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Dean's Report 1997

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October 20, 1997

Dear Alumni and Friends,

Thanks to the commitment and hard work of the entire law school community: faculty, staff, students and you -- our alumni and friends, 1996-97 was another banner year for the University of Georgia School of Law. With such strong support and collective achievement, it is no wonder that UGA climbed in *U.S. News & World Report's* rankings of law schools to number 26, ninth among public schools and second only to Virginia in the east. The reputation of the school continues to grow, as evidenced by this assessment in the 1997 edition of *The Princeton Review Student Advantage Guide to the Best Law Schools*: "Georgia's academic strength and bargain-basement tuition help explain the popularity of this excellent, inexpensive law school."

In this *Dean's Report*, I enthusiastically bring you up to date on 1996-97 accomplishments and activities in five broad areas: 1) Faculty/Staff Developments; 2) Faculty Scholarship and Service; 3) Educational Program; 4) Students; and 5) Alumni and Development. The letter then concludes with brief comments about important happenings at UGA in 1997-98.

Faculty/Staff Developments

Our tenure-track faculty now numbers 35, eight of whom have joined the ranks since 1993. Nineteen senior faculty members hold prestigious endowed chairs or professorships, including four named last spring: Robert Cotten Alston Professor of Corporate Law Margaret V. Sachs, who is the first female faculty member to hold an endowed chair; J. Alton Hosch Professor Dan T. Coenen; John Byrd Martin Professor James C. Smith; and Joseph Henry Lumpkin Professor James F. Ponsoldt. I am also pleased that Associate Professors Sarajane N. Love and Camilla E. Watson have been promoted to full professor, bringing to four the number of female faculty promoted to that level since 1993.

Three outstanding new faculty members have joined the School of Law in the 1997-98 academic year: Charles R.T. O'Kelley as the Martin E. Kilpatrick Professor of Law and Assistant Professors Peter A. Appel and J. Randy Beck. Chuck O'Kelley, formerly the interim dean and Loran L. Stewart Professor of Law at the University of Oregon, is a prominent authority on corporate law. He has written numerous books and articles, including a leading casebook, *Corporations and Other Business Associations*, 2d ed. He serves on the executive committee of the AALS Section on Business Associations and is a member of the ABA Corporation Banking and Business Law Section. A native Georgian, Chuck started his legal career with two Atlanta law firms in the 1970s: Dodd, Driver, Connell and Hughes; and Jones, Bird and Howell. His appointment, coupled with Alston Prof. Sachs' promotion, strengthens the corporate and business law areas. Peter Appel will teach property, natural resources law, and environmental law. He formerly worked as an attorney with the U.S. Department of Justice's Environment and Natural Resources Division and served as a law clerk for Chief Judge Gilbert S. Merritt of the Sixth Circuit U.S. Court of Appeals. Randy Beck, a former law clerk for Justice Anthony M. Kennedy of the U.S. Supreme Court and Judge Patrick E. Higginbotham of the Fifth Circuit U.S. Court of Appeals, will teach property, trusts and estates, and legal history. Prior to his law school appointment, Randy worked as an associate with the law firm of Perkins Coie in Seattle, Washington, and as an attorney-advisor in the U.S. Department of Justice's Office of Legal Counsel.

The addition of Legal Research and Writing Instructor Rosemary Myers Hathaway, a former UGA Legal Aid Clinic defender, fulfills our goal of providing two instructors per section in the first-year program. This allows smaller class size and the opportunity to more closely tie legal research and writing and other first-year courses. Rosemary, a *Phi Beta Kappa* graduate of Williams College with a master's degree in comparative literature from Princeton, received her J.D. from New York University in 1985 and clerked for U.S. District Judge Constance Baker Motley of the Southern District of New York.

Of course, the primary beneficiaries of the law school's ongoing efforts to expand the faculty are the students, and at the

1997 commencement ceremony, graduates demonstrated their sincere appreciation of the faculty's dedication with a standing ovation. Two faculty members were individually honored: Assistant Professor Anne Proffitt Dupre, who teaches in the areas of contracts, education law, and children in the legal system, received both the Student Bar Association Faculty Book Award for Excellence in Teaching and the Phi Delta Phi John C. O'Byrne Memorial Faculty Award for Significant Contributions Furthering Student-Faculty Relations; Herman E. Talmadge Professor Walter Ray Phillips received the Student Bar Association and Younger Lawyers Section of the State Bar of Georgia Award for the Teaching of Legal Ethics.

Sadly, we have lost two valued members of our faculty with the passing of Professor Emeritus Sigmund A. Cohn in March at the age of 98 and the death of Professor Ellen Rausen Jordan. Dr. Cohn was a member of the law faculty for 20 years and taught a wide range of business and commercial subjects, as well as the law school's first course in international law. He no doubt will be remembered fondly by those whose lives he touched. A poignant memorial violin recital honoring the life of Professor Jordan was presented by her son, Daniel, in February. Ellen, who died in August 1996, had been a member of the UGA law faculty since 1976 and served as associate dean. The Ellen R. Jordan Award for Public Interest Law was endowed in her memory by friends and family, and the inaugural award was presented to 1997 graduate Rob Cox at commencement.

Faculty Scholarship and Service

The quantity and quality of our faculty's scholarship is impressive indeed. In the past year, faculty members have published 10 books; 62 articles, monographs, and chapters in books; and 8 book supplements and teaching materials. The published books address Evidence (Carlson), State and Local Taxation (Hellerstein), Legal History (Larson), Wills (Love), Local Government Law (Sentell), Law and Religion (A. Watson), and Postconviction Relief (Wilkes).

Articles on a variety of topics appeared in such respected journals as the *Yale Journal of Law and Literature* (Ball); *Michigan Law Review* (Ball; Hellerstein and Coenen); *Cornell Law Review* (Coenen and Hellerstein), *Vanderbilt Law Review* (Coenen); *Washington Law Review*, *Education Law Reporter* (Dupre); *Yale Law & Policy Review*, *Georgia Law Review* (Eaton); *Duke Law Journal* (Heald); *Tax Law Review* (Hellerstein); *Nature* (Larson); *Georgetown Law Review* (Nagareda); *SMU Law Review* (Sachs); *American Journal of International Law*, *German Yearbook of International Law*, *Maritime Law Practitioner* (Schoenbaum); *Constitutional Commentary* (Wells); and *William and Mary Law Review* (White; Coenen).

Distinguished lectures were presented, among other places, at the Institute for Advanced International Studies of the University of Paris II (Panthéon-Assas) (Wilner); the University of Cambridge's Research Centre for International Law and the University of Tokyo (Schoenbaum); the University of Edinburgh and the American Society of Legal History (A. Watson); the Université Jean Moulin in Lyon, France (Larson); the National Institute of State and Local Taxation in Chicago and the NYU Conference on State and Local Taxation (Hellerstein); and Trinity University and Boston College (Ball). Martin Prof. Jim Smith taught modern U.S. property law as a visiting professor at the University of Regensburg and Harmon W. Caldwell Professor Milner S. Ball lectured on comparative constitutional law in the London Law Consortium this spring. I note with pride that Research Professor and Ernest P. Rogers Professor Alan Watson has been elected Visiting Professor of Private Law at the University of Edinburgh, the highest honorary award that the Edinburgh law faculty bestows.

Although space limitations prevent me from listing the faculty's specific service activities, I am delighted to report that they continue to be involved in a myriad of important professional and community activities.

Educational Program

The School of Law has made substantial strides in strengthening the upper level curriculum, largely as a result of successful efforts to increase faculty size and diversity of specialty areas. Twenty new courses have been added to the curriculum since 1993, including advanced torts, immigration law, the Supreme Court seminar, law and disability, and several lawyering skills courses such as advanced legal writing and interviewing, counseling and negotiation.

Programs in international legal studies have also expanded. Last year, four students and Caldwell Prof. Milner Ball participated in the semester-long London Law Consortium program, and at least eight UGA law students are slated to participate in this year's program. The School of Law has just been notified of its receipt of a substantial new grant from the United States Information Agency (USIA) which will create a three-year faculty exchange program of research, teaching and curriculum development in alternative dispute resolution with the Universidad del Salvador in Argentina. The Dean Rusk Center for International and Comparative Law, under the leadership of Director and Dean and Virginia Rusk Professor Thomas J. Schoenbaum, has received a major grant from the Center for Global Partnership to carry out a study of U.S.-Japanese economic relations. Also, the Brussels Seminar on the Law and Institutions of the European Union celebrated its 25th anniversary this summer with a gala dinner and special colloquium of European commissioners. The program, which has helped prepare more than 300 UGA law students for global legal practice, has been directed since its inception by Associate Dean and Thomas M. Kirbo Professor Gabriel M. Wilner, director of international and graduate legal studies. The LL.M. program, which he also administers, has enrolled 33 students this year from such interesting places as Russia, Estonia, Sudan, Korea and Sierra Leone.

Last month, the School of Law hosted five British visitors for the eighth Gray's Inn Moot Court Competition. In 1996, we complemented that program with another exchange with King's Inns of Dublin, Ireland, thus allowing us to offer an international moot court experience for our students each year. Both programs are generously supported by the William Carroll Brown Fund.

Seventeen students have signed up for externship placements this fall through the new civil clinic. The program, initiated in the spring semester under the supervision of Civil Clinic Director Alexander W. Scherr, places students with supervisors in judicial, government and private non-profit positions and is designed to explore the life and the mind of the lawyer in action.

Technology plays an integral part of the educational program for students and, as I'll mention later, has a growing role in our alumni outreach efforts. Law students now have access to four computer labs and learning centers with more than 50 computers available, and students this fall have been offered individual e-mail accounts. Conversion of data to the law school's on-line catalog, GAVEL, was completed in 1996-97, so our entire library collection can be searched via computer from home or office. We hope to add an on-line circulation system in the next phase of automation, provided that funds are made available through the proposed GALILEO II statewide initiative. It is also our goal to equip all classrooms with state-of-the-art projection equipment so we may fully utilize advancements in instructional technology.

Students

Law students at the University of Georgia are exceptional, as their record of performance in 1996-97 illustrates. The year included one of the crowning achievements in the School of Law's history: the finest season ever for our advocacy programs. Our moot court program captured its second championship this decade in the National Moot Court Competition and, a few months later, our mock trial program brought home its first national title with the victory in the Association of Trial Lawyers of America (ATLA) Mock Trial Competition. The National Moot Court victory extends UGA's record as the only law school in the nation to have reached the quarterfinals of the national competition for seven consecutive years. The moot court students, under the direction of Advisor Richard L. Ford (J.D.'88) and Faculty Advisor Rebecca H. White, also added four more championships to the 1996-97 season tally: the National First Amendment Moot Court Competition, the American Bar Association Regional Competition, the William B. Spong Invitational and the tenth consecutive victory in the Hulsey-Kimbrell Competition. One championship was not enough for the mock trial students, either: under the leadership of Coach Ralph W. Powell (J.D.'90), Faculty Advisor Ronald L. Carlson and ABA Coach Kenneth W. Mauldin (J.D.'80), they were named intrastate champions in the State Bar Younger Lawyers Section Southeast Regional Mock Trial Tournament and two teams climbed to the finals of the ABA Southeast Regional Mock Trial Competition.

In 1996-97, the student journal editorial boards produced nine quality issues -- four issues of the *Georgia Law Review*, three

issues of the *Georgia Journal of International and Comparative Law* and two issues of the *Intellectual Property Law Journal* -- an impressive accomplishment. Fourteen members of the Class of 1998 have been awarded clerkships with the federal judiciary from the Northern, Southern, and Middle Districts of Georgia, the Eleventh Circuit and the District of Hawaii. The faculty subcommittee on judicial clerkships, chaired by Assistant Professor Richard A. Nagareda, is to be commended for its efforts to encourage student interest in these prestigious positions.

UGA law students have a long legacy of service to the community, and although recognition is not their intent, I am proud to report that several organizations were honored for their efforts in the 1996-97 academic year. The Phi Alpha Delta (PAD) chapter was named national "LRE Chapter of the Year" for its participation in the law-related education program: nearly 70 law students received training to present programs on the judicial system in local elementary and secondary schools. In addition, PAD collected more than 800 pounds of food for the local food bank during its annual Canned Food Drive. The Environmental Law Association, which annually sponsors the Red Clay Conference and organizes lectures, environmental newsletters and clean-ups throughout the year, received the Alec Little Environmental Award for environmental responsibility in Northeast Georgia. Other law student service projects included the Equal Justice Foundation's sponsorship of five summer fellowships in public interest positions; the Student Bar Association's coordination of volunteer law school tour guides to assist in student recruiting; and the Georgia League's participation in the Legal Career Services Office's Rural Clerkship Program, created to promote networking opportunities for students outside Georgia's metropolitan areas.

UGA law graduates are certainly prepared to enter the legal profession, as evidenced by their most recent performance on the Georgia bar exam: 98 percent of the first-time test takers in July 1996 passed the exam and 100 percent of the 12 UGA graduates who took the exam in February 1997 passed; the results of the July 1997 exam have not yet been released. Approximately 95 percent of the Class of 1996 were employed within six months of graduation.

The Class of 2000 reported for orientation on August 18, and they are an impressive group. A total of 233 students, selected from 1,859 applicants, enrolled. In keeping with the law school's commitment to provide the finest legal education to state residents, 184 of the students (79 percent) are Georgians. The median grade point average of the class is 3.55, up from 3.43 last year, and their median Law School Admissions Test (LSAT) score of 161 places them among the top 15 percent of all test takers nationwide. Women comprise 46 percent of the class, and minorities, 9 percent. The geographically diverse group includes graduates from 92 institutions in 20 states, with the largest number coming from the University of Georgia (68), the Georgia Institute of Technology (11), Emory (9), Furman (7), and the University of North Carolina - Chapel Hill (6).

Alumni and Development

Last year's Homecoming/Reunion weekend was an outstanding success, with more than 700 alumni and their family members in attendance and 11 classes enjoying reunion gatherings. This year's festivities, to be held on October 24-25, consist of a golf tournament, open house reception, pre-game barbecue, football game and evening parties for the 11 classes celebrating anniversaries.

More than 200 alumni attended the annual Law School Association (LSA) reception and breakfast meeting at the State Bar gathering in June, held for the first time in Hilton Head, South Carolina. The highlight of the event was the presentation of Distinguished Service Scrolls to Chief Justice Robert Benham (J.D.'70) of the Georgia Supreme Court and Law School Association Professor John B. Rees, Jr., the law school's senior professor in the area of civil procedure, federal courts, and conflict of laws. The awards are the highest honors bestowed by the alumni association.

In 1996-97, nearly one-third of the alumni contributed \$396,980 in unrestricted gifts to the Law School Fund, an all-time record and a splendid 20 percent increase over 1995-96. These donations provide vital funding for student scholarships, educational programs, alumni activities and faculty support. Our goal this year is to top \$400,000.

We also greatly appreciate the major gifts received last year in support of endowed scholarships and other restricted funds. The John and Mary Franklin Foundation pledged nearly \$175,000 over the next three years for additional support of the Franklin Scholarship Fund. The Kirbo Trust gave \$150,000 to the Thomas M. Kirbo Chair and the Atlanta law firm of Alston & Bird donated \$25,000 to the Bird Scholarship Fund, fulfilling pledges made previously. Ambassador Morris Abram has named the UGA Foundation as the beneficiary of a \$50,000 bequest to establish the Abram Scholarship Fund and LSA Professor John Rees continued his gifts to the Rees Law Library Fund. We anticipate another year of strong support for endowments. One particular goal is to increase the endowment of the Emily and Ernest Woodruff Chair in International Law to enable the law school to be more competitive as it seeks to fill this important post in the coming years.

Much of the reason for the continuing success of our efforts to increase alumni involvement and support is due to the commitment of the alumni leadership -- the members of the Board of Visitors (BOV) and the Law School Association Council (LSAC). The Board of Visitors was ably led by Paul V. Kilpatrick, Jr. of Columbus (J.D.'65, Pope, McGlamry, Kilpatrick & Morrison) in 1996-97; this year's chair, elected at the group's fall meeting on October 6, is Julius M. Hulsey of Gainesville (LL.B.'63, Hulsey, Oliver & Mahar). New BOV members include: Marcus B. Calhoun, Jr. of Columbus (J.D.'72, Page, Scrantom, Sprouse, Tucker & Ford); Kerry M. Harike of Savannah (J.D.'97, judicial clerk to Judge Lamar W. Davis, Jr. of U.S. Bankruptcy Court); Cathy Harris Helms of Homerville (J.D.'86, Helms & Helms); and John S. Noell, Jr. of Athens (J.D.'65, Cook, Noell, Tolley, Bates & Michael, L.L.P.).

Emmet J. Bondurant II of Atlanta (LL.B.'60, Bondurant, Mixson & Elmore) provided strong leadership for the LSAC last year. The 1997-98 officers are President Gary B. Blasingame of Athens (J.D.'61, Blasingame, Burch, Garrard, Bryant & Ashley); President-Elect Robert D. Goldsmith of Albany (J.D.'80, Gardner, Willis, Sweat & Goldsmith); Treasurer Samuel M. Matchett of Atlanta (J.D.'84, Powell, Goldstein, Frazer & Murphy); Secretary James P. Smith of Macon (J.D.'81, Arnall, Golden & Gregory); and Immediate Past-President Bondurant. We look forward to working with them in the year ahead, and also welcome the newest representatives and appointees of the LSAC: Paul W. Painter of Savannah (J.D.'74, Ellis, Painter, Ratterree & Bart, L.L.P.) - District 1; Julia Willcox Lumpkin of Columbus (J.D.'90, Denney, Pease, Allison & Kirk) - District 3; and Joel O. Wooten, Jr. of Columbus (J.D.'75, Butler, Wooten, Overby, Pearson, Fryhofer & Daughtery) - At-Large State Representative. James B. Ellington of Augusta (J.D.'87, Hull, Towill, Norman & Barrett) will continue his service as chair of the Younger Law Alumni Committee (YLAC).

Leaders of the Law School Alumni Association are particularly interested in your input regarding law school outreach. One new program is PROJECT CONNECTION, designed to link lawyers who need quick answers to legal queries with student researchers at the law school. The Legal Career Services (LCS) Office has compiled a directory of students who are willing to respond to requests for immediate research assistance from alumni. Contact the LCS Office at (706) 542-7541 to participate.

The LSA computer services committee, chaired by Cathy Helms, will explore several proposals for enhanced library outreach, such as a free alumni photocopying and faxing/ mailing service subsidized by private donations, an electronic clipping service via the law school's World Wide Web page (<http://www.lawsch.uga.edu>), a librarian primarily devoted to alumni reference needs and an expansion of web and on-line catalog services. Your comments will be valuable and are welcomed.

Conclusion

This year is a pivotal and exciting one for the University and the School of Law as Dr. Michael F. Adams begins his tenure as president, the law school searches for and names my successor as dean, and we undertake a self-study in anticipation of both an ABA/AALS accreditation inspection and internal University review in 1998-99. These leadership changes and program reviews afford the law school community an excellent opportunity to chart a future ambitious course that undoubtedly will lead the institution to an even higher level of excellence that well serves the law school community and state of Georgia.

It has been -- and remains -- my privilege to serve as dean of the University of Georgia School of Law. I look forward to working with you in the coming months and to remaining actively involved in the years ahead.

Best personal regards.

Sincerely,

Edward D. Spurgeon

Dean and Professor of Law