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Dean's Report to Alumni 1998

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October 9, 1998

Dear Alumni and Friends:

My wife, Jenny Coleman, is a South Carolinian, born in Greenville and raised in Aiken County. She has a decorative ceramic tile hanging on our kitchen wall with the statement, "American by Birth, Southerner by the Grace of God." My decorative tile, if I could find it, would say something like, "Raised on the Big Ten, but Hooked on the SEC." Let me explain.

My roots in the Midwest are pretty deep. My grandparents were from Ohio and Indiana, and both of my late parents were raised in Marion, Ohio. They lived most of their adult lives in Champaign, Illinois where my father, James R. Shipley, was a professor of art & design at the University of Illinois from 1939 to 1979. I was born in Champaign's twin city, Urbana, and had a wonderful childhood growing up in these cities which share the U of I. I saw plenty of Big Ten football games at Memorial Stadium, graduated from the University's high school in 1968, headed off to Oberlin College for my BA, and graduated from law school at the University of Chicago in 1975. But for a couple of trips to Washington, D.C., I had never been below the Mason-Dixon Line until 1977.

It is still rumored that Elvis died in August of 1977, the exact same time I moved to Columbia, South Carolina to become a visiting assistant professor at USC. The end of an era for rock-n-roll was the start of a new era for me. I had to adjust to Columbia's heat and humidity and learn how to become a decent teacher, but it did not take long for me to be hooked on the South and great things like BBQ, beach music, dogwoods, azaleas, and blue skies and mild winters. Marrying Jenny in 1980 also helped my conversion, as did the fact that I really enjoyed being a law professor. We watched lots of football at South Carolina, including quite a few games against the Georgia Bulldogs. The rest is, as they say, history: 13 years teaching at South Carolina, dean at Ole Miss from 1990 to 1993, dean at Kentucky from 1993 to 1998, and now to Athens and the University of Georgia School of Law. Not only have I spent almost all of my professional career in the South, I have done it all at SEC schools. After hearing it for years, I find it easy to say, "How 'Bout Them Dawgs!" because I am now hooked on UGA.

My first months on the job have been busy traveling around Georgia to meet alumni, getting to know my colleagues on the faculty and staff, learning how things work at UGA and the law school, and greeting our outstanding students. When I was introduced as the new dean last May, I stated that this position was one of the most attractive deanships in the country. Three months on the job have not changed my mind: we have an excellent law school.

By the time you receive this newsletter, I will have met many alumni and seen most of Georgia. With the able assistance of Alumni Programs Director Jill Birch, her assistant Phyllis Cooke, Communications Director Kathy Pharr and Development Director Charlie Wurst, I have visited Atlanta, Augusta, Gainesville, Rome, Dalton, Macon, Dublin, Valdosta, Albany, Cuthbert, Perry, Newnan and Columbus. At the end of this month, the alumni outreach team and I will travel to Statesboro and Savannah, and we'll host "Gator Hater" events in Brunswick and Jacksonville: if you live in the area or are attending the Georgia-Florida game, we hope to see you there. I look forward to meeting many of our out-of-state alumni after the New Year, when further trips are planned for Washington, D.C. and New York City.

On November 1 - when I will have completed my first four months on the job - I will have logged more than 2,500 miles and traveled to the four corners of the Peach State. In addition, it is difficult to walk in downtown Athens without meeting a UGA law graduate, and I enjoyed speaking to the Western Circuit Bar Association in September. These alumni luncheons and receptions have been wonderful, with alumni from the 1930s attending alongside 1998 graduates awaiting results of the bar exam. Southern hospitality should be called "Georgia hospitality." I could not have asked for a friendlier welcome to the state, and the enthusiasm everyone shows for the law school is contagious.

Alumni always ask about the faculty and often talk about things which happened in a certain class or how particular professors helped them find their first jobs. I enjoy those stories and understand why they think so highly of the men and women who were their law professors. The tenured and tenure-track faculty now stands at 37 counting me, Associate Dean Paul Kurtz and the director of the law library, Professor Ann Puckett. During the 1997-98 academic year Paul Heald and

Rebecca White were promoted to the rank of professor, Ann Puckett was awarded tenure, and Anne Dupre (J.D.'88) was promoted to associate professor. Professor Heald is visiting at the University of Texas this semester. Our newest legal research and writing instructor is Carol Elewski. She did her undergraduate work at Ohio State and was a Harlan Fiske Stone Scholar at Columbia where she received her J.D. in 1990. She worked in New York until 1996 when she joined the Southern District of Alabama Federal Defenders Organization in Mobile. Associate Professor Roberta Harding from the University of Kentucky College of Law will visit and teach remedies and a death penalty seminar at the law school this spring semester. She is a graduate of the Harvard Law School and has been on the UK faculty since 1991 after practicing in San Francisco and Rome, Italy.

The faculty was very productive during the year, publishing 11 books; 69 articles, monographs and book chapters; and 19 book supplements and teaching materials. Included in that total are Professor White's book, *Employment Law and Employment Discrimination: Essential Terms and Concepts*; the second edition of Research Professor and Ernest P. Rogers Professor Alan Watson's book, *Ancient Law and Modern Understanding*; Marion and W. Colquitt Carter Professor Perry Sentell's *Studies in Georgia Statutory Law*; Fuller E. Callaway Professor Ron Carlson's coauthored casebook, *Evidence: Teaching Materials for an Age of Science and Statutes*; the third edition of J. Alton Hosch Professor and Associate Dean Kurtz's coauthored casebook, *Family Law: Cases, Text and Problems*; and *Literature and Legal Problem Solving - Law and Literature as Ethical Discourse* by Professor Heald. In addition, John A. Sibley Professor Julian McDonnell continues his work on the 61st release of new materials for the treatise, *Secured Transactions Under the Uniform Commercial Code*, for which he serves as principal author and editor-in-chief.

Some of the faculty's articles and essays included Professor Walter Hellerstein's "Electronic Commerce and the Future of State Taxation" in the book, *The Future of State Taxation*; Dean and Virginia Rusk Professor Tom Schoenbaum's "WTO Dispute Settlement: Praise and Suggestions for Reform," in the *International and Comparative Law Quarterly*; J. Alton Hosch Professor Dan Coenen's "Business Subsidies and the Dormant Commerce Clause," in the *Yale Law Journal*; and Professor Bob Brussack's "Georgia's Professional Malpractice Affidavit Requirement" in the *Georgia Law Review*. Other articles were published in the *Kansas Law Review*, *Michigan Law Review*, *Cincinnati Law Review*, *Emory Law Journal*, *Fordham Law Review*, *Journal of Intellectual Property Law*, *American Journal of International Law*, *Securities Law Review* and the *William & Mary Law Review*. Faculty members also made presentations throughout Georgia, around the nation and overseas. I have been very impressed by the incredible diversity of the faculty's research interest and the excellence of their scholarship.

Several faculty and staff members won prestigious awards during 1997-98. J. Alton Hosch Professor Dan Coenen received the Josiah Meigs Award, the University's highest honor for teaching excellence. Members of the 1998 law class demonstrated their appreciation of the faculty by presenting the following awards at commencement: the John C. O'Byrne Award for Significant Contributions Furthering Student-Faculty Relations to Callaway Professor Ron Carlson; the Student Bar Association Faculty Book Award for Excellence in Teaching to J. Alton Hosch Professor Ron Ellington; and the Student Bar Association and Younger Lawyers Section of the State Bar of Georgia Award for the Teaching of Legal Ethics to Herman E. Talmadge Professor Ray Phillips. Ray will be teaching in the London Law Consortium next semester.

Russell Gabriel (J.D.'85), director of the Legal Aid and Defender Clinic, received the Equal Justice Award for being Georgia's Outstanding Public Interest Attorney. Richard Reaves, executive director of the Institute of Continuing Judicial Education of Georgia, was the recipient of the University's Walter Barnard Hill Award in recognition of his distinguished achievements in public service. Adjunct Professor Laurie Fowler (J.D.'83), who teaches our Environmental Law Practicum and holds a position at UGA's Institute for Ecology, received a Special Conservation Achievement Award for Environmental Activism from the Georgia Wildlife Federation. Associate Professor Anne Dupre was selected to participate in the University's International Fellows Program; she will work closely with international affairs faculty and receive a grant to develop an international studies project.

Everyone at the law school celebrated when Professor Ed Larson was awarded the 1998 Pulitzer Prize for History for his book, *Summer for the Gods: The Scopes Trial and America's Continuing Debate Over Science and Religion*. I doubt that any of the nation's 180 accredited law schools can say that they have a Pulitzer Prize winner on their faculty!

When I came to Athens for my interviews last March, I had the pleasure of meeting the school's outstanding faculty, and I also had my first opportunity to talk to UGA law students. They were outgoing and friendly but serious in their questioning about many issues, ranging from expansion of employment opportunities to affirmative action, my leadership style, and

support for the school's public interest program. They grilled me, and I was impressed. Now that I have a chance to see them every day and talk to them about the law school and their pursuits, I am even more pleased by their many talents. We have outstanding students.

The Class of 2001 enrolled in August with 190 students. They were selected from 1,840 applicants and have a median GPA of 3.51 and a median LSAT of 160 - the best credentials among Georgia's four accredited law schools. They represent 66 colleges and universities with 62 coming from UGA, 8 from Georgia Tech, 7 from the University of Florida, 6 from Georgia State, and 5 from Emory. Women comprise 46 percent of the class, and 15 percent are minority students including 24 African Americans. In keeping with the law school's commitment to provide the finest legal education to state residents, 152 of the students or 80 percent, are Georgians. Our Master of Laws program, under the leadership of Associate Dean Gabriel Wilner, welcomed 24 LL.M. students. The group includes men and women from Bangladesh, Korea, Ghana, Norway, New Zealand and the Ukraine, just to name a few.

Thirteen third-year students have been awarded prestigious clerkships to members of the federal judiciary. Their placements range from district and appellate courts throughout Georgia to Maine, California, Louisiana, Mississippi and Tennessee. Last year, 16 law clerks were placed in locations ranging from Hawaii to Washington, D.C. to Georgia. The performance of our law students in such geographically diverse sites enhances recognition of the law school's excellence on a national level; the students and Assistant Professor Richard Nagareda, who chairs the faculty subcommittee on judicial clerkships, are to be commended for their pursuit and receipt of these superb positions.

The members of our moot court and mock trial teams are also excellent ambassadors of our law school. Their 1997-98 seasons were outstanding. For the eighth year in a row, our students advanced to the nationals of the National Moot Court Competition, where they sought to defend their championship from the previous year; we placed second in the William B. Spong Invitational; we won the Hulsey-Kimbrell Competition against the University of Florida for the tenth year in a row; and two of our students won individual oralist honors in the national finals of the ABA Moot Court Competition (we sent two teams to the competition as regional co-champions). We enjoyed our second moot court exchange with King's Inns of Dublin, Ireland, a few weeks ago and look forward to a reciprocal trip to their "home turf" in November. The exchange is generously supported by the William Carroll Brown Fund and is held in alternating years with the Gray's Inn (London) exchange. The mock trial team coordinated the J. Melvin England Mock Trial Competition today, and the competitors presented polished arguments before a distinguished panel which included Mel England (J.D.'56) and several members of the Georgia Supreme Court - among them, our alumni, Presiding Justice Norman Fletcher (J.D.'58) and Justice George Carley (LL.B.'62). Such intra school tournaments provide valuable training for success in outside competitions: in 1997-98, our mock trial advocates placed second in our first appearance in the Tournament of Champions, a select competition for the top 16 trial training schools in the country; we were semifinalists in our inaugural appearance in the National Association of Criminal Defense Lawyers' Cathy E. Bennett National Criminal Trial Competition; and we had two teams reach the quarterfinals of the ATLA Mock Trial National Competition (a competition we won the previous year). One goal I have this year is to secure permanent coaches for the programs; the former leaders, Richard Ford (J.D.'88) and Ralph Powell (J.D.'90), who resigned at the end of the 1997-98 academic year, left big shoes to fill. We are fortunate that dedicated alumni of the programs and faculty members have stepped forward to help coach the various teams and, as always, numerous faculty and alumni volunteers will bench our teams as they prepare their arguments. The advocacy programs have long legacies at the law school, and their continued success must be assured.

The job market for these outstanding students is improving. Legal Career Services Director Beth Kirch reports that nearly three-quarters of the Class of 1998 were already employed at the time of the May commencement - up by nearly 5 percent from the previous year - and 97 percent of the Class of 1997 either had jobs or were enrolled in full-time degree programs six months after graduation. The on-campus interview season for our current students is well underway, with a steady stream of second and third-year students interviewing for summer and full-time positions. We also hope to increase the number of public interest legal positions open to our students. Last summer seven students were awarded fellowships through the Equal Justice Foundation. Competition for the EJP Awards is increasingly competitive: the fellowships are awarded by a student judging committee based on the quality of the legal experience and the public service dimension of the work. EJP students are striving to increase both the number and amount of these stipends.

It's a known fact that our graduates are well-prepared to enter the legal profession: 92 percent of the 164 students who sat for the Georgia bar exam in July 1997 passed, and they posted the state's highest score on the multi-state portion of the test. We are still awaiting the results of the July 1998 exam, but I am confident that our most recent graduates performed equally

well.

You have read about the faculty and our great students; now let me compliment our great alumni for a few paragraphs. Thanks to many generous alumni and friends, the law school enjoyed another outstanding year in fund raising and development during 1997-98. Total gifts and pledges reached \$1,998,575, and a record-setting \$397,437 of these gifts was dedicated to unrestricted use through the Law School Fund. My predecessor, Ned Spurgeon, announced \$1 million of those new gifts at the annual Law School Association breakfast held in conjunction with the State Bar Meeting in June: Mrs. Ethel Tison Chaffin pledged \$250,000 to endow the Verner F. Chaffin Professorship in Fiduciary Law in honor of her husband, Verner Chaffin (J.D.'42), an active alumni leader and beloved emeritus professor; Mrs. Ruth Hall Knox of Thomson and her children created the Robert E. Knox Memorial Scholarship Fund in tribute to her late husband, Bob Knox (LL.B.'38); Bruce Kirbo (J.D.'51) and the Kirbo Charitable Trust pledged an additional \$450,000 to the existing T.M. Kirbo Chair in International Law, which will be renamed in tribute to Bruce's late brother, Charlie (LL.B.'39); and the Athens law firm of Blasingame, Burch, Garrard, Bryant & Ashley pledged \$50,000 to the Jeanne and Ralph Beaird Law Library Fund in commemoration of Dean Emeritus Beaird's 10-year anniversary with the firm. Additionally, the law school's public service programs have been bolstered by two recent donations: Bertis Downs (J.D.'81) has committed \$30,000 to create the Ann B. Downs Loan Repayment Assistance Program Fund in honor of his mother, which will benefit alumni with student loans who have taken lower-paying jobs in the public interest; and Ned and Carol Spurgeon donated \$70,000 to endow the Edward D. and Carol J. Spurgeon Public Service Fellowship, which will sponsor an EJP Fellow each year. Numerous additional contributions to the fund were made by Ned's faculty/staff colleagues and alumni leaders as appreciation gifts for his exemplary service to the law school.

The law school also honored three outstanding alumni during the June State Bar events. A portrait of former Georgia Supreme Court Chief Justice Harold Clarke (J.D.'50) was presented for inclusion in the law school's collection; and Distinguished Service Scroll Awards were presented to Paul Kilpatrick (J.D.'65) of the Columbus law firm of Pope, McGlamry, Kilpatrick & Morrison and Judge Julie Carnes (J.D.'75) of the U.S. District Court for the Northern District of Georgia.

So much of the law school's success is due to the outstanding leadership on the Board of Visitors (BOV) and the Law School Association Council (LSAC). This year's BOV chair, who will succeed Julius Hulsey (LL.B.'63) of Gainesville, will be elected at the group's fall meeting. The LSAC is led by President Robert Goldsmith (J.D.'80) of Albany, who has graciously accompanied me on many of the alumni trips throughout the state. Other officers include: President-Elect Randy Nuckolls (J.D.'77) of Washington, D.C.; Treasurer Jim Smith (J.D.'81) of Macon; Secretary Dana Miles (J.D.'80) of Atlanta; and Immediate Past President Gary Blasingame of Athens (J.D.'61). The Younger Law Alumni Committee (YLAC) is off to an enthusiastic start, with a record 18 representatives attending the group's first meeting at the law school in August. Under the energetic leadership of Chair B.J. Bernstein (J.D.'87), the group has already sponsored a fun and successful "Meet the New Dean Tailgate Party" on September 19th and will host a private showing of the acclaimed Pop Art exhibit at the High Museum for a group of younger alumni donors (defined as those who have been out of law school 12 years or less) on November 7th.

Other events include the visit of the Georgia Supreme Court to hear three arguments at the law school (held today and well attended by our students); Homecoming/Reunion Weekend on October 16th - 17th; and our Gator Hater breakfast in Brunswick and reception in Jacksonville on October 30th. I'd enjoy the opportunity to meet you - if I haven't already - at any of these gatherings.

One of the major factors in my decision to become dean was the overall excellence of the University of Georgia. The University's stature is evidenced by its ranking in *U.S. News* at 26th among the best public national universities, its position in *Kiplinger Magazine's* Top 20 list of the best universities based on educational quality and cost, and its selection as one of nine "unbeatable deals" nationwide in *Money Magazine's* 1998 publication, *Best College Buys*. Two superb new administrators have been hired to help lead the University to the next level of excellence: Dr. Karen Holbrook from the University of Florida is UGA's new provost and senior vice president for academic affairs; and UGA's new senior vice president for external affairs is Kathryn Costello, a native of Jasper, Georgia, who comes to Athens from the top external affairs position at Rice University.

The School of Law is certainly a shining jewel in the crown of one of the nation's leading public research universities. The

law school ranks in the top 20 percent of the nation's accredited law schools and was listed as one of the top three public law schools in the Southeast in the 1998 rankings published by *U.S. News and World Report*. In fact, an extrapolation of the *U.S. News* data recently compiled by the University of Arizona further testifies to the value of the high caliber legal education we provide: Arizona re-ranked the top 50 schools in the *U.S. News* survey based on the cost of resident tuition and fees, and the University of Georgia ranked second in the nation. Not too shabby!

I am confident that the quality of the school will shine through in February, when a team of inspectors from the ABA and AALS arrives for a reaccreditation examination of the institution, a process conducted every seven years. The best analogy I can draw is that the inspection really is like a full physical. The inspection team looks at everything - the budget, facilities, our record of teaching and scholarship, employment programs and hiring rates, alumni relations and development, diversity issues, administrative efficiency - you name it, they look at it. I believe we'll get a clean bill of health: my predecessors have left the law school in excellent shape, and I feel fortunate to have inherited such a wonderful program from them. I must say when it comes to finding answers to questions about administration and leading our law school, it is a particular benefit to me to have three former deans to call upon for advice and counsel - Dean Emeritus Ralph Beard, J. Alton Hosch Professor Ron Ellington and Professor Ned Spurgeon.

I am honored to serve as dean and pleased to call Athens my new home. Walking across the North Quad to my office in the morning is a wonderful way to start work each day. At the same time, I know from more than eight years of experience as dean at two other schools that the job is not easy and that there are many challenges facing me and my colleagues. Those challenges include recruiting the best and brightest students as well as outstanding teachers and scholars, bringing more diversity to our student body and faculty, raising additional funds for scholarships and other pressing needs, and making sure that the curriculum fully prepares our students to enter the fast changing legal profession. I am very optimistic that, with your continuing commitment and support, my colleagues and I will meet all these challenges and enhance the quality and stature of the law school.

I look forward to meeting all of you. Please come by to say hello on your next visit to Athens.

Sincerely,

David E. Shipley

Dean and Professor