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Advocate

Associate Dean Kurtz Retires

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- Sixth U.S. Supreme Court clerk in nine years
- Conflicts of law relating to same-sex relationships
- Rare U.S. Supreme Court photos

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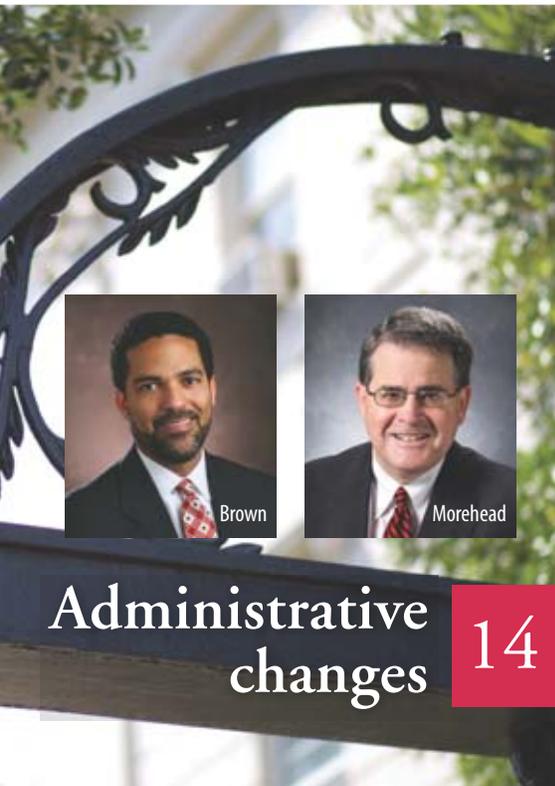
COVER FEATURE:

A farewell message from Associate Dean Paul M. Kurtz

Longtime faculty member and Associate Dean for Academic and Student Affairs Paul Kurtz penned a departing note to members of the law school community.

Cover photo by Dennis McDaniel.

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Darden



Jones

1976

Kurtz joined the Georgia Law faculty in 1975 as an assistant professor and worked his way up the ranks to endowed professorships such as the Law School Association Professor and the J. Alton Hosch Professor (which he currently holds). He will retire on June 30 after almost 40 years of service to Georgia Law.

A native New Yorker until his college days at Vanderbilt University, Kurtz fully immersed himself into his adopted Southern hometown of Athens. He and his wife, Carol, are supporters of the arts, and he has affiliated himself with various local organizations – the Athens-Clarke Heritage Foundation, the Athens Area Emergency Food Bank, Athens Community Connection and Project SAFE. He even served as a local “Athens star” in the latter’s fundraising version of “Dancing with the Stars” and won the 2009 People’s Choice Award for his dance floor moves.

Active in legislative issues, Kurtz served as reporter for the Georgia Supreme Court’s Indigent Defense Reform Commission (2000–03) and served on the 11-member Public Defender Standards Council (2003–09). For numerous years, he has been very active in the National Conference of Commissioners on Uniform State Laws and has served in various capacities including as commissioner for the last 12 years. On campus, Kurtz served five terms on the University Council and two terms on the board of the Georgia Athletic Association. He has been a Senior Foundation Fellow since 1995 and was a Peabody Awards faculty judge for nine years. He also was a leader in the broader legal academy and served as president of the Southeastern Association of Law Schools in 2003–04.

Specializing in criminal law and family law, Kurtz also taught Constitutional Law, Criminal Procedure, Agency and Partnership, Appellate Practice and Civil Rights Litigation over the years. Additionally, he served as the adviser to the law school’s Moot Court Program and its LL.M. Program and played a role in the establishment of an Order of the Coif chapter at UGA.



2002



2002

A farewell message

Not many would accuse me of being shy, but I am retiring. And when I leave, please know I intend to take a lot of priceless things with me. Not to worry, I don’t intend to steal any of the historic portraits hanging in the hallways. I won’t be squirreling out any of the first editions from the law library. And no need to alert the GBI that I have any designs on those hard-won advocacy plaques and trophies in the Hatton Lovejoy Courtroom – or the picture that hangs over the bench that I’ve always thought resembles Ed McMahon.

Of course, what I am taking with me to treasure always are the memories – of events, of buildings and, most of all, of people. I remember having attended most of the Sibley Lectures ever given, virtually all the Edith House Lectures and more moot court practices than I can count. I attended the opening of the library annex, Sen. Edmund Muskie’s speech at the groundbreaking for Dean Rusk Hall, the gatherings of former Secretaries of State and the speeches of U.S. Supreme Court Justices Harry Blackmun, Stephen Breyer, Antonin Scalia and Clarence Thomas. But to clear the record (and before Lawton Stephens (J.D.’81) suggests to the contrary), I was **not** around when Abraham Baldwin taught his first class in Old College.

While I’ve witnessed many memorable happenings at the law school, not all of them were happy. I remember the hot summer day in 1995 when we watched Brooks Hall, the home of the Terry College, virtually burn to the ground. I recall memorial services for students and for faculty colleagues abruptly taken from us. I have a picture in my mind of the tears of faculty, students and staff watching in the student lounge on that horrific September morning in 2001 as the towers went down.

The North Campus I came to in the summer of 1975 had quite a different look. Caldwell Hall hadn’t even been imagined back then (it was a parking lot). Herty Field also was a parking lot (without a fountain) and Herty Drive was a through street. What is now the Administration Building was a rarely-visited Georgia Museum of Art and the UGA president worked in the Lustrat House, where the Office of Legal Affairs is now housed. The President’s Garden didn’t exist, and law school commencement didn’t occur on the North Campus Quadrangle, but in a dank auditorium in the Fine Arts Building.

The major component of my treasure chest will be the people who became a central part of my law school family. Former colleagues who were some of the giants in the law school’s history – Perry Sentell (LL.B.’58) and his Palsgraf Days, Verner Chaffin (LL.B.’42) who really does understand the Rule Against Perpetuities, Dick Wellman and the vulture in his



1978 – One of the first Order of the Coif induction ceremonies.



1985



Kurtz and his wife, Carol, are ever present faces around the law school campus and at law school events. He has participated in Law Revue/ Libel shows, served as an auctioneer for the annual Equal Justice Foundation Auction, danced at the annual Bull Roast and attended countless Homecoming BBQs and class reunions, end-of-the-year banquets, alumni events and donor events.

from Associate Dean

Paul M. Kurtz

office window always in appropriate attire, Ron Carlson and his Always Ready for Prime Time Players and Milner Ball (J.D.'71) who was my role model. Some younger colleagues who were struck down in their prime – Ellen Jordan, Larry Blount and my close friend and partner in humor, Anne Proffitt Dupre (J.D.'88). My law school classmate, Al Pearson, who I followed into academia and then to Athens. I'll always keep close the first night in Athens that Carol and I spent at Al's house when we were looking for our first home. Ralph Beard, who as dean laid the foundation for the wonderful school we have become. Ron Ellington who was my friend and colleague before becoming my dean and David Shipley who arrived as my dean but remained as my close friend. A special place will be reserved for the "younger" crowd who are now part of the old guard – Tom Eaton, Jim Smith, Dan Coenen and Mike Wells.

There have been hard-working dedicated staff members who helped make the school run – Frank Polster, Gwen Wood, Elaine Mitchell, the inimitable Jill Coveny Birch and Emma Terrell, whose laugh I miss every day. And I'll never forget three very able assistants who helped cover up my mistakes – Kay Bramlett, Clair Drew and Debbie Love, for whom I have worked over the last 9 years.

Perhaps the most memorable figure in my recollections will be Rebecca Hanner White, who I have served the longest as associate dean. I will remember recruiting her, becoming her friend and then watching her as dean remake the face of the law school in so many ways. She has been a tireless leader without peer, and I am so proud to have been a helper to her.

But my students mean the most to me. Bright, enthusiastic and (almost) always engaged. So many faces in and out of the classroom flood my memory. The D.A.'s who I "elected" in Criminal Law, those from the early years who became my friends and eventually learned to call me Paul, the students who put the Velvet Elvis on the second floor of Hirsch Hall, those who have assumed responsible positions in the state and federal governments, those who have become giants at the bar and in the community, and the ones who have invited me and Carol to their weddings and sent me holiday cards and pictures of their little ones. All these students have morphed into the alumni body of Georgia Law, anxious to support their alma mater.

All this I will take with me and look back upon with fondness. Not a bad retirement gift ... not bad at all. Georgia Law often will be in my thoughts and always will be in my heart.

Kurtz's scholarship includes two books, *Family Law: Cases, Text, Problems* and *Criminal Offenses in Georgia*. He has also served as associate editor and as a board of editors member for the *Family Law Quarterly* since 1983.

He has received many accolades and honors over the years including: the highest honor given by the Law School Association – the Distinguished Service Scroll Award (2012), the Milner S. Ball Social Justice Award from the Athens Justice Project (2011), the National Child Support Enforcement Association's community service award (2008) and UGA's Disability Services Faculty Member of the Year Award (2006). He was also elected honorary faculty marshal by four graduating classes prior to his appointment as associate dean.



2012 – Kay Deming (J.D.'78), one of Kurtz's former students, presented him with the LSA's Distinguished Service Scroll Award.

In 1985, to help celebrate the 125th anniversary of the founding of the law school, Kurtz – dressed as Groucho Marx – comically portrayed one of the law school's founders in a "libel-type show."

In 1991, Kurtz was named associate dean for academic and student affairs. In this role, he is an integral part of many aspects of faculty and student life at Georgia Law – he oversees the curriculum, the hiring of adjuncts, the organizing of the school's Sibley Lecture Series, the operation of the Honor Court and its proceedings as well as course and exam scheduling. In addition to his official role at graduation, he assists the school with fundraising and also stands in for the law school's dean when necessary.



2010 – At the Joseph Henry Lumpkin Society Spring Twilight Affair with Eleanora Banister (J.D.'80) (left) and Julie Lumpkin (J.D.'90) and her husband, Don Sando.

Resolving conflicts of law arising from same-sex relationships

BY ASSOCIATE PROFESSOR HILLEL Y. LEVIN

Editor's Note: This essay was adapted from Associate Professor Hillel Levin's article Resolving Interstate Conflicts Over Same-Sex Non-Marriage, 63 Fla. L. Rev. 47 (2011).

As anyone following the news knows, same-sex marriage is a hot topic. President Barack Obama declared his support for same-sex marriage in 2012, the first time a major party's presidential nominee has done so. Public support is at unprecedented levels, and the U.S. Supreme Court is currently considering two cases concerning the legal status of same-sex relationships.

Although the Supreme Court could declare that all states must recognize same-sex marriage, few observers believe that it is quite ready to take that step. Thus, whatever the Supreme Court decides, little is likely to change from the current status quo, which is, in a word, confusing.

The Dilemma

A few states (what I call the "marriage states") permit same-sex couples to wed; some others (the "marriage-like" states) instead offer same-sex couples alternatives that are functionally identical to marriage, or nearly so, but under a different name, like civil unions; still others (the "marriage-lite" states) provide same-sex couples with only a handful of the rights and responsibilities typically associated with marriage; and the majority of states – Georgia included – offer no formal recognition at all to same-sex couples.



Over the next few years, as the country continues to grapple with issues related to same-sex relationships, more states are likely to experiment with these alternative models.

This state of affairs raises complex and novel questions for courts, legislatures and other policymakers in a technical and somewhat esoteric area of the law called conflicts of law.

What happens when a same-sex couple married in a marriage state moves to a marriage-like state; or from a marriage-like to a marriage-lite state; or from a marriage-lite to a marriage state – and so on? Do they keep their rights and responsibilities? Do they lose them as they cross the border? Does it depend, and if so, on what? Consider these examples:

- A same-sex couple marries in Massachusetts (a marriage state) and moves to Delaware (a marriage-like state). One spouse is incapacitated and hospitalized. Can the other spouse direct medical care and make end-of-life decisions? Can he even visit his husband in the hospital? What if the incapacitated spouse dies? Who inherits? Who assumes the decedent's debts?
- The same facts and questions, except that the couple moves to Wisconsin (a marriage-lite state) instead.
- A couple enters into a marriage-like relationship in Delaware and moves to Massachusetts. Before officially getting married, they decide to split up. One member of the couple wishes to marry someone else. Can she? Must she dissolve her union in Delaware first? If so, how and where?
- A couple enters into a marriage-lite relationship in Wisconsin and then moves to Delaware or Massachusetts. What rights, if any, do the members of the couple automatically enjoy in the new state?

These are what I refer to as the marriage/marriage-like/marriage-lite conflicts.

Resolving them is enormously important. As U.S. Supreme Court Justice Robert Jackson argued in *Estin v. Estin* (334 U.S. 541, 553 (1948) (Jackson, J., dissenting)) more than 60 years ago, “[i]f there is one thing that the people are entitled to expect from their lawmakers, it is rules of law that will enable individuals to tell whether they are married and, if so, to whom.”

In a 2011 article in the *Florida Law Review*, I offered the first analytical framework for resolving all of these marriage/marriage-like/marriage-lite conflicts.

By comparing these marriage conflicts to other kinds of conflicts that present similar patterns, I argued that forum states should, to the degree possible, sever those elements of same-sex relationships entered into in foreign states that are contrary to local policy but accept the remainder.

This approach provides sensible, straightforward and fairly comprehensive rules for addressing the marriage/marriage-like/marriage-lite conflicts, and it also shines a light on how no-recognition states like Georgia ought to treat same-sex couples who have formalized their relationships in other states.

Current Approaches to Solving the Issues

The article began by reviewing the approaches taken by the various states to these questions and demonstrating that the law was in disarray.

For example, consider how states have resolved the most straightforward conflict, that between a marriage and marriage-like state (when a married same-sex couple moves from a marriage state to a marriage-like state). Analytically, states have three options in confronting this problem.

First, they might treat the couple as married. That is, although the forum state would not perform the marriage, it could recognize and adopt the status afforded by the marriage state as a matter of comity.

Second, they could decline to recognize the relationship altogether. In other words, because the forum state does not permit same-sex couples to marry, it could simply reject the relationship entirely and maintain that the couple must formally enter into the forum state's marriage-like union if they are to receive the benefits of such a relationship.

Third, they could opt not to recognize the marriage as such, but instead automatically provide the maximum recognition for the couple afforded in the forum state. For example, a marriage-like state such as Delaware could automatically treat a same-sex couple lawfully married in Massachusetts as though it had already entered into Delaware's marriage alternative.

Unfortunately, as my research showed, states have been all over the map concerning this question.



“Over the next few years, as the country continues to grapple with issues related to same-sex relationships, more states are likely to experiment with ... alternative models.”

The various other conflict patterns – marriage-like/marriage, marriage/marriage-lite, marriage-lite/marriage, etc. – raise even more possibilities, and states are to an even greater degree split, confused or unclear in how to resolve them.

The central insight in my article is that the conflicts presented by the states' differing approaches to same-sex relationships are not actually novel, but that legal scholars and judges have been looking to the wrong precedents.

The typical approach offered by legal scholars and judges focuses on what are called the incidents of marriage cases. These are cases in which an interracial couple, first cousins or a polygamous group married in a forum that permitted their union, but litigation related to the union subsequently arose in a forum that rejects such relationships.

It is easy to see why these cases are attractive to scholars and judges as starting points for resolving the marriage/marriage-like/marriage-lite conflicts. After all, they too consider conflicts questions arising from different states' marriage recognition laws.

As I show, though, the incidents of marriage cases are of limited utility.

To begin with, they are notoriously fragmentary and inconsistent. Scholars have struggled to make sense of these cases and to develop generally applicable rules, and doing so is something like recreating a complex statutory scheme by referencing a small number of cases in which the statute was applied.

Further, scholars inevitably make contestable claims about how to categorize cases and what to learn from them. These cases are too few, too thinly reasoned, and too inconsistent to offer much insight.

More fundamentally, the incidents of marriage cases are not, on close examination, sufficiently similar to the marriage/marriage-like/marriage-lite conflicts to reason from them. In those earlier cases, the states' possible approaches were strictly binary – states either recognized the relationships in question as marriages or they rejected them as nothing – whereas the possibilities in the same-sex relationship context run along a spectrum.

Therefore, mechanically applying the principles from the marriage/no-recognition conflicts in the incidents of marriage context to the marriage/marriage-like/marriage-lite conflicts in the same-sex relationship context makes little sense and does not comport with the technical doctrines of conflicts law.

Using Conflicts of Law Doctrines and Principles as a Solution

I suggest that in a variety of overlooked cases, conflicts of law doctrines and principles have developed that shed light on the marriage/marriage-like/marriage-lite conflicts context.

First, consider a simple problem that arises with respect to contracts. Parties sometimes enter into a contract in a foreign state that contains a clause that a forum state adjudicating the contract deems unenforceable and contrary to public policy. Should the court in the forum state (1) put aside its objections to the problematic clause on the grounds that it should give full force to a sister state's law; (2) reject the contract entirely; or (3) sever the unenforceable clause and give full force to what is left of the contract?

It should be immediately apparent that these possible resolutions mirror the options we identified in the marriage/marriage-like context.

In these contract disputes, courts often sever the unenforceable provision such that the remainder of the contract will be valid and enforceable. In other words, the court will conform the contract, where possible, to local law and policy. In so doing, a state can uphold its interest in enforcing agreements between parties while simultaneously affirming its opposition to the particular provision in question.

Consider a second example, this time from family law. The states vary somewhat with regard to precisely which rights travel along with marriage. Some states are community property states, while others are common law states.

If a couple were to move from the first kind to the second, the latter would recognize the couple as married, but would typically apply its own law were a dispute about the property to arise. In other words, the mere fact that the forum state might not recognize one aspect of the relationship is not enough for the state to refuse to recognize the relationship altogether. Once again, we find the forum state rejecting that which conflicts with its policies and embracing that which it can.

We can readily apply the lessons from these relatively uncontroversial cases to the marriage/marriage-like/marriage-lite conflicts context. Simply put, states should reject those elements of a solemnized relationship that offend their public policy and accept those that conform to it.

Thus, for the marriage/marriage-like conflict, the forum state should refuse to apply the marriage label to the couple, but it should extend all of the benefits that it would offer to similarly situated same-sex couples under local law. In other words, it should treat the couple as having automatically entered into its marriage-like alternative.



“[T]he states' differing approaches to same-sex relationships are not actually novel ...”

“The truth is that even no-recognition states have laws that recognize, or at least protect, some aspects of same-sex relationships.”



The same rule should apply in the marriage/marriage-lite and marriage-like/marriage-lite conflicts cases. That is, the marriage-lite forum state should not recognize the marriage or marriage-like label, or even the full array of rights and responsibilities that the couple attained under the foreign state’s marriage or marriage-like scheme. It should, however, extend all of the benefits that it offers to same-sex couples within its own marriage-lite alternative and that are subsumed within the marriage or marriage-like relationship into which the couple already entered.

Similarly, with respect to the marriage-like/marriage conflict (where a couple enters into a marriage-like relationship and then finds themselves in a marriage state), the marriage state should automatically treat the couple as though they were married. Once again, the marriage state would simply be conforming the relationship to local law.

However, with respect to the marriage-lite/marriage-like and marriage-lite/marriage conflicts, the marriage and marriage-like forum states should refuse to extend any recognition to the couple that has entered elsewhere into a marriage-lite relationship.

This is because (1) marriage-lite relationships offend the policies of marriage and marriage-like states, such that the state should not recognize the marriage-lite status itself, and (2) the couple has not shown any interest in undertaking the much more robust marriage-like or marriage relationship. That is, the marriage-like or marriage forum cannot sever some piece of the marriage-lite relationship that it objects to and thus leave some larger piece that it can recognize; there is simply no equivalence in the relationships.

However, there is one critical exception to this rule: if the marriage or marriage-like forum state would allow individuals to enter into a contractual relationship governing the specific right at issue independently of a marriage or marriage alternative relationship, then it should recognize the foreign marriage-lite relationship’s granting of that right.

For instance, if the forum state permits individuals to appoint someone to make end-of-life decisions independently of marriage (as all states do), and if the foreign marriage-lite relationship provides for end-of-life decision-making, then the forum state should affirm that aspect of the relationship as a contractual matter.

Finally, this approach yields important insights even for states, like Georgia, that decline to recognize any form of same-sex relationship.

The truth is that even no-recognition states have laws that recognize, or at least protect, some aspects of same-sex relationships.

Same-sex couples can provide for each other in their wills, and these wills are respected in no-recognition states. Likewise, no-recognition states respect legal agreements directing decision-making in the event of incapacity, contracts governing property division and other private agreements into which same-sex couples may enter.

Therefore, no-recognition states should automatically treat couples who have lawfully entered into marriage, marriage-like, and marriage-lite relationships in other states as though they had entered into whatever private contracts would be included in those unions and by forum law. That is, a same-sex couple that marries in Massachusetts and moves to Georgia should automatically have whatever rights and responsibilities Georgia independently allows same-sex couples to privately contract for and that are inherent in Massachusetts marriage law.

Of course, this is only a small subset of the rights and responsibilities that accrue to married couples; but they are very real nonetheless.

In my view, this approach is fairly intuitive and offers a more comprehensive and straightforward approach than those offered by others. But it will likely make very few partisans in the same-sex marriage debates happy.

Those who wish to see same-sex marriage spread throughout the country may well prefer an argument that every state is required to recognize a same-sex marriage lawfully performed in another state.

On the other side, some who oppose same-sex marriage and other forms of recognition may protest that my approach allows a sort of “creep” in the recognition of same-sex relationships, requiring states that have expressly rejected same-sex marriage to recognize such relationships in some cases.

To partisans of these debates, I simply suggest that conflicts law, given its opacity, complexity and technicality, is not the appropriate terrain on which to fight the marriage wars.

Indeed, I hope all states will recognize same-sex marriage one day soon, but based on equality – not through conflicts law.

Resolving these conflicts requires careful attention to the most technical areas of the law, creative problem-solving and the application of common sense. In other words, it requires good lawyering.





Rare Supreme Court photos offer brief connection to the Constitution in action

BY ASSOCIATE PROFESSOR SONJA R. WEST

Editor's Note: This essay was adapted from a piece Associate Professor Sonja West published in Slate magazine, "Smile for the Camera: The Long Lost Photos of the Supreme Court at Work and What They Reveal." (Oct. 1, 2012.)



The moment I saw the photographs for the first time, I got goose bumps.

After opening an email from the law school's faculty librarians, two black and white images appeared on my screen. One I had only heard about but half suspected was apocryphal. The other was a complete surprise.

The images were the only two known photographs ever taken of the U.S. Supreme Court in session. Both from the 1930s, the two long-lost photographs capture what few have seen, and they offer a small glimpse of what we have been missing for decades.

The discovery of the photographs began as I was researching an article on the justices' resistance to admitting video cameras into oral argument.

The Supreme Court's opposition to cameras is well known, and the Supreme Court has never allowed the use of cameras while it is in session despite pleas from the press, Congress, scholars and the public.

It has steadfastly held that position even as all 50 states began to allow camera access in some form and while lower federal courts continued their "experiment" with the practice, which began in the early 1990s – roughly the same time the Canadian Supreme Court let them in without incident.

The justices' resistance to cameras crosses generational and ideological lines.

For decades, the debate over cameras in the court has gone something like this: the press pleads for permission and the court says no; academics make policy arguments that the court ignores;

and Congress threatens to force cameras into the court, but the justices do not blink.

The argument remains deadlocked, with the justices insisting they will not risk the integrity of the court until they can be certain of the effects and camera proponents arguing that it is impossible to know the effects until cameras are allowed inside.

As a former reporter and now a scholar who teaches and writes about the press and the Supreme Court, the justices' uneasy relationship with cameras has long interested me.

While researching the issue, I remembered once hearing a story about a clandestine photo taken of the court in session.

Having no idea whether the story was true, I decided to try to track it down, and I learned the story is, indeed, real.

The year was 1932 and the photographer was Erich Salomon.

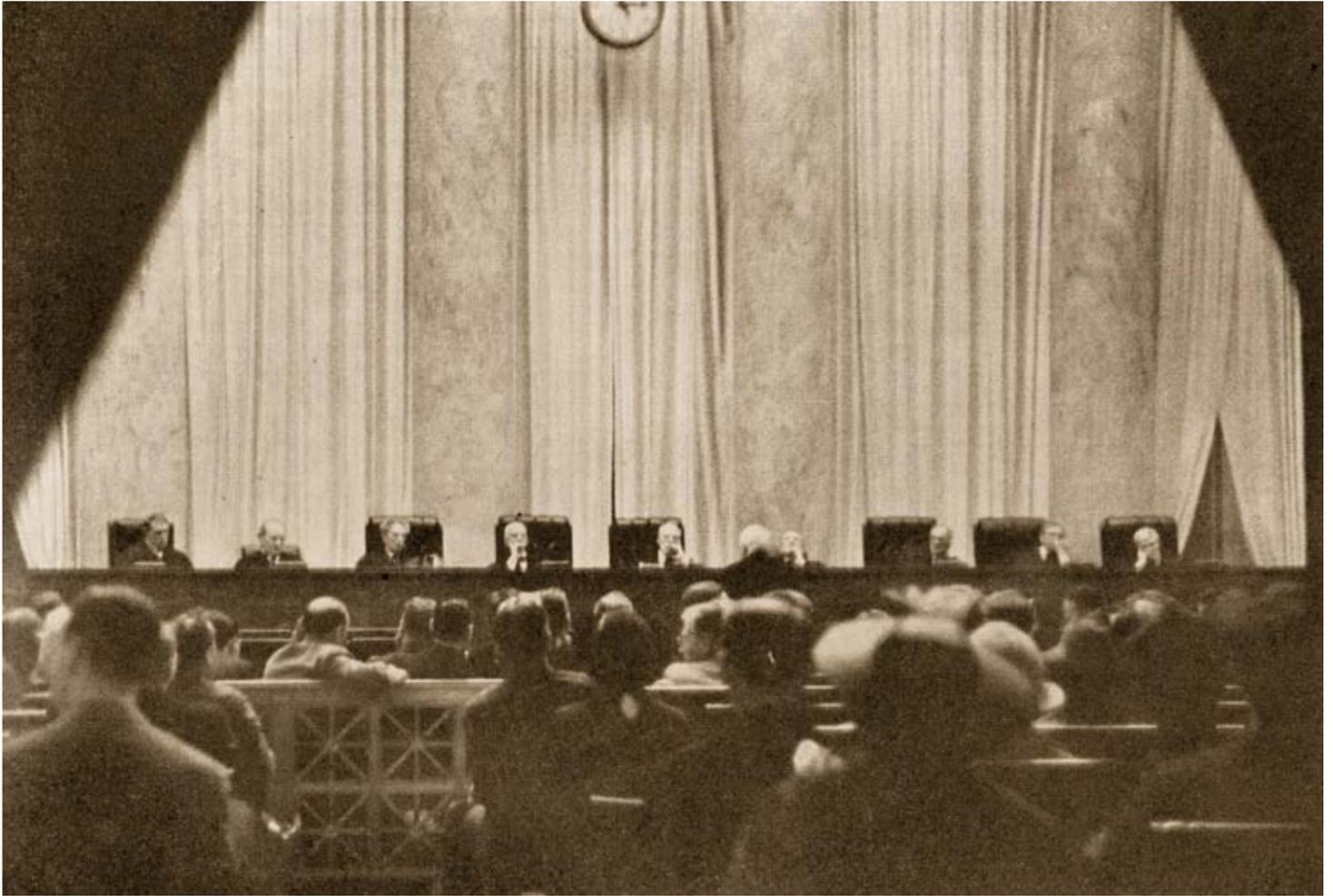
Salomon was renowned for his photojournalism and, in particular, his clever ability to get his shot.

In this case, he sneaked a camera into a Supreme Court argument, being held in what was known as "The Old Senate Chamber," by faking a broken arm and hiding his camera in the sling. His single photograph was published in *Fortune* and was promoted as the first image ever taken of the court in session.

It is a clear and close-up shot of the bench, with a bearded Chief Justice Charles Evans Hughes presiding. Two chairs down, most court devotees would recognize the wavy locks of Justice Louis Brandeis. The justices appear to be listening to the argument being presented by an unseen attorney.

The story of the renowned photographer, however, later takes a tragic turn. Salomon was Jewish and born in Germany. Prior to the beginning of World War II, he and his family settled in Holland but were captured by the Nazis during the Blitzkrieg in 1940. Salomon died in Auschwitz in 1944.

While researching this story, I stumbled across a stray reference to another photograph.



Above – This rare 1937 photograph of the Supreme Court in session is not very well known. It ran in *Time* magazine after it was taken by an amateur photographer who concealed her camera in her handbag to capture the justices in action at the Supreme Court Building. Source: Time & Life Pictures/Time & Life Pictures/Getty Images.

Left – This photograph, which was published in *Fortune*, was promoted as the first image ever of the Supreme Court in session. It was taken in 1932 when renowned photographer Erich Salomon had snuck a camera into an oral argument that was held in “The Old Senate Chamber” by faking a broken arm and hiding his camera in the sling. Source: bpk, Berlin/Erich Salomon/Art Resource, NY.

I had never even heard rumors of a second photograph. (A quick survey of several other media and Supreme Court scholars told me I was not alone.)

Working with Georgia Law's Faculty Services Librarian Thomas "T.J." Striepe and Foreign and International Law Librarian Anne Burnett (J.D.'90), we hunted it down. Eventually, we found the citation and retrieved the original publication from the University of Georgia Libraries' off-site repository.

The second photo was taken five years later in 1937 and published in *Time* magazine.

This one, the magazine reported, was taken by "an enterprising amateur, a young woman who concealed her small camera in her handbag, cutting a hole through which the lens peeped, resembling an ornament."

The unnamed photographer "practiced shooting from the hip, without using the camera's finder which was inside the purse" in order to capture the court in action.

While taken from a more distant vantage point, the second photo is in many ways the more striking one.

The justices by this time had moved into their current home at the Supreme Court Building.

The image is grainy, but the details are unmistakable.

It shows the waist-high bronze gate that separates the public from members of the Supreme Court Bar. The court's towering marble columns and draping curtain form the backdrop. The large, simple clock over the bench marks the time, just as it does now.

The justices can be seen sitting, several with their heads resting in their hands, while a white-haired lawyer argues before them. Justice James McReynolds, sitting on Chief Justice Hughes' left, appears to be studying the ceiling.

The edges of the photo are framed in black, presumably from the cutouts of the purse, giving the tunneled feeling of traveling back in time – which, of course, is exactly what the photo allows us to do.

The justices captured here are members of the 1937 court that ended the Lochner Era through a series of decisions that upheld the New Deal.

On the far left sits Justice Owen Roberts, the author of "the switch in time that saved nine," who put a halt to President Franklin Delano Roosevelt's court-packing plan.

The law librarians and I again did more research.

To the best of our ability, we concluded that the 1937 photograph had not been republished in the 75 years since it first ran in *Time*. (The 1932 picture could be found on a few historical websites.)

I talked with the archivists at *Time* seeking any additional clues about the "enterprising" young woman who took the photograph. They, however, had nothing more about her in their records. Thus, her identity and story remain a mystery.

These two photographers – one famous and one anonymous – broke the rules. They captured moments of the justices at work, which were not supposed to be recorded. While their methods were perhaps unscrupulous, they left us something of great value.

These amazing photographs are but two black-and-white frames out of the reel of thousands of hours of law in the making.

They offer a brief connection to our Constitution in action. They open the doors of our government to far more citizens than those who can fill the 250 seats of the courtroom.

Most importantly, the images are a fleeting hint at what we have missed over the past century as well as what we lose with each passing term in which cameras are prohibited.

Admittedly, these two photographs shed little light on whether opening the court to video cameras would lead to the problems the justices say concern them such as grandstanding by lawyers, out-of-context sound bites captured by the press or miscomprehension by the public.

They are still photographs, not videos, and viewing them through the fog of decades is not equivalent to watching arguments contemporaneously. But the pictures display an immediacy and intimacy that is missing in the public's current access to the court.

Justice Antonin Scalia recently argued against cameras at oral argument

by suggesting that watching the Supreme Court would be boring since the justices "just sit there like nine sticks on chairs."

The lines of would-be spectators stretching outside the courtroom before every argument suggest the public feels otherwise.

A *USA Today*/Gallup poll found that 72 percent of the people surveyed thought the justices should have allowed cameras into the oral arguments for last year's health care case.

Several polls in the past decade have shown majority support for televising the court's arguments, in general.

The justices today give different reasons for keeping cameras out, but they share one central element: fear of the unknown.

It is "not a logical argument" but "a psychological argument," Justice Stephen Breyer told an audience in 2009. "Some of us may think if we were to vote for something with the implications for change we know not what – be careful." After which Justice Sandra Day O'Connor chimed in by adding, "Justice moves slow. And why does justice move slowly? It's because it's better to be sure than sorry."

The two long-lost photographs make the argument that the justices' fear comes at a price.

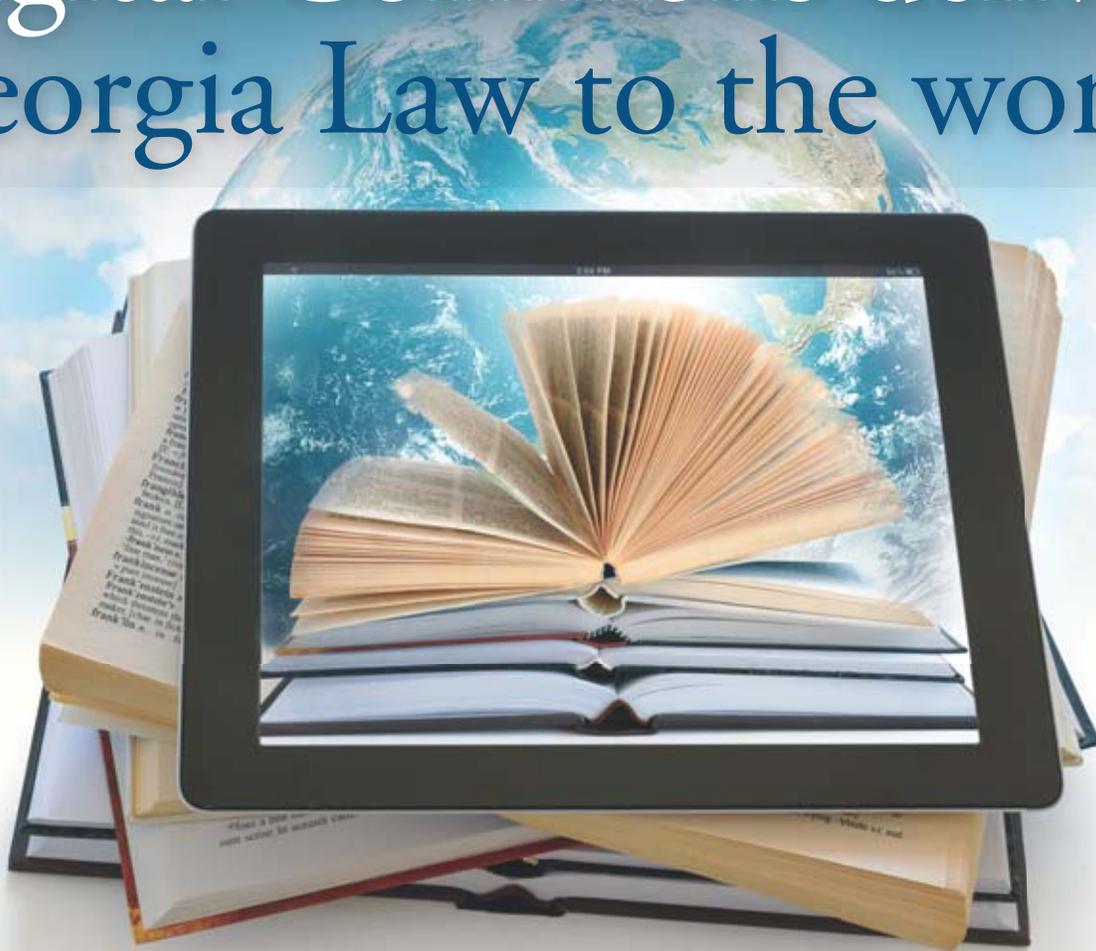
Their inertia means we have no photos or videos of Thurgood Marshall arguing *Brown v. Board of Education*, just as we have no images of the justices contemplating *Roe v. Wade* or *Bush v. Gore*.

The photos remind us that it was a choice – the justices' choice – to allow those moments and countless more to slip away.

Caution is a virtue – until it becomes paralysis. In trying to preserve what we have, we are losing far too much.

"[T]he images are a fleeting hint at what we have missed over the past century as well as what we lose with each passing term in which cameras are prohibited."

Digital Commons delivers Georgia Law to the world



BY FACULTY SERVICES LIBRARIAN THOMAS "T.J." STRIEPE

Whether you are looking for historical Georgia statutes, law review articles on a specific legal topic or a photo from your 1L year, the Georgia Law Digital Commons electronic database can assist you.

What is Digital Commons?

Digital Commons is a digital repository of scholarship and law school history implemented by the law school on a platform created by Berkeley Electronic Press (Bepress).

The staff of the Alexander Campbell King Law Library manages Digital Commons, and members of the law school community upload electronic documents, videos and other records into this database so that these items are accessible free of charge to the entire world.

The items within Georgia Law's Digital Commons have been downloaded more than 600,000 times by individuals worldwide.

History

Digital Commons was initiated by the law library in 2008 – led by the efforts of our current law library director, Carol A. Watson (J.D.'87), and then-Faculty and Access Services Librarian James M. Donovan.

Georgia Law was an early initiator in creating a repository for a law school institution, and the early adoption of this technology has allowed the school to be a pioneer in this practice and to assist other law schools in developing their own electronic databases.

Purpose

Digital Commons was created to capture the intellectual output of the Georgia Law community and to preserve its institutional history.

This repository allows the law school to promote its faculty scholarship by providing access to their articles to anyone on the Internet.

Bepress has designed this platform to take advantage of using Internet searches through Google to locate articles within Digital Commons, and more than 75 percent of the traffic on Digital Commons arises from individuals performing Google searches.

This open access to faculty scholarship in turn enhances Georgia Law's reputation by increasing the awareness, exposure and usage of the scholarship produced here.

More than 900 faculty articles have been uploaded into Digital Commons, and the number of citations to law school faculty publications has increased due to the accessibility created through Digital Commons.

Researchers no longer have to rely on finding an article through the paper version of an academic journal or by using expensive databases like Westlaw or LexisNexis.

Lawyers, scholars and other individuals now can download the full text of Georgia Law faculty members' articles at no cost.

Additionally, an archive of the law school as an institution has been established by documenting the various lectures, symposiums, colloquia and other events that occur at the school each year.

The law school has also uploaded documents from various student organizations, newsletters, class directories, *Advocates* and *Dean's Reports* to capture the rich history of the school in an easily accessible permanent format.

This information will permit future members of the law school community, as well as the public at large, to learn more about the law school's distinguished past.

Content

Today, there are more than 4,700 documents within Digital Commons.

Contents of the school's collection include the digital archives of the digests and compilations of Georgia statutes dating back to 1799, the *Official Code of Georgia* from 1860 to 1933, a majority of the legal scholarship of the Georgia Law faculty from 1959 to the present as well as numerous other items encompassing the history and scholarship of the University of Georgia School of Law.

Documents are not the only things that have been uploaded into Digital Commons. The collection also includes numerous videos of the different events that have occurred at the law school. These videos include Sibley Lectures, graduation ceremonies and Edith House Lectures as well as conference keynote addresses.

A unique item in the repository includes documents from the Nuremberg Trials. Within this collection, individuals can access photographs of the trials, filings and other documents used by the attorneys during the prosecution of World War II criminals. These documents include original copies of the opening and closing statements, indictments and judgments from these cases.

The law school continues to populate this database on a daily basis so the amount of resources in this repository will continue to increase exponentially.

Searching

Bepress has designed Digital Commons to make it easily searchable so that individuals can find the items for which they are looking.

Visitors to Digital Commons can either browse the materials within any collection by year or perform a search to find a specific item.

Last month, Digital Commons had visitors from 106 different countries, which illustrates how this database assists in expanding the global exposure of Georgia Law.

The search feature allows users to perform full text searching of all of the items in the database or they can limit their discovery to a particular category or series. After a search has been completed, individuals are then able to utilize additional functions by limiting the results based on discipline, keyword or year.

A new component in Digital Commons allows users to access the Bepress Digital Commons Network (*www.network.bepress.com*). This network is an open access conglomeration of all universities' and colleges' institutional repositories.

Once a search is conducted within Georgia Law's Digital Commons database and the applicable resource is selected, the database will provide a link to other items on the same topic(s) within the Digital Commons Network. This brings individuals to a multitude of other articles and resources on the topic they are researching at no extra cost.

Future

The law library staff will continue to expand the holdings within Digital Commons by making portions of its unique collection available in this database. They are also continuing to develop different mediums to incorporate into this repository.

The ultimate goal is to have every article published by Georgia Law faculty available on this database.

Currently, the law library is digitizing its original copies of the judgments from the International Military Tribunal for the Far East, which are not currently available online.

The staff is also working to increase the availability of law school event videos on the site, uploading historical photographs of the law school and adding additional images of law school events.

Additionally, the Bepress platform allows law schools to publish their various law reviews online in connection with their print version.

Currently more than 100 law journals have taken advantage of this feature and, later this year, the *Georgia Journal of International and Comparative Law* will be joining these other law reviews by making all of its current and past articles fully accessible through Digital Commons.

Conclusion

It is impossible to describe all of the resources available in

Digital Commons in this article, so go ahead and browse this database yourself. You can use this resource to conduct legal research, browse historical law school documents or even look at some old class photos.

While Georgia Law's Digital Commons site will be marking only its fifth anniversary this year, this repository has already proved to be an invaluable resource to researchers, the law school as an institution as well as the law school community.

The law library staff looks forward to expanding the resources available in this database and to making the scholarship and history of Georgia Law more accessible to everyone.



This database can be accessed from Georgia Law's website or directly at <http://digitalcommons.law.uga.edu>.

Sixth Georgia Law graduate in nine years selected to clerk for U.S. Supreme Court

This fall, Andrew A. Pinson (J.D.'11) will assume a role many law school graduates dream about but rarely obtain – clerking for a U.S. Supreme Court justice.

“Several people who helped me through the application process have compared being selected to clerk for a Supreme Court justice to catching lightning in a bottle, so I was absolutely surprised and humbled to even receive an interview,” Pinson said.

His invitation from Justice Clarence Thomas to clerk for the October 2013 Term makes him the sixth Georgia Law graduate in nine years to be chosen for one of these prestigious posts at the court.

“A Supreme Court clerkship is one of the most distinguished appointments a law school graduate can obtain,” Dean Rebecca Hanner White said. “I am extremely proud of Andrew, and I know he will make the most of this once-in-a-lifetime opportunity.”

Pinson graduated first in his class from Georgia Law, where he was the executive articles editor of the *Georgia Law Review* and was inducted into the Order of the Coif. He then served as a judicial clerk for Chief Judge David B. Sentelle of the U.S. Court of Appeals for the D.C. Circuit.

Currently, Pinson is an attorney with Jones Day in Washington, D.C., where he works in the firm’s Issues & Appeals Practice representing clients in various stages of civil litigation.

“My clerkship with Judge Sentelle proved to be a tremendous opportunity to develop as a lawyer and to gain a new perspective on how judges interpret the law,” Pinson said. “I applied for a Supreme Court clerkship for similar reasons.”

Pinson said that beyond the additional writing experience, working in Thomas’ chambers will help him hone his own views on jurisprudence generally and better understand some of the big legal issues America is facing today.

He also hopes the experience will provide him with insights into how the various justices approach all types of cases – particularly what they look for in a brief and what sort of arguments might resonate with them.

“All of these things are readily applicable to the appellate practice I plan to continue when I finish clerking,” Pinson added.

Pinson said he first began thinking about clerking for the nation’s highest court while earning his undergraduate degree, but considered it a “pie-in-the-sky dream” at the time.

“I read Justice Thomas’ memoir my senior year at UGA and was struck by what a neat experience it would be to clerk for him,” Pinson said. “It’s certainly a testament to the many wonderful people in my corner – Judge Sentelle, Dean White and professors Rutledge, Coenen and Turner, to name a few – that I will be clerking for him next year.”

Pinson said he believes this is why Georgia Law has been so successful in supplying clerks to the U.S. Supreme Court in the last decade.



“I am certain that I would not have clerked for Judge Sentelle, nor would I have this opportunity with Justice Thomas, if not for the amazing support from everyone at Georgia Law,” he said. “Knowing Georgia Law’s recent record with clerkships on the Supreme Court and elsewhere, that support clearly makes a difference.”

Pinson’s clerkship will bring the total number of Georgia Law graduates who have clerked for U.S. Supreme Court justices to 10.

The other nine alumni who have served the highest court in this capacity are: Brian C. Lea (J.D.’09), clerked for Justice Clarence Thomas for the October 2011 Term; Merritt E. McAlister (J.D.’07), clerked for Justice John Paul Stevens for the October 2009 Term; Jason T. Burnette (J.D.’06), clerked for Chief Justice John G. Roberts Jr. for the October 2007 Term; Adam M. Conrad (J.D.’05), clerked for Justice Clarence Thomas for the October 2006 Term; John H. Longwell (J.D.’99), clerked for Justice Stephen G. Breyer for the October 2005 Term; Anne Proffitt Dupre (J.D.’88), clerked for Justice Harry A. Blackmun for the October 1989 Term; Bruce P. Brown (J.D.’84), clerked for Chief Justice Warren E. Burger for the October 1986 Term; Glen M. Darbyshire (J.D.’84), clerked for Justice Thurgood Marshall for the October 1985 Term; and Benna R. Solomon (J.D.’78), clerked for Justice Byron R. White for the October 1980 Term.

KATHELEN VAN BLARCUM AMOS FOYER



Photo by Dennis McDaniel

Renovations continue to improve law school space; foyer named for Amos

The appearance and functionality of the law school's facilities have greatly improved over the past two years.

Most recently, the Rotunda and cupola received a face-lift. This historic space presently features black granite and white marble flooring and is much brighter due to the "opening up" of the cupola, which now provides natural and enhanced lighting.

Additionally the second floor walkway, accessed by the law library entrance, was renamed in honor of Kathelen V. Amos, a 1982 graduate of the law school. The dedication ceremony included a portrait unveiling of Amos, whose likeness now hangs in the space that bears her name – the Kathelen Van Blarcum Amos Foyer. Amos and her husband, Dan, made a leadership gift to the law school to assist with its renovations and have been longtime supporters of the school.



Above – The law school's historic Rotunda is now brighter and many of its unique features have been accentuated to highlight its detailing.

Top of page – Regarding the naming of the Kathelen Van Blarcum Amos Foyer, Dean Rebecca White said, "I cannot say enough about what Kathelen and Dan have done throughout the years to help ensure a bright future for Georgia Law. Kathelen is an outstanding advocate for and a dear friend to the law school, giving unselfishly of both her time and money."

In the summer of 2011, approximately 4,000 additional square feet of building space was created when the Sutherland Courtyard was enclosed and transformed into a wonderful study and gathering space for students and faculty.

This work to repurpose underutilized areas and to address overcrowding also included the creation of a large student lounge (which has a Jittery Joe's Coffee shop), seven group study/interview rooms, a large locker room and additional student organization offices.

The scope of the project also involved the installation of a grand staircase and a "glass wall" spanning all three levels of the north end of the law school's primary building providing natural lighting and exterior views of the new courtyard as well as resulting in wider walkways and supplemental gathering space.

Further progress will be made this summer when the hallways on the second and third floors are renovated to "link" with the work completed on the first floor, the Rotunda and the northern end of the building and will aesthetically connect "the old with the new." Work began after classes finished in May, and it is scheduled to be completed in August before students return.



View more images of Georgia Law's renovations at www.law.uga.edu/building-future.

Brown named associate dean of academic affairs

Lonnie T. Brown Jr., who joined the law school faculty in 2002, will become Georgia Law's associate dean of academic affairs July 1, upon the retirement of Paul M. Kurtz.

Dean Rebecca Hanner White said she was pleased Brown agreed to take on this important responsibility. "I am confident Lonnie will do an excellent job for us all."

Brown is not a stranger to the administrative side of academic life. For the 2007–08 year, he served as the inaugural Administrative Fellow in UGA's Office of the Senior Vice President for Academic Affairs and Provost. This full-time, one-year fellowship exposed him to the inner workings of academic administration, including university governance, promotion and tenure, crisis response, policy development and budgeting.

Specializing in civil procedure and legal ethics, Brown is the current holder of the A. Gus Cleveland Distinguished Chair of Legal Ethics and Professionalism at the law school.

He is also very active in the legal community, serving on the Drafting Committee for the Multistate Professional Responsibility Exam and on the State Bar of Georgia Formal Advisory Opinion Board. Additionally, he was recently selected by the U.S. District Court for the Northern District of Georgia as the principal substantive consultant for the court's Local Rules Revision Project.

Brown has received the Student Bar Association's Professionalism Award six times and has been presented with the Ellington Award for Excellence in Teaching. He also was selected on two occasions to be an honorary faculty marshal at graduation. At the university level, Brown has served as a Senior Teaching Fellow, and he is a member of the UGA Teaching Academy.

Prior to coming to Athens, Brown was an assistant professor at the University of Illinois College of Law and a visiting assistant professor at Vanderbilt University. He served as a judicial clerk for Judge William C. O'Kelley of the U.S. District Court for the Northern District of Georgia. Additionally, he practiced law as an associate and a partner at Alston & Bird in Atlanta from 1991 to 1999.

Brown earned his Juris Doctor from Vanderbilt University, where he was editor-in-chief of the *Vanderbilt Journal of Transnational Law*. He earned his bachelor's degree from Emory University, where he was student body president and the recipient of the Marion Luther Brittain Award, Emory's highest student honor.



Georgia Law alumnus to be next UGA president

By unanimous vote, the University System of Georgia Board of Regents approved Jere Morehead, a 1980 graduate of Georgia Law, as UGA's 22nd president. He will assume leadership of the state's flagship institution of higher education on July 1.

Morehead, who is currently senior vice president for academic affairs and provost at UGA, has been described as "a quiet and brilliant academic with an unparalleled understanding of the university's inner workings" and as "a collaborative type more likely to make thoughtful, nuanced changes to the institution as opposed to an overhaul."

University System Chancellor Hank Huckaby said Morehead's appointment "is the right decision for UGA. I have known and worked with Jere for many years and am delighted he will have this great opportunity to serve the university he loves so well. Our students will be in excellent hands under his leadership. Jere will bring the vision and energy essential to UGA advancing its land grant mission."

Morehead said being named UGA's next president is a dream come true.

"While the University of Georgia faces many economic challenges, I believe that if we focus on our academic priorities, we can and will reach new heights as an institution," he added. "The university is poised, thanks to our faculty, staff and students, to become one of the greatest public universities in this country. That belief will filter every decision that I make, how I spend my time and how I devote the university's resources in the coming years."

In some ways, Morehead's thought process as president will be a continuation of the philosophy he has applied in his current position.

"When I became provost I said that I thought our institution needed to be less bureaucratic, it needed to be very responsive to our faculty, students, alumni and supporters, and that is an issue that I will continue to confront and to address going forward."

Morehead also said one of the most important things he can do as president is to keep the university focused on being "the strongest academic institution that we can possibly be."

"That requires getting our entire structure behind a major capital campaign to move the university forward because we can't assume that, in these economic times, we're going to get our resources from any place other than our own friends and supporters."

Morehead's career covers a wide range of faculty and administrative posts at UGA. Prior to his current position, which he assumed in 2010, he served as UGA's vice president for instruction, vice provost for academic affairs, director of the Honors Program and acting executive director of legal affairs.

In addition to his administrative responsibilities, Morehead is the Meigs Professor of Legal Studies in the Terry College of Business, where he has held a faculty appointment since 1986. He also directed the law school's Advocacy Program from 1986 to 1995.

Assisting Morehead with his move to the president's office is Georgia Law Dean Rebecca Hanner White. She is a member of his 12-person Presidential Transition Advisory Committee, which is gathering information on key issues facing the university and sharing ideas for a successful presidency.

Also, Kathy Pharr, the law school's director of communications and public relations from 1993 to 2001, has been appointed the new president's chief of staff.



Adams to retire after 16 years

One of the country's longest serving university presidents, Michael F. Adams will step down from his post on June 30. Under Adams' leadership, student quality at UGA has risen steadily and the campus has been transformed, with more than \$1 billion in new construction, renovation and infrastructure and 6.2 million square feet of new space completed. Also, during his 16 years of service, UGA has attained its highest rankings ever, has become the most selective in its history and has grown from roughly 29,000 students to almost 35,000 students. He was named the university's 21st president on June 11, 1997.

\$1.5 million *cy pres* award goes toward scholarships

Last year, U.S. District Court Judge Clay D. Land (J.D.'85) entered an order directing \$1.5 million of a *cy pres* remainder fund to Georgia Law to endow a new scholarship fund.

Georgia Law alumni Joel O. Wooten (J.D.'75) and James E. "Jim" Butler (J.D.'77) represented the class that obtained the class action settlement and were members of the Remainder Fund Committee that made recommendations to the court on the distribution of the remainder funds.

The scholarship will provide financial assistance to deserving Georgia Law students "who have demonstrated an intention and commitment to dedicate a significant part of their professional career to the representation of individuals in civil matters who, due to their financial circumstances and the nature of their legal problem, would be unlikely to be able to privately retain legal counsel."

Georgia Law introduces two new experiential learning programs

During the spring semester, Georgia Law launched two new practical skills offerings – a Business Law Practicum and a Community Economic Development Clinic.

The Business Law Practicum offers students the chance to represent local entrepreneurs, small business owners and nonprofit organizations on transactional matters such as entity formation, corporate governance and contracts.

Heading up the new effort is Willow M. Meyer, an Athens attorney who is very involved in the local community and started her own nonprofit several years ago. Previously, Meyer worked for the National Health Law Program as a consultant and policy analyst and taught in the Legal Studies Department at the University of California, Berkeley.

“The practicum is great for any student who is interested in business law,” Meyer said. “It not only gives students the experience of working directly with clients in a transactional setting but it also exposes them to a myriad of business law issues, allowing them to gain confidence in putting what they have learned in the classroom into practice and demystifying what it is a transactional lawyer does.”

In the Community Economic Development Clinic, students represent a variety of Athens organizations in the fields of poverty alleviation, housing, entrepreneurship, education and leadership, with the goal of strengthening the local community and providing economic opportunity for low-income Georgians.

“No two client matters are the same, and seldom do the matters present strictly legal questions, but the CED Clinic brings legal thinking and problem-solving to bear on strategic issues faced by our client organizations to help them more effectively serve their target populations,” clinic instructor Jared R. Bybee explained.

For example, this past semester, students represented the Athens Land Trust in a study of a local neighborhood. They also researched several local retail corridors and engaged with owners of underdeveloped properties to help create commercial opportunities.

The program is a joint effort with the UGA Fanning Institute for Leadership Development. Bybee, who has a background in real estate law, joined the Fanning Institute staff in 2012. Previously, he served as an Academic Careers Research Fellow at the New York University School of Law, where he focused on current issues in real estate finance and U.S. housing policy, and was a real estate attorney at Paul, Weiss, Rifkind, Wharton & Garrison in New York City.

Georgia Law is also in the process of developing a Medical-Legal Partnership Clinic, where students will work closely with medical treatment providers on civil legal issues that directly affect the health of a client. Potential concerns to be addressed are shelter, family matters, immigration status and/or disability issues.

This initiative is slated to launch in the fall of 2014 and will bring the total number of experiential learning programs offered by Georgia Law to 14.

State’s high court holds special session in Athens

Georgia Law welcomed the Supreme Court of Georgia to the Hatton Lovejoy Courtroom during January for oral arguments in a criminal death penalty case and a civil medical malpractice case.

“To see our state’s highest court in action is a tremendous opportunity for our law school students,” Dean Rebecca Hanner White said. “One can learn a lot from watching legal counsel and justices interact at this level.”

The justices normally convene at the State Judicial Building in Atlanta but conduct one or two special sessions outside the state’s capital each year. This is the fourth time since 1993 that the court has held oral arguments at Georgia Law, the last being in 2004.

In front of a packed courtroom, attorneys presented their arguments in the case of *Edenfield v. The State*, where David Homer Edenfield appealed the murder conviction and death sentence he received for the 2007 killing of 6-year-old Christopher Barrios Jr. in Glynn County, and *Shekhawat et al. v. Jones et al.*, where two physicians with the Medical College of Georgia appealed a Georgia Court of Appeals decision that found they were not entitled to sovereign immunity in the face of a lawsuit brought by the parents of an infant they treated who suffered a lifetime disability.

Among the attorneys representing clients that day were Georgia Law alumni Jackie L. Johnson (J.D.’97) and Beth A. Burton (J.D.’92) for the appellee in the *Edenfield* case and Gary B. Blasingame (J.D.’61), Andrew J. Hill III (J.D.’77) and Josh B. Wages (J.D.’98) for the appellees in the *Shekhawat* case.



Supreme Court of Georgia Chief Justice Carol Hunstein and justices Robert Benham (J.D.’70) and Harold Melton (J.D.’91) enter the Hatton Lovejoy Courtroom to hear oral arguments during a special session held in Athens during January.

U.N. Legal Counsel Patricia O'Brien: The protection of human rights is for all

The rule of law, international criminal justice and accountability, and the concept of the responsibility to protect were the three primary areas covered by United Nations Under-Secretary-General for Legal Affairs and Legal Counsel Patricia O'Brien during her keynote address at the American Society of International Law Midyear Meeting and Research Forum hosted by Georgia Law last fall.

According to O'Brien, the U.N. was created not only to save succeeding generations from "the scourge of war and to reaffirm faith in fundamental human rights" but also, as the international body's preamble states, its role is to "establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained."

Furthering the organization's mission in relation to the rule of law is the Universal Declaration of Human Rights, which was adopted in 1948 by the U.N. General Assembly. Its preamble reads: "[I]t is essential, if man is not to be compelled to have recourse ... to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."

O'Brien said the rule of law is the "bedrock" upon which all of the rights enumerated in the declaration rely for their protection and enforcement.

"We live in an era in which international law is no longer only the business of international courts and institutions. In the decades following the UDHR, states have entered into numerous



Patricia O'Brien, U.N. legal counsel, delivered one of two keynote addresses at the American Society of International Law Midyear Meeting and Research Forum hosted by Georgia Law last fall.

Photo by Bob Brussack (L.D./76)

treaties upon which individuals can directly rely to enforce their rights."

She added that since countries have binding obligations under such instruments, international law has taken on a greater role in national and regional courts.

"In many ways, the rule of law at the international level is the domestic rule of law writ large," O'Brien said. "It addresses the exercise of power and the relationship between the individual and the state. It, of course, goes further and regulates the relationship of states with each other.

Observance of the rule

of law is just as important on the international plane as on the national."

According to the U.N., the rule of law refers to a principle of governance according to which all persons, institutions and entities, public and private, including the nation itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.

"The enormous strides taken in the field of international criminal justice in the last 20 years have been driven by the desire for accountability," O'Brien said. "And, proceedings in which heads of state have been held accountable for serious international crimes illustrate the fundamental tenet of the rule of law that no one is above the law."

As legal counsel at the U.N., O'Brien's task is to support the secretary-general's commitment to strengthening the rule of law and the pursuit of justice as well as to ensure accountability for mass atrocities and other serious violations of international human rights law.

—continued next page

“Observance of the rule of law is just as important on the international plane as on the national.”



The world comes to Athens for midyear meeting

Last fall, the international legal community came to Atlanta and Athens when Georgia Law hosted the Midyear Meeting of the American Society of International Law, which has nearly 4,000 members from more than 100 nations.

Several Georgia Law faculty members and alumni were instrumental in making this multifaceted, three-day event a success. The conference included a research forum, a career mentoring program and a meeting of a newly formed group – ASIL Southeast.

Woodruff Chair in International Law Diane Marie Amann and 1975 alumnus Charles A. "Charlie" Hunnicutt co-chaired the meeting, while Associate Professor Harlan G. Cohen, Assistant Professor Timothy Meyer, Talmadge Chair Peter B. "Bo" Rutledge and Sibley Professor in Corporate and Business Law Larry D. Thompson assisted with various segments of the gathering.

Two keynote addresses headlined the event. They were delivered by United Nations Under-Secretary-General for Legal Affairs and Legal Counsel Patricia O'Brien and U.S. State Department Legal Adviser Harold Hongju Koh.

Special tributes in memory of Dean Rusk, a former Georgia Law faculty member who was ASIL's honorary president while serving as U.S. Secretary of State, and Louis B. Sohn, who was ASIL's president while serving as the inaugural holder of the law school's Woodruff Chair in International Law, were given.

Conference explores future of the Cuban embargo

Cuban and American diplomats, academics and practitioners gathered in Athens in March for a lively discussion on the current U.S. embargo against Cuba, including the impact it has had on both countries during the past 50 years and the possible ramifications of lifting or easing it in the near future.

“We had some very prominent participants weighing in on both sides of the issue, including a strong contingent of discussants from Cuba,” Dean Rusk Center Director C. Donald “Don” Johnson (J.D.’73) said.

“To have a pro-embargo former senior official from the Bush years and another from the public policy research institute the Heritage Foundation, not to mention the prominent anti-embargo panelists, on a program with a senior Cuban diplomat and academics from the University of Havana is especially unique,” he added. “The time is ripe for a new look at this policy, and I think this conference exposed some ideas that should be taken into consideration.”

—continued from page 17

“This topic, in one way or another, permeates my activities on a daily basis,” O’Brien said. “The 1990s and the early 2000s were historic periods in international criminal justice, when new international criminal tribunals were established to ensure accountability for genocide, war crimes and crimes against humanity. . . . These institutions have made a valuable contribution to the rule of law at the international level, including through the development of an impressive body of jurisprudence.”

O’Brien added that the international community must keep faith with ad hoc and other U.N.-supported tribunals to ensure these justice-seeking bodies have the political and financial support necessary to sustain and complete their work.

She said the International Criminal Court, with strong support from the U.N., is at the heart of the efforts of the international community to ensure accountability and to end impunity while also seeking to strengthen the rule of law.

As defined by O’Brien, the ICC provides the opportunity and the vehicle for our generation to significantly advance the cause of justice and, in so doing, to reduce and prevent unspeakable suffering.

“However, I take every opportunity to emphasize the role of the states,” she said. “International criminal justice is based on the principle of complementarity. It is incumbent on states, first and foremost, to prosecute international crimes,” she said.

Only when national judicial systems are unable or unwilling to investigate or prosecute should international courts be involved, she explained.

The Responsibility to Protect initiative, which was unanimously “embraced” by more than 150 heads of state and government in 2005, declares that each individual country has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and that the international

Pros and Cons of the Embargo Remaining in Place

The keynote address, delivered by the Chief of the Cuban Interests Section in Washington, D.C., Ambassador José R. Cabañas, emphasized U.S. efforts to isolate Cuba.

Cabañas suggested that “after 50 years, the U.S. government should treat Cuba as an old neighbor and put in place a policy that responds to its national interest and the desire of the vast majority of its citizens.”

He added that Cuba “is the only country American citizens are banned to travel to, and this includes countries with which the United States is in war.” Annually, two million tourists from capitalist countries visit Cuba and “being islanders, Cubans generally love exchanging with the outside world.”



community, through the United Nations, has a parallel responsibility to help protect populations from those crimes.

According to O’Brien, this relatively new policy has been highly relevant in recent conflicts in the Côte d’Ivoire, Libya and Syria.

Central to this policy is the premise that state sovereignty – the cornerstone of international relations – includes responsibility toward a country’s people as well as certain international privileges.

O’Brien said Responsibility to Protect principles reflect the recognition of the changing nature of conflict since the drafting of the U.N. charter in 1945.

“Today, most conflicts occur within states rather than between them. It signifies a broad acceptance of fundamental principles of human rights and . . . affirms states’ obligations under international law to prevent, prosecute and punish these atrocity crimes.”

The “added-value” of the Responsibility to Protect concept, as O’Brien explained, is that it encapsulates the moral and legal imperatives of the international community and illustrates a marked shift in perspective, imposing on states a moral responsibility to act.

“Where national authorities are failing to protect their populations, the international community has committed to take collective action through the Security Council,” O’Brien said. Additionally, “International assistance serves to reinforce, not to undermine, national sovereignty while helping governments to provide additional protection and security to their populations.”

O’Brien concluded with a broad-based call for support of the Responsibility to Protect tenets and stated that these obligations are “anchored in international law” and “reflect the obligations of humanity.”



Cabañas said he believes “American citizens should have the right to travel to Cuba to enjoy the Cuban tradition” and they “should have the right to enjoy Cuban products that are often unique,” such as Cuban cigars, rum and coffee.

Today, Cuba has diplomatic relations with approximately 190 countries, including all of

the countries of the Western Hemisphere, except for the United States, Cabañas noted.

While the Obama administration has restored the right of Americans of Cuban origin to freely travel to Cuba and send remittances to relatives and has allowed more leisure travel to the island nation, that policy’s intent was not to “reverse senseless, inhuman measures that separated families” but to increase the influence on the Cuban people by exposing them to American values, according to Cabañas.

He also outlined specific areas in which easing of restrictions could benefit both the U.S. and Cuba – medical equipment and pharmaceuticals, energy, mineral resources and national security, particularly in regard to fighting drug trafficking and terrorism.

In addition to Cabañas sharing his views, several panelists also discussed the current impact of the embargo and its future.

Ray Walser, a Latin America senior policy analyst at the Heritage Foundation, presented several reasons why he thinks the embargo should go largely unchanged over the next several years.

“I believe the embargo is important, but that in the grand scheme of U.S. foreign policy it doesn’t stand as high on the priority list as many would hope,” Walser said.

He also discussed “primary reasons strongly rooted in the Cuban regime’s mindset” and in its “structural DNA” that will continue to obstruct relations between it and the United States.

“The differences ... are essentially creedal in nature and rooted in clashing principles,” he said.

“It is hard to point to any single steps toward real democracy. The tactics of oppression have changed but the strategy of ideological control and one-party domination remain paramount. Rights promised by international charters and instruments such as the Inter-American Democratic Charter are not respected in Cuba,” he said.

Walser added that a perusal of the U.S. State Department’s human rights reports, as well as those of the Human Rights Watch or Freedom House, still make for “sobering reading.”

“The regime manages to perpetuate an image of intolerance and heavy handed repression. It denies the sum of its people free assembly, free speech, free access to information and the capacity of civil society to unite for political change,” he said.

However, another panelist, Distinguished Research Professor Emeritus Archibald R.M. Ritter from Carleton University in Canada, disagreed attributing radicalization of Castro’s government in part to the embargo itself.

He called the embargo a “half-century of failure” that pushed Cuba into the arms of the Russian regime, which was profitable in the short term but also led to a “siege mentality.”

Ritter also remarked that the embargo made it easier for Castro to pose as a champion of Cuban independence and sovereignty and to generate sympathy for Cuba in the world, while failing to have a positive impact on human rights and political reform in Cuba.

“Cuba has simply learned to live with a disability,” he said.

Pathways to Removing Sanctions

Another panel explored the range of possible options for the U.S. government to lift or ease sanctions against Cuba and pathways through which that could be achieved.

Vice President for Policy and Strategic Planning of the International Republican Institute Daniel W. Fisk, a former National Security Council official in the George W. Bush administration, emphasized that President Barack Obama could submit legislation to alter the embargo, but that “the pathway to removing sanctions is with and through the American Congress.”

Former principal officer of U.S. Interests Section in Havana, Ambassador Vicki J. Huddleston suggested in contrast that all avenues to change don’t necessarily have to go through Congress.

She painted a scenario of actions that could be taken within the current administration, such as the U.S. Secretary of State launching new initiatives on investment and trade, allowing two-way trade

in communications equipment, environmental equipment, medicines and food, and lifting

more travel restrictions; the Treasury Department convening a bipartisan panel to consider how to finally settle expropriation claims; and the president initiating conversations with Congress about removing Cuba from the list of terrorist states.

Huddleston commented, however, that U.S.-Cuba policy will stay in a rut due to various “vested interests” unless the president “has the courage to change it.”



Watch the entire conference online at www.law.uga.edu/dean-rusk-center-events.

Possible Trade and Investment Opportunities

If sanctions were to be lifted, panelists said there would be a strong potential for trade with Cuba benefiting both nations’ economies in the areas of tourism, energy, agricultural products, nickel and other specialty items.

In particular, the Georgia Commissioner of Agriculture Gary W. Black pointed out that the Peach State would have a lot to gain if the embargo was eased as it is already fifth among U.S. states exporting to Cuba.

—Cindy Rice & Nina Kamber

Conference proceedings will be published in the Dean Rusk Center’s Occasional Papers Series later in the year.

U.N. executive Ertharin Cousin: Multilateral approaches key to solving resource issues

A lumna Ertharin Cousin (J.D.'82), the executive director of the United Nations World Food Programme, performed double duty when she returned to the Peach State in February. She delivered the keynote address at a *Georgia Journal of International and Comparative Law* conference and spoke to more than 100 fellow Georgia Law alumnae at the law school's annual gathering for female graduates.

In her presentation at the "International Law in a Time of Scarcity" conference, Cousin said we live on a small planet that is incapable of physical expansion to match the growth of the human population.

"Some experts predict that by 2050, the world's population will reach 9 billion, and according to some estimates, global requirements for food will increase by 70 percent," she added.

Much of the world currently battles hunger and poverty, according to Cousin.

"In 2008, over 20 countries ... experienced food riots; populations taking to the streets in desperation and panic because they can't afford to buy their daily sustenance. In 2011, young people in the Arab Spring rallied entire nations with calls for freedom, social justice and, in many cases, for bread," she said.

Further illustrating the scope of this serious situation is the fact that nearly 870 million people – one in eight of the world's population – are food insecure, meaning they do not have access to sufficient, safe and nutritious food at all times.

Cousin said that historically the U.N. World Food Programme's role was to "get large amounts of food to large numbers of people quickly and efficiently. ... But, the global community now accepts the fact that providing food alone will not, and cannot, sustainably address the issue of global food insecurity."

The U.N.'s move from food aid to food assistance includes the provision of "tools" including but not limited to: safety nets, climate smart agriculture support, adaptive irrigation and water resource management, cooperative developments and supporting equitable access to land and other natural resources with equitable access to resources, particularly for women.

From an operator's viewpoint, Cousin outlined the three main causes of resource scarcity:

- Demand Induced Scarcity, which occurs when the demand for specific renewable resources cannot be met by the existing supply of those resources. The example Cousin provided was that water or cropland may initially meet all needs of a population, but population growth, foreign investment in agricultural land, new technologies, population migration and even conflict over time can reduce per capita availability of resources.
- Supply Induced Scarcity, which occurs when environmental degradation, pollution, natural variation or a breakdown in the delivery infrastructure constrains or reduces the supply or local availability of a specific resource. Cousin elaborated that in the hunger relief world, too often the consequence of resource reduction results from supply induced scarcity,

which creates competition among livelihood groups for access to resources.

- Structural Scarcity, which is created or evidenced by unequal access to resources, poor natural resource governance, cultural practices, gender dynamics, social and economic barriers as well as historical land use practices. Cousin stated that some experts argue these are the "root issues or real issues" affecting resource availability, particularly among the hungry poor in the developing globe.

Citing lessons learned by countries such as China and Brazil in overcoming obstacles of resource scarcity, Cousin believes critical global resource issues can be addressed and solved in other areas of the world.

"It can be done. It's been done before. Fifty years ago, scholars in China predicted that the famine prone China would never feed its rapidly increasing population. They argued that the problems of resource scarcity were not only demand induced (by the growing population in China) but also structural because of China's poor governance policy and the social as well as economic issues plaguing the then 'third world country.'"

In closing her keynote address, Cousin said she believes that multilateral approaches are essential for finding enduring solutions to today's complex problems.

"Today, we have at our fingertips all the tools and technologies to access knowledge and assist us better in solving problems; tools earlier generations could only dream about. Whether we use these tools and technologies to solve problems together or to pull our world further apart in a short-sighted lose-lose competition for resources or a market are a choice that every one of us must make in our daily life. It's our choice. But as we choose our future path, it's important to remember: We live on a small and finite planet ... we must all choose wisely."



Of the many lessons Ertharin Cousin (J.D.'82) (left) said she learned as a student of the late U.S. Secretary of State and Georgia Law Professor Dean Rusk was that international law requires an understanding of geopolitical, historical and anthropological issues as well as knowledge of an ever evolving set of international laws. "Since I've left his class, I have learned that particularly when working in the multilateral world, it never hurts to have access to theologians from the Christian, Muslim and Hebrew faiths. Without going too far afield, suffice it to say that so often how nations interact with each other, with their people and with their resources, is often times better understood and more effectively critiqued when one understands the faith and beliefs of those making the decisions." In this photo, she is talking with a conference attendee and Associate Dean Paul Kurtz.



House Lecturer explores constitutional criticisms

As this year's Edith House Lecturer, Judge Edith Hollan Jones of the U.S. Court of Appeals for the 5th Circuit addressed recent criticisms of the Constitution and discussed the value the guiding document still holds in today's society.

"To disparage the Constitution, in my view, is somewhat like waving away the importance of [the] Magna Carta to human freedom and the history of liberty," she said.

One negative voice Jones mentioned during her presentation titled "Why the Constitution Matters and Why Women Should Care" was from the academic community.

"Intellectually undermining the Constitution, I contend, is not only wrong, but ultimately threatens the rule of law and the prosperity and freedom that we have come to expect and that we hope for future generations," she said.

Although it has its faults, as the longest surviving national Constitution in the world, it provides a fundamental groundwork for society, Jones added.

"It may not be perfect, and it has undergone significant alteration through amendment and judicial decisions in ways that the framers never dreamed of, but its aim was to undergird a free people's quest for self-governance, equality for the law and the pursuit of happiness, and it has largely realized that goal," she said.

Critique of the Constitution, according to Jones, "is not unique in our history among the intellectual class." However, "we should marvel, not criticize, that the essential framework has endured over 200 years; and in fact, very few constitutional provisions are actually obsolete today," she said.

To help set aside the notion of disapproval of this historic document, Jones suggests that "the best medicine is to renew our appreciation for the framers and the ingenuity of their creation," she said. "[And] through providence, design or luck, the framers' intellectual and practical toolkits for drafting a Constitution were incomparable."

One important factor to consider is the writers all agreed on the same ideology and principles when drafting the Constitution. Among those were "the principle that all men are created equal [and] that they are endowed by their creator with certain

“[T]hrough providence, design or luck, the framers’ intellectual and practical toolkits for drafting a Constitution were incomparable.”

inalienable rights. They believed in the timeless laws of nature and of nature's God. They endeavored to incorporate these principles into the fundamental charter of government and, eventually, the ramifications of their principles animated not only this nation but became a beacon to the world," she said.

Jones added that the Constitution also serves as an important policy charter for women.

"In the past 40 years, women have made educational and social progress unimaginable when Edith House graduated from law school," Jones said. "Women now constitute a majority of students in undergraduate education, in medical school and law school. Women have ascended to the highest posts in government and business."

Despite such achievements, Jones stated, there are challenges that women still face, such as social unrest, falling incomes and lowered expectations.

"Even more important than our personal trials is the effect on our children of a declining social structure brought about by governmental erosion,"

Jones said. "Most women with children hope for nothing better than to see them have satisfaction and opportunities in life."

For these reasons, women "should be particularly sensitive to the implications of destabilizing our constitutional processes and diminishing the rule of law," as the Constitution serves as the "glue" of our society.

Jones added that without the American Constitution or with only a "disfigured" Constitution, our country's future could head down the path of other failed republics. "Women need to help preserve the glue of our constitutional order."

Jones has served as a federal judge since 1985, when she was appointed to the bench by President Ronald Reagan. During her 28-year tenure with the 5th Circuit, she also served as the court's chief judge from 2006 to 2012, as a White House Fellows Commissioner from 2002 to 2008 by appointment from President George W. Bush and as a member of the National Bankruptcy Review Commission from 1994 to 1997 by appointment from U.S. Supreme Court Chief Justice William Rehnquist.

—Nina Kamber

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



Watch Jones' lecture online at www.law.uga.edu/multimedia-gallery-recent-events.

Social justice lawyer delivers 109th Sibley Lecture

Bryan Stevenson, founder and executive director of the Equal Justice Initiative in Montgomery, Ala., and a law professor at New York University, is an advocate for making a difference.

He has more than 25 years of experience pursuing criminal justice reform and challenging excessive punishment. Under his leadership, the EJI has won several legal challenges including those dealing with excessive and unfair sentencing, exonerating death row prisoners, confronting abuse of the incarcerated and the mentally ill, and aiding children prosecuted as adults.

During Georgia Law's 109th Sibley Lecture, Stevenson said, "I believe we can change the world. I believe that the things that we see around us that seem unfair, that seem unjust, that don't seem the way they should be, ought to be confronted, ought to be challenged, and that you have the capacity to accomplish that."

Implementing this change, according to Stevenson, requires proximity, changing the narrative, remaining hopeful and being uncomfortable.

"Proximity is key," he said. "I actually think we have to get close to the things that we care most deeply about to truly understand them. ... It's my view that the closer you get to the reality of these issues, the more deeply you will engage, the more nuanced your understanding, the more carefully you can think about ways forward."

For Stevenson, proximity led to his work on an EJI campaign dedicated to helping children who are convicted and imprisoned as adults. The campaign is an "effort ... to extend the protections that we offer to children in every aspect of the law [and to] stop condemning children to die in prison."

Recently, EJI won a historic ruling in the U.S. Supreme Court holding that mandatory life without parole sentences for all children 17 or younger are unconstitutional.

But while proximity "can open up your idea to the possibility of doing things that maybe other people think can't be done," it cannot convey change unless the narrative is changed, Stevenson added.

"Narratives actually make it acceptable to us that what we see and encounter is in effect acceptable," he said.

For example, crime has turned into a narrative that is "fueled

by sensational[ism]" and, in effect, bad crime leads to bad laws that in turn lead to bad policy and ultimately, a bad criminal justice system, Stevenson elaborated.

To offset tolerating these assumptions, "it becomes necessary to change the narrative, to talk about the ways in which our excess, our indifference to basic human dignity, is not only creating unequal, unjust, unfair outcomes, but is corrupting the very character of our society," Stevenson said.

He cautioned that changing the conversation is not easy, and emphasized the value of remaining hopeful.

"The easiest thing to become, in my view ... is hopeless," Stevenson said. "Hopelessness provides a kind of comfort because when things can't change, you don't have to struggle. When things can't be addressed, you can't make a difference, then you don't have to worry about what you are obligated to do. And hopelessness, in my judgment, is the very seed that creates indifference, apathy and, ultimately, injustice."

Remaining hopeful, though, requires having a positive orientation and "if we take our hope to hopeless places ... we have the capacity to actually advance justice," Stevenson said.

To do that, however, often requires leaving one's comfort zone.

"We cannot advance justice, we cannot protect human rights, we cannot change the world until we choose to be purposefully uncomfortable," he said.

This discomfort means "getting close to things that are not easy [and] being in places that aren't the places that we would choose to be otherwise."

Without this commitment, according to Stevenson, we cannot achieve the things that must be done.

"I believe that you judge the character of society, you judge the civility of society, you judge the commitment to the rule of law in a society not by how you treat the ... rich and the powerful but by how you treat the poor, by how you treat the incarcerated, by how you treat the condemned and the marginalized," he said.

—Nina Kamber

The Sibley Lecture Series, established in 1964 by the Charles Loridans 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.



"[I]f we take our hope to hopeless places ... we have the capacity to actually advance justice."

Eighth Annual WIPI Conference

Gun control, homelessness, affirmative action and alternative courts as well as lesbian, gay, bisexual and transgender rights were among the featured topics at this year's Working in the Public Interest Conference. The day's events included a keynote address by Executive Director of the Georgia Innocence Project Aimee Maxwell as well as several panel sessions.

"This conference seeks to highlight dynamic, creative ways to combat social injustice through the vehicle of the law," conference co-organizer and third-year law student Cari E. Hipp said. "We hope that by providing a forum to address social injustices, we may get one step closer to resolving major public interest law issues in the Southeast and beyond."



The morning plenary of the Eighth Annual Working in the Public Interest Conference highlighted the importance of pro bono efforts in the legal profession and featured: (l. to r.) Bondurant Mixson & Elmore Partner Emmet Bondurant (LL.B.'60), Alston & Bird Partner Mary Benton, Jenner & Block Partner Andrew Vail and Charlotte School of Law Director of Experiential Learning and Associate Professor Cindy Adcock.



Chief Sustainability Officer of Smithfield Foods Dennis Treacy delivered the keynote address at the 25th Annual Red Clay Conference, where he discussed the efforts his company has taken to lessen its environmental footprint and encouraged Georgia Law students to believe that change can happen.

Symposium explores sustainability in the Southeast

This year's Red Clay Conference took a closer look at the environmental costs and benefits of sustainable business, government and energy in Georgia. Among the issues addressed were whether or not laws should be used to mandate sustainability, if using fracking to release natural gas is worth the risk and if corporations have a responsibility to adopt eco-friendly practices.

Dennis H. Treacy, executive vice president and chief sustainability officer of Smithfield Foods, delivered the keynote address speaking on his company's efforts to incorporate sustainability measures into its business practices. During his presentation, he told students and attorneys to "stay the course" as change takes time. He also challenged them to consider going to work for a company they think is one of the biggest environmental offenders as a small improvement there could have a great impact.

Evidence reform in Georgia

Scholars from across the country gathered to discuss Georgia's new evidence code and to reflect upon the nationwide evidence reform movement as a whole during the *Georgia Law Review* symposium titled "Evidence Reform: Turning a Grottesque Structure into a Rational Edifice?"

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Also weighing in on the discussion was W. Ray Persons, a partner at King & Spalding and past chair of the State Bar of Georgia

study committee on evidence reform. Persons presented an overview of the state's evidence reform process and provided insight into its impact on the day-to-day work of a trial lawyer.

Participants' essays will be published in volume 47, issue 3, of the *Georgia Law Review*. To request a copy, please contact Publications Specialist Gracie Waldrup at waldrup@uga.edu.

Students engage local music industry

The Third Annual Protect Athens Music Conference once again explored a myriad of legal matters surrounding the music industry such as copyright and licensing, touring, running a record label and merchandising.



The two-day event was organized by the law school's Sports and Entertainment Law Society in conjunction with the UGA Terry College of Business' Music Business Program and included a free legal clinic for local musicians. Conference organizers said their goal was to raise awareness about current music industry-related issues while also promoting and celebrating the Athens music scene.

Guest speakers with an international focus

The Dean Rusk Center hosted several guest lectures during the 2012–13 academic year including the following notable visitors:

Looking at “Human Rights and Culture” was **William A. Schabas**, an internationally respected expert on human rights law, genocide and the death penalty. A professor of international law at Middlesex University in London and chairman of the Irish Centre for Human Rights, Schabas explored the long-neglected association between human rights, culture and the arts during his presentation in

February. A prolific scholar, Schabas is the author of more than 20 books and 300 articles dealing in whole or in part with international human rights law and international criminal law.



Visiting Professor of History at Johns Hopkins University **Nikolay Koposov** presented “Memory Laws in Europe: A New Civil Religion?” where he provided an overview on the legislation dealing with historical memory – from post-war anti-fascist

legislation through the memory laws enacted in France during the 1990s and up to contemporary battles over acknowledging the past in Eastern Europe and Turkey. Koposov is the author of several books on French and Russian history and general historiography, and he has written numerous articles on subjects such as memory law and the logic of democracy.

Vik Kanwar, assistant director of the Centre on Public Law and Jurisprudence at Jindal Global Law School, addressed the globalization of legal education and institutional development in India. His presentation focused on the politics and history behind the emergence of Jindal Global Law School and on how the school seeks to fulfill the need for an elite institution of legal education that takes a cross-disciplinary and global approach. Kanwar, whose background is in international law, philosophy and social thought, has taught and researched in the United States and India.

Newly appointed justice for the Supreme Court of the Republic of Palau **Ashby Pate** shared his thoughts on career options in international law and emphasized to Georgia Law students the importance of saying yes to opportunities when they arise. For Pate, this included accepting a clerkship in Palau, a country that was administered by the United States after World War II and gained its sovereignty in 1994. Once his clerkship ended, he became an associate with Lightfoot, Franklin & White in Alabama where he practiced law until recently being invited back to the country to serve on its Supreme Court.

Judges discuss diversity on the bench



Photo by John Disney/Daily Report

During February, a panel of judges convened at Georgia Law to discuss the issue of judicial diversity and to explore whether or not it is important for courts to be reflective of the local population in terms of race and gender.

Participating in the session were: Georgia Court of Appeals Presiding Judge Anne Elizabeth Barnes (J.D.'83), Athens-Clarke County Chief Magistrate Judge Patricia Barron, State Bar of Georgia President Robin Frazer Clark (moderator), DeKalb County State Court Judge Dax Lopez and Supreme Court of Georgia Justice Harold D. Melton (J.D.'91).

According to the *Daily Report*, during the panel discussion, Barnes said: “It’s not just the fact that judges are fair and impartial. When we see a panel of people that don’t look like us, and they all look like each other, it affects the perception of the public. If they see someone on the bench and say, ‘Hey, she looks like me,’ I think it enhances the perception of justice.”

Supreme Court of Georgia Justice Harold Melton (J.D.'91) and Georgia Court of Appeals Presiding Judge Anne Barnes (J.D.'83) participated in a panel session at Georgia Law addressing the importance of the judiciary branch looking like its citizens.

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Love and two other longtime staff retire

After nearly 30 years of service, Chaffin Distinguished Professor in Fiduciary Law Sarajane N. Love (J.D.'73) retired in January. She was a friend, mentor and role model to Georgia Law faculty and students.

Love specialized in trusts and estates, the regulation of pensions, employee benefits, women and the law, and estate and gift tax. She also served as the faculty adviser to the Women Law Students Association.

Prior to coming to UGA, she taught at Rutgers-Camden University and at Tulane University. She also was a judicial clerk for Judge Lewis R. Morgan of the U.S. Court of Appeals for the 5th Circuit, an associate at Sutherland Asbill & Brennan in Atlanta and a staff attorney at the American Civil Liberties Union Southern Regional Office.

Love earned her bachelor's degree from Emory University and her law degree from UGA, where she achieved the honor of graduating first in her class and was the only female.

The 2012–13 academic year also included two other significant personnel changes: the retirement of Executive Director of Alumni Programs & Special Events Jill Coveny Birch and Director of Business & Finance Elaine K. Mitchell.

Birch touched multiple generations of Georgia Law graduates and served as an invaluable member of the school's administrative team, providing leadership for the placement, development and alumni offices during her career.

She first joined the law school in 1978 and worked for three years as the student affairs and placement director. After a brief hiatus, she returned to the law school in 1982 as legal career services director. In 1989, she assumed a new role as the school's development and alumni programs director, which was later refined in 1995 to deal exclusively with alumni programs and oversee special events.

Known for her gregarious and caring spirit, Birch was also very involved in the local community and annually spearheaded the sponsoring of local families by faculty and staff for the holidays. This law school effort was named the Jill Birch Angel Project after her retirement in September, and it will be continued in her honor.

Mitchell served in Georgia Law's budget office for more than 25 years, with 16 of those as the chief fiscal and administrative officer for the school. Her wise counsel and tireless commitment in managing the school's state and private budgets, as well as overseeing other crucial

administrative functions, have played a significant role in the school's success during the past two decades.

Mitchell came to the law school in 1985 as an accountant overseeing its state budget. Those duties were quickly expanded to include private funds, and she was promoted to budget officer in the same year. Her outstanding performance led to the assumption of more responsibility and, in 1992, she was named budget director.

Four years later, upon assuming the additional duties of personnel director, Mitchell was promoted to business and finance director. She also served on the UGA Business Affairs Advisory Forum and represented the law school on numerous university administrative committees and task forces before her retirement in December 2012.



Georgia Law welcomes Day and Griffeth

Joining the law school community earlier this academic year were Kathleen A. Day as the director of business & finance and Suzanne Griffeth as the director of alumni relations.

Previously employed at UGA's Terry College of Business, Day has nearly 20 years of financial experience including overseeing Terry's centralized business office. At Georgia Law, she manages the school's state and private monetary budgets in addition to other administrative functions such as payroll, procurement and human resources.



Griffeth comes to Georgia Law with more than 10 years of experience in alumni relations and development from the university's College of Family and Consumer Sciences. Her responsibilities include organizing regional alumni events, managing reunion programming, coordinating the Law School Association Council and committees as well as planning activities and programs that encourage alumni to get involved.



Faculty Notes

The following will summarize the scholarly productivity of Georgia Law's distinguished faculty during the calendar year 2012 and year-to-date 2013.

Diane Marie Amann

"International Law and the Future of Peace" in *Proceedings of the 107th Annual Meeting of the American Society of International Law* (forthcoming 2014); "Children and the First Verdict of the International Criminal Court" in the *Washington University Global Studies Law Review* (forthcoming 2013); "A Janus Look at International Criminal Justice" in the *Northwestern University Journal of International Human Rights* (forthcoming 2013); "Responsibility and the International Criminal Court" in *The Internalization of Law: Pathology or Metamorphosis of the Legal Order?* (M. Delmas-Marty and S. Breyer eds.) (forthcoming 2013); "International Decisions: *Prosecutor v. Lubanga*" in 106 *American Journal of International Law* 809 (2012); and "Politics and Prosecutions, From Katherine Fite to Fatou Bensouda" in *Proceedings of the Fifth International Humanitarian Law Dialogs* (E. Anderson and D. Crane eds.) (American Society of International Law, 2012).

Peter A. Appel

Wilderness Law and Policy: Cases and Materials (Carolina Academic Press, forthcoming 2014); "A Funhouse Mirror of Law: The Entailment in Jane Austen's *Pride and Prejudice*" in the *Georgia Journal of International and Comparative Law* (forthcoming 2013); and "Public Regulatory Encouragement to the Adoption of Private Ordering Systems to Achieve Environmental Protection Through Sustainable Commerce" in *Corporate Governance After the Financial Crisis* (Edward Elgar Publishing, 2012) (with Dr. T. Rick Irvin (J.D.'08)).



Mehrsa Baradaran

"Banking and the Social Contract" in the *Notre Dame Law Review* (forthcoming 2013); "How the Poor Got Cut Out of

Banking" in 62 *Emory Law Journal* 483 (2013); and "Reconsidering the Separation of Banking and Commerce" in 80 *George Washington Law Review* 385 (2012).

Kent Barnett

"Resolving the ALJ Quandary" in 66 *Vanderbilt Law Review* 797 (2013); and "Avoiding Independent Agency Armageddon" in 87 *Notre Dame Law Review* 1349 (2012).

Randy Beck

"The Biblical Foundations of Law: Creation, Fall, and the Patriarchs" in *Law and the Bible: Justice, Mercy and Legal Institutions* (D. VanDrunen and R. Cochran eds.) (InterVarsity Press, forthcoming 2013) (with D. VanDrunen); "State Interests and the Duration of Abortion Rights" in 44 *McGeorge Law Review* 31 (2013) (symposium); and "Transtemporal Separation of Powers in the Law of Precedent" in 87 *Notre Dame Law Review* 1405 (2012).



Lonnie T. Brown Jr.

"Civility and Collegiality – Unreasonable Judicial Expectations for Lawyers as Officers of the Court?" in 2 *St. Mary's Journal on Legal Malpractice & Ethics* 324 (2012) (symposium).

Elizabeth Chamblee Burch

The Law of Class Actions and Other Aggregate Litigation, 2d ed. (Foundation Press, forthcoming 2013) (with R. Nagareda et al.); "Disaggregating" in the *Washington University Law Review* (forthcoming 2013); "Adequately Representing Groups" in 81 *Fordham Law Review* 3043 (2013) (symposium); "Financiers as Monitors in Aggregate Litigation" in 87 *New York University Law Review* 1273 (2012); and "Optimal Lead Plaintiffs" in 53 *Corporate Practice Commentator* 893 (2012) (reprinted from 64 *Vanderbilt Law Review* 1109 (2011)).

Ronald L. Carlson

"The Curious Case of Differing Literary Emphases: The Contrast Between the Use of Scientific Publications at Pretrial *Daubert* Hearings and at Trial" in the *Georgia Law Review* (forthcoming 2013) (symposium); *Carlson on Evidence*, 2013–2014 ed. (Institute of Continuing Legal Education in Georgia, 2013) (with M. Carlson); *Criminal Justice Procedure*, 8th ed. (Anderson Publishing, 2013) (with S. Moak); *Objections at Trial*, 6th ed. (National Institute for Trial Advocacy, 2013) (with M. Bright and E. Imwinkelried); *Evidence: Teaching Materials for an Age of Science and Statutes*, 7th ed. (LexisNexis, 2012) (with E. Imwinkelried et al.); and *Trial Handbook for Georgia Lawyers*, 2012–2013 ed. (West, 2012).



Dan T. Coenen

"Originalism and the 'Individual Mandate': Rounding Out the Government's Case for Constitutionality" in 107 *Northwestern University Law Review Colloquy* 55 (2012); and "The Originalist Case Against Congressional Supermajority Voting Rules" in 106 *Northwestern University Law Review* 1091 (2012).

Harlan G. Cohen

"International Law in a Time of Scarcity: An Introduction" in 41 *Georgia Journal of International and Comparative Law* (forthcoming 2013); "Lawyers, Precedent, and Authority" in 46 *Vanderbilt Journal of Transnational Law* (forthcoming 2013); *Proceedings of the 106th Annual Meeting of the American Society of International Law* (2013) (with C. Giorgetti and C. Payne eds.); "International Law's *Erie* Moment" in 34 *Michigan Journal of International Law* 249 (2013); "Finding International Law, Part II: Our Fragmenting Legal Community" in 44 *New York University Journal of International Law and Politics* 1049 (2012); and "From Fragmentation to Constitutionalization" in 25 *Pacific McGeorge Global Business & Development Law Journal* 381 (2012).

Julian A. Cook III

"Plea Bargaining, Sentence Modifications and the Real World" in the *Wake Forest Law Review* (forthcoming 2013); and

Inside Investigative Criminal Procedure: What Matters and Why (Aspen Publishers, 2012).

Andrea L. Dennis

“A Snitch in Time: An Historical Sketch of Black Informing During Slavery” in 97 *Marquette Law Review* (forthcoming 2014).



Jaime L. Dodge

“Disaggregative Mechanisms: The New Frontier of Mass-Claims Resolution Without Class Actions” in the *Emory Law Journal* (forthcoming 2014).

Thomas A. Eaton

“Who Owes How Much? Developments in Apportionment and Joint and Several Liability Under O.C.G.A. § 51-12-33” in 64 *Mercer Law Review* 15 (2012).



C. Ronald Ellington

Cases and Materials on Georgia Practice and Procedure, 2012 ed. (LAD Custom Publishing, 2012).

Matthew I. Hall

“How Congress Could Defend DOMA in Court (and Why the BLAG Cannot)” in 65 *Stanford Law Review Online* 92 (2013); and “Standing of Intervenor-Defendants in Public Law Litigation” in 80 *Fordham Law Review* 1539 (2012).

Erica J. Hashimoto

“The Problem with Misdemeanor Representation” in 70 *Washington and Lee Law Review* (forthcoming 2013); “Reclaiming the Equitable Heritage of Habeas” in 108 *Northwestern University Law Review* (forthcoming 2013); and “Abandoning Misdemeanor Defendants” in 25 *Federal Sentencing Reporter* 103 (2012).



Walter Hellerstein

Taxing Global Electronic Commerce: A Study in Tax Law and Technology Change (Kluwer Law International, 2013) (with A. Cockfield et al.); “A Unitary Business

is the ‘Linchpin of Apportionability,’ *Not Nexus*” in 67 *State Tax Notes* 865 (2013); “Comparing the Treatment of Charities Under Value Added Taxes and Retail Sales Taxes” in *VAT Exemptions: Consequences and Design Alternatives* (R. de La Feria ed.) (Kluwer Law International, 2013); “Formulary Apportionment in the EU and the US: A Comparative Perspective on the Sharing Mechanism of the Proposed Common Consolidated Corporate Tax Base” in *Tax Mobility* (A. Dourado ed.) (International Bureau of Fiscal Documentation, 2013); “Reflections of a Third-Country Observer on the Proposed CCCTB CFC Rules” in *CCCTB and Third Countries* (M. Lang et al. eds.) (Kluwer Law International, 2013); “Tax Coordination Among the US States – The Role of the Courts” in *Horizontal Tax Coordination* (M. Lang et al. eds.) (International Bureau of Fiscal Documentation, 2013); “Federal-State Coordination: What Congress Should or Should Not Do” in 64 *State Tax Notes* 453 (2012); “State Taxation of Cloud Computing: A Framework for Analysis” in 117 *Journal of Taxation* 11 (2012) (with J. Sedon); and “Tax Planning Under the CCCTB’s Formulary Apportionment Provisions: The Good, the Bad, and the Ugly” in *CCCTB: Some Selected Issues* (D. Weber ed.) (Kluwer Law International, 2012).

Fazal Khan

“Genomics Unbound: The Bright Future of Genetic Testing and Therapy in Light of *Prometheus*” in the *Nevada Law Journal* (forthcoming 2013) (with L. Kessler); “The Challenge of Incorporating Artificial Intelligence into Medical Practice” in 6 *Journal of Health & Life Sciences Law* 90 (2012) (with A. Swanson); “Data Bank Information Needs Careful Interpretation” in 55 *American Medical News* 23 (2012); “Gene Patents No More? Deciphering the Meaning of *Prometheus*” in 2 *Annals of Health Law: Informed Consent* 19 (2012) (with L. Kessler); and “Verify, Then Trust: How to Legalize Off-Label Marketing by Drug Companies” in 117 *Penn State Law Review* 407 (2012) (with J. Holloway).

Amann appointed special adviser to the International Criminal Court

Woodruff Chair in International Law Diane Marie Amann has been appointed by International Criminal Court Prosecutor Fatou Bensouda – who conducts and pursues cases against individuals accused of war crimes, genocide and crimes against humanity – to serve as her special adviser on children in and affected by armed conflict.



“Fatou Bensouda is a talented and dedicated lawyer, and I am honored to be given the opportunity to help her in her work,” Amann said.

As a special adviser, Amann will research how children have been affected by armed conflict and what society has done, and has failed to do. She will also work to raise public awareness.

“Children are our future. When they suffer in wartime, those harms live on for generations,” Amann said. “It is important to try to break this cycle.”

Amann said there are hundreds of thousands of child soldiers throughout the world, and while addressing that issue is a daunting task in and of itself, the problem does not end there.

“The prosecutor has said publicly that, going forward, she would like to focus not only on child soldiering but also on all the other ways that children are affected by war,” Amann said. “One area of concern is the sexual and gender-based violence suffered by girls and at times also by boys. Others include the loss of home, family and community as well as deprivations of education and health care.”

These and other concerns, along with recommended solutions, will be described in an Office of the Prosecutor policy paper, which Amann is helping to develop.

Several Georgia Law students will assist Amann in this effort.

“I am delighted that five students – Mahdi Abdur-Rahman, Kaitlin Ball, Blake Evans, Erika Furlong and Sarah Hassan – have joined me in setting up PACC, the Georgia Law Project on Armed Conflict & Children. Their research and sharing of ideas have been invaluable to my work.”

Amann joined the Georgia Law faculty in 2011 from the University of California, Davis, and has received numerous awards and honors for her work in international law throughout her career.

Recent faculty appointments and honors

Woodruff Chair in International Law **Diane Marie Amann** received the Prominent Woman in International Law Award during the American Society for International Law Annual Meeting. This 20-year-old award honors the “work of outstanding women” in this field.

Assistant Professor **Kent Barnett** was selected to present his article “Structural Improvements to Formal Executive Adjudication” at the 2012 Yale-Stanford-Harvard Junior Faculty Forum. His was one of only 17 submissions by early-career scholars nationwide to earn this recognition.

Cleveland Distinguished Chair of Legal Ethics and Professionalism **Lonnie T. Brown Jr.** was selected by the U.S. District Court for the Northern District of Georgia to serve as the principal substantive consultant for the court’s Local Rules Revision Project.

Associate Professor **Elizabeth Chamblee Burch** was elected as a member of the American Law Institute.

Callaway Chair Emeritus **Verner F. Chaffin** (LL.B.’42) received the American Law Institute’s 50-year membership medallion at the organization’s annual meeting held in Washington, D.C.

Associate Professor **Harlan G. Cohen** won the *New York University Journal of International Law and Politics* Peer Review Award for his article “Finding International Law, Part II: Our Fragmenting Legal Community.” The award recognizes the most significant contribution by an emerging scholar published in the journal during the academic year. Additionally, he was nominated to serve as a member of the American Society of International Law’s executive council.

Assistant Professor **Timothy Meyer** served as a contributing author for the United Nations Industrial Development Organization’s report titled “Networks for Prosperity: Connecting Development Knowledge Beyond 2015.” Meyer was one of only approximately 20 academic and practical experts from around the world asked to participate.

Assistant Professor **Logan E. Sawyer III** was appointed to the membership committee of the American Society for Legal History.

David E. Shipley was awarded an Athletic Association Professorship, which is endowed by UGA’s athletic program. Additionally, he was recognized by the National Football Foundation for his commitment to the ideals of the scholar-athlete and the leadership building qualities of intercollegiate football.



Three faculty members were honored this year with awards from the Georgia Law student body: (l. to r.) Associate Professor Hillel Levin was named the recipient of the C. Ronald Ellington Award for Excellence in Teaching, Cleveland Distinguished Chair Lonnie Brown was honored with the Student Bar Association Professionalism Award and Assistant Professor Christian Turner received the John C. O’Byrne Memorial Award for Significant Contributions to Furthering Faculty-Student Relations.

Martin Chair **James C. Smith** has been appointed by the National Conference of Commissioners on Uniform State Laws to serve as co-reporter for the drafting committee on the Residential Real Estate Mortgage Foreclosure Process and Protections Act.

Sibley Professor in Corporate and Business Law **Larry D. Thompson** was elected as a counsellor for the American Society of International Law’s executive council.

Recently retired Distinguished Research Professor and Rogers Chair **Alan Watson** received the American Society of Comparative Law’s Lifetime Achievement Award, which honors “living senior comparatists whose writings have changed the shape or direction of American comparative or private international law.”

Director of the Law Library **Carol A. Watson** (J.D.’87) was one of eight academic law librarians selected to serve on the Academic Law Library Advisory Board, which was created by Wolters Kluwer Law & Business to help facilitate dialogue between the company and key decision makers in the academic law community.

Elizabeth Weeks Leonard (J.D.’99)



“Death Panels and the Rhetoric of Rationing” in 12 *Nevada Law Journal* (forthcoming 2013) (symposium); “States’ Rights: Point/Counterpoint” in *Debates on U.S. Health Care Reform* (W. Parmet ed.) (Sage Publications, forthcoming 2013); “Employers United: An Empirical Analysis of Corporate Political Speech in the Wake

of the Affordable Care Act” in 38 *Journal of Corporation Law* 217 (2013) (with S. Scholz and R. Alexander); “Plunging into Endless Difficulties: Medicaid and Coercion in *National Federation of Independent Business v. Sebelius*” in 93 *Boston University Law Review* 1 (2013) (with N. Huberfeld and K. Outterson); “A Response to *Beyond Separation: Professor Copeland’s Ambitious Proposal for ‘Integrative’ Federalism*” in 15 *University of Pennsylvania Journal of Constitutional Law Heightened Scrutiny*

29 (2013); “Affordable Care Act Litigation: The Standing Paradox” in 38 *American Journal of Law & Medicine* 410 (2012); “New Deal Lessons for the Affordable Care Act: The General Welfare Clause” in 14 *University of Pennsylvania Journal of Constitutional Law Heightened Scrutiny* 5 (2012); and “The Rhetoric Hits the Road: State Challenges to Affordable Care Act Implementation” in 46 *University of Richmond Law Review* 781 (2012).

Hillel Y. Levin

“A Reliance Approach to Precedent” in the *Georgia Law Review* (forthcoming 2013); and “Contemporary Meaning and Expectations in Statutory Interpretation” in 2012 *University of Illinois Law Review* 1103 (2012).

Timothy Meyer

“Soft Law” in *The Research Handbook on the Economics of Public International Law* (E. Kontorovich ed.) (Edward Elgar Publishing, forthcoming 2013) (with A. Guzman); “The Architecture of International Energy Governance” in *Proceedings of the 106th Annual Meeting of the American Society of International Law* (2013); “Epistemic Institutions and Epistemic Cooperation in International Environmental Governance” in 2 *Transnational Environmental Law* 15 (2013); “Codifying Custom” in 160 *University of Pennsylvania Law Review* 995 (2012); “Global Public Goods and Governance Risk” in 22 *Duke Journal of Comparative & International Law* 319 (2012); “Towards a Communicative Theory of International Law” in 13 *Melbourne Journal of International Law* 921 (2012); “Independence and Hierarchy in International Scientific Cooperation” in *Networks for Prosperity: Connecting Development Knowledge Beyond 2015* (United Nations Industrial Development Organization Report, 2012); and review of *International Organizations: Politics, Law, Practice* by I. Hurd in 106 *American Journal of International Law* 415 (2012).

Joseph S. Miller

“Error Costs & IP Law” in the *University of Illinois Law Review* (forthcoming 2014); and *Intellectual Property Law: Cases & Materials*, 3d ed. (Semaphore Press, 2012) (with L. Loren).

**Lisa Milot**

“Illuminating Innumeracy” in 63 *Case Western Reserve Law Review* 769 (2013); and “Accounting for Time: A Relative-Interest Approach to the Division of Equity in Hybrid-Property Homes Upon Divorce” in 100 *Kentucky Law Journal* 585 (2012).

Lori A. Ringhand

The Supreme Court Confirmation Process and Constitutional Change (Cambridge University Press, forthcoming 2013) (with P. Collins); *Constitutional Law: A Context and Practice Casebook* (Carolina Academic Press, 2013) (with D. Schwartz); and “Let’s Talk: Judicial Decisions at Supreme Court Confirmation Hearings” in 96 *Judicature* 7 (2012) (with A. Batta et al.).

Usha Rodrigues

“A Conflict Primacy Model of the Public Board” in the *University of Illinois Law Review* (forthcoming 2013) (symposium); “Exit, Voice, and Reputation: The Evolution of SPACs” in 37 *Delaware Journal of Corporate Law* 849 (2013); “In Search of Safe Harbor: Suggestions for the New Rule 506(c)” in 66 *Vanderbilt Law Review En Banc* 29 (2013) (invited); “Securities Law’s Dirty Little Secret” in 81 *Fordham Law Review* 3389 (2013); “Corporate Governance in an Age of Separation of Ownership From Ownership” in 53 *Corporate Practice Commentator* 745 (2012) (reprinted from 95 *Minnesota Law Review* 1822 (2011)); and “SPACs and the JOBS Act” in 3 *Harvard Business Law Review Online* 17 (2012).

**Peter B. “Bo” Rutledge**

“An Empirical Assessment of Arbitration Clauses in Credit Card Agreements” in *Access to Civil Justice* (S. Estreicher ed.) (Cambridge University Press, forthcoming 2014); “Forum Shopping in International Arbitration – Personal Jurisdiction and Forum Non Conveniens” in *Forum Shopping in International Commercial Arbitration* (F. Ferrari ed.) (Sellier European Law Publishers, forthcoming 2014); “From Custom to Cooperative Federalism: The Case of Judicial Assistance Treaties in the United States” in *Treaties in American Law* (G. Fox and P. Dubinsky eds.) (Cambridge University Press, forthcoming 2014); “Arbitration, the Law Market and the Law of Lawyering” in the *International Review of Law and Economics* (forthcoming 2013) (with E. O’Hara); “With Apologies to Paxton Blair” in the *New York*

University Journal of International Law and Politics (forthcoming 2013); “The Proportionality Principles and the (Amount in) Controversy” in *American Illness* (Yale University Press, forthcoming 2013); “Contract and Choice” in 2013 *Brigham Young University Law Review* 1 (2013) (with C. Drahozal); “Schiedsgerichte in Nordamerika” in *Hamburger Handbuch des Exportwirtschaftsrechts*, 2d ed. (2013) (with I. Hanefeld); *Arbitration and the Constitution* (Cambridge University Press, 2012); “Arbitration Clauses in Credit Card Agreements: An Empirical Study” in 9 *Journal of Empirical Legal Studies* 536 (2012) (with C. Drahozal); “Convergence and Divergence in International Dispute Resolution” in 19 *Journal of Dispute Resolution* 49 (2012); “Toward a Functional Approach to the Sovereign Equality of Nations” in 53 *Virginia Journal of International Law* 181 (2012); “TRIPS and BITS: An Essay on Compulsory Licenses, Expropriation and International Arbitration” in 13 *North Carolina Journal of Law & Technology* 149 (2012); and “Zugang zum Hoechstgericht aus Sicht der USA” in *Zugang zum OGH in Zivil- und Strafsachen* (Manz, 2012).

Margaret V. Sachs

“Social Proposals Under Rule 14a-8: A Fall-Back Remedy in an Era of Congressional Inaction” in 2 *UC Irvine Law Review* 931 (2012) (symposium).

Logan E. Sawyer III

“Constitutional Principle, Partisan Calculation, and the Beveridge Child Labor Bill” in 31 *Law and History Review* (forthcoming 2013); and “Creating *Hammer v. Dagenhart*” in 21 *William & Mary Bill of Rights Journal* 67 (2012).

**Alexander W. Scherr**

Green’s Georgia Law of Evidence, 2012–2013 ed. (West, 2012).

David E. Shipley

“The Law Professor as Faculty Athletics Representative: Some Random Thoughts After Two Years” in the *Mississippi Sports Law Review* (forthcoming 2013); and “The *Chevron* Two-Step in Georgia’s Administrative Law” in 46 *Georgia Law Review* 871 (2012).

James C. Smith

“Property and Sovereign Power” in *Property and Sovereignty* (Ashgate Publishing, forthcoming 2013); “Some Reflections on the Merits of Property Tax” in *Tax Law and Policy: Beyond Economic Efficiency* (Aspen Publishers, forthcoming 2013); *The Law of Property: Cases and Materials*, 3d ed. (Aspen Publishers, 2013) (with E. Larson and J. Nagle); *Real Estate Transactions: Problems, Cases, and Materials*, 4th ed. (Aspen Publishers, 2013) (with R. Malloy); and “Homestead Laws,” “Liens,” “Subdivision Control” and “Warranties” in *Encyclopedia of Housing*, 2d ed. (A. Carswell ed.) (Sage Publications, 2012).



Thomas “T.J.” Striepe

“Embedded and Beyond: The Collaborative Librarian in the Digital Age” in *Law Libraries in the Digital Age* (E. Kroski ed.) (Scarecrow Press, forthcoming 2013) (with M. Talley).

Travis M. Trimble (J.D.’93)

“Environmental Law” in *63 Mercer Law Review* 1223 (2012).

Christian Turner

“Origins of the Public/Private Theory of Legal Systems” in *Private Law: Key Encounters with Public Law* (K. Barker and D. Jensen eds.) (Cambridge University Press, forthcoming 2013); “State Action Problems” in *65 Florida Law Review* 281 (2013); and “Law’s Public/Private Structure” in *39 Florida State University Law Review* 1003 (2012).

Camilla E. Watson

“Reflections on the Life and Times of Alan Watson” in the *Georgia Journal of International and Comparative Law* (forthcoming 2013).

Carol A. Watson (J.D.’87)

“Reference Services in a Law Library” in *Law Libraries in the Digital Age* (E. Kroski ed.) (Scarecrow Press, forthcoming 2013).



Michael L. Wells

“Civil Recourse, Damages-as-Redress, and Constitutional Torts” in *46 Georgia Law Review* 1003 (2012).

Sonja R. West

“Press Exceptionalism” in *127 Harvard Law Review* (forthcoming 2014) (symposium); and “The Monster in the Courtroom” in *2012 Brigham Young University Law Review* 1953 (2012) (symposium).

Cathleen S. Wharton (J.D.’83)

A Practical Guide to Legal Writing and Legal Method, 5th ed. (Aspen Publishers, forthcoming 2013) (with J. Dernbach et al.).



Rebecca Hanner White

Cases and Materials on Employment Discrimination, 8th ed. (Aspen Publishers, 2013) (with M. Zimmer and C. Sullivan).

Colloquium series bring notable scholars to campus

Georgia Law hosts two colloquium series each year that provide a forum for provocative and innovative legal scholarship by bringing legal academics from around the globe to Athens to present their latest research to faculty and students. Below is a summary of the 2012–13 presenters.



Bridget J. Crawford, Pace University

Mary L. Dudziak, Emory University

Bruce Green, Fordham University

Jamal Greene, Columbia University

Tom C. W. Lin, University of Florida

Angela Onwuachi-Willig, University of Iowa

Jedediah Purdy, Duke University

Ann Shalleck, American University

Mark Tushnet, Harvard University

David A. Wirth, Boston College



Laurie Blank, Emory University

James Thuo Gathii, Loyola University Chicago

Joost Pauwelyn, Graduate Institute of International and Development Studies, Geneva

Jaya Ramji-Nogales, Temple University

Anthea Roberts, London School of Economics and Political Science

Leila Nadya Sadat, Washington University in St. Louis

William A. Schabas, Middlesex University, London

Julie C. Suk, Yeshiva University

These colloquia are made possible by the Kirbo Trust Endowed Faculty Enhancement Fund and the Talmadge Law Faculty Fund.

Advocacy teams secure two national championships and other top honors

Georgia Law's advocacy teams had an outstanding season that included two national titles, two regional championships and domination at the state level, among other prestigious finishes and awards.

National Moot Court Competition

Georgia Law placed **second in the nation** out of more than 150 teams from across the country at the 63rd Annual National Moot Court Competition. Representing the law school were: (l. to r.) third-year students Lucas D. Bradley, Michael C. Gretchen and Matthew V.H. Noller. Additionally, Gretchen was named **best oralist** of the competition.



Legal Ethics and Professionalism Competition

It was an all UGA final at the Third Annual Legal Ethics and Professionalism Moot Court Competition, with teams from Georgia Law capturing both **first and second place**. Hosted by Mercer University, this is the second year in a row Georgia Law has won this national competition. Third-year students (l. to r.) Chandler L. Smith and Timothy F.J. "Tim" Dean comprised the winning team, while classmates Nneka A. Egwuatu and Scott F. McAfee finished second. Additionally, McAfee was named the tournament's **best oralist**.



National First Amendment Competition

Georgia Law captured the **top trophy** at the 23rd Annual National First Amendment Moot Court Competition, which took place at Vanderbilt Law School in February. Representing Georgia Law were third-year students

Mary Beth Martinez (left) and Katie A. Croghan. The duo competed against a field of more than 30 teams from across the country to earn the national title.

Intrastate Moot Court Competition

Georgia Law teams swept the Intrastate Moot Court Competition, making this the eighth consecutive year Georgia Law has won this tournament and the 10th its students have authored the best brief. Second-year law students Yasmine S. Antoine, Adam J. Fitzsimmons and Allison L. Hill were named **competition champions**, while second-year law students David B. Dove, Clayton O. "Clay" Knowles and Emily K. Westberry finished second. These teams also won first and second place for the tournament's **best brief**, respectively, and Knowles was named the competition's **best overall oralist**.

ABA National Appellate Advocacy Competition

Second-year law students (l. to r.) Utrophia D. Robinson, Margaret E. "Maggy" Randels and Alexandria E. Seay were recognized for the **best brief in the nation** at the American Bar Association Law Student Division National



Appellate Advocacy Competition, which is one of the largest and more prestigious moot court tournaments in the country with more than 200 teams routinely competing. The Georgia Law team finished the contest among the **top 16**, after capturing first place at the regional level.

Hulsey/Gambrell Moot Court Competition

After a one-year hiatus, the Hulsey/Gambrell Moot Court Competition returned with a new name and with Georgia Law taking home the **championship trophy** and improving its record in this traditional rivalry between the universities of Georgia and Florida to 20-8-2. Third-year law students John A. Eunice and Jocelyn N. Maner composed the winning team.

Negotiation team places fourth in the nation

Georgia Law's negotiation competition teams had another successful season, which was highlighted by a top four finish at the American Bar Association Law Student Division National Negotiation Competition.

Second-year law students Kenneth J. "Kenny" Bentley and Amanda J. Shaw represented Georgia Law in the tournament. The duo defeated teams from schools such as Stetson University and the University of California, Berkeley, to be named national finalists. They were one of only 24 teams, out of more than 220 from across the country, to advance to the national round after earning second place in their region.

Georgia Law also dominated the Southeastern Regional Transactional LawMeet this season with a first and second place finish.

Third-year law students Alessandra C. Backus and Christopher A. Knapik received the top awards for the buyer side, including regional finalist and best draft honors, while second-year law students Bryan W. Lutz and G. Taylor Wilson earned second.

"Competitions like these provide an excellent opportunity for our law students to hone their negotiation skills," Director of the Business Law & Ethics Program Carol Morgan (J.D.'79) said. "I am extremely proud of them for their performance this year. I am also grateful for the hard work and dedication of alumni and faculty who helped to coach them."



Top – Third-year law students Alessandra Backus and Christopher Knapik received the top buyer side awards at the Southeastern Regional Transactional LawMeet.

Right – Second-year law students Amanda Shaw and Kenny Bentley finished as one of the top four teams in the nation at the American Bar Association Law Student Division National Negotiation Competition.



EJF auction raises more than \$20,000 to support public interest fellowships

The 28th Annual Equal Justice Foundation Auction featured a lively evening of bidding that raised more than \$20,000 for the organization's fellowship program.

This amount was combined with money from other fundraisers held throughout the year and allowed the group to award six full fellowships and four half fellowships to Georgia Law students serving in unpaid or low-paying public interest legal positions this summer.

This year's recipients are working at locations such as the Center for Constitutional Rights, the Georgia Public Defender Standards Council, Gideon's Promise, No Peace Without Justice, Pisgah Legal Services, the Public Defender Service for the District of Columbia and the U.S. Department of Health and Human Services.

Ball named this year's Spurgeon Fellow

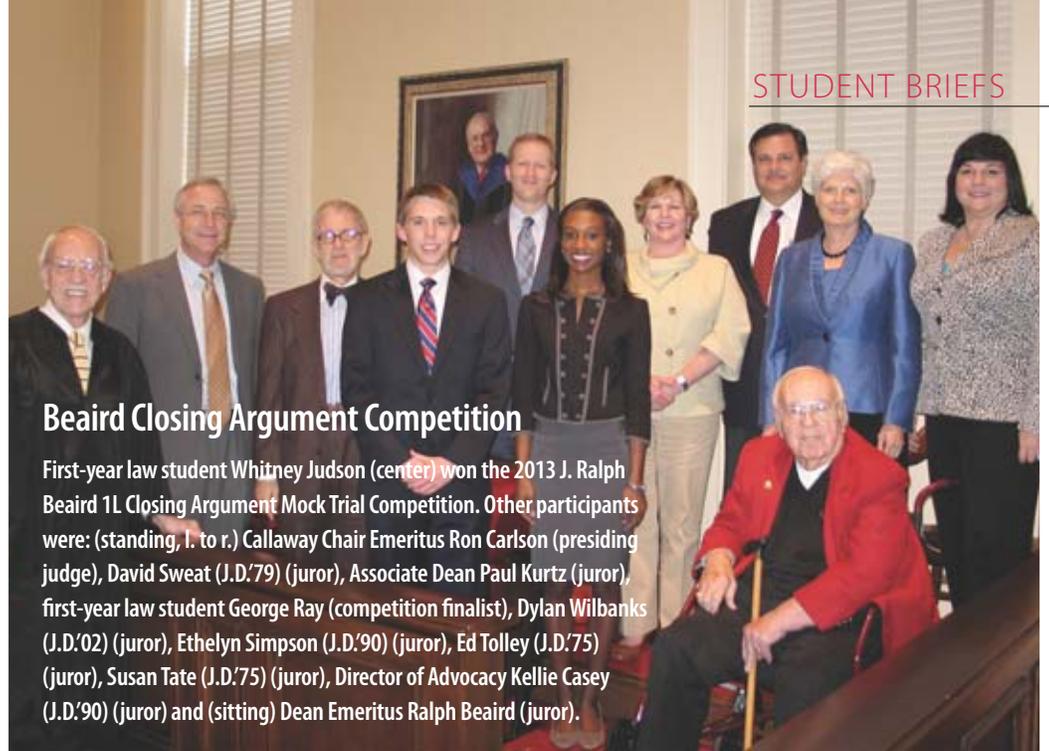
Second-year law student Kaitlin M. Ball was awarded the 2013 Spurgeon Public Service Fellowship, which is supported by the Edward D. and Carol J. Spurgeon Public Service Fellowship Fund. The purpose of this fund, created by former faculty member and Dean Ned Spurgeon and his wife, is to provide a fellowship to a Georgia Law student who has completed the first or second year of law school, is working in a low-paying or non-paying public service summer position and has demonstrated a commitment to public service.

Ball is in Sarajevo, Bosnia, this summer working with the Office for Security and Cooperation in Europe's Mission to Bosnia and Herzegovina, where she is focussing on war crimes and transitional justice.



Georgia Law student wins top honors at legal writing competition

Second-year law student Katie O'Shea was selected as a runner-up in the Grammy Foundation's Entertainment Law Initiative Writing Competition. As one of the winners, she presented her paper titled "Rebranding Digital Music Theft and the Graduated Response Model in the United States" to roughly 500 attorneys at the 15th Annual Entertainment Law Initiative Luncheon & Scholarship Presentation in February. She also participated in several other Grammy events while in Beverly Hills, Calif.



Beird Closing Argument Competition

First-year law student Whitney Judson (center) won the 2013 J. Ralph Beird 1L Closing Argument Mock Trial Competition. Other participants were: (standing, l. to r.) Callaway Chair Emeritus Ron Carlson (presiding judge), David Sweat (J.D.'79) (juror), Associate Dean Paul Kurtz (juror), first-year law student George Ray (competition finalist), Dylan Wilbanks (J.D.'02) (juror), Ethelyn Simpson (J.D.'90) (juror), Ed Tolley (J.D.'75) (juror), Susan Tate (J.D.'75) (juror), Director of Advocacy Kellie Casey (J.D.'90) (juror) and (sitting) Dean Emeritus Ralph Beird (juror).

Law School Life

State's top attorney visits law school

Each year a number of state leaders, distinguished legal professionals and top academics are invited to campus by law students to impart their wisdom. Among this year's speakers was Georgia Attorney General Sam Olens, who came to the law school in March to discuss current initiatives and litigation overseen by his office.



Students give back

In the spring, many students participated in a community service day organized by the Public Interest Law Council student group. They assisted with assorted tasks at locations such as the Project Safe Thrift Store, the Food Bank of Northeast Georgia, the Athens Area Humane Society and Colbert Veterinary Rescue Services. Above, second-year law student Morgan Klinzing (left) and first-year law student Laughlin Kane volunteered to weed the vegetable gardens at the UGarden, which provides produce to help alleviate poverty and hunger among Athens' senior citizen population.



Student group Street Law and alumna Emily Boness instrumental in the new Athens Peer Court

2010 alumna Emily Boness (standing), who is a public service assistant at the UGA Fanning Institute for Leadership Development, partnered with the law school student organization Street Law to develop and train youth volunteers to serve as judges, bailiffs, advocates and jurors for a new juvenile justice forum – the Athens Peer Court, which is designed for youth who have been charged with first-time offences. In its first year of operation, 52 cases were decided. Additionally, the court received the Western Circuit Bar Association's 2013 Liberty Bell Award in May.

Student Profiles

George Ray: Exploring life's options

Rising second-year law student George S. Ray likes to keep his options open. “There are a lot of opportunities out there, and I’m

a firm believer that if you work hard and do your best, they will present themselves when you keep your eyes open,” Ray said.

As an undergraduate, he studied business and public policy at the Georgia Institute of Technology. During this time, Ray landed an internship with the speaker of the Georgia House of Representatives.

“I got to see how the legislation really works and how laws are made, which was both an enlightening and hopeful experience,” he said.

He then worked as an associate for Georgia Tech’s Office of Government and Community Relations, upon graduation.

“I knew I wanted to go to law school, but working for a while before going was a great source of perspective,” he said.

He also served as a child-life volunteer at the Aflac Cancer and Blood Disorders Center of Children’s Healthcare of

Atlanta. He said working with the children at CHOA prepared his mindset for law school, and the children serve as his motivation and inspiration to always excel at what he does.

“One thing that was really impactful was the attitude of the kids and realizing that they are facing one of the biggest challenges of their lives – bigger challenges than I have ever faced – and they still had a positive outlook not only for themselves, but for the folks around them,” he said. “If they can do it, I should be able to without a problem.”

This optimistic attitude has persisted into law school, where he is the Kenneth L. Millwood Scholar. Despite the challenges faced during his first year, Ray said he still enjoys the study of law.

“I love the educational format of law school and the material, and I think it’s really interesting the way laws play on one another and the way they are formulated and interpreted,” he said.

After law school, Ray hopes to obtain an “exciting and fulfilling” career where he can litigate and have a platform to make an impact for individuals and for the community at large.

“I want to get out there and be an advocate for those who need representation, that’s something that’s near and dear,” he added.

Eventually, he might return to the Gold Dome in Atlanta.

“I’d be lying if I said I wasn’t interested in getting back down to the Capitol or staying engaged in a state policy discussion somehow,” he said. “There’s so much opportunity there, and I think there’s a lot that I can help contribute at some point.”

However, for now, he wants to explore his options at law school, and he is excited to see what the next two years will bring.

“I want to learn more of where my skills can get the best use and where I can excel,” he added.



Rose Priddy: Serving the underrepresented

Driving over to Alabama to handle the arguments in a parole hearing for an inmate was an opportunity Virginia Rose Priddy was elated to experience both as a third-year law student and as an intern for the Southern Center for Human Rights earlier this year.

“Being able to affect someone’s life so directly while still in law school is heavy, but I am glad I was able to take on the responsibility,” Priddy said. “I feel honored to have been able to play that role in somebody’s life, and I hope it continues.”

Priddy choose to attend law school after shadowing a public defender during her undergraduate studies at UGA and observing the attorney’s daily responsibilities. She was intrigued by indigent criminal defense law because she loves the aspect of getting the chance to assist others, listen to their compelling stories and elucidate the vast details of the legal system to them.

“So much goes on that I see in a courtroom that I don’t understand, and I can’t imagine what it feels like for somebody who’s in there and knows they are



Alaina Anderson: Taking a different route

Alaina T. Anderson knew she wanted to be an attorney when she was in high school, but her path to law school was one that took time.

Several months before beginning college, she decided to major in broadcast journalism since she enjoyed writing and public speaking, which led her to a successful career as a television news anchor and reporter.

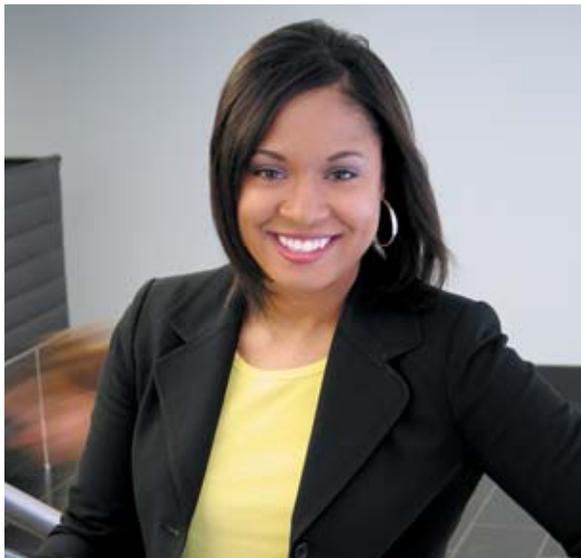
After five years, she moved into pharmaceutical sales. However, when she started thinking about what would make her truly happy, she went right back to her high school dream of practicing law.

“I did all kinds of things while I was in TV, and I was good at it, but I didn’t really think that’s what I needed to do in life,” she said.

Anderson’s passion for the law stems from her family history. Growing up, she witnessed several family members, especially the elderly ones, being taken advantage of in various situations.

In one instance, someone changed Anderson’s great aunt’s will. The person fired her great aunt’s long-time nurse and prevented loved ones from speaking with her. Seeing this and other injustices inspired Anderson to want to help seniors stay educated about their rights.

“I want to be somebody that the elderly come to, not to just get wills drawn up, but I want to be able to give them advice on



what to do before something undesirable happens,” she said.

Now, as a rising third-year law student, Anderson is one step closer to fulfilling that dream and has found peace with her plan.

“I was stressed as a 1L, stressed when I was in TV and pharmaceutical sales, and now I kind of just let things work out. I still work hard, but I have learned how to find a balance,” she added.

Helping her find that balance was her involvement with the school’s Washington, D.C., Semester in Practice Program, where she served as a legal intern for the chief counsel at the Department of Transportation, Pipeline and Hazardous Materials Safety Administration. Her internship at PHMSA reaffirmed her choice to become an attorney specializing in elder law.

“Being at the Department of Transportation and talking to a lot of attorneys, I saw that you really do have to be passionate about what

you want to do,” she said.

Although being a lawyer was not her first career choice, Anderson said returning to her high school dream of becoming an attorney is proving to be the right one.

“Even though law school is extremely challenging and I have friends who aren’t sure if they would do it again, I would. The things that I have learned while in law school have made me a better person,” she said.

facing charges,” she said. “Indigent criminal defendants are in a position where I think they are really in need of somebody who’s willing to sit down and take the time to listen to them because I think a lot of time, nobody really does.”

During her time at Georgia Law, Priddy’s participation in copious activities, including enrolling in experiential learning offerings almost every semester, has further instilled her passion for working with the underrepresented. Whether it’s the Criminal Defense Clinic, going to Atlanta to work for the Southern Center for Human Rights or being involved with the Working in the Public Interest Conference, she always aims to accomplish it all while still maintaining her enthusiasm.

“It makes graduation less of a shock when you have had the opportunity to kind of feel your way around,” she said. “My

professors have been great and have been very supportive and caring of me and my efforts.”

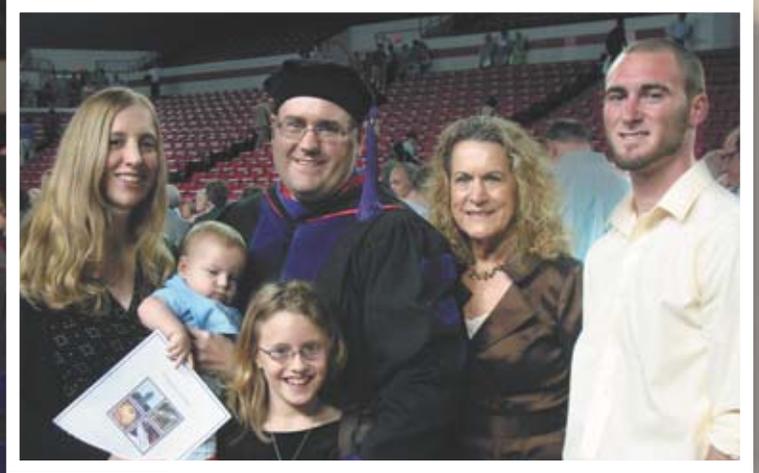
After law school, Priddy plans to serve as a public defender in the South, learn how to excel in the courtroom and become a respected trial attorney and, ultimately, she hopes to be a lobbyist in Washington, D.C.

“I’ve gotten such a plethora of experience here in Athens and meeting people in various professions has cemented what I want to do with my career,” she said. “Eventually, I would like to be able to use the knowledge that I gain from working with indigent criminal defendants and go into politics and affect things from a top-down perspective.”

—All profiles by Nina Kamber



Photo by Dennis McDaniel



Left – Recent graduates of Georgia Law eagerly wait for the ceremony to end to join family members and friends on the Stegeman Coliseum floor. Above – Graduation is definitely a family affair. Here, Stuart Douglas is surrounded by (l. to r.) his wife, Keri; his five-month-old son, Ethan; his daughter, Kylie; his mother, CeCilia; and his nephew, Ryan.

CLASS of 2013 COMMENCEMENT



Left – Kristy Choi poses for a photo in front of the graduation stage with (l. to r.) her mom, Bo Kyung; her cousin, Daniel; and her dad, Chol Ho. Right – Kat Racz waves to family and friends during the recessional.



Photo by Dennis McDaniel



View more photos from this year's commencement at www.law.uga.edu/photo-gallery.

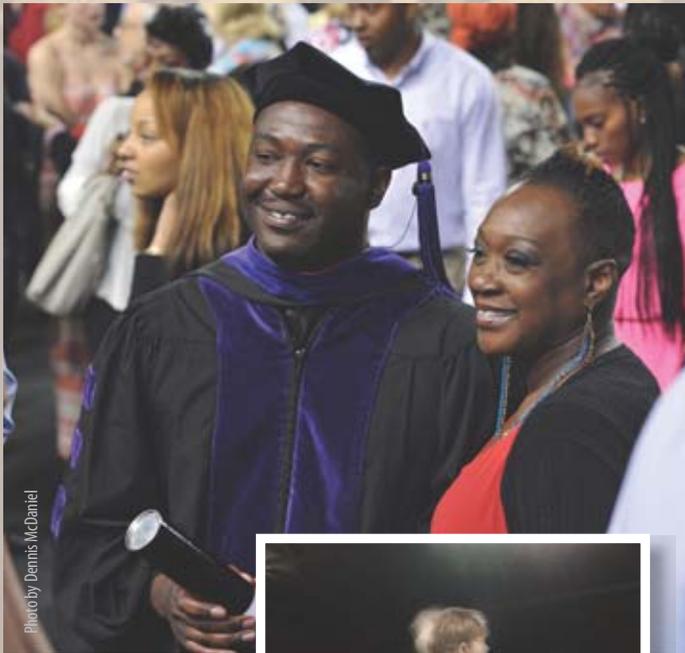


Photo by Dennis McDaniel



Photo by Dennis McDaniel

Above – Terry Morris has his picture taken with his mom, Kimberlynne. Right – Doyle Johnson tosses his two-year-old daughter Eve in the air before the ceremony.



Photo by Dennis McDaniel

Class of 2013 President Jordan Arkin (right) and Class of 2013 Vice President Kelsey Donnalley (second from right), who both co-chaired the Legacy Gift Committee, presented Law School Association Immediate Past-president J. Tom Morgan (J.D.'80) and Dean Rebecca White with a check pledging \$61,975 to support law school programs and services.



Photo by GradImages

Welcome to the family

Serving as the keynote speaker for this year's commencement ceremony was Judge Beverly B. Martin of the U.S. Court of Appeals for the 11th Circuit.

Martin, who graduated from Georgia Law in 1981, spoke to the Class of 2013 about the great heritage of the alumni body to which they now belong.

"It is such a privilege for me to welcome you into the family of Georgia Law graduates, and it's a remarkable family," Martin said.

She listed examples of prestigious leadership positions Georgia Law alumni have held throughout the years such as serving as state governors, as members of the U.S. House and Senate, as state attorneys general and as members of local, state and federal judiciaries.

"You will go on to populate these same positions, and this is such a good thing because you are graduating now at a time when we need your leadership in government, in our communities and in our businesses," Martin said.

She also imparted some wisdom she has gained during her career by watching her Georgia Law "brothers and sisters" who know how to be good lawyers.

While citing various examples, Martin encouraged members of the Class of 2013 to take every opportunity to hone their legal skills no matter how humble the opportunities might be, to trust their instincts, to serve the public and to be passionate about helping those less fortunate.

She also reminded them that a law degree is a gift and said she looks forward to seeing how they use that gift in the years to come.



Watch Martin's presentation online at www.law.uga.edu/multimedia-gallery-recent-events.

Darden and Jones honored with DSS Award

Atlanta attorney George W. “Buddy” Darden III (J.D.’67), senior counsel with McKenna Long & Aldridge, and Judge Steve C. Jones (J.D.’87) of the U.S. District Court for the Northern District of Georgia were named this year’s Distinguished Service Scroll Award recipients.

This accolade is the highest honor given by the Law School Association and recognizes outstanding dedication and service to the legal profession and the law school.

A former U.S. Congressman, Darden has been an attorney with McKenna Long & Aldridge since 1995. His practice focuses on public policy and public finance and includes advising clients on conducting business with the state of Georgia and the federal government as well as developing strategy for legislative and government affairs issues.

While in private practice, he has served as an adviser and lecturer on behalf of the National Democratic Institute for International Affairs and has participated in programs concerning issues of national defense and ethics in Turkey, Senegal and Indonesia.

Additionally, he was a presidential appointee to the board of directors of the Overseas Private Investment Corporation, a government agency that provides political risk insurance and loans to help U.S. businesses in emerging markets and developing nations worldwide.

Darden has also been active at the state level and was an original member of the legal team representing Georgia in its water allocation negotiations with Alabama and Florida.

Prior to joining McKenna Long & Aldridge, Darden represented Georgia’s 7th Congressional District in the U.S. House of Representatives for six terms. During his tenure in Congress, he served on the House Armed Services Committee, the Interior and Insular Affairs Committee, the House Committee on Appropriations and the Committee on Standards of Official Conduct (ethics).

He also served as a member of the Georgia General Assembly and as district attorney for the Cobb County Judicial Circuit.

He has been recognized in the “Most Influential Georgians” listings appearing in *Georgia Trend* magazine, and *JAMES*



Darden



Jones

Magazine named him one of “Georgia’s Most Influential People” twice. Additionally, he was honored by the State Bar of Georgia with its Tradition of Excellence Award in 2010.

A strong advocate for Georgia Law, Darden has served as a firm agent for the school since 2009 and as a member of its Board of Visitors from 1999 to 2002.

Jones was sworn in as a U.S. District

Court judge for the Northern District of Georgia in March 2011 after being nominated by President Barack Obama for the appointment earlier that year.

Previously, Jones served as a Superior Court judge in the Western Judicial Circuit of Georgia for 16 years. During that time, he also presided over the Western Judicial Circuit Felony Drug Court, a judicial program that integrates alcohol and substance abuse treatment with court supervision.

His legal experience also includes working as an Athens-Clarke County Municipal Court judge from 1992 to 1995, as an assistant district attorney for the Western Judicial Circuit from 1987 to 1991 and as the director of the Athens Child Support Recovery Unit from 1978 to 1985.

Throughout his career, Jones has offered his time and leadership to numerous academic, community, legal and social organizations. He currently serves as president of the UGA Alumni Association – which includes memberships on UGA’s Board of Visitors, its athletic board and its foundation – and as president of the UGA chapter of the National Football Foundation and College Hall of Fame.

Additionally, he served for three years as a member of Georgia Law’s Board of Visitors, which he chaired during the 2002–03 year. Jones is also the former chair of the Georgia Judicial Qualifications Commission and the Athens Area Community Foundation, and he has served on the Supreme Court of Georgia’s Commission on Equality and on its Domestic Violence Committee.

Jones has won numerous awards for his judicial and community service including the Justice Robert Benham Award for Community Service, co-sponsored by the State Bar of Georgia and the Chief Justice’s Commission on Professionalism; the Gate City Bar Association’s Outstanding Jurist Award; and Leadership Georgia’s E. Dale Threadgill Community Service Award, among others.

Photo by Wingate Downs

Law School Life

JHLS Spring Twilight Affair

Hosting the 2013 Joseph Henry Lumpkin Society Spring Twilight Affair (for annual donors of \$1,000 or more) were Ed Garland (J.D.'65) (second from right) and his wife, Judy (not shown). Among the guests enjoying the evening were: (l. to r.) 1984 graduates Mike and Risè Weathersby as well as Margaret Blackstock.



Photo by Dennis McDaniel



State Bar of Georgia Midyear Meeting alumni reception

Georgia Law alumni gathered in January at Duane Morris for a reception during the State Bar of Georgia Midyear Meeting in Atlanta. Pictured above are: (l. to r.) Tyler Smith (J.D.'93), Steve Gilliam (J.D.'74), Amy Burton Loggins (J.D.'99) and Leigh Martin May (J.D.'98).



Regional alumni events

This year, Georgia Law alumni from across the nation had a chance to come together and reconnect at several regional events. These gatherings were made possible by the generous support of alumni in each city and took place in Dallas, New York City, Chicago, Nashville and Washington, D.C. There were also several events hosted throughout the state of Georgia in the cities of Columbus, Savannah, Atlanta, Marietta, Athens and Gainesville. Above, (l. to r.) Michael Ruppensburg (J.D.'06), Tony Lehman (J.D.'98), Sachin Varghese (J.D.'09), Anna Howard (J.D.'10) and Sonny Poloche (J.D.'08) pose for a quick photo during a reception held at JAMS in Atlanta during February.



LL.M. Alumni Association welcomes new members

Christof Siefarth (LL.M.'86) (center), past-president of the law school's LL.M. Alumni Association, came to Athens during April to greet LL.M. Class of 2013 candidates and to present them with travel grants to help offset the costs they incurred while coming to Athens from their home countries.



Portrait ceremony for Chief Judge Carnes

Chief Judge Julie Carnes (J.D.'75) of the U.S. District Court for the Northern District of Georgia was honored this spring with the unveiling of her portrait. The painting will be added to the school's distinguished collection that includes famous Georgians, former deans and faculty members as well as accomplished alumni. Celebrating with Carnes at the event were: (l. to r.) her husband, Steve, her daughter, Kelly, and her sister, Lindsay.

Photo by Dennis McDaniel



View more photos from this year's alumni events at www.law.uga.edu/photo-gallery.

Order of the Coif

Each year, the Georgia Law community gathers together to recognize the outstanding achievements of its students and faculty during Awards Day. Honors range from outstanding performance in an individual class to induction into the school's Order of the Coif, which is one of the highest academic accolades a recent law school graduate can receive as membership is reserved only for those who finish in the top 10 percent of the class.



For a complete list of this year's award recipients, please visit www.law.uga.edu/news/17163.



Class of 2012 Order of the Coif inductees include: (front, l. to r.) Jackson Allen, Amanda Seals Bersinger, Bailey Blair, Hillary Chinigo, Isabella Edmundson, (back, l. to r.) Eric Garber, Robert Gignilliat, Hillary Miller, Ali Sabzevari, Jessica Samford and Mark Silver. Also receiving this honor, but not photographed, were: Jennifer Case, Daniel Eggerman, Azadeh Golshan, Lennon Haas, Amanda Holcomb, Kate Lawson, Nicole Paschal, Amanda Powell, James Purcell, Erica Svoboda, Ryan Tuck and Frederick Vaughan.

Class Notes Notables

In an effort to provide Class Notes listings in a timely manner, this editorial section now only appears in its entirety in the law school's quarterly electronic newsletter, News@Georgia Law, and online. Below are some Class Notes "notables" from April 2012 to April 2013. For a full listing, please visit www.law.uga.edu/alumni.

N. Harvey Weitz (1966) of Savannah, GA, received the Distinguished Service Award from the State Bar of Georgia. **David T. Emerson** (1976) of Douglasville, GA, was selected to serve as president of the Council of Superior Court Judges for 2012–13. **Susan Warren Cox** (1978) Statesboro, GA, was inducted into the American College of Trial Lawyers as a fellow. **Don L. Waters** (1978) of Savannah, GA, was appointed by Gov. Nathan Deal to the Board of Regents of the University System of Georgia. **James E. Brim III** (1979) of Gainesville, GA, was inducted into the American College of Trial Lawyers as a fellow. **Philip C. Smith** (1979) of Cumming, GA, was appointed to the Superior Court for the Bell-Forsyth Judicial Circuit. **J. David Dantzer Jr.** (1981) of Atlanta, GA, was named managing partner for the New York office of Troutman Sanders. **Nathan B. Pride** (1981) of Jackson, TN, was elected as Circuit Court judge for the 26th Judicial District of Tennessee. **Louisa Abbot** (1982) of Savannah, GA, was selected to serve as president-elect of the Council of Superior Court Judges for 2012–13. **Mary K. Polson** (1982) of Fort Walton Beach, FL, was elected Circuit Court judge for the 1st Judicial Circuit of Florida. **David P. Darden** (1983) of Kennesaw, GA, was elected president of the Council of State Court Judges. **J. Randolph Evans** (1983) of Atlanta, GA, was selected as chairman for the Republican National Lawyers Association. **Sally Quillian Yates** (1986) of Atlanta, GA, was named vice chair of the Attorney General's Advisory Committee of U.S. Attorneys. **Ural D.L. Glanville** (1987) of Atlanta, GA, was promoted to Brigadier General by the U.S. Army. **R. Keith Miles** (1987) of Dacula, GA, was appointed to the Gwinnett County Magistrate Court. **Christopher W. Phillips** (1988) of Savannah, GA, was inducted into the American Board of Trial Advocates. **Alan J. Prince** (1989) of Dunwoody, GA, was named managing partner of King & Spalding's Atlanta office. **William M. Ray II** (1990) of Lawrenceville, GA, was appointed to the Georgia Court of Appeals by Gov. Nathan Deal. **Kenneth B. Hodges III** (1991)

of Atlanta, GA, was elected to serve on the Board of Governors of the State Bar of Georgia. **Barbara Ellis-Monro** (1992) of Atlanta, GA, joined the U.S. Bankruptcy Court for the Northern District of Georgia. **Timothy Mann Jr.** (1992) of Atlanta, GA, joined Georgia Gulf Corp. as executive vice president, general counsel and secretary. **William V. Roebuck Jr.** (1992) of Arlington, VA, was appointed the U.S. Chargé d'Affaires to Libya. **Elizabeth Hemphill Stewart** (1993) of San Jose, CA, has joined Tela Innovations as vice president and general counsel. **Suellen W. Bergman** (1996) of Marietta, GA, was promoted to senior counsel, energy HQ at GE Energy. **M. Keith Siskin** (1997) of Murfreesboro, TN, was appointed Circuit Court judge for the 16th Judicial District of Tennessee. **Carla Wong McMillian** (1998) of Tyrone, GA, was appointed to the Georgia Court of Appeals. **Keith R. Blackwell** (1999) of Smyrna, GA, was appointed to the Supreme Court of Georgia by Gov. Nathan Deal. **J. Clay Fuller** (1999) of Suwanee, GA, was appointed a Magistrate judge of the U.S. District Court for the Northern District of Georgia. **Charles J. Bethel** (2001) of Dalton, GA, was appointed a Senate floor leader for the 152nd Georgia General Assembly. **Chris D. Phillips** (2002) of Atlanta, GA, was inducted into the American Board of Trial Advocates. **Michelle H. Homier** (2003) of Canton, GA, was elected as a State Court judge for Cherokee County. **Anbar F. Khal** (2004) of Laguna Niguel, CA, was promoted to senior patent counsel for Oakley. **Brandon Honsalek** (2011) of Alpharetta, GA, has joined Renew World Outreach as chief information officer and general counsel.

Alumnus featured in award-winning Sundance Film Festival documentary

Georgia Law alumnus Travis A. Williams (J.D.'08), who currently works as a public defender in Hall County, Ga., was featured in a documentary titled "Gideon's Army." The film, which follows the personal stories of Williams and two other public defenders in the southern United States, examines challenges facing our country's criminal justice system. This documentary premiered at the 2013 Sundance Film Festival in January and has already received numerous honors including an editing award at Sundance. HBO will air the program in July.

Closing Argument

\$55,000+

As set by the Board of Regents, that's the going rate for three years of in-state tuition and fees at the University of Georgia School of Law. That's a far cry from the roughly \$1,000 per year it cost me in tuition and fees when I graduated from Georgia Law 30 years ago.



We compete for the best and brightest students. Often times, the key factor determining where a student chooses to attend law school is the real cost of tuition after receiving scholarship assistance. We want to enroll these students. YOU CAN

HELP. Likewise, we do not want our students to graduate with large debt loads. YOU CAN HELP.

I am asking you to join me and all of the other graduates of this law school to do your part – however large or small that may be – to make a positive impact on the next generation of lawyers.

HERE'S HOW YOU CAN HELP:

- Make a contribution each year to our annual fund – known as the Law School Fund. This is the largest single source of scholarship dollars for our students. Each year, the Law School Fund is overseen by a group of dedicated alumni volunteers known as the Law School Association Council. The LSAC sets the LSF budget each year; and, it is reviewed and approved at the association's annual gathering held in conjunction with the State Bar of Georgia Annual Meeting.
- Make a leadership commitment payable all at one time or over a stated number of years. These gifts will be applied dollar for dollar as you direct – to scholarships, to faculty support or to co-curricular activities such as moot court and mock trial.

- Make a planned gift. Remember the law school in your last will and testament. Assign a life insurance policy to the law school – or a portion of a policy. Likewise, assign a retirement account or some other financial instrument to the law school. Again, all to be used as you direct.
- Re-engage with us. Attend alumni regional events. Attend the annual BBQ. Time for a class reunion? Call us and we can help you get it organized.
- Be a mentor to one or more of our law students. Would you be willing to talk with law students who are interested in practicing in your geographic region or who are interested in your field of legal expertise? Let us know and we will put you in touch with the people to make it happen.
- Hire our graduates. They are bright. They are hardworking. They are eager to learn. Somebody along the way helped you. Pay it forward to the next generation of civil soldiers.

Some of you know I practiced law for 29 years in my hometown of Tifton, Ga., until I returned to the law school last year. Although the daily grind of a law practice can be a challenge, it is a wonderful life and a true calling. The only reason I made such a radical career change is because I wholeheartedly believe it is critically important that all of us who graduated from this law school join together to help the next generation of lawyers. It's good for the value of your diploma. It's good for your law practice as you've got a ready source of smart and dedicated young lawyers to join you. And, it's the right thing to do.

You may say, "Well, nobody has ever asked me to give." Here it is – I am asking. PLEASE JOIN US IN GIVING BACK TO OUR LAW SCHOOL. Your tax deductible contributions can be made payable via check to the University of Georgia Foundation, with "law school" written on the memo line, and mailed to the law school using the self-addressed envelope in this issue of the *Advocate* or you may give online at www.law.uga.edu/giving.

Please call me if I can be of service to you. And, thank you again for all you do for our law school.

—Senior Director of Law School Advancement
Greg Sowell (J.D.'83)

ELLINGTON'S CASES AND MATERIALS ON GEORGIA PRACTICE AND PROCEDURE

Two generations of Georgia Law students have taken Georgia Practice from Professor Emeritus Ron Ellington using teaching materials he authored. Many alumni report they keep their "red books" in their law offices and still consult them.

cases and pertinent reference notes will be available for sale to Georgia Law alumni. Proceeds will go to the school's Law School Fund in support of scholarships.

The materials are three-hole punched for ease of use and placement in your own binders and will be shipped directly from the publisher for \$124.95 plus shipping and handling.

To order, contact LAD Custom Publishing at (877) 318-8800 or customerservice@ladcustompub.com.

Coming
this
Summer

This summer, a new up-to-date edition of these course books containing more than 1,000 pages of the leading

Joey Loudermilk: Building a legacy of ethics

Georgia Law alumnus Joey M. Loudermilk (J.D.'78) remembers exactly where he was when he decided he wanted to practice law.

His freshmen year of college, he heard a news report about a labor dispute on the radio driving home from work. The president at the time, Richard Nixon, had put together a team of lawyers to study the law to determine if he had the authority to end the labor strike.

“That just really struck me as the law must be such a fascinating area, and so I made up my mind on the spot as I was in my car,” Loudermilk said. “From that point forward, as a 19-year-old freshman in college, I knew I wanted to be a lawyer.”

As soon as he graduated from law school, Loudermilk was offered a job at a small private practice in his hometown of Columbus, Ga., where he worked for five years. Then, in 1983, the opportunity presented itself to serve as the head of a local insurance company's newly formed legal department.

“Although I certainly didn't know everything about practicing law at that point, I felt like I had pretty much done everything that I could do in a small practice, and so I was looking for a challenge,” he said.

He found that opportunity at Aflac, and he has now been with the company for 30 years. Today, Loudermilk is the Fortune 500 entity's executive vice president and general counsel, which includes handling its legal and political affairs.

“I think the thing I enjoy most is putting together a team of key people, whether it's dealing with litigation or potential legislation, to handle different areas so that we can get a successful result,” he said. “I analogize it to being a baseball manager: making sure you have the right line up, you have the right people, employees, the right pitching staff and winning the game.”

He is also passionate about his role as the insurance giant's chief ethics officer and is the first executive officer to welcome new employees at orientation.

“I think it's critical, in all areas of the law, but especially in corporate America, that attorneys as officers of the court set the

standard and be beyond reproach as it relates to ethics,” he said.

“I think that is just a responsibility of our profession, and I think as lawyers we need to lead the way on that.”

Loudermilk was asked to head the ethics portion of Aflac's leadership development program several years ago to enforce the importance of proper behavior at Aflac, and these programs have

helped the company achieve recognition as having high standards in regard to ethical conduct. Since 2007, the company has appeared in *Ethisphere* magazine's “The World's Most Ethical Companies” list and is the only insurance company in the world to be included for six consecutive years.

“That's something we are very proud of here,” Loudermilk added.

Despite the many milestones he has seen Aflac achieve during the past three decades, he says there are always new obstacles to address as the business law landscape continues to evolve.

“There's no question that the greatest challenge right now is the dramatic increase and complexity in the business world, especially due to increased regulation,” he said. “And with respect to Aflac in particular, it's all the new regulations involving health care.”

This complexity not only creates new challenges for those already practicing business law, but Loudermilk said it also alters the dynamics for those wanting to become corporate lawyers.

“The advantage that I had when I was starting out was that I was a general practitioner and had five years of experience in all kinds of areas of the law,” he said. “Now, the best advice I

could give is for someone to develop a niche or a specialty that would be attractive to a corporation. For example, specializing in information technology or labor law,” he said.

While Loudermilk might not have started out with a specific focus or specialty, after a long and distinguished career, he hopes that he is remembered for one.

“I would like to leave a legacy of ethics, not only with the lawyers here, but also the company,” he said. “I think that's very important. If that is what I am remembered for, then I would consider my career a success.”

—Nina Kamber



“I think it's critical ... that attorneys as officers of the court set the standard and be beyond reproach as it relates to ethics.”

Kiran Ahuja: Following her passion

Kiran A. Ahuja was always interested in public service and serving the underprivileged.

“I believe in doing what you’re passionate about, what moves you and what you feel is purposeful,” she said.

After graduating from law school in 1998, she was selected for the Attorney General’s Honors Program in the U.S. Department of Justice and worked in the Civil Rights Division for a few years.

“During that time I tried to establish strong networks with national and local civic organizations,” she said. “A part of that was getting involved in the Asian American community in Washington, D.C.”

After leaving her DOJ position, she became the first executive director of the National Asian Pacific American Women’s Forum, a multi-issue advocacy organization, and stayed with the organization for five years doing policy work.

“I think doing that and building relationships with a lot of the national leaders across the country and increasing my knowledge about the issues set me up fairly well for when I applied for my current position,” she said.

Ahuja presently serves as the executive director of both the White House Initiative and the President’s Advisory Commission on Asian Americans and Pacific Islanders. The White House initiative and commission were re-established through an Executive Order in 2009 by President Barack Obama to increase access and participation of underserved Asian Americans and Pacific Islanders (AAPIs) in a range of federal programs.

“We try to tap into the issues that mean a great deal to our diverse community,” she said.

Ahuja manages the operations of both the initiative and the commission and meets with community leaders, speaks at events and coordinates with White House senior officials and other agencies to push forward the initiative’s agenda.

“It has been a privilege working for this administration and serving a community that I have gotten to know and care about,” she said. “I just love the fact that we are very open and accessible and that we are trying to support this idea of transparency and accountability in government.”

So far, the initiative has held more than 200 events and has reached more than 30,000 people.

“I think part of our success is that we have a great team,” she said. “And, we’ve created some systems within our initiative that are replicable for other administrations and agencies.”

Currently, Ahuja and her team are working with other government agencies to analyze the process faced by Filipino WWII veterans who are seeking compensation, to ensure that all applications receive a thorough and fair review.

The Filipino Veterans Equity Compensation Fund, as part of the American Recovery and Reinvestment Act of 2009, set up a compensation fund for the veterans. To date, more than 18,000 claims have been approved, but some Filipino veterans have been impeded from filing claims or believe their claims were improperly denied.

“We created an interagency effort to try and figure out what have been the impediments,” she said. “What I’ve heard from Filipino veterans is that it is not so much about the money but about recognition by their country for their service.”

Another issue being addressed is education, particularly when it comes to making sure stereotypes of certain groups do not hinder the ability for them to grow and prosper.

“One perception is that all AAPI students do really well in school, but that’s not necessarily the reality,” she said. “If there is a perception that a community is doing well, then the belief is that there is nothing we should be doing to ensure that this community gets the resources and services that it needs.”

Although the AAPI community Ahuja represents is a small one (slightly less than 6 percent of the U.S. population) in relation to other minority groups in the United States, the 2010 U.S. Census indicated that the AAPI community was the fastest growing racial group in the country over the past decade.

“I think it’s very important for our government to understand the needs of its diverse populations, whether it is challenges for small businesses or addressing a range of health issues,” she added.

“I am proud that I am helping to make a difference and that my work is bringing various agencies and the White House together to better the lives of AAPIs, who otherwise may get lost in the shuffle or go unheard regarding important issues.”

—Nina Kamber



“We try to tap into the issues that mean a great deal to our diverse community.”

Natalie Woodward: Not backing down

Natalie S. Woodward, a partner at Woodward & Stern and a 2002 Georgia Law alumna, is not one to back down from a case she feels passionately about.

“If I feel someone has been wronged or harmed in some way, whether it’s a personal injury case, a defamation case or a constitutional case, I’m going to try my best to do something about it,” she said.

This has meant taking on some cases that are not always popular and might not be financially rewarding, such as a public corruption case in 2010 involving a former police chief.

“Although many people agreed with me that a gentleman had been wronged, that he had been arrested in a manner that was not fair and was not constitutional, no one really saw the financial repercussion being worth the effort,” she said. “However, I felt like it was an opportunity for us to do the right thing, regardless of whether or not there was going to be a financial reward.”

Ultimately, the jury agreed and awarded \$1 million in damages.

Woodward said working on cases that intrigue and challenge her has been one of the many advantages of operating her own firm, which she opened more than five years ago with her partner, and fellow Georgia Law graduate, Corey M. Stern (J.D.’03), a decision she considers a “win-win” situation.

“I thought of it as less of a risk because I looked at it from the mindset of what’s the worst that could happen,” she said. “You go out, start your own law firm, do it for a few years, and if you decide it doesn’t fit your lifestyle, you can always go back to practicing law at another firm. No matter what happened, I wasn’t afraid of it.”

When Woodward graduated from law school, she worked at a firm in

Rome, Ga., where she practiced insurance defense representing large companies and municipalities. She then moved to Atlanta to practice with a medical malpractice defense firm where she gained extensive courtroom experience.

However, when Stern called her with the proposal to start their own shop, she knew she needed to take the opportunity.

“We were interested in having a diverse practice and having our own firm provided that freedom,” she said.

While she handles a wide variety of cases, she has taken a special interest in trying cases involving injuries to children. Recently, she took a defamation case involving cyberbullying.

“I think that case appealed to me for the same reason that some of the other cases that I had taken involving children appealed to me,” she said. “The child was the one who had done everything right, was completely, 100 percent as far as everything was concerned, a total and complete victim.”

In the case, a child was bullied through false information that was published online.

“From my vantage point, I had seen so many stories in the news of kids acting out to harm themselves after being hurt emotionally by other kids, and it just seemed like the system had not found any way to even address it,” she said. “It was basically a problem that was not being offered a solution.”

The goal of the lawsuit was to shut down the page on the basis of defamation.

“I don’t think every bullying case is a lawsuit, and I don’t think every bullying case should be a lawsuit,” she said. “However, if you knowingly publish something harmful about a person, then there are repercussions for that. In this case, we wanted to show there is no more safety if you’re looking to harm someone by using the Internet than if you publish it in the paper.”

Woodward added that the Web poses a challenge to the legal system in regard to how to handle information that is put online, and it is an important multilayered process to determine when it is the appropriate time to legally intervene.

“I do think the law is trying to adjust to the technology and will continue to evolve as technology evolves and we should accept that,” she said. “But that also requires some level of responsibility on the lawmakers to address issues when there are holes in the law.”

With each case that she handles, whether it deals with public corruption or defamation, Woodward aims to get results that will help improve the overall legal system.

“I really enjoy when the system works the way it’s supposed to,” she said. “I think all lawyers get a chance to redefine, for their clients and for society, what it means to be an attorney.”

—Nina Kamber



Photo by Jamie Hopper

“I really enjoy when the system works the way it’s supposed to.”

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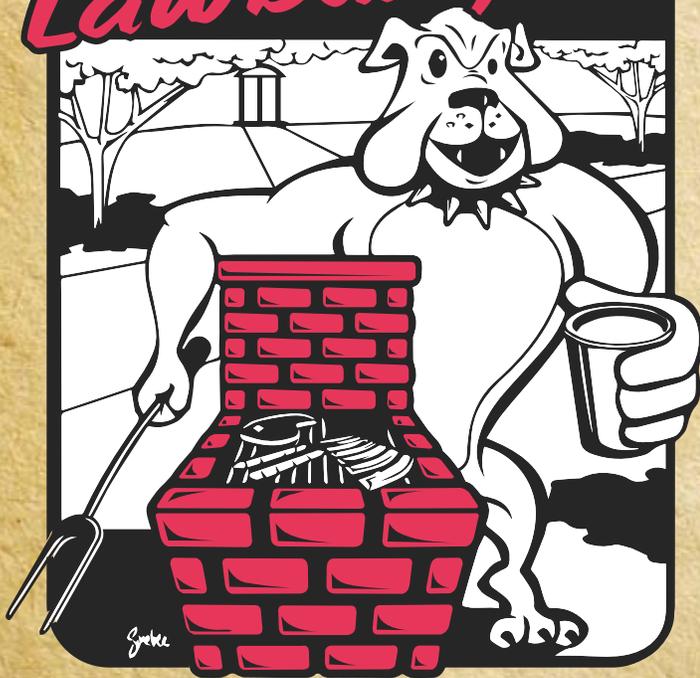


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