symposium, which was sponsored by the Georgia Partnership for Telehealth and the Community Hospital Corporation.

Rural healthcare stakeholders had “candid and spirited” discussions.



Speaking at the portrait unveiling were UGA President Jere Morehead (J.D.'80) (left) and University Professor and Caldwell Chair in Constitutional Law Dan Coenen. In the photo, the pair poses with White. Photo by Steve Strickland.

White’s portrait presented to law school before retirement

During the spring, the portrait of former Dean Rebecca Hanner White was presented to the law school to commemorate her more than 11 years of service as the leader of the institution. During the unveiling ceremony, she announced her intention to retire at the end of the academic year.

Her portrait currently hangs alongside those of other former deans in the school’s Hatton Lovejoy Courtroom. Notably, she was the first female dean of the law school.

White led the institution from July 2003 to December 2014, and prior to that she served as associate provost and associate vice president of academic affairs for UGA from 2002 to 2003. She specialized in the areas of labor law, employment discrimination, employment law and labor arbitration during her more than 25 years on the law school’s faculty. She is a respected scholar and co-author of *Employment Discrimination* and *Cases and Materials on Employment Discrimination*.

White was appointed a J. Alton Hosch Professor in 1999, and her teaching recognitions include the receipt of UGA’s highest teaching honor – the Josiah Meigs Award, the law school’s Faculty Book Award for Excellence in Teaching on six occasions and the John C. O’Byrne Memorial Award for Significant Contributions Furthering Student-Faculty Relations. White’s other university level honors include being chosen as a Senior Teaching Fellow, a member of the Teaching Academy and a Senior Faculty Fellow for the Foundation Fellows program.

GEORGIA LAW REVIEW

Celebrating 50 Years

Founded in 1966, the *Georgia Law Review* has been “a forum for legal writing that challenges, questions, and analyzes the nuances of legal institutions and theories, judicial opinions, and societal norms” for 50 years. The journal has also enabled Georgia Law students serving on its board the opportunity to hone their writing and editorial skills.

In February *Georgia Law Review* members, past and present, attended a celebratory gala to mark this significant anniversary. U.S. Supreme Court Justice Clarence Thomas was in attendance and delivered the keynote address.

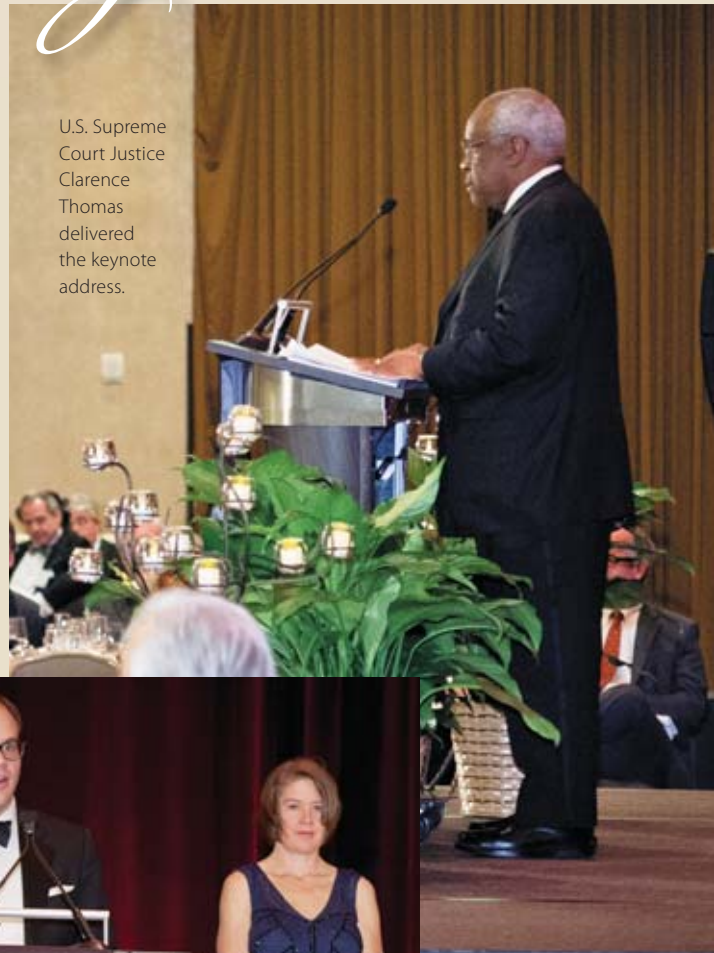


At the event were: (l. to r.) second-year student Thomas Hatchett with editorial board members for volume 50 Jacob Edwards, Troy Stram, Audrey Rogers and Dana Schwartzfeld.

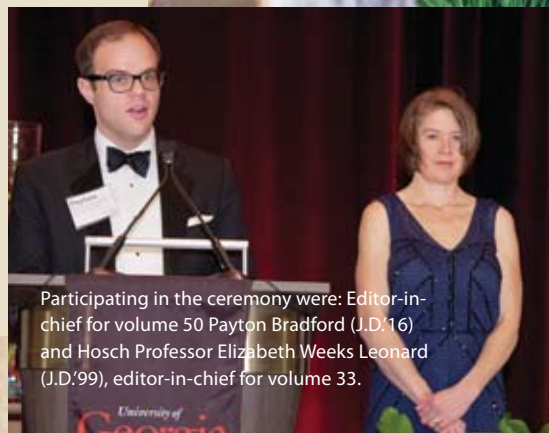


Enjoying the gala were: (l. to r.) Executive Editor for volume 7 Nick Sears (J.D.'73), Editor-in-chief for volume 7 Ken Carroll Jr. (J.D.'73), Martha Carroll, Fran Calhoun and Notes Editor of volume 6 Marc Calhoun Jr. (J.D.'72).

All photos by Dennis McDaniel.



U.S. Supreme Court Justice Clarence Thomas delivered the keynote address.



Participating in the ceremony were: Editor-in-chief for volume 50 Payton Bradford (J.D.'16) and Hosch Professor Elizabeth Weeks Leonard (J.D.'99), editor-in-chief for volume 33.



The Georgia Law Review 50th anniversary gala would not have been possible without the following sponsors:

Gold level – Arnall Golden Gregory, King & Spalding, Smith Gambrell & Russell and Womble Carlyle

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