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1925

1860

Celebrating 150 years of history and graduates

INSIDE: Patents and vegetable crop diversity & The Copenhagen Climate Change Accord

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Table of Contents

Georgia
Law

Advocate

Vol. 44, 2010 • ISSN 1557-1025



Patents and vegetable **2** crop diversity

Post Professor Paul Heald and UGA Anthropology doctoral candidate Susannah Chapman share their research on patent law and its effects on vegetable diversity.

The Copenhagen Climate **6** Change Accord

Associate Dean and Woodruff Chair Dan Bodansky provides an overview of the much heralded Copenhagen Conference of the Parties and the resulting Copenhagen Climate Change Accord.



Researching Georgia legislative history **9**

Associate Director for Information Technology Carol Watson (J.D.'87) offers ways to research Georgia legislative history to help determine the intent of a piece of legislation, clarify a statute or trace a law's amendments over time.

C E L E B R A T I N G

150 Georgia
Law
1859-1860 YEARS OF LEADERSHIP 2009-2010

150 facts representing 150 years **11**

To help celebrate Georgia Law's sesquicentennial, you will find 150 historical and fun factoids covering the school's 15 decades of producing leaders for our state and nation.

Headlines **20**

Top news from Georgia Law.

Conference explores ethical challenges associated **20** with controversial or high-profile cases

Last fall, Georgia Law hosted the 10th Annual Legal Ethics & Professionalism Symposium, titled *Drawing the Ethical Line: Controversial Cases, Zealous Advocacy and the Public Good*. Keynote speeches were given by former U.S. Attorney General Ramsey Clark and former U.S. Attorney David Iglesias.

Cleland speaks at public interest weekend **21**

Former U.S. Sen. Max Cleland's presentation helped kick off the start of a two day event encompassing the 25th Annual Equal Justice Foundation Auction and the 5th Annual Working in the Public Interest Law Conference.

Hirsch Hall Highlights **23**

Key and institutional briefs.



11th service learning opportunity created at Georgia Law 26

The Corporate Counsel Externship, which offers students the perspective of an in-house counsel, expands the law school's hands-on offerings to nearly a dozen.

Rusk Center Reports 27

Dean Rusk Center updates and initiatives.



Human rights perspective 27 adds value to climate change discussion

The International Human Rights and Climate Change Conference explored the implications climate change has on human rights and how human rights can be incorporated into future climate change discussions.

Faculty Accomplishments 29

The latest on faculty achievements and scholarship including Shackelford Professor Walter Hellerstein being named to State Tax Notes' All-Decade State Tax Team and Criminal Defense Clinic Director Russell Gabriel receiving a grant to explore the financial burden of prosecution on poor and indigent defendants.



Law library chief retires 31

A nationally recognized leader in law library management, Ann Puckett plans to leave Georgia Law after approximately 16 years of service as the library's director and as a professor.

Student Briefs 36

Student activities, accomplishments and profiles.

Class of 2010 Commencement 36

A photo essay of the graduation ceremony and excerpts from the keynote address delivered by former Acting Solicitor General of the United States Walter Dellinger.



Alumni Activities 43

Alumni news, events and profiles.

Brumby receives Distinguished 48 Service Scroll Award

1965 alumnus Otis Brumby is presented with the Law School Association's highest honor, the Distinguished Service Scroll Award.



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The 2009-10 school year marks the 150th anniversary of the establishment of the University of Georgia School of Law. In recognition of this significant milestone, on the cover of this issue of the *Advocate* we have placed likenesses of the school's first graduate, Augustus O. Bacon (1860); the first female graduate, Edith House (1925); the first African-American graduate, Chester C. Davenport (1966); and a member of the most recent class to graduate Alexander M. Rowland (2010).

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Patents and Vegetable Crop Diversity

BY PAUL J. HEALD, ALLEN POST PROFESSOR OF LAW, AND
SUSANNAH CHAPMAN, PH.D CANDIDATE, ANTHROPOLOGY,
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Editor's Note: Post Professor Paul Heald has been working with UGA Anthropology doctoral candidate Susannah Chapman on a comprehensive study of the role patents play in the diversity of commercially available crops. To date, their work has been published in three papers. The following is based on the second paper, which specifically addresses the role of patents in vegetable crop diversity today.

Contrary to conventional wisdom, the 20th century was not a disaster for vegetable crop diversity. A complete inventory of all North American commercial seed catalogs undertaken in 1903 and 2004 both reveal around 7,000 different varieties offered for sale.¹

Because only a little more than 400 of the modern varieties date from 1903 or earlier, the data suggest an impressive amount of innovative activity between 1903 and 2004.

About 6,500 of the 2004 varieties are 20th century innovations or imports, suggesting that thousands of other new varieties came and went in the years between 1903 and 2004.



What drives the cycle of continuing innovation: patented inventions, unpatented creations or importation?

The data presented herein strongly suggest that the intellectual property system² (including the Plant Patent Act, the Plant Variety Protection Act and utility patents [collectively hereinafter “patents”]) plays an insignificant role in vegetable crop diversity, with the possible exception of corn.

The vegetables chosen for study were part of a unique inventory undertaken by the U.S. Department of Agriculture in 1903 that listed every variety of 69 different vegetables available in commercial seed catalogs in 1901-02.

Forty-two³ of those vegetable types have been subject to the same inventory process conducted by the Seed Savers Exchange six times since 1981.⁴

The comparison of the 1903 inventory with the 2004 inventory permits a direct measurement of how many of the 2004 varieties are 20th century innovations or imports, as opposed to old-timers.

The 6,499 “new” varieties available in 2004 were studied to determine which are subject to pending or expired patents.

In addition, data was gathered from the U.S. Patent Office and the USDA Plant Variety Protection Office on all varieties, including those never commercialized, among each of the 42 vegetable types. This new data set permits the first comparison of the overall number of patents granted to the number of patented varieties actually commercialized.

For each vegetable, the accompanying spreadsheet on the next page lists the number of varieties available commercially in 2004, the number of patents issued for new varieties and the number of patented varieties that were commercially available in 2004.

Common Vegetables Excluding Corn

Upon evaluation of the data, it was found that few patented vegetables have ever been commercialized and, as a result, patents do not seem to be a driving force in the marketing of new vegetable varieties.

Omitting corn, of the 6,674 varieties of common vegetables available in commercial catalogs in 2004, only 191 were subject to

pending patents, while another 74 were subject to expired patents.

Therefore, only 4 percent of available varieties have ever been subject to private intellectual property rights, which supports the conclusion that the vast majority of extant diversity in the U.S. vegetable market is due to local innovation or importation.⁵

However, patent rights seem to play a marginally more important role in some vegetable types than others.

For example, of the 771 types of garden and field beans available in 2004, 78 of them



More Seed Diversity ∅ More Consumer Choices

It is interesting to note that the variety of non-corn vegetables seen in commercial seed catalogs far exceeds the diversity we see on supermarket shelves and in massive farming operations.

The data do not suggest monoculture is not a problem in those markets, but rather shows that a wide variety of germplasm is available to address future needs to breed disease-resistant, pest-resistant and drought-resistant vegetable strains. Moreover, this pool seems unaffected by the operation of intellectual property law.

were subject to pending or expired patents, a rate of slightly more than 10 percent.

Similar rates are shown for lettuce and watermelon: 520 available varieties of lettuce were subject to 60 expired or pending patents, with 162 varieties of watermelon subject to 20 expired or pending patents. Also, peas approached a 15 percent rate (36/249 or 14.5 percent).

On the other hand, several vegetable types have no commercially available varieties subject to patents, including asparagus, broccoli, carrots, garlic and spinach.

Perhaps the most telling is tomatoes, where 1,536 varieties in 2004 were subject to only 2 pending and 3 expired patents.⁶

Irrespective of commercialization, some vegetables have been subject to more patenting activity than others.

Patents have been issued on 441 varieties of garden and field beans, 363 varieties of lettuce, 308 varieties of peas and 84 varieties of tomatoes.

However, fewer than 5 patents have been issued on varieties of brussels sprouts (2), cabbage (2), carrots (4), eggplant (3), garlic (4), spinach (1) and turnips (1).

Commercialization of Patents

Omitting corn, 1,675 patents have been issued as of October 2009. What is more interesting, however, is the rate at which these patents have been commercialized.

Excluding corn, 265/1,675 or 16 percent of all vegetable varieties that have ever been patented were commercially available in 2004. This is an intriguing number.

Those conversant with the economic literature on patenting are familiar with the assumption that only a small percent of patents are ever commercialized, perhaps as low as 2 to 5 percent.⁷

Compared to typical inventors, it appears that creators of new plant varieties are several times more likely to get their innovations to the market.

In fact, the historical commercialization rate for patented vegetables is probably higher than 16 percent, given that some previously commercialized patented varieties almost certainly dropped out of the market before 2004.⁸

The data add significantly to our understanding of the relationship between patenting and commercialization activity.

On the other hand, as noted earlier, 96 percent of the diversity in the vegetable crop market is due to non-patented innovation or importation of new varieties, suggesting that despite the surprisingly high commercialization rate, the patent system remains an insignificant source of overall innovation.

Commercialization rates for particular patent vegetable varieties do not vary dramatically.

Exceptions include watermelons, where 56 percent that have ever been patented (20/36) were still commercially available in 2004. Also on the high side are peppers, at 23 percent.

The vegetables that attract the most patenting activity (beans and lettuce) do not stray too far from the norm of 16 percent.

On the low side, only about 5 percent of

patented peanut and tomato inventions were still commercially available in 2004.

Although full data on obsolescence cycles are not yet available for the varieties studied, the data show that 74 of the commercialized varieties in 2004 were subject to expired patents. This means about 4.4 percent (74/1,675) of all vegetable patents ever issued subsist in formerly patented commercialized inventions that are at least 20 years old.

If assumptions are correct that less than 5 percent of patents are *ever* commercialized, it is remarkable to see almost 5 percent of plant patents still commercialized 20 years after their invention. This suggests innovations in vegetable markets have a longer shelf life than non-plant innovations.

Corn

Corn appears to be *sui generis* among the 1903 varieties inventoried (although a

cursorious look at patenting data suggests that soybeans and canola, both outside the present study because 1903 data are not available, may be similar).

First of all, there are almost as many corn patents (1,564) as patents for all other vegetables studied (1,675).

The proportion is even more striking in the field of utility patents, where 675 out of 854 patents studied were issued for new varieties of corn.

Vegetable Crop	Varieties Available in 2004	Plant Patents	Utility Patents	Plant Variety Protection Certificates	Total Patents	Commercialized Patents Pending	Commercialized Expired Patents	1903 Varieties Available in 2004
Artichoke	13	16	1	3	20	2	0	2
Asparagus	13	28	0	0	28	0	0	3
Lima Bean	69	0	0	10	10	0	0	10
Garden/Field Bean	771	0	14	427	441	58	20	34
Beets	92	0	7	0	7	0	0	13
Broccoli	32	0	14	7	21	0	0	1
Brussels Sprouts	14	0	2	0	2	0	0	2
Cabbage	81	0	2	0	2	0	2	21
Carrot	127	0	0	4	4	0	0	14
Cauliflower	55	0	2	17	19	2	1	3
Celeriac	14	0	0	0	0	0	0	2
Celery	66	0	11	20	31	3	1	8
Collards	14	0	0	0	0	0	0	3
Field Corn	242	0	675	889	1,564	Not Available	Not Available	15
Cress	29	0	0	0	0	0	0	8
Cucumber	133	0	1	1	2	2	0	15
Eggplant	102	0	0	3	3	1	0	4
Endive	48	0	0	1	1	0	0	3
Garlic	274	3	1	0	4	0	0	0
Kale	52	0	1	0	1	0	0	9
Kohlrabi	15	0	1	0	1	0	0	3
Leek	66	0	0	0	0	0	0	5
Lettuce	520	0	52	311	363	54	6	25
Muskmelon	200	0	4	23	27	0	2	16
Mustard Greens	42	0	6	2	8	0	0	5
Okra	51	0	0	1	1	0	0	3
Onion	222	0	1	59	60	2	5	21
Parsley	52	0	0	1	1	0	1	9
Parsnip	21	0	0	1	1	1	0	2
Sweet/Field Pea	249	0	2	306	308	21	15	19
Peanut	21	0	3	67	70	3	1	4
Peppers	647	6	3	31	40	8	1	14
Radish	138	0	1	6	7	1	4	19
Rutabaga	29	0	0	0	0	0	0	5
Salsify	3	0	0	0	0	0	0	2
Spinach	31	0	0	1	1	0	0	4
Squash	456	0	5	11	16	11	6	21
Sunflower	110	0	18	35	53	2	3	1
Swiss Chard	66	0	0	1	1	1	0	1
Tomato	1,536	4	23	57	84	2	3	45
Turnip	38	0	1	0	1	0	0	12
Watermelon	162	0	3	33	36	17	3	11
Total	6,916	57	854	2,328	3,239	Not Available	Not Available	417
Total w/o Corn	6,674	57	179	1,439	1,675	191	74	402

Note: The names of the commercially available varieties, with the exception of corn, are available from Heald and Chapman. The larger uncompleted project tracks several fruit and vegetable types from 1900 to 2005 to analyze time-sensitive trends and exogenous variables not captured in the table above.

Although more research needs to be done, the data may provide evidence of a large-market effect.⁹

The value of the 2008 U.S. corn crop was \$47 billion,¹⁰ while the value of the entire non-corn U.S. vegetable crop in 2008 was only \$21 billion.¹¹

The lure of potential profits may be driving innovation in the corn field, but is there a causal connection between innovation and patenting activity?

By contrast, in 2004, there were 1,536 varieties of tomatoes commercially available, yet there have only been 84 tomato patents granted in U.S. history.

Clearly, innovation does not require a patent system for tomatoes, why should it for corn? And why do we see so much innovation in the much smaller market for tomatoes?

The size of the U.S. corn crop clearly makes it a special case, but precisely how size affects patenting behavior and innovation in that market, if it does at all, will not become

clear until further study is completed.

Unfortunately, commercialization data will be difficult to obtain without the cooperation of the large seed corn companies. Even where company Web sites list available product varieties, they are not matched with their corresponding patents,¹² and unlike all other crop varieties, corn patents on file at the USPTO do not typically list varietal names.

Conclusions

This study and its predecessor can help evaluate two common claims about IP protection for plants: 1) “IP results in increased genetic uniformity and, where diversity still exists, increased genetic erosion;”¹³ and 2) “If plant breeders were not able to protect the plant varieties they develop from unauthorized reproduction, there would be less incentive for them to develop improved plant varieties.”¹⁴

Patent law is likely neither the genetic erosion boogie man nor the carrot-of-invention savior at least when it comes to the

diversity of vegetable crops as measured by their availability in commercial seed catalogs. Apart from corn, evidence gathered so far points to the irrelevancy of patent law.

All three of Heald and Chapman’s papers published to date can be found at:

Crop Diversity Report Card for the Twentieth Century: Diversity Bust or Diversity Boom?

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1462917

Patents and Vegetable Crop Diversity

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1507228

Apple Diversity Report Card for the Twentieth Century: Patents and Other Sources of Innovation in the Market for Apples

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1543336

Endnotes

1 Paul J. Heald and Susannah Chapman’s first paper, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1462917, revealed there was not a significant loss in vegetable crop diversity as was previously accepted based on a 1983 study.

2 Plant patents for asexual reproduction (grafting and other forms of clonal propagation) became available in 1930, protection for sexual reproduction (seeds) became available in 1970, and utility patents for plants have been available since 1985. See Plant Patent Act, 35 U.S.C. § 161-63; Plant Variety Protection Act, 7 U.S.C. § 2321-2582; and Ex parte Hibberd, 227 U.S.P.Q. 443 (Bd. Pat. App. & Int. 1985).

3 The vast majority of the 27 vegetables inventoried in 1903 but not inventoried in 2004 consist of species that were never commercially important, e.g., burnet, chufas, flag, grass nuts, martynia, orach, rampion, roquette, scolymus, scorzonera or skirret. Also, our first study looked at a total 48 vegetables. Three were dropped for reasons of obscurity: cardoon, chicory and corn salad. The other three reductions came from combining lima beans into the general “garden/field bean” category and combining sweet corn, popcorn and field corn into “field corn.”

4 Both the USDA in 1903 and the Seed Savers Exchange in 2004 inventoried all vegetable

varieties listed for sale in every commercial seed catalog distributed in the United States and Canada. See W.W. Tracy, Jr., American Varieties of Vegetables for the Years 1901-02, 21 Bureau of Plant Industry Bulletin 7 (1903); Kent Whealy, Garden Seed Inventory: An Inventory of All Seed Catalogs Listing Non-Hybrid Vegetable Seeds in the United States and Canada (2005).

5 The third paper in this series addressed the question of the ratio of varieties between local innovation and importation. Only data from apples, not included in this study, has been collected so far. With apples, the ratio of local innovation to importation in the 20th century is 3:1.

6 Twenty-three different varieties of tomatoes have been patented under the utility patent system. In those cases, some of the inventors failed to provide a varietal name in their patent applications, so some of them may have been commercialized yet not counted here.

7 See, for example, Mark Lemley, Rational Ignorance at the Patent Office, 95 N.W. L. Rev. 1495, 1501, 1504 (2001) (estimating that only 5 percent of patents are ever licensed; about 2 percent are litigated).

8 Of the 265 patented varieties commercialized in 2004, just 74 were subject to expired patents while 191 were covered by pending patents. Not surprisingly, more recent inventions

were more likely to be commercialized, suggesting that a significant number of patented inventions commercialized in earlier years had exited the market.

9 Analysts of foreign direct investment have noted that larger markets capture a disproportionate share of investment. See Daniel Lederman & William Maloney, Natural Resources: Neither Curse nor Destiny (2007). (“economies with large markets will get a disproportionately large share of increasing returns industries”).

10 See <http://www.nega.com/files/pdf/WOC2009MetricStatBook.pdf>.

11 See <http://www.ers.usda.gov/Briefing/Vegetables/>.

12 See, for example, Pioneer’s product list for ZIP code 30605 by going to <http://www.pioneer.com/web/site/portal/menuitem.0128f8e2dab251f7bc0c0a03d10093a0/> and selecting “corn grain” from the drop-down menu on the right side under “Seed Products & Traits.”

13 The Crucible Group, PEOPLE, PLANTS, AND PATENTS: THE IMPACT OF INTELLECTUAL PROPERTY ON TRADE, BIODIVERSITY, AND RURAL COMMUNITIES 17 (1994).

14 See http://www.monsanto.com/foodinc/seeds_patents.asp.

The Copenhagen Climate Change Accord



By DANIEL M. BODANSKY, ASSOCIATE DEAN FOR FACULTY DEVELOPMENT AND WOODRUFF CHAIR IN INTERNATIONAL LAW

Editor's Note: This article was reprinted with minor modifications with the permission of the American Society of International Law. Daniel Bodansky, The Copenhagen Climate Change Accord, ASIL INSIGHTS, Feb. 16, 2010, available at www.asil.org/insights100212.cfm.

Introduction

Since the Kyoto Protocol's entry into force in 2005, attention has focused on the question of what to do after 2012, when the Kyoto Protocol's first commitment period ends. Should the Kyoto Protocol be extended through the adoption of a second commitment period, with a new round of emission reduction targets for developed country parties?

And, if so, should a new agreement be adopted under the United Nations Framework Convention on Climate Change (UNFCCC),¹ which addresses the emissions of countries that either are not parties to the Kyoto Protocol² (the United States) or do not have Kyoto emissions targets (developing countries)? Or should a single new

agreement be adopted that replaces the Kyoto Protocol and is more comprehensive in coverage, addressing both developed and developing country emissions?

The Copenhagen Conference of the Parties (COP), which met from December 7 to 19, 2009, had been intended as the deadline to resolve these questions about the post-2012 climate regime – a view reflected in the unofficial slogan for the conference, “seal the deal.”³

The decision by more than 100 heads of state or government to attend heightened public expectations that the Copenhagen Conference would result in a major breakthrough; and more than 40,000 people registered, making Copenhagen one of the largest environmental meetings in history.

But the lack of progress in the negotiations in the months leading up to Copenhagen suggested that hopes for a full-fledged legal agreement were unrealistic.

In the end, the Copenhagen Conference resulted only in a political agreement, the Copenhagen Accord,⁴ which was negotiated by the leaders of the world's major economies, but was not formally adopted by the conference, leaving its future prospects uncertain.

The Copenhagen Accord is a political rather than a legal document ... and may well represent the high-water mark of the climate change regime for some time to come.

The Copenhagen Accord

The Copenhagen Accord is a political rather than a legal document, negotiated by a group of about 25 heads of state, heads of government, ministers and other heads of delegations.

Key elements of the accord include the following:

Long-term vision

The Copenhagen Accord recognizes the need to limit global temperature increase to no more than 2 degrees Celsius.

States were unable to agree on other methods of defining the regime's long-term objective, for example, in terms of an upper bound on atmospheric concentrations of greenhouse gases such as 350 or 450 parts per million (ppm), or a long-term goal to reduce global emissions by 50 percent by 2050 (the so-called "50 by 50" target, which the G-8 has endorsed), or a target date for the peaking of global emissions.

In deference to the small island states, which had pushed for a 1.5 degree limit on global temperature change, the Copenhagen Accord provides that the assessment of the accord by 2015 include consideration of this stronger target.

Developed country mitigation

Over the past year, general consensus has emerged that developed countries should undertake economy-wide emissions reduction targets for the post-2012 period, although countries have differed about the stringency of these emissions reduction targets, the base-year from which reduction targets should be measured and whether the targets should be defined using international accounting rules (as in Kyoto) or national legislation (as the United States has proposed).

The Copenhagen Accord establishes a bottom-up process that allows each developed country party to define its own target level, base year and accounting rules, and to submit its target in a defined format, for compilation by the UNFCCC Secretariat. Under the terms of the accord, Annex I countries "commit to implement" their targets, individually or jointly, subject to international monitoring, reporting and verification (MRV).

Developing country mitigation

As with developed country emissions targets, the Copenhagen Accord establishes a bottom-up process by which developing countries will submit their mitigation actions in a defined format for compilation by the UNFCCC Secretariat.

It provides that developing countries will submit greenhouse gas inventories every two years, that developing country mitigation actions will be subject to domestic MRV and that the results of this domestic MRV will be reported in biennial national commu-

nications, which will be subject to "international consultations and analysis under clearly defined guidelines."

The Copenhagen Accord also establishes a registry for listing nationally appropriate mitigation actions (NAMAs) for which international support is sought and provides that supported NAMAs will be subject to international MRV in accordance with COP guidelines.

Financial assistance

In Copenhagen, the discussions about financial support revolved around the typical issues: how much money, from what sources and with what governance arrangements?

The Copenhagen Accord addresses only the first of these issues, leaving the other two for future resolution.

It creates a "collective commitment" for developed countries to provide "new and additional resources . . . approaching \$30 billion" for the 2010-2012 period, balanced between adaptation and mitigation, and sets a longer-term collective "goal" of mobilizing \$100 billion per year by 2020 from all sources, but links this money to "meaningful mitigation actions and transparency on implementation."

It also calls for governance of adaptation funding through equal representation by developing and developed country parties but does not establish the governance arrangement for finance more generally.

Finally, it calls for the establishment of a Copenhagen Green Climate Fund as an operating entity of the UNFCCC's financial mechanism as well as a high level panel to consider potential sources of revenue to meet the \$100 billion per year goal.

Forestry

In the run-up to Copenhagen, the potential to reduce emissions from deforestation and forest degradation (known as "REDD-plus") received considerable attention. The principal question has been whether to finance REDD-plus from public funds or by providing carbon credits.

The Copenhagen Accord calls for the "immediate establishment" of a mechanism to help mobilize resources for REDD-plus from developed countries and acknowledges the "need to provide positive incentives," without resolving the issue of public vs. private support.

Monitoring, reporting and verification (MRV)

As with the mitigation issue, the MRV discussions have concerned the level of MRV as well as the parallelism/differentiation between developed and developing country MRV.

The Copenhagen Accord calls for "rigorous, robust and transpar-

ent” MRV of Annex I emissions reductions and financing, “in accordance with existing and any further guidelines adopted by the COP.”

As noted earlier, supported NAMAs by developing countries will be subject to international MRV “in accordance with guidelines adopted by the COP,” while so-called “autonomous” mitigation actions will be verified nationally and reported in national communications every two years and subject to “international consultations and analysis under clearly defined guidelines that will ensure that national sovereignty is respected.”

The Future of the Copenhagen Accord

Despite agreement on the Copenhagen Accord by the heads of state or government of more than 25 countries, including all of the major economies, the conference was unable to “adopt” the accord due to objections by a small group of countries, led by Sudan, Venezuela, Bolivia and Nicaragua, which refused to join consensus, arguing that the negotiation of the Copenhagen Accord by a smaller group represented a “coup d’état” against the United Nations because it bypassed the formal meetings.

After an all-night session, the impasse was ultimately broken through a decision to “take note of” the Copenhagen Accord, giving it some status in the UNFCCC process but not as much as approval by the COP.

Those countries that wish to “associate” themselves with the Copenhagen Accord are to notify the UNFCCC Secretariat for inclusion in the list of countries at the beginning of the accord.

As of February 10, 2010, the UNFCCC Secretariat had received submissions from more than 90 countries, representing more than 80 percent of global greenhouse gas (GHG) emissions, regarding their plans to reduce their GHG emissions and/or their wish to be “associated” with the Copenhagen Accord.

In most cases, countries providing information on their mitigation actions have expressly “associated” themselves with the Copenhagen Accord.

The Copenhagen Accord asserts that it will be “operational immediately,” but fully operationalizing its terms will require further acts – for example, the spelling out of the guidelines for international consultation and analysis of developing country mitigation actions and the establishment of the various bodies envisioned in the accord (a high level panel to study potential sources of revenue, the Copenhagen Green Climate Fund and a new technology mechanism).

Ordinarily, this work would be carried out by the COP. But if some countries continue to block consensus in the COP, as occurred in Copenhagen, then this elaboration of the Copenhagen Accord might need to be done by the “associators” group.

Conclusion

Although the Copenhagen Accord has been criticized by some as inadequate, it represents a potentially significant breakthrough.

True, the emission reduction pledges announced thus far do not put the world on a pathway to limiting climate change to 2 degrees Celsius, the ostensible long-term goal of the accord.⁵

But the participating states did agree to list their national actions internationally and to subject their actions to some form of inter-

national scrutiny, even when their actions do not receive any international support.

Plus, the accord articulates a quantified long-term goal for the first time (no more than 2 degree Celsius temperature increase) and puts significant new funds on the table, both for the short and medium terms.

As a political necessity, the Copenhagen Accord continues to reflect the principle of common but differentiated responsibilities and respective capabilities, but in a very different manner than in Kyoto.

Developed countries committed to implement economy-wide emission reduction “targets,” subject to international MRV, while developing country “actions” will be subject to international MRV only if they receive international support and to national MRV otherwise.

Nevertheless, the Copenhagen Accord reflects an apparent shift by China, India, Brazil and South Africa, which begins to break the so-called “firewall” between developed and developing countries.

For the first time, major developing countries have agreed to reflect their national emission reduction pledges in an international instrument, to report on their GHG inventories and their mitigation actions in biennial national communications and to subject their actions either to MRV (for internationally supported actions) or “international consultation and analysis under clearly defined guidelines that will ensure that national sovereignty is respected” (for domestically supported actions).

This outcome may seem like a rather modest achievement, but it represents some measure of “internationalization” of developing country actions.

In any event, if world leaders could not agree to more through direct negotiations, under an intense international spotlight, it is hard to see why mid-level negotiators will be able to achieve more anytime soon.

As a result, the Copenhagen Accord may well represent the high-water mark of the climate change regime for some time to come.

Endnotes

- 1 United Nations Framework Convention on Climate Change, May 9, 1992, 31 I.L.M. 849 (1992) [hereinafter UNFCCC].
- 2 Kyoto Protocol to the United Nations Framework Convention on Climate Change, Dec. 10, 1997, UNFCCC Conference of the Parties, 3d Sess., UN Doc. FCCC/CP/1997/L.7/Add.1 (Dec. 10, 1997), 37 I.L.M. 22 (1998).
- 3 The Copenhagen Conference was a combined meeting of the Fifteen Conference of the Parties of the UNFCCC (COP-15) and the Fifth Meeting of the Parties of the Kyoto Protocol (CMP-5). For background on the Copenhagen Conference, see Cymie R. Payne, *State of Play: Changing Climate at Copenhagen*, ASIL Insight, Dec. 8, 2009, available at <http://www.asil.org/files/insight091208pdf.pdf>.
- 4 The Copenhagen Accord, http://unfccc.int/files/meetings/cop_15/application/pdf/cop15_cph_aauv.pdf (advance unedited version).
- 5 Kelly Levin & Rob Bradley, *Comparability of Annex I Emission Reduction Pledges* (World Resources Institute, Working Paper, Feb. 2010).



RESEARCHING *Georgia Legislative History*

BY CAROL A. WATSON (J.D.'87), ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY

Attorneys often seek Georgia legislative history when trying to clarify a vague statute, determine the intent of the legislature or trace a law's amendments over time. Although sometimes difficult to compile, Georgia legislative history tidbits can be gathered by consulting a variety of resources.

Steps for Locating Georgia Legislative History

1. Before You Begin

You should become familiar with how legislation is passed in Georgia. Understanding the legislative process in Georgia will help you to evaluate the usefulness of the materials you locate.

2. Decide How Much Time You Want to Spend

The Georgia General Assembly does not publish official transcripts of its floor debate or committee reports. As a result, the hunt for legislative intent can be time-consuming and may not always produce results.

To avoid frustration, decide up front how much time you are willing to devote to this research task.

Also, keep in mind, the Georgia courts primarily look at the plain meaning of the statute when determining legislative intent. You may do a great deal of research into the legislative intent of a statute only to have your argument rejected by the court.

3. Identify Session Laws

Consult the history notes of an annotated code such as the O.C.G.A. to locate references to session laws.

Make a list of the session laws that you identify.

The first reference will be to the original statute. The remaining references are to amendments of the statute.

4. Review Session Law Text

A session law's preamble will often include a statement of purpose, which can provide valuable insight into legislative intent.

It is also useful to compare versions of the session laws each time the statute has been amended in order to identify text changes that have occurred over time.

5. Consult the Peach Sheets

The *Georgia State University Law Review* annually analyzes selected Georgia legislation in its fall issue, often referred to as the Peach Sheets.

You can easily spot the fall issue because the color of the law review's pages is peach.

The Peach Sheets include analysis of the bills, relevant floor debate, personal interviews and newspaper articles.

6. Skim House and Senate Journals

The Georgia House and Senate journals do not contain transcripts of legislative proceedings. Also, the bill text is not in the journals.

However, the text of amendments is included as well as votes, committee actions and sponsors.

7. Compare Versions of Bills

Compare different versions of a bill to identify which text has been added or deleted. Sometimes, these additions or deletions can help clarify the legislative intent of the bill.

8. Locate Audio or Video Files

In recent years, the Georgia Public Broadcasting and the General Assembly Web sites have included audio and video files of committee hearings, floor debates and press conferences.

9. Search Media Coverage

The Atlanta Journal-Constitution and other local media outlets extensively cover the legislature while in session. Quotes from legislators can indicate legislative intent.

Additionally, many political commentators and special interest groups provide online analysis of legislative proposals.

10. Contact the Georgia General Assembly

If all else fails, contact the offices of the Clerk of the House or Secretary of the Senate. These offices provide information on official documents to the general public.

Quick Guide

The Georgia Legislative Process

Passing a Law in the Georgia General Assembly – georgiainfo.galileo.usg.edu/legchart/legchart.htm

Georgia General Assembly, *New Georgia Encyclopedia* – www.georgiaencyclopedia.org/nge/Article.jsp?id=h-3164

Georgia Code

Official Code of Georgia Annotated – www.lexis-nexis.com/hottopics/gacode/Default.asp

Session Laws

The print version of the *Acts and Resolutions of the General Assembly of the State of Georgia* is available at all five of Georgia's academic law libraries as well as at many local public and college libraries.

Georgia Legislative Documents from 1799 to 1999 – www.galileo.usg.edu/express?link=zlgl

Georgia State University Law Review's Peach Sheets

Georgia State University Law Review from 1984 to 2007 – digitalarchive.gsu.edu/colpub_peachsheets

House and Senate Journals

House Journals from 1781 to 1995 and *Senate Journals* from 1789 to 1995 will soon be included in Galileo's Georgia Legislative Documents – www.galileo.usg.edu/express?link=zlgl

Georgia House and Senate Bills

Bills from the current session of the legislature – www.legis.ga.gov/legis/2009_10

Bills from 1995 to 2008 – www.legis.state.ga.us/links/Prev.htm

House bills from 1979 to 1995 – contact the Clerk of the House
Senate bills from 1969 to 1995 – contact the Secretary of the Senate

House and Senate bills from 1838 to present – contact the Georgia State Archives: (678) 364-3700

Audio and Video Coverage

Georgia Public Television's live stream – www.gpb.org/general-assembly

Georgia House of Representatives' Georgia Legislative Network – www.legis.ga.gov/legis/2009_10/house/Committees/GLNI/boardcastIndex.htm

Georgia Senate Press Office – www.legis.ga.gov/legis/2009_10/senate/pressreleases.htm

Media Coverage

The Atlanta Journal-Constitution – www.ajc.com

AJC's Political Insider with Jim Galloway – blogs.ajc.com/political-insider-jim-galloway

AJC's Gold Dome Live – blogs.ajc.com/gold-dome-live

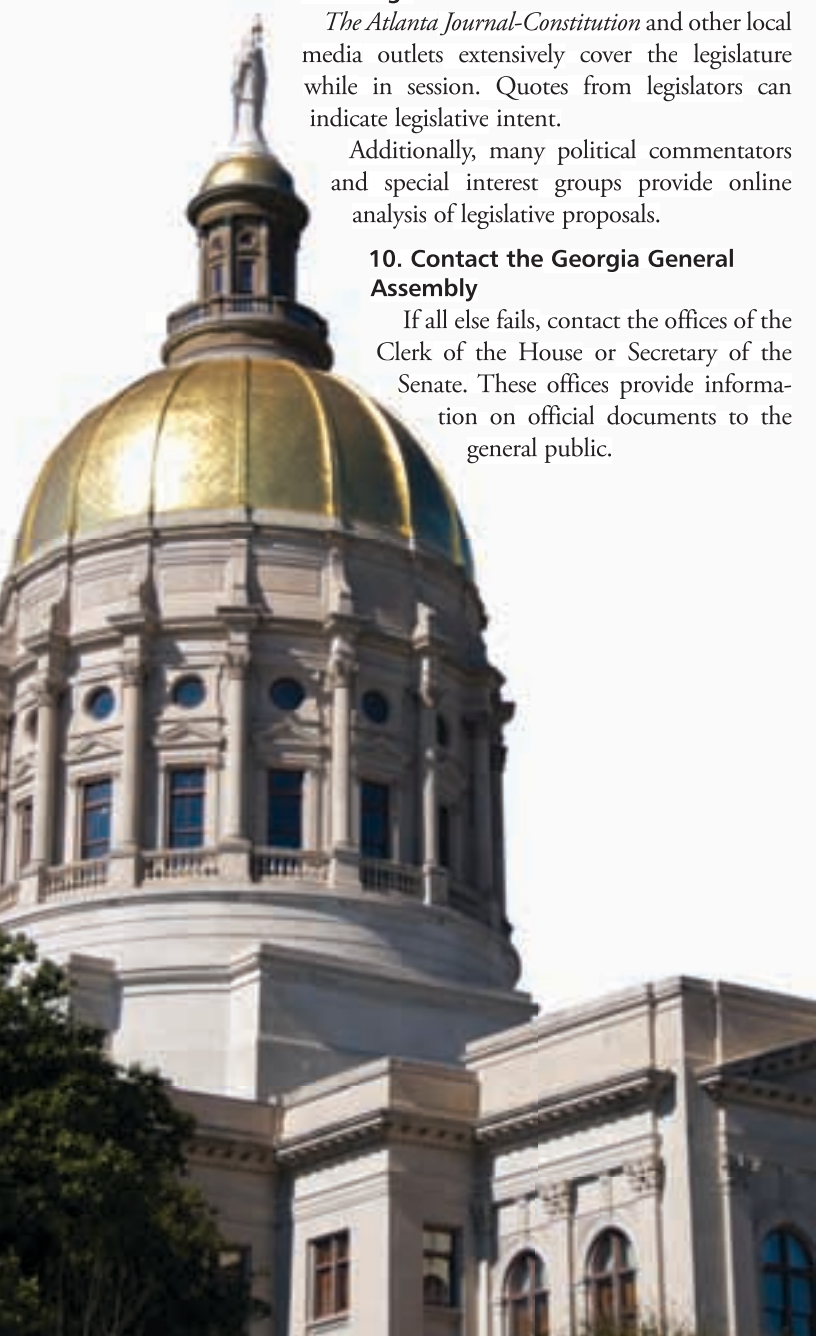
GPTV's Lawmakers blog – georgialawmakers.blogspot.com

Contact the Georgia General Assembly

Clerk of the House – (404) 656-5015

Secretary of the Senate – (404) 656-5040

Georgia General Assembly – www.legis.state.ga.us





150 facts representing 150 years

To help commemorate Georgia Law's sesquicentennial anniversary, the following will provide you with 150 things you may not have known about the school and its distinguished history.

General

1. The trustees of UGA added the study of law to the curriculum of the university in 1843.
2. The Board of Trustees approved a motion to establish a law school at UGA in August 1859.
3. In December 1859, the law school was incorporated by an Act of the General Assembly of Georgia as a part of UGA.
4. The School of Law is officially recognized as the second oldest of UGA's 17 schools and colleges, with the Franklin College of Arts and Sciences being the first.
5. The law school closed its doors due to the Civil War in 1861. It reopened during 1867.
6. In 1930, the School of Law was accredited by the American Bar Association. Membership in the Association of American Law Schools was granted to the law school during 1931.
7. The law school observed its 100th anniversary during 1959-60. Dean Emeritus Roscoe Pound of Harvard, at the age of 89, delivered a series of three centennial lectures at the school.
8. The School of Law possesses a marvelous collection of more than 70 portraits. On display on the walls of its three buildings, you will find famous Georgians, former deans and faculty members as well as accomplished alumni.
9. The School of Law's Web site, www.law.uga.edu, was launched in 1996.

CELEBRATING
150 Georgia
Law
1859-1860 YEARS OF LEADERSHIP 2009-2010



10



12



12



14

Harold Hirsch



18

Physical Plant



10. The first School of Law class was held in October 1859 in the law offices of Joseph Henry Lumpkin, the first chief justice of the Supreme Court of Georgia.
11. From 1867 to 1919, the school occupied the “Ivy Building,” which is now part of the Holmes-Hunter Academic Building on campus.
12. In 1919, the law school moved into a building at the corner of Broad and Lumpkin streets known as the “Athenaeum Club,” with the assistance of private donations.
13. While the law school was housed in the Athenaeum Club, it is rumored that students fearing they would be late to class would use a short cut – crossing 2 x 4 wooden planks between the upper level windows of the Holman Hotel (which was next door) and the law school, which provided an expedited route to class.
14. A building devoted exclusively to the law school was built as a result of an alumni fund drive headed by Hughes Spalding Sr. The building was dedicated in October 1932 in honor of Harold Hirsch, a prominent Atlanta attorney who was best known as the protector of Coca-Cola’s trademark. At the conclusion of the ceremony, the chairman of the building committee, Harrison Jones, said, “May its portals never be closed to those who seek knowledge, and may there pour forth from its threshold men of character, lawyers of honor and ability, judges of uprightness and lovers of justice – patriots all!”
15. The earliest known film of UGA’s North Campus is of Hirsch Hall, which was shot around the time of its dedication in 1932. The footage was taken by Bill Kaliska, a Coca-Cola sales and marketing executive, who was friends with Harold Hirsch. The video can be viewed online at <http://www.libs.uga.edu/media/collections/ugarelated/hirschhall.html>.
16. In 1939, a wing was added to Milledge Hall on the UGA campus to become the law school’s own dormitory. It accommodated approximately 70 students. Today, this building houses a variety of campus offices.
17. Through the efforts of alumni Gov. Carl E. Sanders and Board of Regents Chairman James Dunlap in 1964, the Georgia General Assembly appropriated funds to boost the law library’s acquisition budget and to expand Hirsch Hall.

A summary of Sanders’ words: The University of Georgia School of Law should be of such excellence that no citizen of Georgia need ever leave the state because a superior legal education is available elsewhere.

18. The expanded Hirsch Hall, which includes today’s current footprint, was dedicated in 1967. Dean M. Lindsey Cowen is reported as saying that it was “the showplace of legal education in the United States.”
19. U.S. Supreme Court Justice Hugo L. Black served as speaker at the Hirsch Hall expansion dedication ceremony. His speech was held outdoors on the quadrangle, and everyone was hoping the 81-year-old justice would not be hit “by one of the thousands of acorns shaken loose in the brisk autumn wind.”
20. The iron grillwork found on the law school’s patio, which includes likenesses of Dante, Benjamin Franklin, Thomas Jefferson, Andrew Jackson and Joseph Addison, was originally manufactured in England to be installed in the “Old State House” in Milledgeville, Ga. However, since the “new governor’s wife” did not like the grillwork, it became part of the Wetter House in Savannah. When the house was demolished, portions of the iron grillwork were obtained by then-Chancellor Harmon W. Caldwell for incorporation in the law school expansion. The remainder of the iron work was retained in Savannah for the Chamber of Commerce Building.
21. Dean Rusk Hall was dedicated during 1996 in honor of the former U.S. secretary of state, who returned to his native Georgia after his service and was a law school faculty member for nearly 25 years. At the dedication ceremony, Georgia Gov. Zell Miller said, “[Rusk was] a remarkable American, a man who could have finished his career at any prestigious place in the world, but chose to come back home to his state of Georgia and this campus. It was not among the powerbrokers of the world, but here, among his students, where Dean Rusk was happiest and most at home.”
22. The School of Law campus became “wireless” for Internet access during 2002. It is currently one of the largest Internet environments on campus.

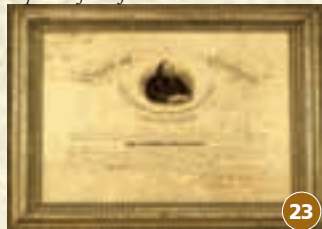


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Student Body

Diploma from first class



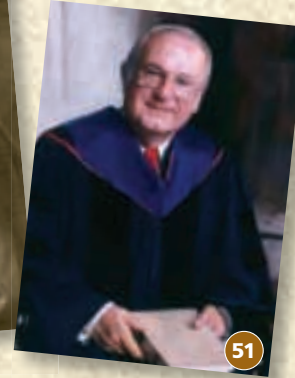
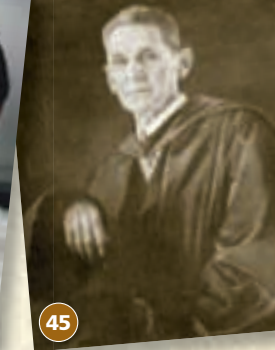
23. The law school graduated its first class in 1860.
24. Regarded as the school's first female graduate, Edith House earned her degree and was named co-valedictorian of the Class of 1925.
25. While not the first, 1942 alumna Rufe Edwards McCombs Maulsby is counted among the earliest female graduates of the school. When she passed the bar exam the summer after her first year in law school, Dean J. Alton Hosch warned her that "a woman is going to be very hard to place. Law firms favor men." After being offered a secretarial job at a law firm because "the courtroom is a serious place and people would hesitate to respect a woman there," she pursued and successfully obtained a legal job with the U.S. Department of Agriculture. She eventually became a Superior Court judge in the state of Georgia.
26. In 2004, the School of Law enrolled its first majority female class. It was composed of 126 females and 109 males.
27. The school's first African-American graduate, Chester C. Davenport, completed his degree during 1966. Davenport was in the fourth grade when he first expressed an interest in attending Georgia Law. On the occasion of Horace T. Ward being denied admission to the school in 1950, Davenport told his parents and teachers that if they had not let Horace Ward into Georgia by the time he got ready to go to law school, he was going to go. Davenport later said, "To my great surprise, 13 years later, I had the great pleasure of keeping that promise."
28. In the Hosch era, there was a dress code that required all law students to wear a coat and tie at all times while on the law school premises. According to 1942 alumnus Callaway Chair Emeritus Verner F. Chaffin, who was a student during this time, it was implied that "you need at least to look like a lawyer." During this period, third-year students customarily wore shoestrings bow ties on Wednesdays.
29. The Law Student Advisory Council was established during the 1950-51 academic year to represent the student body in matters of general interest and to provide a liaison between the students, the dean and faculty. This body eventually reconfigured itself in the early 1960s to become the modern Student Bar Association and the American Bar Association/Law Student Division.

30. Today, there are more than 30 different student organizations at the law school. They include the traditional organizations such as the Student Bar Association, the Women Law Students Association, the Black Law Students Association (the Davenport-Benham chapter), the Federalist Society and the Equal Justice Foundation. Other student groups include: the Christian Legal Society, the Education Law Students Association, Law Students for Reproductive Justice and the Sports and Entertainment Law Association.
31. Average enrollment at Georgia Law today is 650 students, composed of 635 Juris Doctor students and 15 Master of Laws candidates.
32. Georgia Law is a challenging place of study for talented students. Each year, students enrolled in the first-year class continue to be academically gifted. Members of the 2009 entering class boasted a median undergraduate grade point average of 3.7 and a median Law School Admission Test score of 164, placing them among the top 10 percent of test takers nationwide. (Both of these statistics represent school records.)
33. The Classes of 1965, 1966 and 1967 are known as the Excedrin Classes as they were law students when the 1967 addition was being built, and "an unforeseen amount of rock" excavation work had to take place to expand the school's footprint. When building Rusk Hall, there were also delays due to the presence of "unexpected rock formations."
34. During the mid-1960s, formal efforts by the school to track and help students and recent graduates find employment began, and the Office of Legal Career Services was established.
35. Currently, nearly 90 percent of all Georgia Law students receive financial aid, and approximately one-half are scholarship recipients.

Faculty



36. Georgia Law is an institution where faculty excellence both in and out of the classroom is expected and nurtured. Presently, the faculty includes authors of some of our country's leading legal scholarship, recipients of the Meigs Award (UGA's highest honor for teaching excellence), Fulbright Scholars and former U.S. Supreme Court judicial clerks.
37. Law school winners of the Josiah Meigs Award for Excellence in Teaching, UGA's highest honor for teaching, are: Dan T.



Coenen, Ronald L. Carlson, Rebecca Hanner White and C. Ronald Ellington.

38. Fulbright Scholars currently counted among the law school's faculty are: Milner S. Ball and María Eugenia Giménez. Others who have received prestigious Fulbright grants are: Edward J. Larson, Thomas J. Schoenbaum (twice), Maxine S. Thomas and Gabriel M. Wilner.
39. There are currently five former U.S. Supreme Court judicial clerks serving on the law school's faculty. They are: Peter B. "Bo" Rutledge, Sonja R. West, J. Randy Beck, Dan T. Coenen and Anne Proffitt Dupre.
40. Seven of the school's current professors are members of UGA's prestigious Teaching Academy. They are: Ronald L. Carlson, Dan T. Coenen, C. Ronald Ellington, Rebecca Hanner White, Anne Proffitt Dupre, Thomas A. Eaton and David E. Shipley. Others who have been selected are Robert D. Brussack and Edward J. Larson.
41. The Robert Cotten Alston Chair was filled in 1974. This marked the start of a drive to create new endowed professorial chairs that would be occupied by nationally acclaimed professors who are specialists in their fields. In addition to the two chairs already in existence, eight more privately funded professorships were created between 1974 and 1984. Today, nearly half of the law school's faculty hold an endowed position.
42. In 1997, Margaret V. Sachs became the first female faculty member to hold an endowed position at Georgia Law.
43. In 1998, then-Georgia Law Professor Edward J. Larson won a Pulitzer Prize for his book *Summer for the Gods: The Scopes Trial and America's Continuing Debate Over Science and Religion*, becoming the first sitting UGA professor to receive this notable honor.
44. In 1976, Georgia Law hired its first African-American professor, Larry Blount. Specializing in taxation and partnership, he unexpectedly passed away while still on the faculty in 2004.
45. The School of Law's first dean, W. Sylvanus Morris, was appointed in 1900. He led the school for the next 28 years.
46. Harry N. Edmunds was named dean in 1928 and served until 1933.
47. Harmon W. Caldwell was named dean in 1933. He had served for two years when he was elected president of UGA. He later became chancellor of the University System of Georgia.
48. J. Alton Hosch was named dean in 1935. He served for 29 years, longer than any other dean of an American law school at that time. He was also a colonel in the Judge Advocate General Corps and the commissioner for the state of Georgia

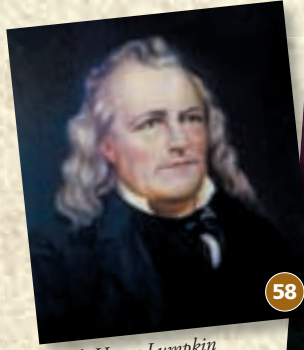
on the National Conference of Commissioners on Uniform State Laws.

49. Henry Arthur Shinn served as acting dean while J. Alton Hosch was in active military service during World War II from 1941 to 1947.
50. M. Lindsey Cowen served as dean from 1964 to 1972.
51. J. Ralph Beard led the School of Law for the first time as acting dean from 1972 to 1974. He became the leader of the school again in 1976 and served until 1987.
52. In 1974, Neill H. Alford Jr. was named dean.
53. Walter Ray Phillips became acting dean during 1976.
54. In 1987, C. Ronald Ellington was named dean. He served until 1993.
55. Edward D. Spurgeon served as dean from 1993 to 1998.
56. David E. Shipley became dean in 1998 and served approximately five years.
57. In 2003, Rebecca Hanner White was appointed interim dean, becoming the first woman in School of Law history to lead the institution. Her appointment became permanent in 2004.

Founders



58. The school's first instructors were Joseph Henry Lumpkin (the first chief justice of the Supreme Court of Georgia), his son-in-law Thomas Reade Rootes Cobb (who authored the first codification of Georgia state law – *Cobb's Digest*) and William Hope Hull (solicitor for the U.S. Treasury).
59. The Lumpkin House, located on Prince Avenue in Athens, is where law school co-founder Joseph Henry Lumpkin lived during the 1840s. This house was deeded to the law school in 1975 and, in 1986, the Institute of Continuing Legal Education began leasing the building for its headquarters.
60. The T.R.R. Cobb House, currently located on Hill Street (off of Prince Avenue), was purchased by Joseph Henry Lumpkin during 1844 as a home for his daughter Marion and her husband, Thomas R.R. Cobb. The Cobb House was recently moved back to Athens and renovated to reflect its appearance during the married couple's occupation.
61. Joseph Henry Lumpkin, Thomas R.R. Cobb and William Hope Hull were all related by marriage. Cobb married Marion Lumpkin, the chief justice's daughter. Hull's nephew



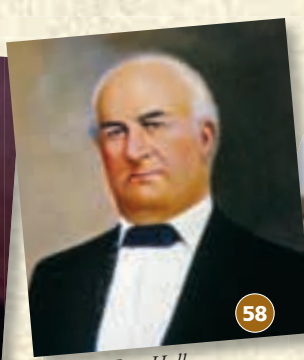
Joseph Henry Lumpkin

58



Thomas R.R. Cobb

58



William Hope Hull

58



63



81

Augustus Longstreet Hull married Callie Cobb, Thomas Cobb's daughter and Lumpkin's granddaughter.

- 62. Several Georgia Law alumni are descendants of the law school's founders. However, according to the law school's current records, only four alumni are blood relatives of all three founders. They are: William U. "Bill" Norwood, Philip W. "Phil" Norwood, Sally Cobb Cannon and Charles L. "Charlie" Weltner Jr.

Admissions/ Curriculum



69

- 63. At the turn of the 20th century, the law degree program at UGA was expanded from one to two years, and those wishing to enroll needed to be at least 18 and to have passed an examination "upon the elements of an English education."
- 64. In 1909, additional courses were added to the law school's curriculum. And, for the first time, there was a requirement of the successful completion of 15 college units of credit for admission to the school.
- 65. In 1920, the program was extended to three years, with little more than 20 course offerings.
- 66. To help qualify Georgia Law for membership in the Association of American Law Schools, in 1925, one had to have completed two years of college to apply to the law school.
- 67. UGA trustees made it official policy in 1929 that the law curriculum would be taught by the "case system" (Langdell method).
- 68. During the 1930s, the law degree took four years to complete.
- 69. In the early 1950s, prospective students were required to have completed three years of college work and to take a series of three tests to gain admission to law school.
- 70. A course in legal ethics was first introduced to the law school's curriculum during 1953 and was immediately required by all students to graduate.
- 71. In 1961, the Law School Admission Test, which was first administered in 1948, was adopted by the law school as the test that all potential students had to take to gain entry.
- 72. A stand alone course on legal writing was introduced into the curriculum during 1961.
- 73. Until the beginning of 1963, law school admissions decisions were determined entirely by a central university authority.

Currently, law admissions decisions are managed solely by the law school.

- 74. In 1969, the School of Law began offering the J.D. (Juris Doctor) degree instead of the LL.B. (Legum Baccalaureus) degree.
- 75. During the mid-1970s, and after considerable faculty debate, the faculty voted to require each student to complete a written piece of scholarly work before graduation.
- 76. Today, a bachelor's degree from an accredited university as well as a competitive score on the Law School Admission Test are required for entrance. To earn the Juris Doctor, one must earn 88 semester credit hours, satisfy an advanced writing requirement, and complete the required Legal Profession course and a skills-based curricular offering.
- 77. In 1983, the law school converted from the quarter system to the semester system, joining the majority of law schools in the country in using this academic calendar format.
- 78. The approximate cost for one year of law school in 1906 was \$252.50.
- 79. Tuition and fees during 2009-10 for law students was \$14,448 for Georgia Residents and \$30,226 for nonresidents. Georgia Law is regularly recognized as a "best value" law school.
- 80. The beginning of the law school's clinical programs started during the early 1960s with the Athens Legal Aid Society, a student interest group assisting local lawyers in doing legal defense work for indigents.
- 81. Today, the School of Law operates 11 service learning opportunities. They are: the Capital Assistance Project, the Civil Externship Clinic, the Corporate Counsel Externship, the Criminal Defense Clinic, the Environmental Practicum, the Family Violence Clinic, the Land Use Clinic, the Mediation Practicum, the Prosecutorial Clinic, the Public Interest Practicum and the Special Education Practicum.
- 82. The Prisoner Legal Counseling Project was established during 1972 and operated as a branch of the Legal Aid Clinic. This unit became independent in 1987, and its state/federal funding was cut in the spring of 1996. This program's purpose was to provide federally mandated legal assistance to the inmates of Georgia prisons.
- 83. During 1951, the Master of Laws (LL.M.) program was approved by the Board of Regents and added to the law school's curriculum.
- 84. Currently, Georgia Law offers five joint degrees – J.D./M.B.A., J.D./M.H.P., J.D./M.P.A., J.D./M.Ed. in Sports Studies and J.D./M.S.W.
- 85. The Brussels Seminar on the Law and Institutions of the



1939 Honor Court justices

European Union was created during 1973, with the former Secretary of State Dean Rusk playing a key role. A version of this program was accredited by the ABA in 2007.

- 86. The Global Internship Program was established during 2001. This program allows students to work or study in a legal setting in one of more than 30 countries. Currently, it is UGA's largest international program in terms of geographic reach.
- 87. The Georgia Law Summer Program in China debuted during 2006. This study abroad opportunity is unique by allowing students to learn in both Shanghai and Beijing. Additionally, alumni can participate in this program designed to expose attendees to the Chinese legal system, with an emphasis on commercial law and trade policy issues.
- 88. Presently, approximately 20 percent of each first-year class takes the opportunity to study or work abroad in one of the Rusk Center's international programs during the summer before the second year of law school.
- 89. In the spring of 2006, the Georgia Law at Oxford study abroad opportunity was established at the famed institution in England. In association with The Ohio State University, this is one of only a few semester-long study abroad opportunities offered by an American law school.
- 90. In 2009, the School of Law officially formalized its Business Law and Ethics Program, which provides students with practical legal training in the context of a business law practice.

Co-curricular Items



- 91. The *Georgia Law Review* was first established in 1927. However, only three issues were published at that time. The first issue of the modern *Georgia Law Review* was published in 1966.
- 92. The first issue of the *Georgia Journal of International and Comparative Law* was published in 1970, making Georgia Law the 14th school in the nation to publish an international law journal.
- 93. The first issue of the *Journal of Intellectual Property Law* was published during 1993.
- 94. The school's Honor Code originated during the 1930s. Today, first-year law students consent to the terms of the code during orientation.

- 95. A chapter of the Order of the Coif, the national legal honor society, was installed at UGA during 1977. Today, approximately 80 American law schools have a chapter at their institution.
- 96. The school held its first Law Day lecture during 1952 to "celebrate and honor the heritage of liberty under law and how the rule of law makes democracy possible." This lecture series continued through the year 2000.
- 97. The John A. Sibley Lecture Series was established in 1964 by the Charles Loidans Foundation of Atlanta through the help of law alumni at the firm Alston, Miller & Gaines. These lectures honor the 1911 School of Law graduate and continue to attract outstanding legal scholars of national prominence to the school.
- 98. Since 1983, a lecture featuring outstanding female legal scholars and practitioners has been presented annually in Edith House's honor. (House is considered the school's first female graduate.) The lecture series is organized by the Women Law Students Association.
- 99. The first Red Clay Conference, which aims to increase public awareness of environmental issues, was held during 1989.
- 100. The inaugural Working in the Public Interest Law Conference was held in the spring of 2006. Believed to be the first of its kind in the southeastern United States at that time, this student-organized symposium explores practical approaches to lawyering that can best serve the underprivileged.
- 101. The law school's moot court program can be traced back to the early 1930s, with the establishment of four law clubs named for distinguished Georgia lawyers and jurists – Thomas R.R. Cobb, Benjamin H. Hill, W. Sylvanus Morris and Robert Toombs. The clubs were "designed to teach the students how to prepare and try cases in the courts of Georgia." Most cases were argued in a moot court format by members of different clubs and "the competition was keen."
- 102. The school's mock trial program was formally established during 1980.
- 103. In 1990, the School of Law won both the world and national titles in the Philip C. Jessup International Law Moot Court Competition.
- 104. During 1997, the School of Law won the National Moot Court Competition and the Association of Trial Lawyers of America National Mock Trial Competition, becoming the only school in modern times to win both of these prestigious tournaments in the same year.
- 105. Georgia Law's advocacy program has taken home the top trophy in 7 national, 10 regional and 5 state tournaments plus



101



Augustus Bacon

111



Librarian Sewell Brumby

113



116

numerous other team and individual honors during the past 5 years.

- 106. In 1987, the Joseph Henry Lumpkin American Inn of Court was established at Georgia Law, becoming the 34th American Inn of Court in the country. The inns, most of which are affiliated with a law school, provide advocacy students the opportunity to learn from accomplished lawyers and judges.
- 107. In 2008, the school began fielding teams in negotiation/trans-actioanl law tournaments. In its second year of competition, the school captured its first national title.
- 108. The Equal Justice Foundation held its 25th anniversary auction earlier this year. This annual fundraiser generates several grants for students who accept public interest legal positions that otherwise would not be funded.

Law Library



109

- 109. The law library is named in memory of Judge Alexander Campbell King, who was a former U.S. solicitor general.
- 110. The widow of Judge King, Alice King, made the largest single gift (\$20,000) to the school for the building of Hirsch Hall. It was her stipulation that the library bear her husband's name and that the reading room have at least 16-foot ceilings. Hirsch Hall architectural plans were altered to accommodate this request, and what is presently the Hatton Lovejoy Courtroom was originally constructed as the reading room. Today, the library's Carl E. Sanders Reading Room, located in the 1967 expansion of Hirsch Hall, has ceilings higher than 16 feet.
- 111. Two busts decorated the Alexander Campbell King Law Library during its early years. They were of Augustus O. Bacon and Joseph E. Brown. Bacon has been recognized as the first graduate of the law school in 1860, and Brown was a three time governor of Georgia. The busts today are housed in UGA's Hargrett Rare Book and Manuscript Library.
- 112. The first full-time librarian was hired by the law school in 1935.
- 113. In 1973, the law library received its 200,000th volume, which marked its entry into the ranks of the 20 largest law libraries in the nation. It now has a collection of more than 395,000 titles, ranking it 13th in the nation.

- 114. Around 1978, the law library became independent from the university's main library.
- 115. In 1979, the law library was designated as a government depository library, which enhanced the library's holdings with a wide range of documents published by the Government Printing Office.
- 116. The J. Alton Hosch Law Library Annex was completed and dedicated in 1981. It added 25,000 sq. ft. to the library and provided additional office space. Two years after it opened, it was officially named after the former longtime dean.
- 117. U.S. Supreme Court Justice Harry A. Blackmun spoke at the annex's dedication.
- 118. The Westlaw computer research system was installed in the law library during 1984, joining LexisNexis, which had been available since 1979.
- 119. Louis B. Sohn, who held the Woodruff Chair in International Law at Georgia Law for more than one decade, enjoyed a high profile reputation for advocating for the establishment of the rule of law. Sohn was legal officer to the U.N. Secretariat during its formative years, and he donated to the school his personal collection of books totaling more than 5,000 titles, which are the centerpiece of the school's Sohn Library on International Relations.
- 120. The computerized card catalog system, GAVEL, was installed at the law library during 1995. Recently, the library launched a mobile application for GAVEL making it even easier to check the library's catalog anytime, anywhere.

Outreach

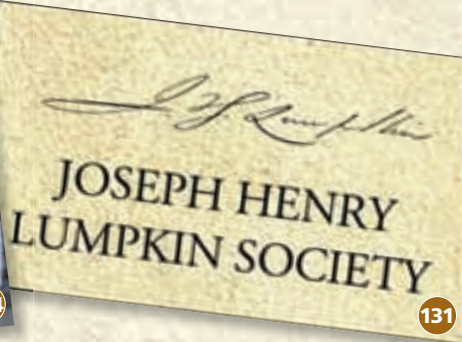


121

- 121. In 1977, the Dean Rusk Center for International and Comparative Law opened as an institute for the study of international law and policy. In 2000, the school's International and Graduate Legal Studies program merged with the Dean Rusk Center to capitalize on the combined strengths of each unit.
- 122. The Institute of Law and Government was established in 1953 to "study law in action as well as in theory in Georgia." This unit separated from the law school in 1965 to become a solely UGA-operated entity.
- 123. In 1977, the Institute of Continuing Judicial Education was



124



131



137

Gov. Roy Barnes, Lt. Gov. Mark Taylor, Chief Justice Robert Benham and Speaker of the House Tom Murphy during 1999.

established in Athens, due to the advantages of being housed near a law school environment with access to a law library and in close proximity to the Institute of Continuing Legal Education (established during 1965 and currently located in the Lumpkin House on Prince Avenue).

124. The International Judicial Training Program, which aids in the development and reform of foreign national judiciaries was established in 1998. Since its inception, the program has had more than 500 participants from nine countries.

131. In 1994, the Joseph Henry Lumpkin Society, for annual donors of \$1,000 or more to the law school, was created.

132. The Law School Fund, which provides essential annual operating dollars for the law school, reached the \$500,000 threshold for the first time in 2005. The fund currently tallies more than \$650,000 annually.

133. The school's first online monetary donation was received during 1998.

134. UGA concluded its historic fundraising campaign, Archway to Excellence, in 2008. Under the auspices of this effort, the School of Law raised more than \$20 million, topping its stated goal of \$17 million. These funds were primarily raised to support the academic mission of the law school and for scholarships.

Fundraising



127

125. The "first permanent gift" to the law school was \$5,000 of Atlanta Bag and Cotton Mills stock and was donated in 1923 by the widow of 1891 graduate Benjamin Z. Phillips.

126. Among the first endowed funds supporting the law school were: the Isaac Meinhard Memorial Award Fund (in honor of Leo Meinhard's father who was a Savannah businessman), the Robert Brown Memorial Fund (in memory of a former law student who was killed in action during World War II) and the Jessie and Dan MacDougald Fund (which honors 1910 first honor graduate Dan MacDougald). Both the Meinhard and MacDougald funds continue to support a prestigious gift for the law school's first honor graduate each year, while the Brown Fund still supports lectures at the law school.

127. The Law School Fund, which provides essential annual operating dollars for the law school and is composed of donations from alumni and friends, was established in 1965.

128. During 1977, a capital campaign, titled the Talmadge-Law School Endowment Fund, was launched and raised more than \$3 million.

129. UGA's Bicentennial Capital Campaign began in 1980. Under the auspices of this effort, the law school raised more than \$5 million for its programs and initiatives from alumni and friends.

130. The School of Law launched its capital campaign to build Dean Rusk Hall during 1990. More than \$5 million was raised for the building and other law school efforts as part of UGA's Third Century Campaign.

Alumni



135. There are more than 8,400 living Georgia Law alumni.

136. To date, Georgia Law graduates include 11 governors, more than 35 U.S. and state senators and representatives as well as scores of distinguished federal and state judges, prominent attorneys and corporate leaders.

137. In 1999, for the first time, School of Law alumni simultaneously led all three branches – judicial, legislative and executive – of Georgia's state government. This happened for the second time in 2001.

138. For four out of the last five terms, a Georgia Law graduate has served as a clerk for a justice on the U.S. Supreme Court, placing Georgia Law among the nation's top schools for supplying clerks to the highest court in the land.

139. In 1980, Benna R. Solomon, first honor graduate of the Class of 1978, became the school's first U.S. Supreme Court judicial clerk and worked for Justice Byron R. White. Solomon's reflections on her clerkship include: "The clerkship was a daunting and humbling, yet amazing, experience. I made very close friends there, among other clerks and court personnel. I learned more than I ever have in any other single year. And I came away with boundless respect and, yes, affection for Justice White. ... He was truly brilliant, and I am honored to have worked with him."

140. To date, a total of eight alumni have been selected to serve



- the nation's highest court as a judicial clerk. They are: Benna R. Solomon for Justice Byron R. White in 1980; Glen M. Darbyshire for Justice Thurgood Marshall in 1985; Bruce P. Brown for Chief Justice Warren E. Burger in 1986; Anne Proffitt Dupre for Justice Harry A. Blackmun in 1989; John H. Longwell for Justice Stephen G. Breyer in 2005; Adam M. Conrad for Justice Clarence Thomas in 2006; Jason T. Burnette for Chief Justice John G. Roberts Jr. in 2007; and Merritt E. McAlister for Justice John Paul Stevens in 2009.
- 141.** Ten Georgia Law graduates have served as the chief executive of the state of Georgia. They are: William Y. Atkinson (1894-98), Thomas W. Hardwick (1921-23), Richard B. Russell Jr. (1931-33), Eugene Talmadge (1933-37 and 1941-43), Ellis G. Arnall (1943-47), Herman E. Talmadge (1947 and 1948-55), S. Ernest Vandiver Jr. (1959-63), Carl E. Sanders (1963-67), George D. Busbee (1975-83) and Roy E. Barnes (1999-2003).
- 142.** Seventeen alumni have served as members of Georgia's Supreme Court. They are: Andrew J. Cobb (1897-1907), Marcus W. Beck (1903-37), Richard B. Russell (chief justice 1923-38), W. Franklin Jenkins (1937-48, chief justice 1946-48), William Y. Atkinson (1943-53), Thomas S. Candler (1945-66), Hiriam K. Undercofler (1967-80 and 1980-81), William B. Gunter (1972-77), Robert H. Jordan (1972-80, chief justice 1980-82), Jesse G. Bowles (1977-81), Thomas O. Marshall Jr. (1977-86, chief justice 1986-89), Harold G. Clarke (1979-89, chief justice 1990-92 and 1992-94), George T. Smith (1981-91), Robert Benham (1990-95 and 2001-present, chief justice 1995-2001), Norman S. Fletcher (1990-2001, chief justice 2001-05), George H. Carley (1993-present) and Harold D. Melton (2005-present).
- 143.** The Class of 2009 obtained employment in 13 different states with an average starting salary of \$108,195. Approximately 26 obtained judicial clerkships.
- 144.** Georgia Law graduates are employed in 47 states including Washington, D.C., as well as in more than 55 countries.
- 145.** The first issue of the *Advocate* was published during 1965 under the title *Law Lore* by law students. In 1973, the responsibility for the publication of the magazine, which had become more targeted to alumni, was shifted to a member of the law school's administrative staff.
- 146.** *News @ Georgia Law*, the school's quarterly alumni e-newsletter, was launched during 2008.
- 147.** The first Distinguished Service Scroll Awards, which recognize dedication and service to the law school and the legal profession, were presented by the Law School Association in 1955 to Frank D. Foley and Hatton Lovejoy.
- 148.** The Law School Association, which seeks to foster permanent affiliation and fellowship among all Georgia Law graduates, was established in 1951.
- 149.** The Board of Visitors, which currently serves as a consultative and advisory body for the law school, was established during 1964.
- 150.** The first grants from a loan repayment assistance program for Georgia Law graduates working in public interest positions, to later be named in honor of Ann Bryan Downs (the mother of alumnus and Adjunct Professor Bertis E. Downs IV), were awarded during 1997.

SOURCES: *A Unique and Fortuitous Combination: An Administrative History of the University of Georgia School of Law*; The School of Law supplement to the *Georgia Alumni Record*, May 1939; and other law school reports and documents.

Images 10, 63 and 69 supplied courtesy of Hargrett Rare Book and Manuscript Library/University of Georgia Libraries.



Conference explores ethical challenges associated with controversial or high-profile cases



Former U.S. Attorney General Ramsey Clark (left) and former U.S. Attorney for the District of New Mexico David Iglesias served as the keynote speakers for the 10th Annual Legal Ethics & Professionalism Symposium in Athens. The hosting of this annual symposium rotates between the state's law schools each year.

What are some of the practical challenges and ethical concerns when taking on a controversial case? How far should a lawyer be permitted to go in zealously representing a client? When the representation of a client conflicts with the public good, what should or must a lawyer do? These questions and more were explored during the 10th Annual Legal Ethics & Professionalism Symposium hosted by Georgia Law in October.

Titled Drawing the Ethical Line: Controversial Cases, Zealous Advocacy and the Public Good, the daylong symposium featured an array of notable practitioners and academics who examined the difficult ethical issues encountered by attorneys when defending and prosecuting controversial or high-profile cases.

Contributing their personal experiences to the day's analysis were keynote speakers former U.S. Attorney General W. Ramsey Clark and former U.S. Attorney for the District of New Mexico David C. Iglesias.

In his address, "From Attorney General to Attorney for the Condemned," Clark shared general lessons he learned throughout his time as a lawyer as well as from handling a variety of infamous cases.

"Ethics tends to deal with something that applies to everything—you shouldn't steal, you shouldn't betray people, but to me, legal ethics has a broader meaning," Clark said. "Lawyers have an ethical or moral obligation ... to always act to protect, serve and advance the rule of law.

"Our burden is trying to help shape the law to meet the needs of a constantly changing society, in which many have few rights or privileges. ... There is only one reason to be here, and that is to make a difference," Clark added.

He said one of the differences he strove to make during his career was in the U.S. prison system.

"... There is only one reason to be here, and that is to make a difference."

- Former U.S. Attorney General Ramsey Clark

"More crime came out of prisons than went in, more potential to harm other people came out than went in. If the rule of law doesn't address things like that, who is going to address it?"

Iglesias added to Clark's examination of the rule of law by discussing what can happen when politics gets involved.

"It became abundantly clear that the oath I took [as a U.S. attorney] was to the Constitution. It wasn't to my party, it wasn't to my senator, it wasn't to a specific ideology, but it was to the rule of law," Iglesias said in his presentation titled "A Prosecutor's Non-negotiables: Independence and Integrity."

"I believe that U.S. attorneys are the only appointees that can take away your life, your liberty and your property, and do it completely legally. It's a tremendously serious job, and politics have to stay out of it."

Iglesias said that was why it came as such a shock when on Dec. 7, 2006, he received a phone call from the director of the Executive Office for U.S. Attorneys saying it was time for him to "move on."

During his tenure, Iglesias had received two positive evaluations of his office and was unaware of any current problems. When he asked for a reason to explain the directive, Iglesias said the response was, "All I know is it came from on high." Six other U.S. attorneys received similar phone calls that day.

"I went from having one of the proudest days of my life being sworn in as a United States attorney to, five-and-a-half short years later, swearing to take an oath in front of the United States Senate and the United States House, joined with some of my colleagues, who were there to tell the American public what had happened.

"Justice Jackson said ... 'While the prosecutor at his best is one of the most beneficent forces in our society, when he acts from malice or other base motive, he is one of the worst.' I believe the sad saga of the U.S. attorney firings represents some of those base motives."

In summary of the day's proceedings, symposium organizer and School of Law Professor Lonnie T. Brown Jr. said, "This event explored some of the thorniest and most troubling ethical issues that members of the legal profession can face. The reflections and insights offered by the distinguished participants exposed the many issues that can arise in controversial representations and demonstrated the necessity for very thoughtful drawing of the proverbial ethical line in this context."

Clark's and Iglesias' individual addresses are available for viewing at www.law.uga.edu/lecture-series.



Cleland speaks at public interest weekend



Former U.S. Sen. Max Cleland presented “We are Public Interest” as the keynote speaker for the 25th Annual Equal Justice Foundation Auction and the 5th Annual Working in the Public Interest Law Conference. This is the second time the two groups hosted a combined event, the first of which received the UGA 2009 H. Gordon and Francis S. Davis S.O.A.R. Award for Outstanding Campus Event.

The 25th Annual Equal Justice Foundation Auction and the 5th Annual Working in the Public Interest Law Conference joined forces again this spring to host two days dedicated to the field of public interest at the law school.

The event included a keynote address by former U.S. Sen. J. Maxwell “Max” Cleland, an auction to raise money for stu-

dents working in public interest positions and a variety of round-table and panel discussions exploring public interest issues.

“The vehicle of law is one of many tools available to combat social injustice,” third-year law student and conference co-organizer Stinson W. Ferguson said. “Our goal was to raise awareness while supporting and equipping those trying to make a difference. I believe we accomplished that and more.”

In his presentation titled “We are Public Interest,” Cleland stressed the importance of being a public servant. He also discussed

the pressure on politicians, legislators and lawyers to please their constituencies while still working for the benefit of the public as a whole.

Notable academics and practitioners from across the country also weighed in on topics such as: human sex trafficking; issues facing former inmates struggling to reintegrate into society; the disproportionate impact of pollution in minority and impoverished communities; the pipeline carrying children from foster care to juvenile delinquency; hate crimes directed at members of the lesbian, gay, bisexual and transgendered community; the role of treatment-based programs within the judiciary such as drug courts; and balancing the competing interests of our nation and immigrants.

In support of students working to right these and other social grievances, EJF hosted their annual auction during the conference, raising more than \$30,000 – a record high. These proceeds help fund EJF’s summer fellowships, which give monetary aid to Georgia Law students in public interest positions.

The weekend also celebrated those who have made outstanding contributions to the public interest arena with the presentation of three awards. The Milner S. Ball Working in the Public Interest Lifetime Achievement Award went to John W. Whitehead, founder and president of The Rutherford Institute, while the EJF Annual Practitioner Award was presented to H. Bradford Morris Jr., a public defender for the Northeastern Judicial Circuit. Nikki D. Thanos, a third-year law student at Loyola University at New Orleans, was also honored for her contributions with the Working in the Public Interest Student Achievement Award.

Morehead appointed senior vice president for academic affairs and provost at UGA



Alumnus Jere W. Morehead (J.D.'80) officially began his service as the new senior vice president for academic affairs and provost at UGA on Jan. 1 of this year. He was chosen from among four finalists identified in a national search to fill the second-highest position in the university’s administration.

Morehead succeeded Arnett C. Mace Jr., who retired after 18 years of service to UGA, with seven of those years as provost.

“After reviewing all of their résumés and considering carefully these matters for 10 days or so, I became convinced that the person most capable of leading the academic mission of the University of Georgia for the next several years was already here in our vice president for instruction, Jere Morehead,” UGA President Michael F. Adams said in making the announcement.

As the chief academic officer of the university, the senior vice president for academic affairs and provost oversees instruction, research,

student affairs, and public service and outreach.

Since joining the UGA faculty in 1986, Morehead has held several leadership positions. He served as acting executive director for the Office of Legal Affairs from 1998 to 1999, as associate provost and director of the Honors Program from 1999 to 2004 and as vice provost for academic affairs from 2004 to 2006. In 2007, he was named vice president for instruction, after serving on an interim basis.

Additionally, Morehead co-chaired the university’s 1996-97 President’s Task Force on the Quality of the Undergraduate Experience and the 2004-05 Task Force on General Education and Student Learning.

Before joining the UGA faculty, he served as an assistant U.S. attorney with the Department of Justice for six years.

“I appreciate the opportunity to serve the university as its next provost,” Morehead said. “In everything I do in this position, I will attempt to maximize our academic resources to benefit this university, the state of Georgia, and those we serve around the world.”

Martin becomes first alumna to be tapped for service on appellate court



When Beverly B. Martin (J.D.'81) was confirmed 97-0 by the U.S. Senate in January to serve as the newest member of the U.S. Court of Appeals for the 11th Circuit, she also had the honor of becoming the first Georgia Law female graduate to hold a judicial position on a U.S. appellate court.

President Barack Obama nominated Martin for the post last year after Senior Judge R. Lanier Anderson III announced his retirement. At the time of her selection, Martin was serving as a U.S. District Court judge in Atlanta.

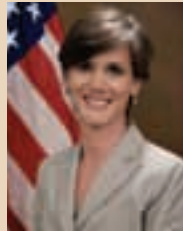
Born and raised in Macon, Ga., Martin is a fourth-generation attorney. She began her legal career during 1981 working at a firm founded by her great-grandfather, now known as Martin Snow.

Three years later, Martin moved to Atlanta to work for the State Attorney General's Office as an assistant attorney general. In 1994, she became an assistant U.S. attorney, and ultimately the U.S. attorney for the Middle District of Georgia. In 2000, she was appointed by President Bill Clinton to the U.S. District Court for the Northern District of Georgia, where she served for a decade before joining the U.S. Court of Appeals.

During the administration of her public oath of office held in March, former district court colleague Chief Judge Julie E. Carnes (J.D.'75) praised Martin's work ethic saying no matter what odd hour she came to the courthouse, Martin's car was there.

In her comments, Martin promised to continue to uphold that standard. "You won't hear from me much anymore, except when I write. I'm going to give it all I've got," she vowed, "and I'm going to try as hard as I can."

Yates named first female U.S. attorney for the Northern District of Georgia



The U.S. Senate recently confirmed the first female U.S. attorney for the Northern District of Georgia, Sally Quillian Yates (J.D.'86).

Yates joined the U.S. Attorney's Office in Atlanta as an assistant U.S. attorney in 1989. She served as chief of the Public Corruption and Government Fraud Section from 1994 to 2002 and was then named the first assistant U.S. attorney, where she was responsible for overseeing approximately 86 attorneys and all of the office's

criminal and civil cases.

Previously, Yates worked for three years as an associate in the commercial litigation area at King & Spalding.

Tarver sworn in as first African-American U.S. attorney for the Southern District of Georgia



This past November, Edward J. Tarver (J.D.'91) was sworn in as the U.S. attorney for the Southern District of Georgia and became the first African-American to ever fill the post.

Tarver entered the U.S. Army in 1982 and served for seven years as a field artillery officer, attaining the rank of captain before entering law school. After earning his Juris Doctor, Tarver served as a judicial clerk for Chief Judge Dudley H. Bowen Jr. (LL.B.'65) of the U.S. District Court for the Southern District of Georgia.

He then joined what is now known as Hull Barrett as an associate in 1992 and became a partner in 1999. In 2005, Tarver was elected to the Georgia General Assembly as a senator for Senate District 22. He was re-elected in 2006 and 2008.

President of India presents award to Rusk Center



The Dean Rusk Center was honored in India this past fall for its work in the area of international legal education and outreach with an International Jurists Award. The accolade was presented to Rusk Center Director C. Donald Johnson (J.D.'73) (left) during the International Conference of Jurists in New Delhi, India, by the President of India Pratibha Devisingh Patil (center), the Indian Minister for Law and Justice M. Veerappa Moily (right) and the Chief Justice of the Supreme Court of India K.G. Balakrishnan (not shown). While in India, Johnson also met with Balakrishnan, Moily and officials from the Indian Law Institute to discuss future collaboration on international legal education.

Supreme Court journalist speaks about women in the law



Women play an important part on the U.S. Supreme Court, but exactly how they do it is open to interpretation, according to Dahlia Lithwick, a Supreme Court journalist for *Slate* magazine.

As the 28th Edith House Lecturer, Lithwick delivered a talk titled “Wise Women? What Women Bring to the Bench and How to Talk About It Like Gentlemen” and examined some recent occurrences involving the Supreme Court that explored the nebulous role gender plays on the nation’s highest court. The biggest event was the appointment and confirmation of Justice Sonia Sotomayor and the controversy it spawned.

“An entire career, a really interesting career, was boiled down to three words – wise, Latina woman,” Lithwick said. “I just want to be clear that, while I think it wasn’t the smartest word choice, if you look at the

context ... what she was saying is not that different from what I’m about to say, which is – look at the data. Does it show that women judge differently than men? What the data shows, believe or not, is that women judge differently,” she added. “And we can do with that what we want. We can explain it away or we can do what Sotomayor said and try to find out why women judge differently.

“But before we get into it, I just want to tell you that the most interesting thing for me is that no two people were more different than [former justices] Sandra Day O’Connor and Ruth Bader Ginsberg. So it is a terrible mistake to say that all women judges do x, because they don’t. They don’t all approach cases the same way, and they don’t think or write the same. That’s why I think it was bad to go back down to one woman on the court. When there were two, you could see that gender actually makes very little difference on the court. It just shows that we have two very different women on the court.”

As a journalist who’s written for *Elle*, *The New Republic*, *Newsweek*, *The New York Times*, *The Washington Post* and CNN.com, Lithwick had despairing words about the media’s role in driving the conversation about judges and the court. But looking ahead, she said the media circus around justice confirmations may be ending.

“I think that the America in which we care deeply about a wise, Latina woman is

ending. I really believe that we’re not going to be talking about this for much longer,” she said.

“This is a very impoverished dialogue about race and gender on the bench, but most of us aren’t having it.

“Most of us are working and living and know we don’t hate men and that judges aren’t just umpires. And we know that this is just a conversation we have every couple of years that boils everything down to demographics,” she added.

“As disheartening as some of these remarks have been, I think we’re headed in a tremendous direction – and as exciting as it is to have two women on the Supreme Court, imagine when there are three.”

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 to graduate women.

- MATT WEEKS, UGA COLUMNS SENIOR REPORTER

Watch Lithwick’s lecture online at www.law.uga.edu/lecture-series.



Georgia Law recognized for best value, superior law library and federal clerkship success

The *National Jurist* magazine included Georgia Law in its listing of “Best Value Law Schools” and named the Alexander Campbell King Law Library as one of the top law libraries in the nation.

In determining which schools were a “best value,” the magazine compared each institution’s tuition figures, employment statistics and state bar passage rates. The ranking placed the law school 16th in the nation, speaking to the quality of the education as well as the excellent return on investment provided by Georgia Law.

The magazine also placed Georgia Law’s library in the 26th slot out of nearly 200 libraries for its comfort, accessibility, convenience and availability of the latest technological tools.

Additionally, in a report compiled by *U.S. News & World Report* regarding which law schools are sending the largest proportions of their graduates on to judicial clerkships for federal judges, Georgia Law was listed as 10th best in the country (based on the Class of 2008 statistics).

The weight of the law on public officials' decision making



In Georgia Law's 105th Sibley Lecture, University of Virginia's Harrison Distinguished Professor of Law Frederick Schauer explored the question "When and how (if at all) does law constrain official action?"

Schauer suggested that officials comply with the legal system far less than we think. According to him, although Americans claim to live in a country where decisions are highly influenced by the law and courts, the reality may be quite different.

"Across the political spectrum, officials and public figures are politically and reputationally rewarded for doing the right thing even if it violates the law and punished for doing the wrong thing even when the law commands it," he said.

This idea of philosophical anarchism implies individuals should act on what they believe to be the best moral decision, regardless of illegality.

"Do the right thing, but when you have reached a conclusion about what this is, don't

"There is a calling that is higher than the calling of the law. It is the calling of justice."

depart from this view just because the law tells you to," he said.

Schauer referenced the actions of Roger Toussaint, head of the Transport Workers Union Local 100, who led his workers on strike in support of an ideal even though the strike was in violation of the law. At the time, individuals who were in favor of the strike were unfazed by its illegality.

In spite of potential repercussions, Toussaint said, "There is a calling that is higher than the calling of the law. It is the calling of justice."

In contrast, Socrates' belief system led the philosopher to refuse escape from punishment for a crime he did not commit because he believed he had a moral obligation to the law – even when he thought the law had made the wrong decision.

"To obey the law is to do what the law says, just because the law says it – not because it is necessarily right, not because it is what you would do anyway," Schauer said.

He described an event in 1957 in which President Dwight D. Eisenhower sent troops into Little Rock, Ark., to enforce the ruling in *Brown v. Board of Education*.

At the time, Eisenhower did not agree with the outcome of this case, yet he still

took actions to uphold it.

"Law is interesting and important from the perspective of the subject when it tells the subject to do something different from what he or she would otherwise have done," Schauer said.

Taking into consideration all arguments, Schauer reached the following hypothesis, "If, as an official, you take an action that turns out to be popularly accepted, no one will care that you have broken the law. If you take an action that turns out worse than you expected, the fact that it is unpopular and illegal will be worse than if it is just unpopular."

In addition to teaching courses at the University of Virginia, Schauer is the author of more than 200 articles appearing in legal and philosophic journals, and of books on freedom of speech and press, constitutional law and theory, evidence, legal reasoning and the philosophy of law. He is also a founding co-editor of the journal *Legal Theory*.

– CHRISTINA GRAFF

Watch Schauer's and Eskridge's lectures online at www.law.uga.edu/lecture-series.

Stay connected through RSS feeds



Stay up-to-date on news and events at Georgia Law by subscribing to one or both of the school's RSS feeds. The news feed features announcements from the Top News, In the News and Faculty Highlights sections of the Web site, while the events feed syncs with the law school's online calendar. Both can be found at www.law.uga.edu/news-events.

"Clarence Darrow's Search for Justice"



Last fall, Georgia Law hosted theatrical performances by award-winning actor Gary Anderson, who did a one-man portrayal of social justice attorney Clarence Darrow. As part of a national tour, Anderson brought to life the legendary lawyer who fought against the death penalty, social injustice, racism, conspiracy laws and civil liberties violations. He also explored a variety of issues surrounding Darrow's cases such as killing in self defense, legal ethics, creationism versus Darwinism, the credibility of witnesses and the freedom of speech.

Religion plays key role in social change



Exploring the question of whether equal rights for gay individuals should give way to liberties for religious people, William Eskridge Jr., Garver Professor of Jurisprudence at Yale Law School, delivered the 106th Sibley Lecture.

In his presentation titled “Noah’s Curse and Paul’s Admonition: Civil Rights, Religious Liberty, Gay Equality,” he examined connections between this query and one that was raised decades ago – should equal rights for people of color give way to the liberties of religious people?

Eskridge described the recent argument from religious groups that promoting homosexuality undermines God’s order, making the job of religious parents harder and leading to censorship of religious identity. These groups also argue that anti-discrimination laws force religious people to live among

homosexuals, who they consider “pollutions,” he added.

“Clashes between equality and liberty are not new,” Eskridge said. “They have parallels [with] race relations a generation ago.” According to the Yale scholar, there were many who believed racial integration should not be allowed because, similarly, it undermined God’s order and forced association.

The viewpoints of religions such as Judaism, Mormonism and Protestantism were discussed by Eskridge in regard to the rights of these minority groups. He quoted several distinct biblical passages from the Old and New Testaments that have been used to both defend and denounce slavery and homosexuality, proving that throughout the years religious groups have wavered on these controversial issues.

Church leaders at one point used scripture to protect their right to slaves, Eskridge said, yet later provided different passages when it was decided slavery was no longer socially acceptable. Similarly, he said religions have changed their point of view on homosexuality, though those in favor of gay marriage are still in the minority.

He added that “cultural norms will be translated into religious doctrine. As cultural norms change, religious doctrine will also change.

“Part of the power of the civil rights movement is that it had religion on both sides of the debate,” Eskridge said. “Social change and legal reforms, in my opinion, don’t stick until at least some major religious institutions abandon their opposition.”

Eskridge explained that the ultimate lesson learned from historical social reform is that there is a mutually constitutive relationship between church and state. For this reason, he believes religion should not be removed from gay marriage deliberation.

Accordingly, the courts should not create “door-closing rules” that would cause debate over this issue to end. “The Supreme Court will not, and should not, intervene and strike down marriage exclusions all over America. The discussion is not over,” he said, “and one of the barometers of the discussion is religion.”

Eskridge believes that religious leaders, even those of open and tolerant religions, are still in the middle of crucial conversations regarding discrimination issues and that these conversations must be able to continue.

“An important forum for gay rights is within religion and not just within cultural discourse and state discourse,” Eskridge said. “Religion can be both the repository of prejudices as well as an instrument for redemption.”

— CHRISTINA GRAFF

Established in 1964 by the Charles Loridans Foundation of Atlanta, the Sibley Lecture Series honors the late John A. Sibley, a 1911 graduate of the School of Law. The series hosts renowned legal academics known throughout the country for their exceptional scholarship.



Georgia Law revamps its Web site

The School of Law recently completed an extensive Web site redesign. With increased visual impact, new interactive features and a greater focus on marketing and student recruitment, the site is a great resource. One of the central features is a portal for prospective students, which customizes the information displayed based on the student’s interests. There is also a virtual tour as well as videos highlighting some of the law school’s many strengths. If you have not already done so, please take a second to explore the new site by visiting www.law.uga.edu.

11th service learning opportunity created at Georgia Law

Students at Georgia Law can now explore the practice of law from the perspective of an in-house counsel through the school's newest service learning offering, the Corporate Counsel Externship.

This course is designed to benefit not only students interested in an in-house career but also those who will work in law firms and deal with in-house counsels as their primary client contacts.

Those enrolled in the externship are placed with a corporate legal department to gain hands-on experience.

They also attend a weekly seminar to further develop skill sets such as interviewing, counseling, negotiation, legal analysis, problem solving and drafting.

Off-site organizations participating in the program include: Acuity Brands, Aflac, the American Cancer Society, AT&T Advertising Solutions, the Asbury Automotive Group, Atlanta Public Schools, Cox Communications, Crawford & Company, the Federal Reserve Bank, InterContinental Hotels Group, St. Mary's Hospital and Yahoo!, among others.

The course was created in conjunction with Georgia Law's recently formalized Business Law and Ethics Program.

It is headed by former National Service Industries President Carol E. Morgan (J.D.'79).

The purpose of this program is to ensure law students are prepared to advise business clients in a dynamic and global economy.

In addition to learning about the complex laws and regulations affecting business organizations, students participating in the Business Law and Ethics Program gain an understanding of business practices and principles as well as ethical issues confronting today's corporate leaders.



Annual Red Clay Conference explores tri-state water dispute

The ongoing dispute between Alabama, Florida and Georgia over water allocation from the Chattahoochee River was examined at the 22nd Annual Red Clay Conference.

Topics included the grass-roots movement by the Apalachicola-Chattahoochee-Flint Stakeholders to reach an agreement, an assessment of Atlanta's role in the dispute, an outlook on the environment in 50 years should no compromise be reached and alternative solutions to the conflict.

"The tri-state water dispute impacts our generation and generations to come," conference co-chair and second-year law student Kathleen E. Nelson said. "Because of this, we wanted to create a forum where practitioners, academics and citizens of the Southeast could come together and explore potential solutions."

Suggested resolutions by panelists ranged from using existing water supplies more efficiently and recycling wastewater into drinking water to pursuing a longstanding claim that the border with Tennessee is incorrectly drawn and should be moved north to include the Tennessee River.

Keynote speakers Joseph W. Dellapenna, a professor at the Villanova University School of Law, and J. Rutherford Seydel II, a partner at Davis, Pickren & Seydel, also examined the issues in their respective presentations titled "The Tri-State Water Dispute: Is There a Way Forward?" and "Are We Tapped Out Yet? Think Globally, Act Locally."

Other participants included representatives from the Tri Rivers Waterway Development Association, the Lake Lanier Association and Apalachicola Riverkeeper; attorneys specializing in a variety of environmental law areas; and environmental policy, renewable energy and water resource scholars.

"By taking so many different views into account, this conference provided a full examination of the tri-state water allocation dispute and hopefully laid the groundwork for forward progress in this critical area of sustainability," Nelson said.

The Red Clay Conference is entirely student organized by members of Georgia Law's Environmental Law Association. It was established to increase public awareness of environmental issues through a series of educational presentations and open forum discussions. ELA's mission is to advance sound environmental policy, encourage discussion and raise awareness among attorneys and lawmakers here in Georgia and throughout the Southeast.

Human rights perspective adds value to climate change discussion



Leading scholars and practitioners in the fields of international human rights, climate change and philosophy came to Athens this spring to address the further incorporation of a human rights perspective

into talks about climate change.

The goal of the International Human Rights and Climate Change Conference was to advance this discussion and provide policymakers with the necessary tools to make more informed decisions.

The three fundamental issues identified by Associate Dean and Woodruff Chair in International Law Daniel M. Bodansky, a conference moderator, were: “How would we analyze climate change from a human rights perspective?” “What does a human rights perspective add?” and “What are the limits or problems – the costs to analyzing climate change from a human rights perspective?”

During one of the panel sessions, Wake Forest University Professor of Law John H. Knox noted that the United Nations found that climate change has serious implications for human rights, but that it does not necessarily violate human rights.

Nonetheless, according to Knox, there are obligations on the part of states to respond to these implications to human rights. This is particularly important when “climate change is expected to cause

millions of people to leave their homes in coming decades,” Knox added.

The Environmental Protection Agency’s Elizabeth O’Sullivan later expanded on this saying that environmental degradation will have a disproportionately large impact on poor and vulnerable populations through drought, heat, flooding and other environmental catastrophes.

“No people should bear a disproportionate share of negative environmental consequences,” O’Sullivan said.

Also weighing in on the debate was Yale University Leitner Professor of Philosophy and International Affairs Thomas Pogge. His keynote address focused on the interrelation between poverty, overpopulation and climate change.

Pogge said that, unfortunately, inequality has been on the rise, even in developed countries.

A solution he proposed was structural reform of the reward system for innovation, i.e., patents that “offer [inventors] an alternative reward that is conditioned on the ecological impact – the ecological benefit – of the invention.”

Despite having elicited a number of novel ideas during the day-long conference, the question of whether a human rights perspective will be incorporated into the climate change discussion remains uncertain.

Several panelists noted that while a human rights perspective may not be the perfect answer to an approach to climate change, it offers several benefits that other approaches lack.

- CHRISTOPHER BLAKE McDANIEL, THIRD-YEAR LAW STUDENT AND GJICL EXECUTIVE CONFERENCE EDITOR

Gaps in nuclear security addressed

International experts convened in Vienna, Austria, in January to discuss ways to reduce the risk of nuclear terrorism and to ensure the security of nuclear materials and facilities worldwide.

Co-sponsored by the Dean Rusk Center and UGA’s Center for International Trade and Security, the workshop was designed to address current gaps and inconsistencies in nuclear security and to yield specific recommendations for improvement. More than 100 international experts in the fields of nuclear law, antiterrorism and nuclear security participated.

The proposed changes from the symposium focused on critical areas in the existing international legal framework designed

to strengthen nuclear security and combat nuclear terrorism. For instance, there was agreement on the need for the accelerated ratification of the 2005 Amendment to the Convention on Physical Protection of Nuclear Material, which would create a legally binding international standard for securing and transporting nuclear materials and safeguarding nuclear facilities.

This and other recommendations were submitted at a three-day meeting held in The Hague in preparation for April’s Nuclear Security Summit in Washington, D.C.

“Although elimination of nuclear weapons and materials for their development remains a long-term goal, ensuring the security of nuclear materials and facilities remains

the only means we have for now to prevent a possible nuclear catastrophe,” CITS Interim Director Igor Khripunov said.

The workshop also spurred a follow-up event held on the UGA campus during March titled April 2010 Nuclear Security Summit: Expectations and Realities. This latter symposium focused on the role of the United Nations Security Council Resolution 1540 in providing an umbrella mechanism for further developing a legal framework designed to reduce the risk of nuclear terrorism and strengthen overall nuclear security. The current role of the International Atomic Energy Agency, as well as proposals to expand and further support the organization’s mandate and resources, was also discussed.



As a guest lecturer for the Dean Rusk Center, Dr. Han S. Park, director of the UGA Center for the Study of Global Issues, discussed the importance of conflict mediation and the role he played in the highly publicized release of two U.S. journalists from North Korea last August.

Park kicks off year of notable speakers

Each year, the Dean Rusk Center hosts distinguished guest lecturers that offer new insights on a plethora of international issues.

Among this year's speakers was Dr. Han S. Park, director of the UGA Center for the Study of Global Issues, who shared his experience as a key negotiator during a showdown with the North Korean government last year over the detainment of two U.S. journalists.

"The management of conflict is what politics is all about," Park explained.

However, according to Park, today's global conflicts are unprecedented in the sense that "if we fail, we may be doomed." He said this seriousness is due to the proliferation of weapons of mass destruction and the dehumanization of killing as well as a lack of world order.

"Today's world is a world where there is no hierarchy of nations," Park said. "Small nations are not accepting their secondary

status anymore. They are not submitting themselves to larger military or economic powers."

As a result, he feels that mediation has become imperative.

Park elaborated that North Korea is a prime example of what he considers to be "an environment requiring the intervention of mediation." That is why he got involved when American journalists Laura Ling and Euna Lee were captured and charged with crossing the North Korean border illegally and committing "hostile" acts such as interviewing and filming North Korean defectors.

As a mediator, Park advised the North Korean government and helped discover what it would take for them to release the journalists – an apology from the United States for referring to the charges as "baseless" and a request for amnesty. The reporters were eventually allowed to return to America last August, after 140 days of captivity.

The Rusk Center also hosted former Solicitor General of Hong Kong Daniel R. Fung, University of Utah Professor of Law Amos N. Guiora, Assistant Surgeon General and Acting Deputy Director of the National Center for Emerging and Zoonotic Infectious Diseases at the Centers for Disease Control and Prevention Ali S. Khan, and Bournemouth University Professor of Information Jurisprudence and Director of the Centre for Intellectual Property Policy & Management Martin Kretschmer.

An expert on U.S.-China relations, Fung discussed how the global financial crisis has

affected the two countries' political and economic partnership in his lecture titled "The Post-Financial Crisis World Order: *Sino-American Relations in an Age of Economic Turmoil*."

"Morality in Armed Conflict: *Dilemma of the Decision Maker in Operational Counterterrorism*" was presented by Guiora. In addressing the dilemmas of a military commander in operational decisions, he explored the ethical, legal and political aspects of counterterrorism and international law issues.

The intersection between global public health and international law was the focus of Dr. Khan's discussion titled "A One Health Strategy for Global Health Security." Khan explained how public health law plays a critical role in confronting infectious disease threats through quarantine laws, the declaration of public health emergencies and International Health Regulations.

Renowned intellectual property law expert Kretschmer gave two lectures during his visit to the Rusk Center. One focused on his groundbreaking work in artist compensation in the European Union as well as the contractual structures that drive creative industries. The second explored his research on the international franchising of television formats such as "American Idol."

To learn more about these speakers or to listen to their presentations online, please visit www.law.uga.edu/lectures

IJTP expands to the Middle East

The Dean Rusk Center's International Judicial Training Program has partnered with the Dubai Judicial Institute to train judges, lawyers and court officials from the Middle East.

Co-sponsored by the Institute for Continuing Judicial Education in Georgia, this is the first time the IJTP has traveled outside of the United States to conduct on-site instruction. According to Rusk Center Director C. Donald Johnson (J.D.'73), the timing could not be better.

"Despite the current recession, Dubai remains the center of international finance in the Middle East," Johnson said. "The judges there use a unique blend of Sharia and civil law and are trying to mold it to better fit Dubai's expanding international trade and

financial industries. They are also trying to acquire a variety of best practices from the common law system, which is where we come in."

The IJTP held three days of training in November for 30 members of the United Arab Emirates and the Bahrain judiciary. The main focus was case management.

Session leaders included then-Chief Judge Doris L. Downs (J.D.'81) of the Atlanta Judicial Circuit and Judge David T. Emerson (J.D.'76) of the Douglas Judicial Circuit.

"The IJTP is planning on returning to Dubai this fall with an expanded program," Johnson said. "Our hope is that eventually judicial members from the entire Middle East will participate."

Faculty Notes

The following will summarize the scholarly productivity of Georgia Law's distinguished faculty during the calendar year 2009 and year-to-date 2010.

Peter A. Appel

"Wilderness and the Courts" in 30 *Stanford Environmental Law Journal* 62 (2010); and "Sustainable Commerce: Public Health Law and Environmental Law Provide Tools for Industry and Government to Construct Globally-Competitive Green Economies" in 33 *Southern Illinois University Law Journal* 367 (2009) (with Dr. T. Rick Irvin (J.D.'08)).

Milner S. Ball (J.D.'71)

"Why Law, Why Religion? – A Conversation Between a Lawyer and a Theologian" in 24 *Journal of Law and Religion* 367 (2009).

Robert P. Bartlett III

"Commentary" in 51 *Arizona Law Review* 47 (2009); and "Going Private but Staying Public: Reexamining the Effect of Sarbanes-Oxley on Firms' Going-Private Decisions" in 76 *University of Chicago Law Review* 7 (2009).

J. Randy Beck

"Gonzales, Casey and the Viability Rule" in 103 *Northwestern University Law Review* 249 (2009).

Daniel M. Bodansky

"Prologue to a Theory of Non-Treaty Law" in *Looking to the Future: Essays on International Law in Honor of W. Michael Reisman* (M. Arsanjani et al. eds.) (Brill, forthcoming); *The Art and Craft of International Environmental Law* (Harvard University Press, 2010); "Is There an International Environmental Constitution?" in 16 *Indiana Journal of Global Legal Studies* 565 (2009); "The OSPAR Arbitration: Its Contribution to International Law" in *The OSPAR Arbitration* (B. McMahon ed.) (Asser Institute Press, 2009); "Trade and Environment" in *The Oxford Handbook of International Trade Law* (D. Bethlehem et al. eds.) (Oxford University Press, 2009) (with J. Lawrence); *Climate Change: Top 10*

Precepts for U.S. Foreign Policy (Resources for the Future, 2009) (issue brief); and *Measurement, Reporting and Verification in a Post-2012 Climate Agreement* (Pew Center on Global Climate Change, 2009) (with C. Breidenich) (white paper).

Lonnie T. Brown Jr.

"Drawing the Ethical Line: Controversial Cases, Zealous Advocacy and the Public Good: Foreword" in the *Georgia Law Review* (forthcoming); "'May It Please the Camera, ... I Mean the Court' – An Intrajudicial Solution to an Extrajudicial Problem" in *A Century of Legal Ethics: Trial Lawyers and the ABA Canons of Professional Ethics* (L. Fox et al. eds.) (ABA Publishing, 2009) (reprinted from 39 *Georgia Law Review* 83 (2004)); and "Ramsey Clark" in the *Yale Biographical Dictionary of American Law* (R. Newman ed.) (Yale University Press, 2009).

Ronald L. Carlson

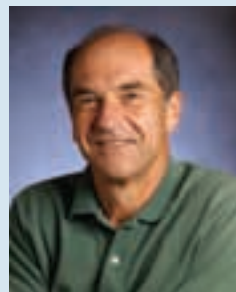
Dynamics of Trial Practice: Problems and

Materials, 4th ed. (West, 2010) (with E. Imwinkelried); *Adjudication of Criminal Justice*, 2d ed. (Thomson/West, 2007) (Supp. 2010) (with D. Brown and S. Crump); *Evidence: Teaching Materials for an Age of Science and Statutes*, 6th ed. (LexisNexis, 2007) (Supp. 2010) (with E. Imwinkelried et al.); *Successful Techniques for Civil Trials* (Lawyers Cooperative Publishing, 2002) (Supp. 2010); and *Trial Handbook for Georgia Lawyers*, 3d ed. (Thomson/West, 2003) (Supp. 2010).

Dan T. Coenen

"The Supreme Court's Municipal Bond Decision and the Market-Participant Exception to the Dormant Commerce Clause" in 70 *Ohio State Law Journal* (forthcoming); "Four Essentials of Good Teaching" in *Chalk Talk, Teaching Tips From the UGA Teaching Academy* (University of Georgia Printing, forthcoming); "Where United Haulers Might Take Us: The Future

Hellerstein recognized for his contributions to the state tax world



Georgia Law Shackelford Distinguished Professor in Taxation Law Walter Hellerstein was named to *State Tax Notes'* "All-Decade State Tax Team." Only 15 individuals nationwide were selected for the list, which honored the "most influential people in the state and local tax world during the last 10 years."

Hellerstein joined the law school faculty in 1978 and became the Shackelford Professor in 1999. He teaches in the areas of state and local taxation, international taxation and federal income taxation.

Widely regarded as the nation's leading academic authority on state and local taxation, his scholarly works include the leading treatise in the state tax field, the leading casebook on state and local taxation and more than 100 articles in professional journals addressing state and local tax issues.

He has practiced extensively in the state tax field and has been involved in numerous state tax cases before the U.S. Supreme Court. He is currently an academic adviser to the Organization for Economic Cooperation and Development's Working Party on Consumption Taxes and participates in their technical advisory groups that are designing guidelines for consumption taxation cross-border trade in services and intangibles.

Hellerstein has received numerous honors for his work throughout his career, including the National Tax Association's 2008 Daniel M. Holland Medal for distinguished lifetime contributions to the study and practice of public finance.

Gabriel awarded grant to research indigent defendants



Georgia Law Criminal Defense Clinic Director Russell C. Gabriel (J.D.'85) was awarded a grant to investigate the financial burden of prosecution on indigent defendants in the criminal justice system even though they are represented by appointed counsel.

The Poverty and the Economy Faculty Research Grant, which is funded by the UGA Research Foundation, is a competitive seed grant program that is part of a campus-wide effort to address poverty in Georgia and explore ways that university teaching, research and service can help all Georgians become full participants in the economy.

Gabriel, in collaboration with UGA School of Social Work faculty members Dr. Larry Nackerud and Dr. Ed Risler, has titled the joint project "Poverty in the Courts: Exploring the Impacts of Financial Burden on Poor and Indigent Defendants." The trio was one of only five teams from the university chosen to receive support for their research.

Gabriel joined Georgia Law's Legal Aid and Defender Clinic as a staff attorney in 1988 and was promoted to associate director in 1991. In 1993, he went to work for the Federal Defender Program in Atlanta as an assistant federal defender. Three years later, he returned to UGA as the director of the Legal Aid and Defender Clinic, which is now the Criminal Defense Clinic.

In addition to overseeing the clinic, Gabriel also teaches courses on criminal procedure, race and the law, approaches to lawyering and capital punishment.

of the State-Self-Promotion Exception to the Dormant Commerce Clause Rule" in 95 *Iowa Law Review* 541 (2010); and "The Pros and Cons of Politically Reversible 'Semisubstantive' Constitutional Rules" in 77 *Fordham Law Review* 2835 (2009).

Harlan G. Cohen

"Undead' Wartime Cases: Stare Decisis and the Lessons of History" in 84 *Tulane Law Review* 957 (2010); "Can International Law Work? A Constructivist Expansion" in 27 *Berkeley Journal of International Law* 636 (2009); and "Historical American Perspectives on International Law" in 15 *ILSA Journal of International & Comparative Law* 485 (2009).

Alan A. Cook (J.D.'84)

"Criminal Law" and "Evidence" in the *Domestic Violence Benchbook, A Guide to Civil and Criminal Proceedings*, 4th ed. (Council of Superior Court Judges, 2009) (co-authored).

Julian A. Cook III

Inside Criminal Procedure I ("Inside" Series) (Aspen Publishers, forthcoming); and *Inside Criminal Procedure II* ("Inside" Series) (Aspen Publishers, forthcoming).

James M. Donovan

"Back Away from the Survey Monkey: Optimize Research Results with an Honest Assessment of Methodology" in 14(2) *AALL Spectrum* 20 (2009); and "Libraries as

Doppelgängers: A Meditation on Collection Development" in 34(3/4) *Southeastern Law Librarian* 4 (2009).

Anne Proffitt Dupre (J.D.'88)

Speaking Up: The Unintended Costs of Free Speech in Public Schools (Harvard University Press, 2009); "A Child's Right to Human Dignity: Reforming Anti-Bullying Laws" in 28 *Irish Educational Studies* 333 (2009) (with J. Dayton); "Searching for Guidance in Public School Search and Seizure Law: From T.L.O. to Redding" in 248 *Education Law Reporter* 19 (2009) (with J. Dayton); and "Recommendations for Improving Anti-Bullying Legislation" in *EPEC Policy Papers* (E. Houck ed.) (Educational Policy and Evaluation Center, 2009) (with J. Dayton and A. Horne).

Thomas A. Eaton

Constitutional Torts, 3d ed. (LexisNexis, 2010) (with M. Wells and S. Nahmod); and *Cases and Materials on Workers' Compensation*, 6th ed. (West, 2009) (with J. Little and G. Smith).

Matthew I. Hall

"The Partially Prudential Doctrine of Mootness" in 77 *George Washington Law Review* 562 (2009).

Erica J. Hashimoto

"Resurrecting Autonomy: The Criminal Defendant's Right to Control the Case" in the *Boston University Law Review* (forthcoming).

Paul J. Heald

"Testing the Over- and Under-Exploitation Hypotheses: Bestselling Musical Compositions (1913-32) and Their Use in Cinema (1968-2007)" in 60 *Case Western Reserve Law Review* (forthcoming) (reprinted from 6 *Review of Economic Research on Copyright Issues* 31 (Dec. 2009)); "The Death of Law and Literature" in 33 *The Comparatist* 20 (2009); "Transaction Costs and Patent Reform" in *Patent Reforms: Policy Approaches* (C. Krishna ed.) (ICFAI University Press, 2009) (reprinted from 23 *Santa Clara Computer and High Technology Law Journal* 447 (2007)); and "A Transaction Costs Theory of Patent Law" in *Critical Concepts in Intellectual Property Law: Patents* (J. Miller ed.) (Edward Elgar Publishing, 2009) (reprinted from 66 *Ohio State Law Journal* 473 (2004)).

Walter Hellerstein

"Interjurisdictional Issues in the Design of a VAT" in the *Tax Law Review* (forthcoming) (symposium issue) (with M. Keen); "Consumption Taxation of Cross-Border Trade in Services in an Age of Globalization" in *Globalization and the Impact of Tax on International Investments* (A. Cockfield ed.) (University of Toronto Press, forthcoming); revision of *State Taxation*, 3d ed. (Warren Gorham & Lamont, 2010) (with J. Swain) (Supps. 2010 & 2009); "A Primer on State Tax Nexus: Law, Power, and Policy" in 55

State Tax Notes 555 (2010); “The VAT in the European Union” in 127 *Tax Notes* 461 (2010) (with T. Gillis); *State and Local Taxation: Cases and Materials*, 9th ed. (West, 2009) (with K. Stark et al.); “Classifying State and Local Taxes: Current Controversies” in 54 *State Tax Notes* 35 (2009) (with J. Swain); “Discriminatory State Taxation of Private Activity Bonds After *Davis*” in 123

Tax Notes 447 (2009) (with E. Harper) (also printed in 52 *State Tax Notes* 295 (2009)); “Reflections on Receiving the Dan Holland Award” in 51 *State Tax Notes* 113 (2009); and “Jurisdiction to Impose and Enforce Income and Consumption Taxes: Towards a Uniform Conception of Tax Nexus” in *Value Added Tax and Direct Taxation – Similarities and Differences* (M. Lang & P.

Melz eds.) (International Bureau of Fiscal Documentation, 2009).

Fazal Khan

“The Effect of 9/11 on Public Health Jurisprudence: Legislating from the State of Exception” in the *Harvard Law & Policy Review* (forthcoming); “Preserving Human Potential as Freedom: A Framework for

Law library chief retires



After almost 16 years of service to Georgia Law, Alexander Campbell King Law Library Director and Professor E. Ann Puckett

will retire June 30.

A nationally recognized leader in law library management, Puckett joined the Georgia Law faculty in 1994. In addition to overseeing the law library, computing services and educational technology for the law school, she has also taught Law and Disability.

“This job fulfilled all my hopes,” Puckett said. “All the challenges I’ve met at UGA have been very satisfying. It is a different place now, and I’m proud to have been a part of the transformation.”

One of the most visible changes during Puckett’s tenure was the remodel of the Carl E. Sanders Reading Room.

“It was such a huge undertaking. We had to entirely close all services in that part of the library and move them to the annex,” she explained. “It was a noisy, smelly, disruptive process, but unveiling the spectacularly beautiful result to the world at the rededication was profoundly satisfying.”

Puckett also oversaw the implementation of numerous technological innovations as well as other modifications to improve the overall environment of the library.

“This staff has completed unbelievably complicated and labor intensive projects

in the past 15 years, and it shows,” she said.

A dedicated professor, Puckett added that one of her goals was to instill in her students the importance of being advocates of change.

“I hope my students gained a greater understanding of the importance of integrating people with disabilities into our communities and workplaces,” she said. “I’m so gratified that several of them have gone on to careers in public interest work and have written articles in the area of disability law.”

Puckett’s scholarship includes numerous presentations on library management, legal research methodology, trends in research technology, and law and disability. She has also maintained a national survey of law school computing services staffing. Additionally, she is the author of *Uniform Commercial Code: Confidential Drafts*.

Her impact on the field of library management is evident by her various professional leadership positions such as her service as an executive board member for the American Association of Law Libraries from 1993 to 1996.

Furthermore, in 2009 Puckett was named the recipient of the most prestigious award presented by the AALL, the Marian Gould Gallagher Distinguished Service Award, which is given annually by the association in recognition of outstanding, extended and sustained service to law librarianship and to the organization.

One of the letters nominating Puckett for this honor stated, “Ann’s lengthy career has been a testament to the ideals of

law librarianship. She is an enthusiastic advocate for the profession [and her] extensive knowledge and love of [it] is unparalleled.”

Puckett earned her bachelor’s degree from Eastern Illinois University and her law degree and master’s degree in library science from the University of Illinois at Urbana-Champaign. She served as a law librarian at the University of Kansas, Southern Illinois University and Northwestern University before becoming director of the law library and professor at the South Texas College of Law, where she remained until joining UGA.

“Long before this position opened up, I had described to myself my perfect job,” she said. “Everything came together here.”

Puckett plans to remain in Athens with her husband, Dr. Thomas A. Wilson, and intends to increase her volunteer efforts in the local community.

1987 alumna Carol Watson to lead library

Current Georgia Law Associate Director for Information Technology Carol A. Watson (J.D.’87) will become the new director of the Alexander Campbell King Law Library on July 1. A holder of four degrees and a Georgia Law graduate, Watson has worked at the law library for more than 20 years and has been active in the American Association of Law Libraries, where she was recently elected vice president/president elect of the Southeastern Chapter.

Regulating Epigenetic Harms” in *Health Matrix* (forthcoming); “Towards Achieving Lasting Healthcare Reform: Rethinking the American Social Contract” in 19 *Annals of Health Law* 73 (2010); and “Paging King Solomon: Towards Allowing Organ Donation From Anencephalic Infants” in 6 *Indiana Health Law Review* 17 (2009) (with B. Lea).

Hillel Y. Levin

“Conflicts Over Same-Sex Relationships and Equality: A New Argument for Same-Sex Marriage (In Some Places)” in the *California Western International Law Journal* (forthcoming); “*Iqbal*, *Twombly*, and the Lessons of the *Celotex* Trilogy” in 14 *Lewis & Clarke Law Review* 143 (2010); “Making the Law: Unpublication in the District Courts” in 53 *Villanova Law Review* 973 (2009); and “The Food Stays in the Kitchen: Everything I Needed to Know About Statutory Interpretation I Learned by the Time I Was Nine” in *Modern Statutory Interpretation* (L. Jellum & D. Hricik eds.) (Carolina Academic Press, 2009) (reprinted from 12 *Green Bag* 337 (2009)).

Julian B. McDonnell

Revision of *Commercial & Consumer Warranties* (Matthew Bender, 2009); and revision of *Secured Transactions Under the Uniform Commercial Code* (Matthew Bender, 2009).

Lisa Milot

“What are We – Laborers, Factories, or Spare Parts? The Tax Treatment of Transfers of Human Body Materials” in 67 *Washington and Lee Law Review* (forthcoming).

James F. Ponsoldt

“Toward the Reaffirmation of the Antitrust Rule of *Per Se* Illegality as a Law of Rules for Horizontal Price Fixing and Territorial Allocation Agreements: A Reflection on the Palmer Case in a Renewed Era of Economic Regulation” in 62 *Southern Methodist University Law Review* 635 (2009).

Lori A. Ringhand

“In Defense of Ideology: A Principled Approach to the Supreme Court Confirmation Process” in 18 *William & Mary Bill of Rights Journal* 131 (2009).

Usha Rodrigues

“Entity and Identity” in the *Emory Law Journal* (forthcoming); “Placebo Ethics: A Study in Securities Disclosure Arbitrage” in 96 *Virginia Law Review* 1 (2010) (with M. Stegemoller); and “From Loyalty to Conflict: Addressing Fiduciary Duty at the Officer Level” in 61 *Florida Law Review* 1 (2009).

Jamie Baker Roskie (J.D. '01)

“Being Smart (Growth) About Justice: Can the Obama Administration Undo Decades of Environmental Injustice Via Smart Growth?” in the *Seattle Journal of Environmental Law & Policy* (forthcoming) (with S. Ferguson and E. Kohl).

Peter B. “Bo” Rutledge

“Decision Sequencing” in 62 *Alabama Law Review* (forthcoming); “Arbitrating Disputes Between Companies and Individuals: Lessons From Abroad” in 65 *Dispute Resolution Journal* 1 (2010) (with A. Howard); “Arbitration Reform: What We Know, What We Need to Know” in 10 *Cardozo Journal of Conflict Resolution* 579 (2009); “The Case Against the Arbitration Fairness Act” in 16 *Dispute Resolution* 4 (2009); “Common Ground in the Arbitration Debate” in 1 *Yearbook on Arbitration and Mediation* 1 (2009); “Introduction: The Constitutional Law of International Commercial Arbitration” in 38 *Georgia Journal of International and Comparative Law* 1 (2009); “*Medellin*, Delegation and Conflicts (of Law)” in 17 *George Mason Law Review* 191 (2009); “*Schiedsgerichte* in Nordamerika” in *Hamburger Handbuch des Exportrechts* (Dieckmann, 2009) (with I. Hanefeld); and “United States Arbitration Law” in the *Practitioner’s Handbook on International Arbitration*, 2d ed. (Oxford University Press, 2009) (with R. Kent and C. Henel).

Alexander W. Scherr

“Making Law, Making Place: Lawyers and the Production of Space” in 24 *Progress in Human Geography* 175 (2009) (with D. Martin and C. City).

David E. Shipley

“A Dangerous Undertaking Indeed: Juvenile Humor, Raunchy Jokes, Obscene

Remembering Gabriel Wilner



Associate Dean and Kirbo Professor Gabriel M. Wilner passed away unexpectedly on May 21, 2010. A member of the Georgia Law faculty

since 1973, his death is a tremendous loss, and he will be missed.

Wilner played many roles within the Georgia Law community. He was the associate dean for graduate legal studies, executive director of the Dean Rusk Center, director of the school’s study abroad program in Brussels and faculty adviser for the *Georgia Journal of International and Comparative Law*. He also taught courses on international law, international legal transactions, European Union law, international commercial arbitration and transnational investment.

In addition to his responsibilities at the law school, Wilner was also very involved in the legal community as a whole. He served as a legal adviser and consultant to various United Nations institutions and to African and Asian regional institutions. An arbitrator in transnational disputes, he was also a drafter of the 1988 Georgia Arbitration Code and received the Whitney North Seymour Arbitration Medal from the American Arbitration Association during 1991.

Wilner published numerous scholarly works on international law, domestic and international arbitration, international development law and private international law throughout his career. He also received a Fulbright Research Fellowship to India from 1983 to 1984.

He earned his B.A. from the College of William & Mary, his D.P.A. from the University of Exeter in England and his law degree and Master of Laws from Columbia University, where he was editor in chief of the *Columbia Journal of Transnational Law*. He also studied at the Université Libre de Bruxelles.

Wilner is survived by his wife, Gisele.

Materials and Bad Taste in Copyright” in 98 *Kentucky Law Journal* 517 (2009-10).

James C. Smith

“Restrictions on Freedom of Expression Imposed by Servitudes” in 16 *The Digest* (forthcoming); “The Structural Causes of Mortgage Fraud” in 60 *Syracuse Law Review* (forthcoming); revision of *Federal Taxation of Real Estate* (Law Journal Seminars Press, 2009) (with A. Samansky); revision of *Friedman on Contracts and Conveyances of Real Property*, 7th ed. (Practising Law Institute, 2009); “Article 9 and the Law of Real Estate Financing” in *Secured Transactions Under the Uniform Commercial Code* (Matthew Bender, 2009); “Managing the Risks of Natural Disasters in Public Housing” in *Affordable Housing and Public-Private Partnerships* (Ashgate Publishing, 2009); “*Tulk v. Moxhay*: The Fight to Develop Leicester Square” in *Property Stories*, 2d ed. (Foundation Press, 2009); and *Neighboring Property Owners* (Thomson/West, 1988) (Supp. 2009).

Jason M. Solomon

“Equal Accountability Through Tort Law” in 103 *Northwestern University Law Review* 1765 (2009).

Erwin C. Surrency (J.D.’48)

A book review of *The Fourth Amendment: Origins and Original Meaning* by W. Cuddihy and *Marriage Law and Practice in the Long Eighteenth Century* by R. Probert in the *Legal History & Rare Books Newsletter* (forthcoming).

Travis M. Trimble (J.D.’93)

“Environmental Law” in 60 *Mercer Law Review* 1193 (2009).

Christian Turner

“The Burden of Knowledge” in 43 *Georgia Law Review* 297 (2009).

Camilla E. Watson

Federal Income Taxation (“Thinking Like a Lawyer” Series) (Oxford University Press, forthcoming).

Carol A. Watson (J.D.’87)

A book review of *The Prison Library Primer* by B. Vogel in the *Law Library Journal* (forthcoming); *Effective Project Management: The Art of Creating Scope Statements* (2010) LLRX.com; and *Project Management – A Law Librarian Survival Skill* (2009) LLRX.com.

Michael L. Wells

Constitutional Torts, 3d ed. (LexisNexis, 2010) (with S. Nahmod and T. Eaton); “A Common Lawyer’s Perspective on the European Perspective on Punitive Damages” in 70 *Louisianan Law Review* 557 (2010); “A Litigation-Oriented Approach to Teaching Federal Courts Law” in 53 *Saint Louis University Law Journal* 857 (2009); “*Scott v. Harris* and the Role of the Jury in Constitutional Litigation” in 29 *Review of Litigation* 65 (2009); “State-Created Property and Due Process of Law: Filling the Void Left by *Engquist v. Oregon Department of Agriculture*” in 44 *Georgia Law Review* 161 (2009) (with A. Snedeker); and *Cases and*

Faculty COLLOQUIUM Series

Georgia Law’s Faculty Colloquium Series provides a forum for provocative and innovative legal scholarship by bringing notable legal academics from around the country to Athens to present substantial works in progress to the law school faculty. Below is a list of this year’s presenters.

Royce de R. Barondes, University of Missouri, “ABA Ratings of Federal District Court Judges and the Likelihood of a Shepard’s Warning Signal”

Cara H. Drinan, The Catholic University of America, “The National Right to Counsel Act: A Congressional Solution to the Indigent Defense Crisis”

Christopher S. Elmendorf, University of California at Davis, “‘The Politics of First Best’: Depolarization by Design and the Voting Rights Act”

Angela P. Harris, University of California at Berkeley, “Color Chart and Gender Spectrum: Administering Race and Gender in a Post-Obama World”

Roderick M. Hills Jr., New York University, “Federalism and Distrust: The Gentry, the Saints, and the Federal Republic in Nineteenth Century America”

Michael S. Kang, Emory University, “Sore Loser Laws”

Kimberly D. Krawiec, University of North Carolina at Chapel Hill, “A Woman’s Worth”

Olivier Moréteau, Louisiana State University, “A Summary Reflection on the Future of Civil Codes in Europe”

Deborah Pearlstein, Princeton University, “After Deference: Formalizing the Judicial Power in Foreign Relations Law”

Richard J. Peltz, University of Arkansas at Little Rock, “Access to Gun Registry and Freedom of Information Law”

Nirej Sekhon, Georgia State University, “Taking Their Pick: Police Departments, Discretion, and Race”

Stephanie M. Stern, Loyola University at Chicago, “The Inviolate Home: From Iconic Property to Relational Privacy in the Fourth Amendment”

Lee-ford Tritt, University of Florida, “Technical Correction or Tectonic Shift: Competing Default Rule Theories Under the New Uniform Probate Code”

Michael J. Zimmer, Loyola University at Chicago, “The Ricci Decision”

The series is supported by the Kirbo Trust Endowed Faculty Enhancement Fund and the Talmadge Law Faculty Fund.

Materials on Federal Courts (Thomson/West, 2007) (Supp. 2009) (with W. Marshall and L. Yackle).

Sonja R. West

“The Story of Us: Resolving the Face-Off Between Autobiographical Speech and Information Privacy” in *67 Washington and Lee Law Review* 589 (2010).

Cathleen S. Wharton (J.D.'83)

A Practical Guide to Legal Writing and Legal Method, 4th ed. (Aspen Publishers, forthcoming) (with J. Dernbach et al.).

Rebecca H. White

Cases and Materials on Employment Discrimination, 7th ed. (Aspen Publishers, 2008) (Supp. 2009) (with M. Zimmer and C. Sullivan).

Donald E. Wilkes Jr.

“From Oglethorpe to the Overthrow of the Confederacy: Habeas Corpus in Georgia, 1733-1865” in *45 Georgia Law Review* (forthcoming); *Federal Postconviction Remedies and Relief Handbook*, 8th ed. (Thomson/West, 2010), 7th ed. (Thomson/West, 2009); *State Postconviction Remedies and Relief Handbook*, 5th ed. (Thomson/West, 2009); and “Oliver H. Prince (1782-1837),” “Woolfolk Murder Case” and “Writ of Habeas Corpus” in the *New Georgia Encyclopedia* (2009) www.georgiaencyclopedia.org.

Public Interest Fellow combats homelessness



Georgia Law's fourth Public Interest Fellow, Alison Spiers, has partnered with the Georgia Legal Services Program to advocate for the homeless and those at imminent risk of homelessness in Northeast Georgia. In May, she began offering legal services to citizens in Athens and surrounding counties to help them find and preserve shelter.

Spiers previously served as executive director of the Athens Area Homeless Shelter. There, she saw firsthand how the law can play a crucial role in combating and preventing homelessness.

“I realized that there was this great need for legal representation among those struggling with housing issues, so I decided to do something about it,” Spiers said.

Titled the Housing Aid Law Office (HALO) Project, her program will represent those facing threats to housing stability because of foreclosure, landlord-tenant disputes and consumer debt.

“In many situations, steps can be taken to reinstate someone's housing or to remove legal and social obstacles preventing someone from securing permanent housing,” Spiers explained.

She said the HALO Project will also take a “whole client” approach and work closely with social service organizations to address any issues that may contribute to a person's inability to maintain stable housing.

“Through targeted outreach, the HALO Project will serve the most vulnerable in our community who otherwise may not have access to legal services. After resolving the underlying legal issue, our goal is to ultimately prevent the recurrence of a housing crisis,” Spiers said.

The Public Interest Fellowship Program offers lawyers the chance to provide civil legal services to needy Georgians while engaging law students in the process. Fellows are given two years to develop their initiative while working with a host organization that will potentially continue to support the project once the fellowship term has ended.

INTERNATIONAL LAW COLLOQUIUM Series

The International Law Colloquium Series brings leading international law scholars to Georgia Law to present substantial works-in-progress to faculty and upper-level students. This year's featured international scholars, their home institution and paper title are listed below.

Anu Bradford, University of Chicago, “Universal Exceptionalism in International Law”

Jutta Brunnée, University of Toronto, “An Interactional Theory of International Legal Obligation”

Tom Ginsburg, University of Chicago, “Constitutional Convergence in Human Rights? The Reciprocal Relationship between Human Rights Treaties and National Constitutions”

Barbara Koremenos, University of Michigan, “An Economic Analysis of International Rulemaking”

Julian G. Ku, Hofstra University, “The Curious Case of Corporate Liability Under the Alien Tort Statute: A Flawed System of Judicial Lawmaking”

Christiana Ochoa, Indiana University at Bloomington, “Harnessing the Potential of Sovereign Wealth for Sustainable Development”

Robert D. Sloane, Boston University, “Human Rights for Hedgehogs?: Global Value Pluralism, International Law, and Some Reservations of the Fox”

This series is supported by the Talmadge Law Faculty Fund.

Recent faculty appointments and honors



Cleveland Chair and Meigs Professor Emeritus Ron Ellington (left), Associate Professor Lori Ringhand and Assistant Professor Christian Turner were selected by the law school student body to receive this year's faculty awards. They were honored with the Student Bar Association Professionalism Award, the C. Ronald Ellington Award for Excellence in Teaching and the John C. O'Byrne Memorial Award for Furthering Faculty-Student Relations, respectively.

Faculty and Access Services Librarian **James M. Donovan's** article "Back Away from the Survey Monkey: Optimize Research Results with an Honest Assessment of Methodology" (14(2) *AALL Spectrum* 20 (2009)) received the 2010 *AALL Spectrum* Article of the Year Award.

Hosch Professor **Thomas A. Eaton** was honored with the Southeastern Association of Law Schools' 2009 Call for Papers Award for his article "The Contours of a New FRCP, Rule 68.1: A Proposed Two-Way Offer of Settlement Provision for Federal Fee-Shifting Cases" (252 *Federal Rules Decisions* 551 (2008) (with H. Lewis)).

Cleveland Distinguished Chair of Legal Ethics and Professionalism and Meigs Distinguished Teaching Professor Emeritus **C. Ronald Ellington** received a UGA Blue Key Service Award in recognition of his career in the field of law as well as for his continuing support of academic programs at the university.

Dean Rusk Center Associate Director **María Eugenia Giménez** (LL.M.'89) was given a Diploma of Merit and medal by the Federal

Military Justice of the State of São Paulo, Brazil, in recognition of her work with the International Judicial Training Program. Additionally, she was appointed to serve as an international expert member of the governing board of the International Institute for Justice Research and Training, headquartered in New Delhi, India.

Associate Dean and Hosch Professor **Paul M. Kurtz** was named chair of the drafting committee on the Visitation and Custody Issues Affecting Military Personnel and Their Families Act.

Chaffin Distinguished Professor in Fiduciary Law **Sarajane N. Love** (J.D.'73) was awarded an honorary doctorate by LaGrange College.

Associate Professor **Usha Rodrigues** was granted tenure.

Land Use Clinic Managing Attorney **Jamie Baker Roskie** (J.D.'01) was presented with the Trailblazer Award by the Newtown Florist Club for more than two years of work addressing land use and environmental justice issues in the Gainesville, Ga., area.

Associate Professor **Peter B. "Bo" Rutledge** has been appointed to the U.S. Court of Appeals for Veterans Claims Rules Advisory Committee.

An article written by Alston Chair in Corporate Law **Margaret V. Sachs** was referenced several times during the oral argument before the U.S. Supreme Court in *Morrison v. National Australia Bank*. Justice Stephen G. Breyer asked each attorney to respond to the argument she made challenging the conventional view on the extra-territorial reach of antifraud provisions in "The International Reach of Rule 10b-5: The Myth of Congressional Silence" (28 *Columbia Journal of Transnational Law* 677 (1990)).

Cobb Professor **David E. Shipley** was selected to be the UGA faculty athletics representative, making him part of the team responsible for ensuring academic compliance with NCAA regulations and academic success for student athletes.

Associate Director for Information Technology **Carol A. Watson** (J.D.'87) was elected vice president/president elect of the Southeastern Chapter of the American Association of Law Libraries.

Dean and Hosch Professor **Rebecca Hanner White** became a member of the executive board of the U.S. branch of the International Society for Labor and Social Security Law.

Digital Commons serves as e-source for research

Georgia Law's electronic repository, Digital Commons, contains the latest research by Georgia Law faculty as well as digital versions of recent lectures, presentations and conferences. Initiated in 2006, this growing database now contains more than 1,300 files. Access is free at digitalcommons.law.uga.edu.



Faculty scholarship e-alerts

Select Georgia Law faculty scholarly works can now be found at SSRN.com. If you would like to receive periodic e-mail announcements with the abstracts of the latest research written by the faculty and links to the full text papers, please register at SSRN.com.

Class of 2010 Commencement

Members of the law school community gathered on North Campus in May to celebrate a milestone commencement. This group of students, the Class of 2010, enjoyed the special privilege of receiving their diplomas 150 years after Georgia Law graduated its very first class in 1860. Photos from the day follow.



Legacy gift co-chairs Lauren Peel (left) and Kevin Sweat (second from right) presented a check totaling \$56,125 to Dean Rebecca White and 2009-10 Law School Association President Greg Sowell (J.D.'83) on behalf of the Class of 2010. Photo by Terry Allen.



Graduates (l. to r.) Caitlin Crist, Jessica Cox and Daniela Costan take their seats after the opening processional.



From left to right (standing) are classmates Joey Greene, Allan Galis, Jonathan Lowe, Jeff Starr, Johnson Bazzel, Jonathan Parente, Kevin Sweat and (kneeling) Charlie Bailey.

Blake Tillery hangs out with his younger brother Eric while waiting for the festivities to begin.



Arkesia Jenkins waves to the crowd.



There to congratulate Alice Henderson (left) was (l. to r.) her dad James (J.D.'76), her mom Elsie (J.D.'76), her sister Eleanor (J.D.'07) and family friends Martha Smith, Martha D. Reeves and Martha Reeves.



Joining Gail Evins (center) during the ceremony was her 15-month-old daughter Roxanne, with a T-shirt proclaiming "Mom and I Survived Georgia Law."



Showing off his hard earned diploma is Allan Galis.

Faculty members often take part in commencement, celebrating alongside their students' families and friends. Here, Reagan Bush (left) and Assistant Professor Matt Hall pose for a quick photo.



Dellinger stresses to graduates the importance of conversation and never giving up



PHOTO BY TERRY ALLEN.

In his commencement keynote address, former Acting Solicitor General of the United States Walter Dellinger spoke on the importance of the conversation that surrounds the law and on a landmark U.S. Supreme Court decision that took place nearly 56 years ago to the day.

“What I think about when I think about [*Brown v. Board of Education*] on the occasion of your graduation is how much a part of our national conversation law is. We are, as one of my colleagues and friends once noted, we are a community built on words. And words are all the Supreme Court has,

and words are what we use to construct our community.”

Dellinger explained that *Brown* put a challenge to the nation and made the whole system of racial segregation into a normative question of whether it was right or wrong.

“The Supreme Court has no purse. It has no army. It has no power in the end except the power of persuasion, and for a decade after *Brown* nothing happened, and yet everything happened. Nothing happened in terms of school desegregation, but the everything that happened was the initiation of a conversation.”

He said he believes it is this ability to talk to each other about our common future that has allowed the United States to be governed as a single nation for so long.

“The skills you have learned from the extraordinary faculty at the University of Georgia law school will equip you to be part of that ongoing conversation [and] to help build the future of a community that rests upon words and a common sense of understanding [of] what we are about as Americans.”

Dellinger also mentioned President Abraham Lincoln, “America’s greatest lawyer,” and challenged students to follow in his footsteps by using their lawyering skills in

“We are a community built on words ... and words are what we use to construct our community.”

their public life in the same way they would in private practice.

“There is a seamless transition from [Lincoln’s] ability to use his lawyerly skills on behalf of the Illinois railroad to using those skills in his debates with Stephen Douglas, and I think it inspires all of us as to what you can do with the skills of a lawyer.

“It may be at night after work helping out with the PTA that you use your skills in trying to bring about resolution of conflict. Or that you use your skills ... to pursue justice, yet you can do it throughout your communities in ways large and small.”

Additionally, Dellinger encouraged the graduates to never give up despite the challenges they will face. “[President Lincoln] was a very defeated person at the age of 50. At 56, he was dead. In between, he changed the world.”

Georgia ties at national transactional law competition

Georgia Law received awards for the Best Buyer Side Draft and Best Overall Team at the inaugural Transactional Lawyering Meet held at Drexel University in Pennsylvania.

Third-year students Patrick S. Baldwin and Rachel K. Jones negotiated against teams from Washington and Lee University, Temple University and the University of Pennsylvania to advance to the finals, where they tied with Indiana University at Bloomington for the competition’s best team honor.

The Transactional Lawyering Meet is designed to be a “moot court” experience for students interested in transactional practice. It requires students to work in teams of two to draft a transactional document (a letter of intent) and to negotiate its provisions. Teams were judged by their success in achieving the goals of the parties to the transaction.

“This competition is an excellent way for law students to develop

essential skills that they will use in a transactional practice,” Business Law and Ethics Program Instructor Carol E. Morgan (J.D.’79) said. “I am excited about the growing opportunities in this area for our students to compete.”

The law school also took part in three other transactional based tournaments this year with outstanding results.

In the Robert R. Merhige Jr. National Environmental Negotiation Competition, second-year students Daniel C. Beer and Rishi P. Chhatwal placed as semifinalists. On the regional level, third-year student Anthony B. “Bin” Minter teamed up with second-year student Jennifer A. Potts to place fifth out of 24 teams at the American Bar Association Negotiation Competition. Additionally, third-year student J. Stephen Albright was first runner-up in the inaugural Hot Seat Tournament sponsored by the Atlanta Chapter of the Association of Corporate Counsel.

Advocacy program continues its tradition of excellence

The School of Law's advocacy program once again had a strong season, winning one national title and three regional/state trophies in addition to several individual and team honors. Below are some highlights from the 2009-10 academic year.

National Moot Court Competition



Georgia Law took home the top trophy at a regional round of the National Moot Court Competition, held in Atlanta, to earn the right to head to New York and vie for the national championship. Third-year students Marie Greene (left), Kevin Murphy (center) and Ashley Scruggs defeated the University of California Hastings and the University of San Francisco to eventually place as one of the top eight teams in the country.

Intrastate Moot Court Competition



Continuing its dominance in this annual contest against teams from the state's other law schools, Georgia Law captured the top crown and the Best Brief Award. This is the fifth consecutive year UGA has won this tournament and the seventh consecutive year it has earned the best brief title. The championship team was composed of second-year students Gino Brogdon (center), Yvonne Godfrey (left) and Amanda Waide. Serving as coaches were third-year students Sean Kane and Elizabeth Story.

Evans Constitutional Law Competition

Georgia Law won first place in the Evan A. Evans Constitutional Law Moot Court Competition, which is hosted by the University of Wisconsin at Madison. This is the first time UGA has fielded a team in this national tournament. Competing for the law school were second-year students Shemanne T. Davis and Meredith C. Lee. Lee also took home the Best Oralist Award. Coaching the duo was third-year student William T. "Bill" Bozin and alumna Holly A. Pierson (J.D.'96).

Each year our advocacy program receives regional, national and international awards and honors. I am confident that there are two primary elements that make this happen:

Georgia Law faculty spend countless hours preparing our teams either through rigorous practice rounds or through thoughtful conversation and discussion in their offices.

As a result of this outstanding support, our students graduate with the mindset of wanting to help the program. Our alumni, in turn, spend the same type of countless hours volunteering to aid our teams.

With a program supported by our Dean Rebecca White, the entire faculty and numerous dedicated alumni, UGA moot court and mock trial teams are simply the best in the nation! A great thank you to all who have been so good to our teams!

Kelli Casey Mark

Jessup International Law Moot Court Competition

At the southeastern regional rounds of the Philip C. Jessup International Law Moot Court Competition, Georgia Law went undefeated to earn first place.

Second-year students Blair J. Cash, Erik B. Chambers, Ashley A. Frazier and Mary C. Moore had a perfect 7-0 record defeating teams from the University of Miami, Stetson University and Vanderbilt University in the process.

Third-year students Benjamin W. Cheesbro and Kevin P. Murphy served as brief editor and coach, respectively.

Alumni advisers were Myra K. Creighton (J.D.'91) and Amelia G. Helmick (J.D.'05).

Douglass Moot Court Competition

Georgia Law had teams finish in the second and third slots during the regional rounds of the Frederick Douglass Moot Court Competition to advance to the national tier.

Both teams, composed of third-year student Elizabeth R. Givens and second-year student Kimberly C. Walker as well as second-year students Selina A. Tom-Johnson and Jacinda R. Walker, placed as quarterfinalists at the national level.

Additionally, Kimberly Walker received the Helen Dawn Williams Oral Advocacy Award.

The teams were coached by third-year student Norman L. Barnett and alumna Tia L. Daniels (J.D.'09).



Karen Bemis: Global public servant and human rights devotee

Rising second-year law student Karen S. Bemis is not interested in the philosophical study of law – she prefers to concentrate on its practical social significance.

A public servant at heart, Bemis' interest in human and social interactions led her to pursue an anthropology degree from Yale University. "Before college, I always had been interested in art, but I realized it was the people behind the art that really captured my attention," she said.

While at Yale, Bemis worked as a student volunteer coordinator and public school liaison through the university's Office of New Haven and State Affairs to enrich the curriculum and after-school activities at inner-city schools.

"There was a stark contrast between the wealth and privilege of the college and the children whose only association with Yale were its buses that would drive by their schools," Bemis said.

After completing her degree in 2007, Bemis pursued an AmeriCorps position with Boston's New Sector Alliance, a not-for-profit consulting firm striving to develop leaders in the nonprofit sector. As part of her position, she worked to make the public more credit savvy in order to prevent foreclosures.

In response to a question from her boss regarding what the organization could do to help individuals who already had been foreclosed upon, Bemis replied, "Nothing. We need lawyers."

This realization led her to a public inter-

est law conference in Boston where she made the decision to apply to law school.

"I've known so many people that have had less than positive interactions with the law – good people. You don't realize how challenging the law is until you run into it without the necessary resources," Bemis added.

In her legal career, Bemis hopes to implement innovative solutions to social problems. For example, when she was a development coordinator for a community health center in the Boston area, she helped raise more than \$300,000 for a fitness and recreation complex. "[This] was revolutionary in the community because low-income people in urban areas don't have the same access to recreational health resources," she said.

Bemis explained that the center was unique because physicians could write prescriptions for workout privileges in the gym, and low-income individuals could volunteer there in exchange for memberships. Plus, fees were sliding based on income level.

As a student at Georgia Law, Bemis has already begun the work of connecting people to legal resources. As part of the 2010 Working in the Public Interest Law Conference, she chaired a committee that organized a panel on barriers to prisoner reentry and recidivism. She also served on the board of the Equal Justice Foundation as a 1L section representative.

While serving locally is important to Bemis, she also recognizes the value of having a global perspective. In the summer of 2006, she worked for a nongovernmental organization in India helping orphaned and abandoned children.

"My experience working abroad is what made me want to do nonprofit work in the United States. Seeing the same problems in a different context makes you notice all of the issues you missed at home," Bemis said.

This summer, Bemis is participating in Georgia Law's Global Internship Program and will be interning with the Hungarian Helsinki Committee, a human rights organization based in Budapest. She was also awarded the law school's Spurgeon Public Service Fellowship, which will help support her during her internship.



Christopher Schaefer: From entrepreneur and engineer to experienced law student

Years of real-world work experience have shaped rising third-year law student Christopher F. Schaefer's perspective on his time in law school. A graduate of the University of Texas with a degree in mechanical engineering, Schaefer said he always will be an engineer at heart.

"The engineering thought process is excellent for law school. The problem solving techniques you learn in the field are no different than those I've learned here," he said.

After earning his undergraduate degree, Schaefer played an integral role in founding Advanced Laser Technologies, a company still in existence today. The company was started as a result of his and two doctoral students' entry in a business competition, which they won. He then used the cash prize to backpack alone through Europe for several months.

"The whole process – from entering the contest to traveling another continent – was just to see if I could do it," he said. "I'm big on experiences – I look for them, unique experiences, that I know will help shape me as a person and as a professional."

On the heels of his entrepreneurial stint, Schaefer spent several years working as an engineer on oil rigs for FMC Technologies and would spend anywhere from two weeks to 40 days at sea. Through this job, he was able to travel the globe while working on world-record projects and fixing others' million-dollar mistakes.

During a period when he was not globe-trotting, Schaefer took the opportunity to give back to an underprivileged community through a junior high after-school mentoring program. He taught students science through projects of their choosing, such as constructing potato guns and designing Web sites, always striving to have them learn through asking “Why?”

“In their minds, their lots in life were already cast,” Schaefer said. “But through little things, like showing them Web design, I could see them realize they had numerous possibilities for their futures.”

Schaefer hopes to return to working with youth later in life by becoming a professor at the undergraduate level. He said he would like to show his students they should pick careers they love, not just ones that will make them the most money.

“I like to see people succeed and do things that make them happy, and in order to do that you have to define success appropriately,” he said.

Though he is currently unsure of which area of law he ultimately plans to pursue, Schaefer enjoys appellate work and has participated in Georgia Law’s advocacy program.

He previously worked for U.S. District Court for the Southern District of Texas Judge Lynn N. Hughes, who taught him that in law “the solution is not always to win but to come to an agreement you can live with in the long run.”

This summer, Schaefer will spend time working at Sutherland, Asbill & Brennan in Houston, and he will also intern for Morgan Keegan doing investment banking.

When reflecting on law school thus far, Schaefer confessed that he consistently has taken classes that were notoriously difficult in order to get the most from his time at Georgia Law.

“You can figure out course material on your own time, but going through this experience and changing your whole manner of thinking is what is invaluable,” he said.



Reza Williams: Athlete and advocate

Recent graduate Reza A. Williams was voted “most inspirational” by his collegiate sports team, a label describing the manor in which he carries himself and attacks life’s challenges.

Growing up in Fontana, Calif., his father was homeless, and Williams described childhood memories of visiting him behind a grocery store. Though this situation was difficult, Williams’ mother, an Islamic Iranian, pushed him to excel academically.

Outside of the classroom, Williams also challenged himself athletically in hopes of receiving a college scholarship. Ultimately, he was recruited by Urban Meyer (who later became the head football coach at the University of Florida) to play football on scholarship at the University of Utah.

Williams excelled in college in Salt Lake City, earning numerous athletic recognitions and graduating with academic honors. He attributed his accomplishments largely to the mentoring of Coach Meyer. “He was honest, broke me down, built me back up and made me realize what it would take to be successful in life,” he said.

While at Utah, Williams used his status as a successful football player to benefit the community. He started a tutoring program at a homeless shelter for youth, reminding them that they could overcome their circumstances and succeed. He eventually recruited numerous other football players to volunteer at the program, receiving recognition by a Fox News television station.

Around the same time, Williams discovered Christianity, an event he said was critical in his life. He fondly described a janitor at his college apartment complex who captured his attention with biblical tales and wrote down Psalms for him to remember. “His wisdom, along with a Christian book given to me by my father, inspired me to become a man of faith,” Williams said.

As a law student, Williams has continued to act on his faith and use his legal knowledge for the good of the community. “I want to use my legal expertise to serve underprivileged people and to help meet their needs,” he added.

To help him prepare for this challenge, Williams has participated in many of Georgia Law’s clinical programs.

In the Special Education Practicum, he learned how children with special needs can qualify for Individualized Education Plans (IEPs) to help improve their performance. He worked with school administrators and parents to negotiate IEPs for a child.

“I watched this child go from receiving negative comments on his report card to receiving praise from his teacher, and I saw first-hand the positive affects the legal system can have on a struggling child,” Williams said.

In the law school’s Family Violence Clinic, Williams has helped victims of domestic violence obtain temporary protective orders against their abusers. Through this program, he learned how to prepare for trial by drafting opening statements, performing direct and cross examinations and introducing evidence into court. He then had the opportunity to represent three individuals under Georgia’s Third Year Practice Act.

“It was rewarding to be able to help these women take the steps to end their abusive relationships while gaining real-world trial experience,” he said.

Williams plans to use his newly earned degree for the good of others at a firm in the Los Angeles area and eventually hopes to travel the globe pursuing a life of mission work.

- ALL PROFILES WRITTEN BY CHRISTINA GRAFF

LAW SCHOOL LIFE

Family & Friends Visitation Day



First-year student Andrew Bagley (center) celebrated Family & Friends Visitation Day with his parents Michael (J.D. '80) and Bridget (J.D. '80). This annual event is designed to give family and friends of first-year law students a chance to come together and meet their student's professors and classmates while gaining insight into the law school experience.

Talmadge Moot Court Competition



The final rounds of the 2009 Talmadge Moot Court Competition were judged by (back row, l. to r.) U.S. District Court Judge Randal Hall (J.D. '82), Georgia Supreme Court Justice David Nahmias and UGA Senior Vice President and Provost Jere Morehead (J.D. '80). Competing in the tournament were: (front row, l. to r.) second-year students Michael Rafi, Amanda Waide, Ashley Frazier and Meredith Lee. Rafi and Waide captured first place.

To view more photos from this year's events, please visit www.law.uga.edu/photo-gallery.



Admitted Students Reception



Those already accepted into the entering Class of 2010 had a chance to learn more about Georgia Law from its alumni at an admitted students reception hosted by Alston & Bird in Atlanta during March. Here, Alston & Bird Partner Timothy Fallaw (J.D. '00) (right) speaks with admitted student Varen Moore.

Welcome Reception for Chief Justice Sears



Georgia Law second-year student Sherwin Figueroa (left) and first-year student Mai Nguyen (center) welcomed former Chief Justice of the Georgia Supreme Court Leah Ward Sears during a reception hosted by the Davenport-Benham Chapter of the Black Law Students Association and the Women Law Students Association. Sears served as a visiting professor for the 2009-10 academic year and taught family law.

CNCS' Frank Trinity Speaks on Federal Jobs and Homelessness



This spring, Georgia Law hosted two presentations by Frank Trinity (left), general counsel of the Corporation for National and Community Service. Trinity spoke about federal public service job opportunities and conducted a forum on strategies for dealing with homelessness in the current economic climate. Helping plan the second event was Georgia Law's fourth Public Interest Fellow Alison Spiers (right), whose fellowship project focuses on advocating for the homeless in Northeast Georgia.

Derek Dooley: From court room successes to game day victories



Derek V. Dooley's (J.D.'94) career path has led him more often to stadiums and locker rooms than to court rooms or corporate offices. Now as the head football coach

at the University of Tennessee, Dooley is focused on the athletic, academic and emotional development of his players.

"I hope every young man on our team wins a championship but also earns a degree and becomes a better person from being part of this program," Dooley said.

After completing law school, he practiced law at Nelson Mullins Riley & Scarborough in Atlanta for a few years. Dooley said he enjoyed and learned from the experience, but after growing up in a family where athleticism was a cornerstone, "something was lacking."

"I had taken a five-year leave from football and missed the great things the sport had to offer – being part of a team, having defined goals, helping young men grow – it's a special experience," he said.

Dooley made the decision to return to his hometown and began his coaching career as a graduate assistant for the UGA football team. Despite the dramatic change from writing depositions as a lawyer to making coffee as an assistant, he felt as though his "spirit was renewed."

From UGA he embarked on a path that led him to Southern Methodist University, Louisiana State University, the Miami Dolphins, Louisiana Tech University and finally the University of Tennessee.

Although he did not ultimately choose to practice law, Dooley said his legal education has been a great asset to him along the way by helping him to anticipate the possible effects a decision may have.

"You make a choice and know what will likely happen as a result, but a law degree teaches you to consider the 10 other things that could happen as well," he said.

While facing numerous responsibilities daily, Dooley makes an effort to keep his

focus on the present and not be anxious about the future. "I just do the best I can every day," he said.

Despite the consistent pressure to win, Dooley strives to also develop a culture of what is best for the personal progress of his players.

"People see the glamour of Saturday mornings but not the nights and early mornings trying to manage 18- to 22-year-olds, teaching them to put away their inherently selfish ways and give to a team," he said.

Another challenge he faces is the misconception about coaching at the college level.

"Coaches are people, too. We are imperfect. We want to win as much as the fans, and when we lose it hurts us as much, if not more, than the fans," Dooley added.

He spends his small amount of free time with his wife and three children. When asked if his children will enter into the family football legacy, he said there are no expectations.

"My only hope is that they do what they have a passion for, and if they do that, then they will be fulfilled. It could be art or music or law, as long as they love what they do," Dooley said.

- CHRISTINA GRAFF

"I hope every young man on our team wins a championship but also earns a degree and becomes a better person from being part of this program."



PHOTO COURTESY OF ELIZABETH OLIVER/UTSPORTS.COM

Aaron Cohn: A lifetime of devotion to Georgia's youth

“I always try to look down the road and see how my decisions will affect children later in life, and not a day goes by that one doesn't see me on the street, shake my hand and hug me. To me, this is worth more than money.”



As the nation's oldest presiding jurist in the juvenile court system, Judge Aaron Cohn (LL.B.'38) has been dedicated to serving the youth of Columbus, Ga., for 45 years.

“I always try to look down the road and see how my decisions will affect children later in life, and not a day goes by that one doesn't see me on the street, shake my hand and hug me. To me, this is worth more than money,” he said.

Growing up, Cohn lived near a courthouse and would watch the lawyers as they went about their day. “I would play on the playground next door, [and] I would also watch the men fight each other in the courtroom then go have lunch as if they were the closest friends. I liked that they competed and then could still be good friends,” he said.

These memories eventually led him to apply to law school.

During his time at Georgia Law, Cohn was commissioned in the cavalry ROTC program. He later served in the Third Armored Cavalry Regiment (XX Corps) during World War II as a combat operations officer in

the headquarters of his unit, which was in General George S. Patton's Third Army (XX Corps) in four major campaigns.

These experiences had a direct impact on Cohn's desire to eventually work with youth.

“The Nazis killed an estimated one million children in the chambers of concentration camps,” Cohn said. “I came out of the military with the idea that I wanted to do something for the children in my community.”

According to the judge, several challenges come with working in the juvenile court system, including the fact that funding for children's programs is often the first to get cut during times of economic hardship. Another issue is the diminishing amount of discretion juvenile court judges are able to use when making decisions.

However, in spite of these issues, Cohn simply said, “I love these kids, regardless of race, creed or color.”

When he was not in court, Cohn enjoyed playing tennis. He served as the captain of the UGA tennis team while he was in college and won the UGA singles, doubles and mixed doubles championships in 1935.

Cohn said he chose the sport because it was played with “integrity and honesty,”

mentioning that when he started there were no referees. The athletes made the calls and they “behaved like gentlemen.”

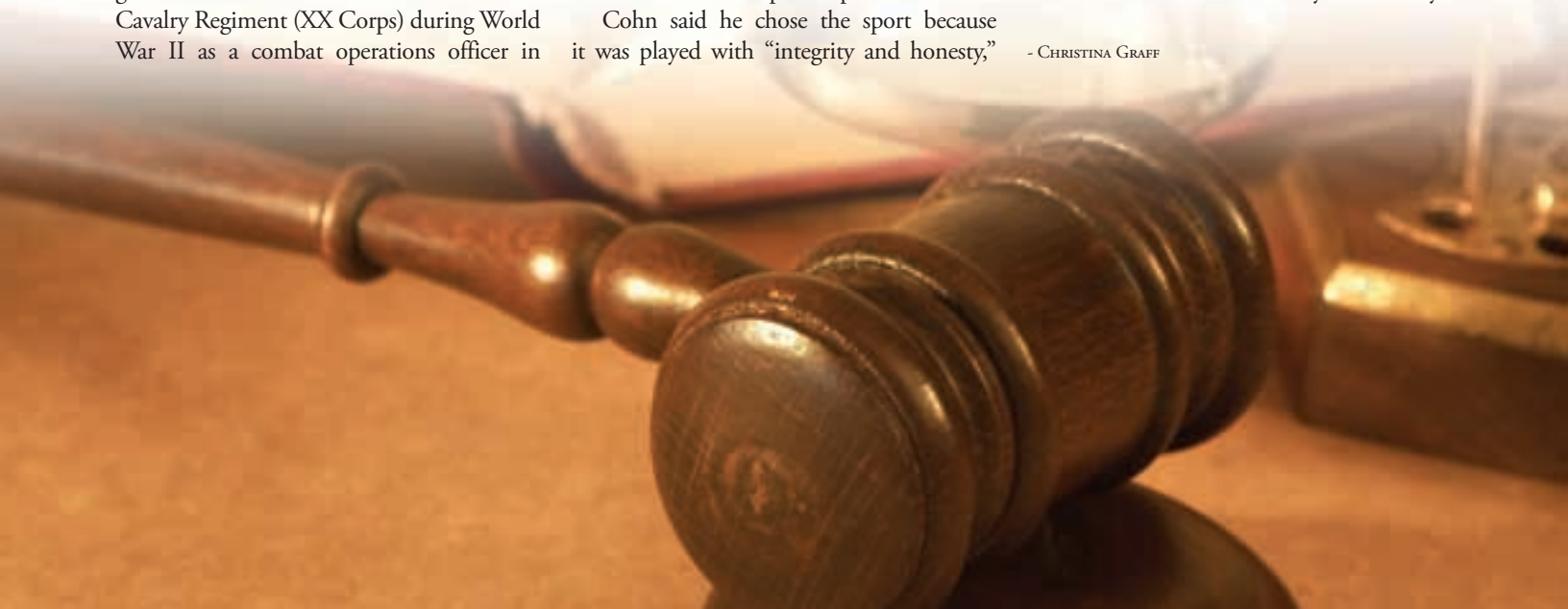
Though Cohn has received numerous recognitions for his achievements, he is most proud of UGA's Bill Hartman Award, which he was awarded in 2005. This honor recognizes former student-athletes who have demonstrated excellence in service through at least 20 years of superior performance as alumni.

To recent UGA graduates, Cohn advises, “Get into the kind of work that you love to do, because you will do a much better job if you have a passion for it. Carry the tradition of what a first class lawyer is – fair and competitive – and, at all times, be professional in executing your duties with integrity.”

Cohn has no plans to retire anytime soon and spends his free moments with his grandchildren and great-grandchildren.

“The American family is the strength of this country above everything else. It's what made this country great, and I am very grateful that I have been given the honor and pleasure of being part of a program that allows me to be of service to my community.”

- CHRISTINA GRAFF



Sherry Knowles: Mixing a love of the law with a passion for science



Sherry M. Knowles (J.D.'86) has developed her career combining her love for the law with a passion for science, and in doing so, she has helped shape intellectual property law

in the United States and other countries.

In 2008, *Managing IP* magazine named Knowles one of the 10 most influential people in IP in the world. She also gained acclaim for her role in the landmark lawsuit *Tafas v. Dudas*, which successfully challenged certain Patent Office regulations.

Her path led her from law firm practice as a partner at King & Spalding, where she founded the Biotechnology and Pharmaceuticals Patent Practice Group, to GlaxoSmithKline. Soon she will be embarking on the new adventure of creating an advisory firm focusing on IP management, business development and monetizing assets to be known as Knowles Litvack Advisors.

As senior vice president and global chief patent counsel at GSK, Knowles divided her time among hemispheres as she traveled to places such as South Africa, China, India and the United Kingdom. She managed 200 people in 12 locations around the world, with responsibility for all litigation and transactional matters for the corporation's patents globally.

"It was a challenge to manage so many large groups in a broad range of diverse locations, but also a unique privilege – so often immersed in a variety of fascinating cultures," Knowles said. "Every country has its own statutory and case law, and there are diverse customs surrounding how patents are perceived and enforced."

According to Knowles, we are in one of the most important times in history for the development of patent law, as global financial systems are challenged and emerging markets are growing rapidly. "It is essential that we create and nurture global legal systems that motivate new products and provide enough time to recoup investments and

make a reasonable profit."

Also at GSK, Knowles chaired the company's endeavor to help create drugs for neglected tropical diseases in some of the world's least developed countries. She spearheaded the creation of a unique structure – a "Proprietary Knowledge Pool" to share GSK know how, experience and patents with qualified groups to accelerate the development of drugs to treat these diseases, which include malaria, tuberculosis and elephantiasis.

Knowles was instrumental in creating collaborations with her former client, Emory University, as well as the South African government. The pool is now gaining global recognition as a new way to use intellectual property to help others.

Additionally, she participated in George Washington University Law School's delegation to India, which seeks to foster communication between industry, government and the judiciary on international standards for patenting pharmaceutical and biotechnology products.

With a B.S. and M.S. in chemistry, Knowles describes herself as "a chemistry nerd with a love for politics and government." She began her career as a research chemist making chemical compounds of pharmaceutical interest before deciding to go to law school in an effort to mix these two passions.

After earning her J.D., Knowles worked as a litigation associate for Kilpatrick Stockton in Atlanta and later transitioned into life science patents. She then worked at King & Spalding until 2006.

"It's my dream come true to combine law and sophisticated science and to add significance to groundbreaking research efforts," Knowles added.

Her "ultimate" challenge now is to create her own company, widen the scope of her clients and continue to help shape patent law.

When reflecting on her years at Georgia Law, Knowles said she was taught to "dream the dream," meaning to represent clients with zeal and be creative about how to help

them achieve their objectives. "I never forgot this – to 'dream the dream' – I can only hope that I have."

- CHRISTINA GRAFF

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LAW SCHOOL LIFE

5th Annual Alumnae Evening



Executive Vice President of Corporate Services at Aflac Audrey Boone Tillman (J.D. '89) served as the keynote speaker at this year's alumnae evening, which was hosted by Nelson Mullins Riley & Scarborough in Atlanta in February. During her presentation, Tillman shared the events leading to her current position with Aflac. She also encouraged her fellow alumnae to branch out and try new things. "Don't stay in that place where it is just – 'Well, I am an expert at this.' ... Get uncomfortable every now and then. It is a good thing and a good growth opportunity."

This spring, four Georgia Law alumni returned to Athens to share words of wisdom with current students as part of the Alumni Advocacy Series, coordinated by Callaway Chair Emeritus Ron Carlson. Participating in part one of the series were Roy Barnes (J.D. '72) (right), former governor and now attorney at the Barnes Law Group, and Mike Bowers (J.D. '74) (left), former state attorney general and now partner at Balch & Bingham. The duo presented "Current Issues in Appellate and Trial Advocacy" and "The Case for a Strong Judiciary," respectively.

Alumni Advocacy Series



For the second session, Randy Evans (J.D. '83), a partner at McKenna Long & Aldridge, presented "The Ethics of Advocacy" while Sally Quillian Yates (J.D. '86), U.S. attorney for the Northern District of Georgia, discussed "Doing Something That Matters: Advocacy with a Purpose."

State Bar of Georgia Midyear Meeting Alumni Events



Once again, Georgia Law held a reception and breakfast for alumni and friends in conjunction with the State Bar of Georgia Midyear Meeting. This year's reception took place at Hall Booth Smith & Slover and was hosted by Law School Association President Greg Sowell (J.D. '83). Among those enjoying the event were (l. to r.) Jean-Paul Boulee (J.D. '96), Christopher Rosselli (J.D. '02) and Timothy Mann (J.D. '92).

Dean's Business Roundtable Series



Students met with Dale Hughes (J.D. '86) (fourth from right), senior vice president of strategic investments and real estate at Cox Enterprises, during a Dean's Business Roundtable. Other roundtable guests this year included: Maria Bouchelle Campbell (LL.B. '67), Maynard Cooper & Gale of counsel and former superintendent of the State Banking Department for Alabama; Hank Harris (J.D. '80), managing director of the tax-exempt finance group at SunTrust Robinson Humphrey; and Sherry Knowles (J.D. '86), senior vice president and global chief patent counsel at GlaxoSmithKline.

JHLS Spring Twilight Affair



Opening their home and serving as hosts for the 2010 Joseph Henry Lumpkin Society Spring Twilight Affair were David (J.D.'71) (left) and Elizabeth Golden. Also taking part in the evening were Dee (second from right) and Pete (J.D.'71) Glass. Photo by Dennis McDaniel.

Thomas B. Murphy Scholars Dinner



2009-10 Thomas B. Murphy Scholarship recipients, along with other Georgia Law alumni who were friends of the late former speaker of the House, gathered for a dinner hosted by his son Mike Murphy (J.D.'73) (second from the right) in January. From l. to r. are third-year student Natalece Washington, Ronnie Lane (J.D.'76), second-year student Christopher Trant, Lawton Stephens (J.D.'81), first-year student Jehae Kim, William Foster (J.D.'69), Murphy and Tommy Hankinson (J.D.'73).

Homecoming Weekend 2009



The annual homecoming BBQ is always a great time for the law school community to come together and celebrate with friends and family. Enjoying the event were (l. to r.) Heather, Maddie, Harper and Rob (J.D.'00) Teilhet.



Representing three generations of Georgia Law men at the 19th annual BBQ was the Kirbo family with (l. to r.) Bruce Kirbo (J.D.'51), his son Bruce Jr. (J.D.'82) and his grandson Bruce III, who is a second-year student at the law school.

New York Area Alumni and Friends Reception



Georgia Law alumni and friends in the New York area were invited to WilmerHale in February to participate in one of the regional alumni events that took place throughout the country this year. Members of the law school's National Moot Court Competition team, who were in New York to compete in the national rounds, were also in attendance. Posing for a quick photo were (l. to r.) Ted Chao (J.D.'72), Stefanie Wayco (J.D.'09) and event host Mike Sharp (J.D.'91).

To view more photos from this year's alumni events, please visit www.law.uga.edu/photo-gallery.



Brumby receives Distinguished Service Scroll Award



Otis A. Brumby Jr. (LL.B.'65) has been named the 2010 recipient of the Law School Association's highest honor, the Distinguished Service Scroll Award.

This accolade is given annually to individuals whose dedication and service to the legal profession and the law school deserve special recognition.

Currently the publisher of *The Marietta Daily Journal* and Neighbor Newspapers, and a trustee of the UGA Arch Foundation, Brumby has always been very involved in giving back to both the law school and the university as a whole.

In 2004, he established the Otis Brumby Distinguished Professorship in First Amendment Law, a joint faculty post that is shared between the law school and the Grady College of Journalism and Mass Communication. He also served as a committee member for the law school during the Archway to Excellence fundraising effort. Additionally, he participated in the law school's Dean's Business Roundtable Series last year, which brings alumni back to campus to share their professional experiences with law students in a small group setting.

Although a member of the State Bar of Georgia and the Cobb County Bar Association, Brumby's entire career has been in journalism.

Brumby earned his undergraduate degree from the University of the South, where he majored in political science and minored in economics. After graduating from Georgia

Law, he began working at *The Marietta Daily Journal* as assistant to the publisher. Two years later, he became publisher.

In addition to his responsibilities at the journal, Brumby launched Neighbor Newspapers in 1969 to serve the Atlanta suburbs.

Today, he and his son Otis Brumby III (J.D.'06) are responsible for publishing two daily newspapers and 27 community/suburban newspapers in 10 counties in metropolitan Atlanta. Named to *Georgia Trend's* list of "100 Most Influential Georgians" three times, he is also the director of the Georgia First Amendment Foundation.

To nominate someone for the 2011 Distinguished Service Scroll Award, please visit www.law.uga.edu/alumni-leadership and complete the online form by Dec. 1, 2010.

Class Notes Notables

In an effort to provide Class Notes and In Memoriam listings in a timelier manner, these editorial sections will now only appear in our quarterly electronic newsletter, News @ Georgia Law, and online. Below are some Class Notes "notables" from April 2009 to April 2010. For a full listing, please visit www.law.uga.edu/alumni.

J. Philip Worthington (1976) of Dallas, TX, joined FFE Transportation Services as vice president of enterprise sales. **Kenneth E. Gross Jr.** (1978) of Falls Church, VA, was appointed ambassador to the Republic of Tajikistan by President Barack Obama. **David E. Ralston** (1980) of Blue Ridge, GA, was elected speaker of the House for the state of Georgia. **James P. Smith** (1981) of Macon, GA, was appointed bankruptcy judge of the U.S. District Court for the Middle District of Georgia. **Ertharin Cousin** (1982) of Rome, Italy, was confirmed by the U.S. Senate as ambassador to the United Nations Agencies for Food and Agriculture. **Steven W. Smith** (1982) of Marietta, GA, was named senior vice president and general counsel of the Americas of InterContinental Hotels Group. **Mark F. Taylor** (1982) of Atlanta, GA, was appointed chief executive officer and vice chairman of the board of directors of the Fred Taylor Company. **Robert P. Hall III** (1985) of Washington, D.C., joined Dutko Worldwide as a senior vice president and director of international trade and tax policy. **Elizabeth B. Chandler** (1988) of Atlanta, GA, joined the Asbury Automotive Group as vice president and general counsel. **Thomas C. Chubb III** (1989) of Atlanta, GA, was named president of Oxford

Industries. **Scott J. Forster** (1989) of Calhoun, GA, argued the case *Dean v. U.S.* (08-5274) at the U.S. Supreme Court. **Robert L. Shannon Jr.** (1991) of Marietta, GA, was the first African-American to be promoted to Brigadier General in the Georgia Air National Guard. **Matthew E. Carswell** (1992) of Kirkwood, MO, joined Coca-Cola Enterprises as senior corporate counsel. He is also vice president and general counsel of Coca-Cola Bottlers' Sales and Services Company and secretary of Coca-Cola Supply. **Sheri Gates McGaughy** (1992) of Atlanta, GA, was promoted to vice president-legal at The Weather Channel. **Thomas C. Rawlings** (1992) of Sandersville, GA, has become the director of the Guatemala Field Office of the International Justice Mission. **Julia A. Houston** (1995) of Atlanta, GA, was promoted to senior vice president and general counsel for Mirant Corp. **James K. Reed** (1995) of Marietta, GA, joined YKK Corporation of America as vice president and chief legal counsel. **Elizabeth L. Schuchs-Gopaul** (1996) of Arlington, VA, was assigned to the Pentagon as the chief of the strategic communications branch of the Air Force Office of the Judge Advocate General and was promoted to lieutenant colonel. **Stacey Kyle Luck** (2000) of Alexandria, VA, was appointed chief of staff and counselor for the Office of the Deputy Attorney General, U.S. Department of Justice. **Rishi R. Hingoraney** (2002) of Washington, D.C., was named director of public policy & legislation for National Public Radio. **Amitabha Bose** (2004) of Washington, D.C., joined the Federal Railroad Administration as director of legislative affairs.

Firm and Corporation Alumni Challenge is launched



Not surprisingly, raising money for the School of Law has required a tremendous effort in the past year.

Many of our supporters – alumni, friends, law firms and foundations – have endured nearly unprecedented financial challenges, and even those who have continued to do reasonably well have found that there are many worthy nonprofits and charitable institutions seeking their help.

Thankfully, however, we have benefited from the loyalty of many alumni and friends. With their assistance, the law school has continued to prosper despite the pressure of budget cuts and uncertainty about future funding for higher education in Georgia.

In the 2009 fiscal year, our Law School Fund was down 7 percent. While this decrease in annual support created challenges for us – particularly with respect to scholarship availability for our students – it was a modest decline compared to the nationwide drop in annual giving to public higher education. According to a recent study, annual fund revenues for public schools were down 15.6 percent in 2009.

The relative strength of our Law School Fund helped the law school to recruit our best-credentialed class ever and aided in the pursuit of several outstanding new faculty members.

This spring, we launched our new Firm and Corporation Alumni Challenge, which encourages annual support for the law school through friendly competition among our alumni in law firms and corporate legal offices.

Participating firms show their support for the law school and our students by seeking 100 percent participation in giving by alumni at the firm.

While the challenge will result in additional gift revenue to support the education of our students, it will also improve overall participation among our alumni.

Most other top law schools are able to count on a higher percentage of their alumni giving every year, and among elite public schools it is not uncommon for 100 percent of their alumni in large firms to make a gift year over year.

If you would like your firm to participate, please contact Phyllis Cooke at cooke@uga.edu or (706)542-7637.

This challenge will be a fun and easy way to remind our alumni of the importance of annual investment in their law school and for firms and corporations to demonstrate their support for our students.

As I write this column, the Law School Fund is running ahead of our 2009 pace. In part, this is due to robust outreach to our alumni. Beginning last summer, the law school held receptions and other special events both outside of Georgia, including Chicago, Washington, D.C. (twice!), Charlotte, Dallas and New York City, and in the state, including Atlanta, Columbus, Tifton, Gainesville, Marietta, Savannah, Brunswick and Sea Island.

Our visits were made possible by one or more volunteer hosts, who not only helped to spread the word but also covered costs out of their own pockets.

It has been gratifying to find that at every stop we meet alumni who want to become more involved as donors and volunteers, and we are particularly grateful to our hosts for their assistance.

On the subject of great volunteers, we have benefited from a veritable army of them in the last year: class agents, law firm representatives, regional agents, parents and members of our Board of Visitors and Law School Association Council.

All have worked hard to ensure our success. This has been no easy task, and we offer our thanks to those who are willing to solicit their colleagues, classmates and acquaintances on behalf of the law school.

And, of course, we are grateful to all of those who have chosen to invest in our continued success.

- DIRECTOR OF DEVELOPMENT SCOTTY G. MANN

2010 Reunion Weekend

Oct. 15 & 16 (Fri. & Sat.)

Save the Date!

Reunion Weekend is held in conjunction with the law school's annual Homecoming BBQ. The following law school classes will have a significant anniversary reunion this year: 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000 and 2005.

Plan to join your classmates in Athens to celebrate your reunion! For more information, go to www.law.uga.edu/alumni.





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WHY I SUPPORT GEORGIA LAW...

... to offer younger law students and future lawyers the same excellent training and exposure as I experienced.



*Janet and Bruce (J.D. '74) Beerman.
Bruce currently works at the Atlanta office
of Burr & Forman.*

Janet and I have both been very fortunate in our personal and professional lives. The education I received while at the University of Georgia School of Law, the strong work ethic which I developed while in attendance there and the friendships which I formed while enrolled there have played an essential part in the successes of my life as an attorney. I believe it is important that future law students have the same opportunities for professional development as I had.

In both of our childhood families, my wife and I learned that hard work and a good education were essential to achieving our own personal goals, and we knew that we were expected to help others when we could. In deciding where we want to make charitable gifts, Janet and I try to evaluate each prospective recipient to determine how our contribution will be spent, how efficiently our money will be used for its intended purpose and the benefits which will be derived by others from our giving.

When the law school first approached me over 25 years ago requesting that I consider making leadership level pledges, Janet and I considered the effects that this sort of contribution might make. We discussed how the law school education had positioned me to start my legal career with a solid background and how our philanthropy might enable future generations of lawyers to have the same advantages as I enjoyed upon graduation. We have not been disappointed in the least with what has been achieved from the gifts we have made over the

years. Not only have we been satisfied that the money we have given has been put to excellent use, but also we have never doubted that the law school and its administration have been extremely appreciative of our support.

Contributions, such as ours, help to ensure that the institution continues to have an excellent faculty and is able to offer scholarships to deserving students. We believe we have helped in some small way to offer younger law students and future lawyers the same excellent training and exposure as I experienced. All attorneys who attended Georgia Law should reflect upon how the education which they received and the friendships and acquaintances which they made while attending their alma mater contributed to their successes in life. They should give what they can so that future generations of law students will have the same privileges as they did.

To join those who already support Georgia Law by making a gift to the Law School Fund, please contact Phyllis Cooke, director of annual giving, at (706) 542-7637 or cooke@uga.edu or visit our Web site, www.law.uga.edu, to make your gift online.

