

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



## The world comes to Athens for midyear meeting

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

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

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

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

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

## Conference explores future of the Cuban embargo

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

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

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

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

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

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

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

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

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

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

### Pros and Cons of the Embargo Remaining in Place

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Pathways to Removing Sanctions

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

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

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

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

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

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

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



Watch the entire conference online at [www.law.uga.edu/dean-rusk-center-events](http://www.law.uga.edu/dean-rusk-center-events).

## Possible Trade and Investment Opportunities

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

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

—Cindy Rice & Nina Kamber

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

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

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

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

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

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

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

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

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

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

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

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

which creates competition among livelihood groups for access to resources.

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

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

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

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

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



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



## House Lecturer explores constitutional criticisms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

—Nina Kamber

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



Watch Jones' lecture online at [www.law.uga.edu/multimedia-gallery-recent-events](http://www.law.uga.edu/multimedia-gallery-recent-events).

## Social justice lawyer delivers 109th Sibley Lecture

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

—Nina Kamber

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



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

## Eighth Annual WIPI Conference

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

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



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



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

## Symposium explores sustainability in the Southeast

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

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

## Evidence reform in Georgia

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

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

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

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

## Students engage local music industry

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



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

## Guest speakers with an international focus

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

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

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

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

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

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

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



## Judges discuss diversity on the bench



Photo by John Disney/Daily Report

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

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

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

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

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## Love and two other longtime staff retire

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

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

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

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

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

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

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

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

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

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

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

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



## Georgia Law welcomes Day and Griffeth

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

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



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

