Reliving history

Law students re-enact trial that led to university's integration

At the reception following the trial re-enactment and legal panel were Judge Horace Ward (left), one of the attorneys who represented Hamilton Holmes and Charlayne Hunter during the original trial and who was denied admission to the law school himself during the 1950s, and Robert Benham (J.D.'70), the second African-American to graduate from the law school and currently a Supreme Court of Georgia justice.

For about two hours during late February, the present met the past.

As part of the university's 50th anniversary celebration of desegregation, the Davenport-Benham Black Law Students Association organized a two part event that examined the legal side of integration and, due to its tremendous success, earned UGA's H. Gordon and Francis S. Davis S.O.A.R. Award for Outstanding Campus Event.

The first part was a re-enactment of the trial that forced UGA to admit Hamilton Holmes and Charlayne Hunter.

The second was a panel discussion on the short and long-term ramifications of those decisions featuring prominent legal minds from Georgia.

Outfitted in 1960s-style dress, students from the law school played the parts of Hunter, Holmes, their attorneys and the lawyers for UGA.

Each witness took the stand and fielded attorney questions before closing arguments were made and the judge delivered a decision.

From prolonged waits at the registrar's office to aggressive, hour-long interviews, the trial highlighted the obstacles that Holmes and Hunter had to overcome to secure spots at UGA.

In a typical exchange, second-year student Christopher E. Bruce, who played Holmes, responded to an accusation that he was persuaded by the NAACP to legally challenge the university by saying, "No, sir. I wasn't drafted by the NAACP. In football terms, I was a walk-on."

Speaking as U.S. District Court Judge William A. Bootle, Callaway Chair Emeritus Ronald L. Carlson said, "The court is aware that demonstrations surrounding the entry of these students have become violent. ... Some see this as a reason for this court not to proceed. The view of this court is that constitutional rights are not to be sacrificed in the face of disorder, nor can lawful orders of this court be frustrated by mob violence. Nothing in these demonstrations shall slow the work of this court. It is the finding of this court that Hamilton Holmes and Charlayne Hunter would already have been admitted to the university had they been judged on their merits and not their race. It is the order of this court that they be immediately admitted."

The panel discussion that followed the re-enactment featured Judge Horace T. Ward, one of the attorneys who represented Holmes and Hunter and who was denied admission to the law school himself during the 1950s; Justice Robert Benham (J.D.'70), the second African-American to graduate from the School of Law; Kenneth I. Dious (J.D.'73), Athens' first African-American lawyer; and Maureen Downey, a reporter for *The Atlanta Journal-Constitution.*

The panel discussed what integration meant for the university, the state and the nation as well as what related issues are surfacing now.

"I think the question today is: Are segregated classrooms more acceptable today as a matter of choice rather than court order or law? I think what we're seeing in Georgia today is a re-segregation of schools by residential housing patterns, and it's very problematic," Downey said. "People are choosing where to live and it's hard to argue with that."

Added Benham: "I think education is part of a bigger picture. I want to give this country credit for the progress we've made. I think what will bode well for our future is our realization of how we made this progress. It's come about because of our diversity. Everybody doesn't look alike. We don't have the same religion. Those differences strengthen us as a country. The differences cause us to be sensitive to the needs of others."

—*UGA* Columns *Senior Reporter Matt Weeks*

Watch the re-enactment and legal panel and view photos from the reception online at **www.law.uga.edu/multimedia-gallery-recent-events.**

The re-enactment of the Hunter/Holmes trial, which led to the desegregation of UGA, included (from l. to r.) third-year student David Ballard, playing the role of one of the state's attorneys; Callaway Chair Emeritus Ron Carlson, portraying U.S. District Court Judge William Bootle; and second-year student Christopher Bruce as Hamilton Holmes, among others. Photo by UGA Public Affairs' Dorothy Kozlowski.

Sibley lecturer examines Dodd-Frank Act

John C. Coffee Jr., Columbia University's Berle Professor of Law, presented the 107th Sibley Lecture titled "Death, Taxes and Systemic Risk: Planning for the Inevitable," where he analyzed the effectiveness of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, enacted in 2010, and discussed whether or not it could prevent another 2008-style financial crisis.

The act was created to curtail systemic risk and, while the drafters invested heavily in the areas of prevention, regulatory controls and monitoring, Coffee questioned if these efforts would be enough.

"Systemic risk will still occur, in light of this act, because of inherent bank fragility, the regulatory sine curve [tight regulation after a crash, followed by gradual relaxation thereafter] and cognitive limitations that cause new risks to be perceived only after the fact," Coffee said.

This is not surprising, Coffee argued, because banking has always been characterized by liquidity crises.

Traditionally, central banks such as the Federal Reserve Bank and the Federal Deposit Insurance Corporation assume the role of "lender of last resort." Their core job in a crisis is to identify the truly insolvent, terminally ill banks from those simply facing a liquidity crisis. Then the central bank liquidates the former while advancing funds to the latter.

"This process occurred with little political controversy until 2008," Coffee said. "That year changed everything for many reasons."

First, he said, it was not the banks, but "shadow banks" (Lehman Brothers, AIG, etc.) that had to be either bailed out or liquidated. Also, it was not depositors, but sophisticated counterparties, who were being protected at taxpayer expense, and the rationale was that all financial institutions were interconnected in a global market and a major failure would cause a domino effect.

"The various political agendas that surfaced from the 2008 crisis led to the Dodd-Frank Act," Coffee said. "But did these different agendas fit together to produce a coherent reform package? The answer depends on how we diagnose the cause of the 2008 meltdown."

In the "executive compensation story," Coffee theorized that the crisis was caused by option-based compensation formulas that led financial managers to take on excessive risk and leverage. Coffee believes the new act directly addresses this scenario by authorizing limits on executive compensation and giving shareholders enhanced power over managers with the hope of increasing corporate accountability. However, he argued this fix may have problems as the more "shareholder friendly" the governance structure of a financial institution is the greater its exposure to insolvency in a crisis will be.

"Greater shareholder accountability for financial institutions may have unintended and perverse consequences," Coffee added.

The second scenario Coffee offered for the 2008 crisis was the "too big to fail discount." As investors did not want to believe that large financial institutions would be allowed to fail, they lent excessively and at too "cheap" a rate to the entities, Coffee explained.

To combat this, the Dodd-Frank Act directly limits the ability of the FRB and the FDIC to lend to solvent, but troubled, financial institutions. Yet Coffee noted that the act also authorized the FDIC to liquidate a failing financial institution but not to assist a troubled one.

"Will the regulators intervene before the institution actually collapses?" Coffee asked.

Watch Coffee's lecture online at **www.law.uga.edu/lecture-series.**

"Contingent capital, or debt that converts to equity security and cannot default or cause bankruptcy, is a better solution."

In his final theory for what could have caused the 2008 financial meltdown, the "sorcerer's apprentice story," Coffee explained how few understood the risks in over-the-counter derivatives, the degree to which those risks were concentrated at one firm or how unreliable credit ratings can be.

According to Coffee, Dodd-Frank does not seek to heighten transparency, but it mandates clearinghouses to prevent the failure of a swap dealer. He added that clearinghouses may not be enough.

"Clearinghouses protect counterparties at the cost of concentrating risk. A clearinghouse failure would be the financial equivalent of a magnitude-nine earthquake, and the risk is real."

As a result, despite all the regulation in the Dodd-Frank Act, Coffee believes a fail-safe remedy that does not depend on the wisdom of regulators or on the political contingencies of a particular movement is still needed.

"The Dodd-Frank reforms will work for a time, but the regulatory sine curve implies that the intensity of oversight will relax over time," Coffee said. "And then what will happen?"

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.

—Curry Andrews

Chief Justice Hunstein delivers House Lecture

"A diverse judiciary is necessary for fair and impartial justice," according to Supreme Court of Georgia Chief Justice Carol W. Hunstein, who served as the school's 29th Edith House lecturer in March. She added that without an impartial and independent judicial system, it would be the "death of democracy."

These statements are fitting for one of the trailblazers in the diversification of the Peach State's judiciary and the legal profession.

Hunstein also quoted American hero John Gardner who once said, "History never looks like history when you're living through it." She elaborated by stating, "You all may not realize it, but all of you, especially young law students, are living in a period of change for women that one day will be written in the history books."

When Hunstein was elected Superior Court judge in DeKalb County during 1984, she became the first woman Superior Court judge in the county and the fifth woman to serve on the Superior Court for the entire state. While serving on this bench, she became the first female president of the Council of Superior Court Judges and chaired the Georgia Commission on Gender Bias in the Judicial System.

Moreover, when she was appointed to the state's Supreme Court in 1992, Hunstein became the second woman in history to serve as a permanent member of the court. And, last year, she was featured in an *ABA Journal* article titled "Tipping the Scales: How Southern Women are Remaking the Face of Justice," as she was one of eight state Supreme Court chief justices in the South at the time.

Coming out of law school in 1976, the future chief justice wanted to be a litigator. However, she said she found it hard to get a job "as women weren't welcomed in the practice of law." She said that at the time female graduates were often asked "how fast they could type" in job interviews rather than the focus being on their legal credentials.

In examining the progress that has been made in the legal profession during the past several decades, the chief justice pointed out that in 1963 the vast majority of Georgia Law students were male, while in 2008 Georgia Law admitted its second majority female class.

Yet, Hunstein also cited recent statistics showing that women still have more to accomplish in the field of law.

"Women still have a way to go in this country," Hunstein said. "Women constitute only 19 percent of partners in private practice and only 15 percent of Fortune 500 general counsels, and while women represent 51 percent of the population, we hold only 26 percent of state and federal judgeships."

Hunstein charged future female lawyers to change these numbers.

"Leslie Sanchez, former Bush administration official, once said, 'We've come a long way – maybe.' And she's right. Women are making progress, but we're still not equal to men in the legal profession. Yet, we are getting there, and we're relying on women law students to make sure that happens."

In closing she said, "I encourage all to see the possibilities that education provides. A successful career can enable you to give back and be leaders. There is no greater joy than to give back."

Hunstein's law degree is from Stetson University College of Law, while her bachelor's degree is from Florida Atlantic University and her associate's degree is from Miami-Dade Junior College.

Watch Hunstein's lecture online at **www.law.uga.edu/lecture-series.**

The Edith House Lecture Series is hosted annually by the Women Law Students Association (WLSA) 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.

Georgia Law recognized for clerkships, value and eco-friendliness

In a recent *U.S.News & World Report* ranking, Georgia Law placed sixth in the nation for graduates securing federal clerkships.

The school was also listed as a top 10 law school for providing the "most financial value" at graduation. This *U.S.News* listing compared first-year salaries relative to debt load.

Additionally, Georgia Law was included in a fall listing of "Best Value Law Schools" by *preLaw* magazine, a National Jurist publication. This ranking placed the law school at 15th for providing a quality legal education at an affordable price.

The editors of *preLaw* also counted Georgia Law among the greenest law schools in the country. Only 20 schools were recognized in this evaluation.

Conference explores Savannah harbor expansion and other coastal issues

Legal and environmental issues currently affecting the Georgia coast were the focus of the 23rd Annual Red Clay Conference, titled "Coastal Change: A 'Shore' Thing."

"The potential for economic growth in coastal industries and tourism provides the state of Georgia with great opportunities, while also spotlighting important questions about the preservation of our most valuable natural resources," second-year student and conference co-chair Lindsey M. Green said.

Red Clay Conference keynote speaker and Savannah Mayor Otis Johnson (third from right) is pictured with conference organizers and second-year students (from l. to r.) Jim Wilson, Thomas Whitley, Lindsey Green and Katie Biszko. The conference was streamed on the Web for live viewing for members of the Savannah Bar Association and the Chatham Environmental Forum.

"This conference addressed a variety of significant legal and environmental issues affecting the Georgia coast, with a focus on the tension between increasing development and its environmental impacts," she added.

Specific issues covered included the Savannah Harbor Expansion Project, the silviculture exemption to the Clean Water Act, the legal implications of sea level rise, and development due to increased population and tourism.

Expanding on the topic of growth in Savannah was the city's mayor, Otis S. Johnson. Also delivering a keynote address was Altamaha Riverkeeper Sonja M. Cox (J.D.'00).

Other participants included representatives from the Center for a Sustainable Coast, the Georgia Forestry Commission, the Skidaway Institute of Oceanography, the Coastal Conservation League, the Southern Environmental Law Center and the U.S. Army Corps of Engineers. In addition, notable academics and leading practitioners in the field of environmental law contributed to the discussion.

Sponsored by the Environmental Law Association, the Red Clay Conference was established in 1989 to increase public awareness of environmental issues of regional, national and international significance through a series of educational presentations and open forum discussions.

Conference addresses expanding role of public interest law

Health care reform and immigration laws were among the many topics explored at the Sixth Annual Working in the Public Interest Law Conference, which also addressed emerging issues in public interest law as well as new challenges faced by practitioners in the field.

The conference featured a keynote address by Atlanta Legal Aid Society's Steve Gottlieb as well as a plenary on the current backlog of judicial nominations in the U.S. Senate with policy experts reviewing the scope of the problem, solutions and potential roadblocks to change.

"WIPI seeks to bring together practitioners, students and faculty to discuss practical approaches to lawyering which can promote social justice and human rights for all," third-year student and conference co-organizer Monika M. Dobbs said. "Our goal was to highlight dynamic and creative ways to combat social injustice through the law as well as to better equip and support those who are working in this challenging arena."

Once again the Equal Justice Foundation partnered with WIPI to create a public interest weekend. The group's 26th annual auction, held on the eve of the conference, raised enough money to support six full fellows and eight partial fellows for this summer.

The recipients will be serving with organizations such as the American Constitution Society, the Cabrini Center for Immigrant Legal Assistance, the Federal Trade Commission, the Humane Society of the United States, the U.S. Department of Education Office for Civil Rights, the U.S. Department of Health & Human Services and the U.S. Environmental Protection Agency as well as with several public defender offices across the country.