

The birth of the Reconstruction Amendments



Almost a century after American colonists secured their freedom from England, internal conflict surrounding the legitimacy of slavery forced our still-evolving nation to evaluate

its core values in a “struggle over the meaning of democracy itself,” according to Akhil Reed Amar, a Yale law professor who delivered the 100th Sibley Lecture in October.

He added that the ensuing conflict resulted in a package of “Reconstruction Amendments” to the U.S. Constitution, establishing equal citizenship and fundamental civil rights to all persons born in America.

The secession of Southern states in response to the election of anti-slavery proponent Abraham Lincoln sparked a series of events that brought about the end of slavery more rapidly and more absolutely than Lincoln himself ever expected, Amar continued.

In fact, “had slavocrats continued to play the game as they had been playing it prior to 1860 ... slavery would probably have continued for at least another half-century, even had Lincoln and his new party managed to accomplish all they realistically hoped for and more in his constitutionally guaranteed four years,” Amar said.

Though Lincoln supported the end of slavery, even he had projected that it was a process that would take 100 years to realize. His plan was to gradually phase out slavery, beginning by outlawing its spread into new territories, compensating voluntary emancipation efforts and hoping that eventually anti-slave states would hold sway over a majority of the nation, causing the tide to turn.

Instead, the secession of Southern states, the service of black soldiers in the Union Army, and a recognition of blacks as a strong potential constituency for the newly-formed

Republican Party all helped bring about “immediate, uncompensated and universal abolition” via the 13th Amendment and a recognition that black citizens had earned a right to vote via the 15th Amendment.

Further, as a condition of re-entry into the Union, Congress imposed on ex-Confederate States, a condition that they also ratify the 14th Amendment, “ensuring state compliance with American-style republicanism.”

Over the span of just one decade, the U.S. Constitution was transformed from a document that was largely structured to support the system of slavery to one that decidedly prohibited it.

“Rarely in history have canons backfired so explosively,” Amar said.

A former editor of the *Yale Law Journal*, Amar joined the faculty at his alma mater in 1985 where he is the Southmayd Professor of Law. Prior to that, Amar served as a judicial clerk to Judge Stephen G. Breyer, then of the U.S. Circuit Court of Appeals for the First Circuit. His book *The Bill of Rights: Creation and Reconstruction* was awarded the prestigious American Bar Association Certificate of Merit and the Yale University

Press Governor’s Award.

Amar is widely published, having co-authored a leading constitutional law casebook and authored or co-authored three other books. His latest book, *America’s Constitution: A Biography*, provided the basis for his Sibley presentation.

The Sibley Lecture series is sponsored by the Charles Loridans Foundation in honor of the life and work of John A. Sibley, a 1911 Georgia Law graduate. Sibley is noted for his successful efforts at ushering in a largely peaceful transition to racially integrated public schools in Georgia. He also played a key role in fund raising for Hirsch Hall, the building in which the law school is primarily housed.

Dean Rebecca H. White applauded the success of the series at bringing outstanding scholars to the law school each year and at promoting the intellectual exchange of ideas. White noted that in its 100 lectures, the series has attracted notable figures such as Earl Warren, Antonin Scalia, Ruth Bader Ginsburg, Harry A. Blackmun and Richard A. Posner.

- By second-year law student Allison Pruitt



The 100th Sibley lecturer, Akhil Amar, signs a copy of his recent book *America’s Constitution: A Biography* for one of the lecture’s attendees.

Introducing our new faculty

This fall, the Georgia Law faculty was enhanced by the addition of four new faculty. Biographical highlights for these new scholars and semester long visitors for the 2005-06 academic year follow.



Robert P. Bartlett joined Georgia Law as an assistant professor, where he specializes in the areas of business and contract law.

Prior to becoming a UGA faculty member, Bartlett served as a visiting assistant professor at Fordham University School of Law, where he taught Contracts and a seminar on the private equity market. He was also a corporate associate in the Menlo Park, Calif., and Waltham, Mass., offices of Gunderson Dettmer Stough Villeneuve Franklin & Hachigian.

Bartlett's primary area of research focuses on the relationship between contract theory and complex business transactions, with a particular emphasis on private equity transactions.

He is a *magna cum laude* graduate of Harvard Law School, where he served as a notes editor of the *Harvard Law Review*. Additionally, he earned his undergraduate degree from Harvard.



John Neiman joined Georgia Law as an assistant professor, where he teaches and writes on the topics of torts and public law.

Neiman is a former judicial clerk to Justice Anthony M. Kennedy of the U.S. Supreme Court and Judge Paul V. Niemeyer of the U.S. Court of Appeals for the Fourth Circuit. Before coming to UGA, Neiman was a Hugo Black Faculty Fellow at the University of Alabama School of Law, where he taught classes on federal courts and civil procedure. He was previously an associate with the Bradley Arant firm in Birmingham, Ala., where his practice included appeals before the Alabama Supreme Court and the U.S. Court of Appeals for the Eleventh Circuit.

He is a *magna cum laude* graduate of Harvard Law School, where he served as Supreme Court chair of the *Harvard Law Review*. Neiman's bachelor's degree is from the University of North Carolina-Chapel Hill.



Usha Rodrigues joined Georgia Law as an assistant professor, where she leads courses in contracts, business planning and business associations.

Prior to becoming a UGA faculty member, Rodrigues was a corporate associate with Wilson Sonsini Goodrich & Rosati in Reston, Va., where she specialized in corporate law and technology transactions. She also served as a judicial law clerk to Judge Thomas L. Ambro of the U.S. Court of Appeals for the Third Circuit.

Her scholarly interests include corporate law, corporate legal history and intellectual property.

At the University of Virginia, Rodrigues served as editor in chief of the *Virginia Law Review* and was inducted into the Order of the Coif. She received her master's degree in comparative literature from the University of Wisconsin and her undergraduate degree from Georgetown University.



Jason M. Solomon joined Georgia Law as an assistant professor, where he specializes in tort and workplace law.

From 2003 until his appointment at UGA, Solomon served as chief of staff to Harvard University President Lawrence H. Summers. He previously served as a judicial law clerk to Judge Chester J. Straub of the U.S. Court of Appeals for the Second Circuit and to Judge John Gleeson of the U.S. District Court in Brooklyn. Before attending law school, he held several policy-level positions in government and politics, including as an aide in the White House, in the U.S. Treasury Department under Secretary Robert E. Rubin and for U.S. Senate candidate Harvey Gantt.

Solomon's scholarship focuses primarily on the influence and operation of tort-law principles in areas outside the law of torts.

At Columbia Law School, Solomon served as notes editor of the *Columbia Law Review*. He earned his bachelor's degree from Harvard.

Visiting Professors

A specialist in the areas of law and technology, business law and intellectual property, **Olufunmilayo B. Arewa** served as a visiting assistant professor in the fall.

From Case Western Reserve School of Law, she previously served as general counsel and chief financial officer at a technology venture capital firm and as general counsel of two technology startup companies. She has taught at the University of California-Berkeley, the University of Michigan, Harvard University and the Summer Institute for Global Justice in the Netherlands.

Arewa is the author of "Strategic Behavior and Sources of Value: Some Implications of the Intangibles Paradigm" in *New Directions in Copyright* and "From J.C. Bach to Hip Hop: Musical Borrowing, Copyright and Cultural Context" in the *North Carolina Law Review*.

An authority on tax law, **David A. Brennan** served as a visiting professor in the fall. He is from Mercer University, where he holds the Ellison C. Palmer Professorship of Tax Law.

He has held appointments at Syracuse University, the University of Richmond, the University of Alabama and Temple University. Prior to joining the teaching academy, he worked as an assistant general counsel for Florida's Department of Revenue and as an associate with Messer, Vickers, Caparello, Madsen, Lewis, Goldman & Metz in Tallahassee, Fla.

His scholarship includes law review articles published in the *Journal of Legal Education*, the *University of California at Davis Law Review*, the *Florida Tax Review* and the *Brigham Young University Law Review*, among others.

He is also the co-author of *The Tax Law of Charities and Other Exempt Organizations*:

Cases, Materials, Questions and Activities.

Julian A. Cook III served as a visiting associate professor in the fall.

From the Michigan State University College of Law, he previously served as an assistant U.S. attorney in Nevada and the District of Columbia and as a law clerk to Judge Philip M. Pro of the U.S. District Court for the District of Nevada.

Cook's scholarship includes: "Plea Bargaining at The Hague" in the *Yale Journal of International Law*, "All Aboard! The Supreme Court, Guilty Pleas and the Railroad of Criminal Defendants" in the *Colorado Law Review*, "Federal Guilty Pleas Under Rule 11; The Unfulfilled Promise of the Post-Boykin Era" in the *Notre Dame Law Review* and "The Independent Counsel Statute: A Premature Demise" in the *Brigham Young University Law Review*.

Visiting Professor **Michael J. Malinowski** is the Ernest R. and Iris M. Eldred Professor of Law at Louisiana State University, where he is the co-founder of the Program in Law, Science and Public Health.

A former law clerk to judges Emilio M. Garza and Carolyn Dineen King of the U.S. Court of Appeals for the Fifth Circuit, Malinowski was also counsel to the law firm Foley, Hoag & Eliot in Boston, Mass.

He has published extensively on the commercialization of biotechnology and related health care issues. Malinowski is the author of *Biotechnology Law, Business, and Regulation*, the first treatise on biotech research and development. His scholarship has appeared in the *American Journal of Law, Medicine and Ethics*; the *Journal of Legal Medicine* and the *Yale Journal on Regulation*, among others.

The former president of North Georgia College and State University, **Nathaniel Hansford** (LL.B.'68) will serve as a visiting professor teaching Contracts during the spring semester.

Hansford joined the teaching academy in 1975 as a law professor at the University of Alabama. In 1986, he was appointed the William Alfred Rose Professor of Law and, in 1982, he was named vice dean. Four years

later, Hansford assumed the deanship of the University of Alabama School of Law, a post he held until September 1993. Hansford has also served as a visiting professor at the U.S. Military Academy. He clerked for Judge Lewis R. Morgan of the U.S. Court of Appeals for the Fifth Circuit and was commissioned captain in the Judge Advocate General's Corps.

Hansford is the author of *Alabama Equity, UCC Transactions Guide* and *Sales, Leases & Bulk Transfers* as well as numerous law review articles.

Georgia Law launches Mediation Practicum

Earlier this academic year, the School of Law introduced a new skills-based course titled Mediation Practicum, which trains upper-level students to become Georgia court-related mediators.

The two-semester program offers a phased introduction to the practice of mediation. During the first semester, students partake in simulated mediations in a classroom setting. In the second, students mediate real disputes in small claims court, as part of the Western Circuit Alternative Dispute Resolution Program.

The course will help participants become court-related mediators under standards set by the Georgia Office of Dispute Resolution.

Associate Professor Alexander W. Scherr, who oversees the new program, said opportunities for carefully supervised practice provide key training for the next generation of lawyers. "Completion of the program will help our graduates to diversify the services offered by their future employers. It will also position them to help courts and parties in resolving disputes both fairly and efficiently."

This is just one of the numerous courses through which Georgia Law students can satisfy the new ABA requirement that they complete at least one class having a "substantial professional skills component" prior to graduation, which will apply to all students starting law school in the fall of 2006 and in the future.



New faces in alumni and development offices

This past year, there have been several staff changes in the alumni and development offices. The new team now includes: (back, l. to r.) Executive Director of Development and Alumni Programs Jill Coveny Birch, Director of Annual Giving Phyllis Cooke, Alumni Administrative Assistant Angela Alger, Development Administrative Assistant Gloria Strait, Events Coordinator Lisa Mathis, (front, l. to r.) Gifts and Stewardship Officer Meg Poitevint, Director of Development Anne Moser and Major Gifts Officer Kittie Abell.

Inaugural national education law conference features a dozen from Georgia Law



ELC Co-director and Hosch Professor Anne Dupre (J.D.'88) (back, center) leads conversation at the first national education law conference, which featured 12 former and current Georgia Law students.

The Education Law Consortium, an organization dedicated to the examination of education law and policy, held its inaugural national conference in September at the University of Georgia and featured a dozen former and current Georgia Law students.

The conference focused on significant issues in education law, ranging from academic freedom to school funding.

Its centerpiece was the presentation of papers by law and graduate students from across the country.

Faculty members from law schools and graduate education programs nationwide also served as discussants and commentators.

Georgia Law presenters were: Ashley P. Alderman (3L), Amelie N. Bredas (3L), Robert L. Fortson (J.D.'05), Wendy M. Furey (3L), Melissa A. Hahn (3L), M. Kathleen Hart (3L), Erik S. Johnson (J.D.'05), Alefia E. Mithaiwala (J.D.'05), James E. Radford (3L), Alexis L. Rinehart (3L), Suzanne E. Temple (J.D.'05) and Andrew J. Tuck (3L).

They were joined by students from other institutions, including the Northwestern University School of Law, the University of Notre Dame Law School, the Georgetown University Law Center, the Emory University School of Law, the Suffolk University Law School, the Rutgers School of Law-Camden, the Chicago-Kent College of Law, Brigham Young University, the University of Virginia, the University of Illinois, the University of Maryland and the University of Florida as well as graduate students from the University of Georgia.

The presenters, chosen as winners in a nationwide competition, have had their papers published in the *Education Law and Policy Forum* (www.EducationLawConsortium.org), the first online interdisciplinary journal for education law and policy.

The journal will serve as a comprehensive online resource for education law researchers at all levels, K-12 to higher education.

Anne Proffitt Dupre (J.D.'88), ELC co-director and Georgia Law Hosch Professor,

said the goal of the conference was to recognize outstanding student scholarship at the crossroads of education, law and policy as well as to provide a forum to discuss important issues in education.

"With such a strong field of presenters, we accomplished this goal and laid a solid foundation for future conferences," she said.

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- Anne Proffitt Dupre

J. Douglas Toma, an ELC fellow and an associate professor at the university's Institute of Higher Education, added, "The conference also let students and professors from all over the country see what a terrific community of learning we are fostering here at the University of Georgia."

The Education Law Consortium's mission is to provide ready access to non-partisan information, research and analysis to assist those setting education policy at the local, state and federal levels.

The ELC conference was funded by a grant from UGA's Committee for Applied Instructional Technologies.

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