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Dean's Report to Alumni 2000

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October 18, 2000

Dear Alumni and Friends,

My wife and I have owned four very different houses during our 20 years of marriage, ranging from a 1922 Craftsman bungalow in Columbia, South Carolina to our present home in Athens that was built in 1998. Jenny and I always were renovating that old house in Columbia: installing glass in the screen porch one year, fixing up a bedroom for our baby girl (in 1981), adding a second bathroom, painting the dining room, stripping the wallpaper in the kitchen, replacing the furnace, and so on. In contrast, we decided to buy our Athens home before it was finished so Jenny was able to select kitchen appliances, carpet, colors for all the rooms, the stain for the hardwood floors, and new furniture for the family room.

It can be exciting to move into a new home, but I doubt that many students, faculty, staff and alumni of the University of Georgia School of Law would be excited about leaving our marvelous North Campus home for a new location. The Hirsch Hall rotunda, the Hatton Lovejoy Courtroom, the view from the King Law Library's main reading room, the shade in the beautiful North Campus quadrangle, and our proximity to downtown Athens are some of the special things we all hold dear. At the same time, most of our facilities have not changed since 1967. Today's law students are in classrooms which look just the same as when some of their parents were students - the same desks, the same chairs, and the same blackboards. Frankly, our law school has become much like that Columbia bungalow - it's a "fixer-upper."

Law School Association Professor John Rees and Carter Professor Perry Sentell taught wonderfully in those classrooms 30 years ago, and those master professors are even better today. However, more and more students want to take their lecture notes on laptop computers, yet our classrooms have only a few power outlets. This forces students to take power strips into class and run extension cords across the floor. The school's retro-look Naugahyde furniture does not quite qualify for antique status, but the orange and green color scheme reminds me of the 1956 Chevy wagon of my childhood. It might be difficult to unload some of our furnishings at a garage sale.

We are a great law school in so many respects but, with the exception of Dean Rusk Hall, our buildings are sorely outdated. We have fallen behind the pack in terms of technology and facilities. We must make dramatic improvements, not merely to keep pace but to lead the way in providing the very best academic environment for our students and faculty. It is now time for major renovating, refurbishing and refurnishing. Our needs include additional space for study rooms, interview rooms and offices; much more shelf space for collection growth in the library; renovations, new furnishings and accommodations for laptop use and access to the Internet in our classrooms and law library; and enhancement of the school's overall technological capacity. The prospect of making these and other changes is both daunting and exciting: daunting because this project will be expensive and time consuming, and I am sure we will turn to you for contributions to pay for much of it; exciting because improving our facilities will enhance our capabilities and elevate the School of Law's stature as one of the nation's best public law schools.

Providing the finest facilities necessary for the study of law is but one of four priorities targeted in the law school's new strategic plan. The plan's other priorities are improving the quality of our already outstanding student body, sustaining and enhancing the school's strong faculty, and identifying and developing areas of the curriculum for enrichment. The strategic plan, put together last year with input from the entire law school community - faculty, staff, students and alumni - is our road map for becoming one of the nation's top 20 law schools by 2010.

We are steadily moving in that direction. Our reputation is on the rise, as evidenced by one oft-cited indicator - the law school's ranking in *U.S. News and World Report*, which moved up to 29th last spring. That is a jump of seven places from the 1999 rankings, and we are 11th among the nation's public law schools. I am optimistic about climbing again this coming spring because we recruited another outstanding first-year class and our recent graduates are enjoying terrific employment success. (Both are measures considered by *U.S. News*.)

Students

The 201 students in the Class of 2003 have a median LSAT of 162 (the 88th percentile) and a median GPA of 3.59 (our best ever); nearly half of the class are women (at 49%, our highest percentage ever), 16% are minorities, and 78% are Georgians. Our total enrollment this year is at 649, including 20 students in our LL.M. program from a variety of nations such as Egypt,

Cameroon, China, Mexico, Germany, France, New Zealand, Russia and Trinidad.

Admissions Director Giles Kennedy, Associate Admissions Director Greg Roseboro (J.D.'87), and Faculty Admissions Committee Chair Chuck O'Kelley are already hot on the recruiting trail, striving to enroll another excellent class of 1Ls next fall. You should have received a bulletin from me a few weeks ago requesting your referrals of outstanding prospects. I hope you will fill out this form, as we welcome your input. Our goal is to enroll top students - particularly those who are Georgia residents - at the University of Georgia School of Law.

The employment figures for UGA law students are superb. All of the nation's 183 accredited law schools do an employment survey nine months after graduation, and our results show that 98.6% of the Class of 1999 were placed in 19 states and the District of Columbia, 3 foreign countries and, of course, counties throughout Georgia. We will not have complete data on the Class of 2000 for several months but I can report that 14 members of this class are clerking for federal trial and appellate court judges. In our current third-year class, 12 students have accepted these prestigious clerkships, and I am confident this number will rise. I am pleased to report that we have just added an assistant director, Tony Waller (J.D.'93), to our legal career services staff. His addition means there are now two experienced professionals - Tony and Legal Career Services Director Beth Kirch - to provide individual job counseling to students.

Our students truly are outstanding individuals. Our chapter of Phi Alpha Delta, the national legal service fraternity, received several awards at PAD's biennial convention, including recognition for the chapter's law-related education project in the local schools. Members of the Georgia League collected and delivered 600 pounds of food and nearly \$1,200 for tornado victims in south Georgia. Lisa Taylor, a 3L, serves on the board of the National Association for Public Interest Law (NAPIL). Last spring's annual Student Bar Association/Equal Justice Foundation auction generated more than \$14,000 towards public interest summer fellowships, and nine students were awarded these grants. Section Y once again placed the high bid for the opportunity to have one of its own, Chad Kelly, trade places with me in "Dean for a Day." I was grilled by professors while "Dean" Kelly entertained his major donors on the dean's patio.

Faculty

The law school welcomed several new faculty and staff in August. Assistant Professor Lorie Johnson, who just completed her Ph.D. in finance at the University of Utah, will teach bankruptcy, corporate finance and related courses. Her undergraduate and law degrees are from Brigham Young University. Kellie Casey (J.D.'90) is our new director of advocacy. Kellie, a past winner of the Russell and Talmadge Competitions as well as a member of the National Moot Court team, will be in charge of our moot court and mock trial programs. Kizmet Adams (J.D.'89), who has been actively involved with the law school in various capacities for several years, is once again with us full time as a legal research and writing instructor.

Two visiting professors are enriching the faculty and challenging our students this year. Professor Dan Chow from Ohio State University College of Law will be with us both semesters, teaching a section of property and several international law courses. Professor Ellen Podgor from Georgia State University College of Law is visiting for the fall semester, teaching a section of criminal law and a course in international criminal law.

While we welcome these new colleagues to the law school and Athens, we will miss several members of our faculty who will be away from campus. Associate Professor Richard Nagareda is visiting at Vanderbilt this fall; Associate Professor Anne Proffitt Dupre (J.D.'88) will visit at Florida State in the spring; Post Professor Paul Heald will teach in our London Law Consortium in the spring; Caldwell Professor Milner Ball (J.D.'71) will teach in Lyon, France for several weeks this fall; and Hosch Professor Michael Wells will teach in Lyon for several weeks in the spring. Shackelford Professor Walter Hellerstein is currently in Paris serving as a consultant to the Organization for Economic Cooperation and Development on matters relating to taxation of electronic commerce. Over the summer, Professor Wells taught in the Duke-Geneva Institute in Transnational Law, and Martin Professor Jim Smith taught at the Instituto Tecnológico Autónomo de México (ITAM). Professor Ball and Rusk Center Associate Director Dorinda Dallmeyer (J.D.'84) participated in our faculty exchange with the Universidad del Salvador in Argentina last year; Associate Dean and Kirbo Professor Gabriel Wilner, Sibley Professor Julian McDonnell and Rusk Center Associate Program Director María Eugenia Giménez (LL.M.'89) will go this year.

Kirbo Professor Gabriel Wilner is now executive director and associate dean for our consolidated Dean Rusk Center - International, Comparative and Graduate Legal Studies. The Rusk Center recently completed grant applications for a constitutional law project in Argentina as well as a proposal to strengthen the Palestinian legal system. Last February the center hosted several lawyers, judges and a law school dean from the Czech Republic as part of its international judicial training program, and this fall it hosted a delegation from China's Hainan Province in connection with a project sponsored by the University's Sea Grant Program. Rusk Professor Thomas Schoenbaum, the center's former executive director, is now heading up UGA's new Institute of European Studies as well as teaching a standard course load at the law school.

The faculty were very productive during the 1999-2000 academic year. A total of 21 books and 23 articles were published, and 15 books and book chapters and 38 articles are on schedule for publication this academic year. Our prolific faculty's scholarship has been placed in many prestigious law reviews and law journals including the *Michigan Law Review*, *Illinois Law Review*, *Florida Law Review*, *Ohio State Law Journal*, *William & Mary Law Review*, *Washington University Law Quarterly*, *North Carolina Law Review*, *NYU Law Review*, *Tulane Law Review*, *Washington Law Review* and *Georgia Law Review*. Books include Caldwell Professor Milner Ball's (J.D.'71) *Called by Stories*; Rusk Professor Thomas Schoenbaum's *The Law and Practice of the World Trade Organization*; and University Research and Rogers Professor Alan Watson's *Law Out of Context and Ancient Law and Modern Understanding: At the Edges*. Hosch Professors Tom Eaton and Michael Wells are finishing a book tentatively titled *Remedies for Violations of Constitutional Rights*; Martin Professor Jim Smith has assumed the research, updating and writing of the best-selling treatise on real estate law, *Friedman on Contracts and Conveyances of Real Property*; Hosch Professor Rebecca White is writing a treatise titled *Employment Discrimination*; Professor Camilla Watson is working on *Federal Tax Practice and Procedure*; and Russell Professor Ed Larson's *Evolution's Workshop: God and Science on the Galapagos Island* will be published in March. Even our emeriti faculty continue their active scholarship: Law School Association Professor Emeritus Robert Leavell has published the sixth edition of *Equitable Remedies, Restitution and Damages*; and Callaway Professor Emeritus Verner Chaffin (LL.B.'42) presented a paper on dynasty trusts which he has turned into a law review article.

I am proud to report that several members of the faculty have recently been honored with significant awards. Callaway Professor Ron Carlson was one of two national recipients selected to receive the prestigious Harrison Tweed Award for Special Merit in CLE from ALI-ABA. Hosch Professor Rebecca White became the third member of our faculty to receive the University of Georgia's most important teaching prize, the Josiah Meigs Award for Excellence in Teaching. She joins Professor Ron Carlson and Hosch Professor Dan Coenen as Meigs recipients. Professor White also will be a UGA Senior Teaching Fellow this year. Rusk Professor Thomas Schoenbaum has been named a Fulbright Scholar for the sixth time in his career. He will hold the Fulbright-Innsbruck Chair of International Law at the University of Innsbruck and will teach there in the summer of 2001. Shackelford Professor Walter Hellerstein argued and won his second case before the U.S. Supreme Court. Russell Professor Ed Larson was honored for his scholarship on the history of science with the George Sarton Award, presented by the American Association for the Advancement of Science. University Research and Rogers Professor Alan Watson is being recognized for his impressive body of scholarship at two conferences: one on Roman Law at the University of Kansas, where he has been honored with a special collection paying tribute to his scholarly work (*Lex Et Romanitas: Essays for Alan Watson*); and another on European Law at the University of Edinburgh. Associate Professor Anne Dupre (J.D.'88) has been named as this year's recipient of the University of Georgia Blue Key Chapter's Outstanding Young Alumnus Award. Assistant Professor and Civil Clinic Director Alex Scherr has been selected as a UGA Lilly Teaching Fellow; he received the Student Bar Association's Award for the Teaching of Professionalism at graduation in May. Also at graduation, Associate Professor Richard Nagareda received the Faculty Book Award for Excellence in Teaching, and Assistant Professor Randy Beck was presented with the O'Byrne Award for Furthering Student/Faculty Relations.

Another member of the law school faculty, Talmadge Professor Ray Phillips, was honored at graduation with a special plaque from the Class of 2000, his last group of UGA law students. Professor Phillips retired in May after 27 years on our faculty and moved with his lovely wife Pat to Columbia, Missouri. Everyone here misses them greatly. Professor Phillips was also presented with the Distinguished Service Scroll Award, the highest honor bestowed by the Law School Alumni Association (LSA), during the group's annual State Bar breakfast meeting in June.

Programs

The law school's intellectual atmosphere was vibrant in 1999-2000, fueled as always by the exchange between our engaged faculty and students and by several interesting programs and lectures. Kilpatrick Professor Chuck O'Kelley brought some of the nation's leading corporate law scholars to Athens last October for an innovative "Teaching Corporate Law" conference,

the proceedings of which were published in a symposium edition of the *Georgia Law Review*. Danny Greenberg, president and attorney-in-chief of the Legal Aid Society of New York, presented our 90th Sibley Lecture last fall on "Pursuing Justice: Agendas for the New Millennium." Our spring Sibley Lecture, "Political Parties, the Constitution, and Democratic Competition," was presented by constitutional law and voting rights scholar Samuel Issacharoff of Columbia Law School. U.S. District Court Judge Susan Oki Mollway of Hawaii recounted her federal judicial confirmation process in the 18th annual Edith House Lecture. All of the speakers in the endowed lecture series spent several days guest lecturing and leading small discussions with students and faculty. These sorts of extended visits enhance the experience for the entire law school community.

Last spring's Law Day/Family Day featured a panel discussion on education reform in Georgia with Governor Roy Barnes (J.D.'72), State School Board Chair Otis Brumby (LL.B.'65), and University System Chancellor Stephen Portch, as well as an international military trial re-enactment by our advocacy students. Other stimulating programs included the Rusk Center's "Governing the Global Ocean" conference, designated as a regional meeting of the American Society of International Law; an analysis of the future of the death penalty presented by Stephen Bright, director of the Southern Center for Human Rights; and the Environmental Law Association's 12th Annual Red Clay Conference, which had a very timely focus, "Striking a Balance Between Urban Growth and Rural Preservation."

Upcoming programs include this fall's Sibley Lecture on October 31 by Senior U.S. District Court Judge Horace Ward of the Northern District of Georgia. Judge Ward, the first African American on the federal bench in Georgia, fought hard but unsuccessfully to integrate the School of Law in the 1950s and later served on the legal team representing Charlayne Hunter and Hamilton Holmes when they integrated Georgia's undergraduate program in 1961. Next spring's Sibley Lecture will be given by Notre Dame's Thomas L. Shaffer, a nationally recognized expert on ethics and the legal profession. February's Edith House Lecture will feature Dorothy Roberts of Northwestern University speaking on gender and race issues. Also, Professor Ned Spurgeon is convening a national conference on Law, Aging and Dementia November 30 - December 2, the proceedings of which will be published in the *Georgia Law Review*.

External Affairs

This is shaping up to be an incredibly busy and productive academic year in all respects, including the areas of alumni and development. We welcomed almost 700 of you back to campus this past Saturday for Homecoming and greeted another 250 of you in mid-September, when 10 classes celebrated Reunion Weekend. Even though we're off to a great start, last year will be hard to top. In 1999-2000, Alumni Programs Director Jill Birch and her staff managed 71 events with a total guest count of more than 7,000 people. The activities included the annual Reunion Weekend, Homecoming Weekend and Younger Law Alumni Tailgate festivities, as well as road trips for me to meet alumni in Albany, Columbus, Macon, Moultrie, Jacksonville, Savannah, Washington, D.C., Augusta, Rome, Lawrenceville, Chattanooga, Marietta, Jonesboro and Gainesville. These trips are very valuable to me - and, I hope, to you - as they provide an opportunity for us to speak one-on-one about questions, concerns and achievements. The receptions and lunches are graciously underwritten by law firms in the various cities and by the Law School Alumni Association, and we appreciate their continuing support.

Private giving to the law school climbed by 10% in 1999-2000, continuing the steady increase of the past few years. Annual gift contributions reached \$488,000, and membership in the Joseph Henry Lumpkin Society - comprised of annual donors of \$1,000 or more to the law school - soared by 40% to 165. A goal of 200 Lumpkin Society members has been set again for 2000-01.

For seven years, Jill Birch was ably assisted with alumni programs by Phyllis Cooke. Earlier this year, Phyllis accepted a new position in the law school as assistant director of development, and Bridget Harden, formerly a special event coordinator with the Georgia Museum of Art and the North Carolina Museum of History, succeeded her as alumni events coordinator. I have asked Phyllis to concentrate on increasing annual giving to the law school, but she will also assist Development Director Charlie Wurst in all aspects of development activity. Charlie's focus will continue to be on major gifts, and I will be working closely with him as we begin to contact you to address the facilities and other funding priorities I outlined in the opening of this letter.

The law school's tradition of strong alumni leadership is instrumental in the consistent success of our development and alumni relations efforts. At the Law School Alumni Association's annual State Bar breakfast meeting in June, we honored

two of our most prominent leaders within the law school community with the Distinguished Service Scroll Award. As previously mentioned, retiring professor Ray Phillips was one recipient; the other was former Georgia Supreme Court Justice Jesse Bowles (LL.B.'46) of Cuthbert. Both have long records of exemplary service, and I congratulate them on the well deserved honor.

Your alumni boards actively carry on the leadership legacy. Randy Nuckolls (J.D.'77) of Washington, D.C. led the Law School Association (LSA) in 1999-2000; John Noell (J.D.'65) of Athens chaired the Board of Visitors (BOV); and Pete Daughtery (J.D.'89) of Columbus guided the Younger Law Alumni Committee (YLAC). These outstanding leaders have been succeeded by Jim Smith (J.D.'81) of Macon as LSA president; Sam Matchett (J.D.'84) of Atlanta as Board of Visitors chair; and Craig Bertschi (J.D.'90) of Atlanta as YLAC president. Many challenges await us this year, and I am confident that the institution will grow stronger as we embark upon an ambitious path for the future.

One of those challenges is a lawsuit. Many of you know that the law school was sued in early summer by two disappointed applicants for the 1999 entering class who allege that they were denied admission on the grounds of race. I am a named defendant so I cannot tell you much about this suit. Suffice it to say that this action, the *Noble* case, is one of four cases filed against the University of Georgia challenging admissions practices, and the other three all deal with undergraduate admissions. The ruling in one of the other cases, *Bogrow*, is on appeal to the 11th Circuit. The University of Georgia's decision to suspend the consideration of certain criteria in undergraduate admissions pending the outcome of that appeal does not extend to the law school. In any event, I feel we are in good hands, and I will keep you posted on developments.

The lawsuit is tedious, but it does not distract us from our goal of greater excellence for this law school. All of us - faculty, staff, students and alumni - are proud of the accomplishments of the past year and enthusiastic about the prospects for the 2000-2001 academic year. We have many reasons to feel optimistic about the future of the University of Georgia School of Law, including strong alumni support. I thank you for your attentive reading of this detailed report and hope that you will stop in to say 'hello' on your next trip to campus.

Sincerely,

David E. Shipley, Dean and Professor