

FALL 2010

AMICUS

MICHIGAN STATE UNIVERSITY COLLEGE OF LAW



A Foundation of Ethics

MSU Law's Commitment to Teaching Ethics

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A Message from the Dean

THE INFLUENTIAL 2007 CARNEGIE FOUNDATION report on legal education, *Educating Lawyers*, found that law schools do an excellent job of teaching students to think like lawyers, but have not been equally rigorous in introducing students to the crucial skills or, even more crucially, to the professional identity—including values and ethics—of lawyers. Our profession, our clients, and our communities deserve much better.

At MSU Law, we are working hard to provide a legal education that prepares our graduates for the real challenges—intellectual, practical, and ethical—before them. This issue of *Amicus* focuses on ethics and some of our noteworthy efforts to guarantee that students at MSU Law are engaged in and challenged by the ethical dimensions of their studies and their professional identities.

Our Frank J. Kelley Institute of Ethics is the cornerstone of this important effort. Created in 2009 to bring the discussion about ethical issues into the spotlight, the Institute bolsters our commitment to teaching MSU Law students about the heavy responsibility that comes with a Juris Doctor degree. We could not ask for a better example for our students than the Institute's namesake, whose integrity, professionalism, and dedication to furthering the cause of justice is second to none.

We were honored to be joined this fall by Professor Deborah Rhode, one of the nation's leading figures in legal ethics and the second annual Kelley Institute lecturer. During her visit, Professor Rhode warned that, when it comes to the subject of ethics, "silence sends a powerful message." We could not agree more.

This fall, our faculty approved a major revision of our 1L curriculum. Beginning with the incoming class of 2011, all students will be required to take a new Lawyers & Ethics course during their very first semester at MSU Law. By starting the conversation early, continuing it throughout the program, and deepening it in our upper-level Professional Responsibility course, our graduates will embark on their legal careers with a firm understanding of the moral responsibilities facing our profession.

Beyond these special programs and the focused coursework, the deepest lessons in ethical identity come from our many exceptional faculty, staff, and alumni who lead by example within the Law College and beyond. Wonderful stories of their outstanding accomplishments and generous contributions fill the pages of this issue. I am honored to join with the rest of the MSU Law community in helping to instill the same sense of responsibility and integrity in the lawyers of tomorrow.

Best regards,

Joan W. Howarth
Dean, Michigan State University College of Law

MSU LAW BOARD OF TRUSTEES ELECTS FOUR NEW MEMBERS

THE MSU COLLEGE OF LAW Board of Trustees welcomed four new members to its ranks on September 29.

Elaine Fieldman, '76, is of counsel to the Detroit firm of Barris, Sott, Denn & Driker, with which she has been affiliated since 1979. She graduated *cum laude* from Detroit College of Law (DCL) and earned an LL.M. from Wayne State University Law School in 1986. Before joining Barris Sott, Fieldman clerked for the Honorable John H. Gillis of the Michigan Court of Appeals and the Honorable Charles L. Levin of the Michigan Supreme Court. She has served on the executive boards of Lighthouse PATH and JVS, nonprofit social service agencies.

Douglas Laycock is the Armistead M. Dobie Professor of Law and Professor of Religious Studies at the University of Virginia, and the Alice McKean Young Regents Chair in Law Emeritus at the University of Texas at Austin, where he served for 25 years. He has published extensively on religious liberty and other constitutional law issues, as well as on the law of remedies. He has extensive appellate litigation experience, including in the U.S. Supreme Court, and has played a key role in developing state and federal religious liberty legislation. Laycock is a 1970 graduate of the Honors College at MSU, a graduate of the University of Chicago Law School, a fellow of the American Academy of Arts and Sciences, and a vice president of the American Law Institute.

Michael G. Morris, '81, is chairman, president, and chief executive officer (CEO) of American Electric Power (AEP), one of the nation's largest electric utilities, as well as chairman and CEO of all of AEP's major subsidiaries. Morris, who joined AEP after 12 years in top leadership positions at Northeast Utilities and Consumers Power Company, was elected to his current positions in January 2004. He is a director of Alcoa, Battelle Memorial Institute, and the Hartford Financial Services Group. He has also served as chairman of Edison Electric Institute and the Institute of Nuclear Power Operations, and as director of Nuclear Electric Insurance Limited.

James M. Nicholson is vice president of Detroit-based PVS Chemicals and holds executive roles in five subsidiaries with operations across the country. He is president of the Grosse Pointe Hunt Club and serves on the board of directors for the YMCA of Metro Detroit, the board of trustees of the College for Creative Studies, The Nature Conservancy, and Citizens Research Council of Michigan. He is chairman of Junior

"The contributions of our new members will prove invaluable as we pursue our shared goal of designing the 21st-century law school."

Achievement of —Joan Howarth, dean of MSU Law Southeastern Michigan and chairman emeritus of the Michigan Manufacturers Association. Nicholson holds an economics degree from Stanford University and a Master of Business Administration degree from the University of Chicago.

Morris previously served on the DCL Board before the Law College's move to East Lansing. "I was excited about the move and the growth potential it presented," he said. "Our enrollment and reputation have grown and geographically have spread beyond the historic Detroit boundaries. I am excited to rejoin the Law College Board of Trustees and assist in continuing that progress."

"Our new Board members are highly accomplished professionals and dedicated leaders in the legal and business communities who will bring a wealth of insight and experience to the Law College," said Clif Haley, president of MSU College of Law. "We look forward to working with them as we continue to advance the Law College down our path of excellence into the future."



Elaine Fieldman



Douglas Laycock



Michael G. Morris



James M. Nicholson

Revealing the Realities

From enduring fall semester exams as a 1L to preparing for the bar exam, MSU Law students tell it like it is. For real. **of Law School**



The following excerpt from the Spartan bLAWg is from "The Personal Side of the Law," which was posted by Adrea Korthase on June 13, 2010.

Last Thursday, I went to a home fair held at the Nez Perce Community Center. . . . I was there to sign people up for appointments to draft wills and other estate planning documents. I talked to people who had worked with the intern last year and had gotten to the final stages of the drafting, but had yet to do a signing. I talked to people who hadn't started and I talked to people who looked sideways at my table and said "not yet" as they passed me by. I also talked to kids who asked what a will was. My answer? It's something that tells people what to do with your stuff if something happens to you.

As law students, we are desensitized. I have examples from classes that I won't disclose here because, while they were funny comments at the time, they will undoubtedly seem heartless. When it comes to what I'm doing this summer—putting together estate planning documents for people—I see the importance in striking a balance between necessity and sensitivity.

My approach to "selling my product" is that wills are necessary. This is especially true for Indian wills. Many of the Nez Perce tribal members hold trust land and Individual Indian Money Accounts. Both of these assets need to be properly accounted for in the will, of course, and getting to that point takes some research. If it sounds complicated, it is. . . . I have a diagram to help me. Nothing is simple when you deal with the federal government. . . .

Making, executing, and probating a will involves structured steps, forms, and legalese that could possibly make the most interested person fall asleep from boredom. That's why we learn to do those things as law students—we do the boring stuff. However, I'm reminded with this internship that the emotional side is an important consideration. Making, executing, and probating a will involves decisions, which are sometimes tough. The process involves religion, family disputes, and other matters that the law cannot address. A person's will, after all, isn't effective until one thing happens—he or she dies. Facing your own mortality is about as personal as you can get.



Korthase, a 3L, worked as an intern at the Nez Perce reservation in Idaho. Her placement was arranged through a summer internship with the Seattle University School of Law Institute for Indian Estate Planning & Probate.

■ (far left) Clouds in the Clearwater River, Lewiston, Idaho

■ (left) Swallow's Nest across the Snake River from Hells Gate State Park, Lewiston, Idaho

For more from the Spartan bLAWg, go to www.law.msu.edu/blogs/students.



RECOGNIZING

Outstanding

Scholarship, Teaching, and Service

■ Kevin Saunders (left) and Frank Ravitch, MSU Law's first faculty chairs

Generous funding from the MSU College of Law Foundation has enabled the Law College to pay tribute to important figures in our history while recognizing members of our faculty for outstanding scholarship, teaching, and service. Recipients of three categories of awards—chairs, named professorships, and faculty scholars—were identified through nominations and selected in consultation with deans of four other law schools that have top scholarly reputations.

CHAIRS

In the summer issue of *Amicus*, we highlighted Professors Frank Ravitch and Kevin Saunders, our first faculty chairs. Internationally recognized in their fields, MSU Law chairs have notable records of significant scholarly achievement, along with a continuing dedication to exceptional teaching and meaningful service.

Professor **FRANK S. RAVITCH**, the Walter H. Stowers Chair in Law and Religion, has published extensively in the area of law and religion. This summer, Ravitch launched a study abroad program in Kyoto, Japan, creating an exciting new

opportunity for students and expanding the Law College's worldwide presence.

Walter H. Stowers, a member of the first senior class at Detroit College of Law (DCL) in 1894, was a prominent African American attorney, political activist, and civil rights pioneer.

Professor **KEVIN W. SAUNDERS**, the Charles Clarke Chair in Constitutional Law, is the country's leading expert advocating restrictions on youth access to violent media. Saunders has testified about media effects on children before U.S. House and Senate committees, and he co-authored an amicus brief in *Schwarzenegger v. Entertainment Merchants*, which was argued at the U.S. Supreme Court on November 2.

Charles H. "Chuck" Clarke, a Law College faculty member for 40 years, was widely known for his integrity and unique classroom presentation style.

Now, MSU Law is pleased to present the recipients of our first named professorships and faculty scholar titles, each of whom embodies the Law College's commitment to excellence in the field of law.

Named Professorships

■ Professor **CRAIG R. CALLEN**, the Judge **JOHN D. O'HAIR** Professor of Evidence and Procedure

Professor Callen, a member of the Law College faculty since 2002, has made significant contributions to the field of evidence law and theory through his extensive interdisciplinary scholarship. He is particularly interested in the law of evidence as it relates to philosophy, psychology, and reasoning.

Since 1998, Callen, the author of dozens of articles and co-editor of a book on comparative expert evidence, has combined scholarship with service to the field as editor-in-chief of *International Commentary on Evidence*, an experimental electronic journal that he helped establish.

Professor Callen has chaired the Association of American Law Schools Section on Evidence, has served on the board of directors for the Center for Computer Assisted Legal Instruction (CALI), and has been a member of the American Bar Association Criminal Justice Section's Committee on Rules of Criminal Procedure and Evidence.

Judge John D. O'Hair, '54, is an MSU Law trustee emeritus who taught as an adjunct faculty member from 1961 to 1982. A dedicated public servant, O'Hair worked as an attorney for the city of Detroit, was a Wayne County prosecutor for 17 years, and served as a judge for the Third Judicial Circuit in Detroit from 1983 until his retirement in 2000.

■ Professor **DAVID S. FAVRE**, the **NANCY HEATHCOTE** Professor of Property and Animal Law

Favre, a professor at the Law College for 34 years, is recognized as a trailblazer in the fast-growing field of animal law. A frequent speaker on animal law issues both in the United States and abroad, Favre co-hosted the world's first international conference on the topic in 2004.

The author of numerous books and other publications, his most recent—and perhaps most important—article, “Living Property: A New Status for Animals within the Legal System” (Spring 2010, *Marquette Law Review*), urges the creation of an entirely new category of property. Favre serves as faculty advisor to the *Journal of Animal Law*, one of only three in existence dedicated to the specialized topic. He created and remains editor-in-chief of the Animal Legal Web Center, the largest animal law website in the world.

Favre, an advisor to the Oxford Center of Animal Ethics, is also chair of the American Bar Association (ABA) Animal Law Committee's legislative committee. He received the 2010 ABA Tort Trial and Insurance Practice Section's Excellence in the Advancement of Animal Law Award for his efforts to advance the humane treatment of animals.

Professor Nancy Heathcote, '76, taught courses including Property and Equity during her 18 years as a Law College faculty member, four of which she also served as associate dean. Heathcote served as director of the Women Lawyers Association of Michigan and chair of the State Bar of Michigan's Arts, Communication, Entertainment & Sports Section.

■ Professor **CYNTHIA LEE STARNES**, the **LIZZIE J. McSWEENEY** Professor of Family Law

Professor Starnes' unique line of scholarship lies at the intersection of family law, partnership law, and feminist theory. Her critiques of current law and reform proposals have provoked widespread commentary. Professor Starnes has presented her scholarship in international, national, and local fora. Her publications include articles in the *University of Chicago Law Review*, *Wisconsin Law Review*, *Iowa Law Review*, and *Indiana Law Journal*.

Professor Starnes has taught family law to students abroad, and commercial law to judges at the National Judicial College. A long-term member of the faculty, she co-chairs the MSU Law Child and Family Advocacy certificate program and the Family Law concentration, and serves as faculty advisor to the Family Law Society.

Starnes was named an MSU Outreach and Engagement Senior Fellow for her scholarly work toward community change, and was appointed in 2006 as one of only six Computer Assisted Legal Instruction (CALI) Fellows in Family Law.

A member of DCL's first graduating class in 1893, Elizabeth "Lizzie" J. McSweeney exemplified the Law College's commitment to offering all sectors of the population an opportunity for a quality legal education. An attorney for the Women's Protective Association, McSweeney was the first woman attorney to practice in Wayne County.

NAMED PROFESSORSHIPS

■ Cynthia Lee Starnes, Craig Callen (seated), and David Favre were awarded MSU Law's first named professorships

Faculty Scholars

■ Associate Professor **DANIEL D. BARNHIZER**, the **BRADFORD STONE** Faculty Scholar

Professor Barnhizer, a notable expert in the fields of contract and transactional law, has conducted significant scholarly investigation and analysis on the rule of law and the “legal myth.” His other recent work includes co-authoring an article examining individuals’ rights at the intersection between tort and contract, and co-editing the secured transactions chapters in the upcoming edition of the Matthew Bender casebook, *Commercial Transactions under the Uniform Commercial Code*.

Known for his passionate teaching style and high standards in the classroom, Barnhizer was selected by MSU Law students as “Teacher of the Year” in 2003, and was chosen as the faculty speaker for the Class of 2009 commencement ceremony. Professor Barnhizer serves as the faculty advisor for the *Michigan State Law Review*, Christian Legal Society, and VIS Arbitration Moot Competition Team.

Professor Bradford Stone served as a professor at the Law College for 24 years, and continues teaching Commercial Transactions and Secured Transactions as a visiting adjunct. He is the author of Uniform Commercial Code in a Nutshell.

■ Associate Professor **BRIAN C. KALT**, the **HAROLD NORRIS** Faculty Scholar

Professor Kalt’s insightful and engaging body of work on structural constitutional law issues and juries has garnered respect in academia and beyond. His 2005 article titled “The Perfect Crime,” which revealed a compelling constitutional loophole, received tremendous publicity by media outlets including National Public Radio (NPR) and BBC News. Kalt’s works have been cited in numerous scholarly articles, treatises, and judicial opinions. His forthcoming book, *Constitutional Cliffhangers: A Legal Guide for Presidents and their Enemies*, will be published by Yale University Press.

In addition to his scholarly accomplishments, Kalt has actively served the Law College through his participation and leadership on numerous faculty committees. He is the faculty advisor to the Federalist Society and Jewish Legal Society.

Professor Emeritus Harold Norris taught Constitutional Law and Criminal Law as a Law College faculty member for 34 years. He is highly published and well known for You Are This Nation, a volume of poetry published for the Bicentennial. Professor Norris, who helped draft the Bill of Rights of the Michigan Constitution, earned an LL.D. from DCL in 1989.

■ Associate Professor **NOGA MORAG-LEVINE**, the **GEORGE ROUMELL** Faculty Scholar

Professor Morag-Levine’s research links comparative law with legal history. Her primary interest is in processes of cross-national legal transplantation, and the connection between legal traditions and alternative conceptions of the administrative state.

The author of *Chasing the Wind: Regulating Air Pollution in the Common Law State*, Morag-Levine teaches a wide variety of courses including Environmental Law, Torts, the Regulatory and Administrative State, and Courts and Social Policy. She brings to her teaching a multidisciplinary perspective through emphasis on the historical, economic, and political underpinnings of the pertinent legal phenomena. Morag-Levine was previously a visiting fellow at Princeton University’s Program in Law and Public Affairs and was on the faculty of the Political Science Department at the University of Michigan.

Professor George Roumell, an adjunct professor at the Law College since 1957, teaches Labor Law and Alternative Dispute Resolution. A widely known and well-published arbitrator and mediator, Roumell has received several major awards for his contributions to the field of law. He received an honorary LL.D. from DCL in 1986.

■ Associate Professor **GLEN STASZEWSKI**, the **A.J. THOMAS** Faculty Scholar

Professor Staszewski’s scholarship focuses primarily on issues of democratic theory and practice that arise in the making and implementation of law in the modern regulatory state. Staszewski, who joined the Law College in 2001 after working as a trial attorney in the Federal Programs Branch of the U.S. Department of Justice Civil Division, is also the associate dean of research at MSU Law.

His recent articles on the problem of regulatory inaction and the meaning of democratic accountability have appeared in the *Emory Law Journal* and *Minnesota Law Review*. Staszewski has also recently organized and contributed to two major symposia for the *Michigan State Law Review* on the nature of statutory interpretation by administrative agencies and Barry Friedman’s book, *The Will of the People*.

Professor Abraham J. “A.J.” Thomas, a member of the DCL Class of ‘45, was a beloved faculty member and mentor at the Law College for 33 years. Professor Thomas—described upon his retirement as a “true Renaissance man”—taught Evidence and Conflicts. He also served as acting dean from 1961 to 1962. ☪

Background information: Gwenn Bashara Samuel, *The First Hundred Years are the Hardest: A Centennial History of the Detroit College of Law* (1993).



FACULTY SCHOLARS

■ (from left) Brian Kalt, Noga Morag-Levine, Glen Staszewski, and Daniel Barnhizer were named MSU Law’s first faculty scholars

ACADEMIC STAFF

ACCOMPLISHMENTS



Kathryn E. Fort

KATHRYN E. FORT, '05, acting associate director of the Indigenous Law & Policy Center, presented her paper titled "Advising—and Suing—Tribal Council Officials: On the Scope of Tribal Official Immunity" at the annual Federal Bar Association Indian Law Conference in April in Santa Fe, New Mexico. Fort discussed "The Vanishing

Indian Returns: The Supreme Court's Use of History in American Indian Law Cases" this spring at both the Law, Culture, and the Humanities Conference in Providence, Rhode Island, and the Law and Society Conference in Chicago, Illinois. In May, Fort presented "The Indian Child Welfare Act for Tribal Officials" at the Building Strong Sovereign Nations Conference, which was held by the Little River Band of Ottawa Indians in Manistee, Michigan.

Fort's 2009 *George Mason Law Review* article, "New Laches: Creating Title Where None Existed," was cited in Judge Richard A. Posner's June 2010 Seventh Circuit Court of Appeals opinion in *Lantz v. Commissioner of Internal Revenue*. The article was also cited by the Mississippi Supreme Court the following month.

Finally, Fort and Professor Matthew Fletcher wrote the historian's amicus brief in the Fifth Circuit Court of Appeals case *A.A. v. Needville* (5th Circuit), an important Texas Religious Freedom Act case, which was decided in Fort and Fletcher's favor in July.



Jeremy Francis

JEREMY FRANCIS, MSU College of Law writing skills specialist, won the Legal Writing Institute's Deborah Hecht Memorial Writing Contest Award for "Finding Your Voice While Learning to Dance," his article on helping law students develop their own sense of style in their legal writing. The Hecht Award is given every other year to the

legal writing specialist who submits the best article in terms of effectiveness, clarity, and style.

Francis works in tandem with MSU Law's Research, Writing, and Advocacy instructors to reinforce first-year students' grammar and punctuation skills and to teach students the conventions of legal style. His workshops, one-on-one instruction, and optional seminars help prepare students to pass a required proficiency test by the end of their first year. The Legal Writing Institute officially presented the award to Francis at its biennial conference on Sunday, June 27, on Marco Island, Florida.

Suburbia



Mexicana: CAUSE AND EFFECT

SUBURBIA MEXICANA: CAUSE AND EFFECT, a photography exhibition by Alejandro Cartagena, was on display in the Law College this fall. The exhibition was coordinated by University-wide Professor Nicholas Mercurio, who teaches Law and Economics and has helped acquire art exhibitions touching on themes of law and justice for display at MSU Law over the past nine years.

■ (opposite page) Cartagena discussed the stories behind his work as he led MSU law and photojournalism students on a walking tour of his exhibition on September 16.

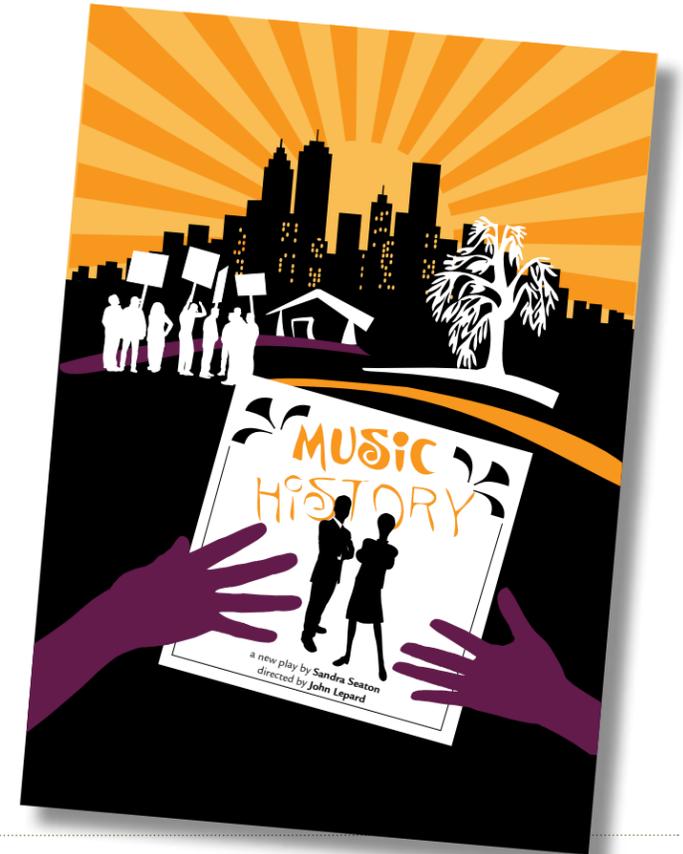
Arts & Humanities corner

WRITER IN RESIDENCE SANDRA SEATON

DEBUTS PLAY

INAUGURAL WRITER IN RESIDENCE SANDRA SEATON premiered her new play, *Music History*, at the MSU Auditorium's Arena Theatre in mid-November. The play focuses on African American students near the University of Illinois at Champaign-Urbana during the civil rights movement of the early sixties.

Seaton's play was jointly sponsored by MSU College of Law, James Madison College, and the MSU Department of Theatre, and was facilitated by student groups including the Black Law Students Association. Seaton and Gabriel Dotto, director of Michigan State University Press, held a symposium in conjunction with the performance to examine the treatment of moral and legal issues in the play and other dramatic works. The play and symposium were supported by a \$15,000 grant from the Michigan Humanities Council. MSU Law is the first law school to receive a major grant from the Council since 1978.



In + Around THE LAW COLLEGE

■ In May, the Detroit Metropolitan Bar Association (DMBA) presented its inaugural Frank Murphy Award to **GEORGE T. ROUMELL, JR.**, the longest-serving member of the Law College faculty. Roumell, who received an honorary LL.D. from DCL in 1986, has taught Labor Law and Alternative Dispute Resolution as an adjunct professor at the Law College since 1957. A past president of both the DMBA and State Bar of Michigan, he was honored for his impressive legal achievements and dedicated service to the profession. The award is named for one of the state's most eminent attorneys, William Francis (Frank) Murphy, who served as mayor of Detroit, governor of Michigan, U.S. Attorney General, and U.S. Supreme Court justice. Murphy died in 1949.



■ DMBA immediate past-president John R. Runyan presents the Frank Murphy Award to George T. Roumell, Jr.

■ On October 27, **ALTON THOMAS DAVIS, '74**, spoke to students at the Law College about his experiences in practice and as a judge. The visit was presented by the MSU Law Office of Student Affairs, with co-sponsors including the Black Law Students Association, Chinese Legal Society, Irish American Law Society, Law Students for Reproductive Justice, Phi Alpha Delta, and the Student Bar Association.

Davis was appointed to the Michigan Supreme Court in August to fill Justice Elizabeth Weaver's seat for the remainder of the term. He previously spent five years on the Fourth District Court of Appeals and more than two decades at the 46th Circuit Court, which covers Crawford, Kalkaska, and Otsego counties. He also spent ten years in private practice and was a prosecuting attorney for four years.



■ The Honorable Alton T. Davis speaks to MSU Law students about his time on the bench and in practice

■ MSU Law hosted free legal informational seminars on three separate topics for members of the public on October 27. The sessions were held to mark National Pro Bono Month and support the Law College's ongoing emphasis on attorneys' civic responsibility to the community. Seminar topics included "A Primer on Rental Housing Law, Including the Foreclosure Crisis" (Elan Stavros Nichols, assistant clinical professor of law, MSU Law Housing Clinic); "Small Business Legal Issues" (Reid Felsing, public interest fellow, MSU Law Small Business & Nonprofit Law Clinic); and "Effectively Dealing with Tax Debt" (Erik Vanderweyden and Zachary Oberland, student clinicians, MSU Law Tax Clinic).

MSU LAW STUDENTS BRING HOME HONORS

JASON MURDEY, 3L, received first place in the short paper category of the Food and Drug Law Institute's 2010 H. Thomas Austern Memorial Writing Competition. The competition accepts papers from law students on current legal issues involving the regulation of food, drugs, medical devices, cosmetics, biologics, or tobacco. Murdey won a \$4,000 cash prize for his winning article, "Preemption of 'Fraud on the FDA' Exception to Michigan's Tort Immunity Statute for Drug Manufacturers: Reconsidering *Garcia* and *Desiano* after *Levine*," which will appear in the February 2011 issue of the *Food & Drug Law Journal*. "Adjunct Professor Neal Fortin went above and beyond in providing me help and encouragement in writing this paper," said Murdey. "His guidance was instrumental to its success."



MATTHEW LEFFLER, '10, was awarded the 2010 Michigan Supreme Court Historical Society's Law Student Prize for his paper, "Executive Compensation: A Theory, a History, and a Crisis." The Society presents the prize each year to an excellent student of legal history. Leffler received his award from Wallace D. Riley, husband of the late Michigan Supreme Court Chief Justice Dorothy Comstock Riley, who founded the Michigan Supreme Court Historical Society (MSCHS) in 1988.

■ Wallace Riley presents the MSCHS award to Matthew Leffler, '10

Third-year MSU College of Law students **DANIEL MAGEE, MATTHEW MARTIN**, and **ELENA ROZWADOWSKI** took second place in the 2010 Emory University School of Law Civil Rights and Liberties Moot Court Competition, which was held October 8 and 9 in Atlanta, Georgia. The group made an impressive showing at the event, which featured 26 teams from 18 law schools across the country, also taking fourth place in the "Best Brief" competition. This year's competition problem focused on current legal issues concerning freedom of religion and freedom from excessive force.



■ Daniel Magee, Hon. Harold Melton (Supreme Court of Georgia), Elena Rozwadowski, Hon. Jane Roth (3rd U.S. Circuit Court of Appeals), Matthew Martin, and Hon. Robert Pratt (U.S. District Court for the Southern District of Iowa)

Congratulations to all of our talented and hard-working students!

Welcome to the MSU Law Family

■ NEW SCHOLARS AUGMENT DISTINGUISHED FACULTY

MSU College of Law welcomed the following new faculty members to its ranks in fall 2010:

JENNIFER CARTER-JOHNSON, assistant professor of law, teaches the Biotechnology Law Seminar, Patent Law, and Property. With a Ph.D. in microbiology and interests in intellectual property law and policy, she combines her scientific and legal training to investigate issues at the intersection of biological research and the law. While in practice, Carter-Johnson specialized in intellectual property licensing and representation of biotechnology companies. She is registered to practice before the U.S. Patent and Trademark Office.

BRIAN GILMORE, associate clinical professor of law and director of the Housing Clinic, spent five years as a clinical professor and supervising attorney with the Clinical Law Center at Howard University School of Law. His 15 years in practice included positions with the Neighborhood Legal Services Program and the Washington Legal Clinic for the Homeless. A respected expert in the area of housing, Gilmore has published and presented extensively on the topic.

DAVID THRONSON, professor of law and co-founder of the Immigration Law Clinic, teaches Constitutional Law I, in addition to the Clinic's courses. His research and writing is aimed at analyzing the intersection between family and immigration, with a particular focus on children. Before turning to the field of law, Thronson taught in Nepal as a Peace Corps volunteer and worked for several years as a teacher and assistant principal in the New York City public schools.

VERONICA THRONSON, assistant clinical professor of law and director of the Immigration Law Clinic, engages students in policy research, resource development, community outreach, and systemic advocacy on issues related to immigration. Thronson, who has been a regular commentator for local and national newspapers and radio programs on immigration law topics, currently serves on the advisory board of the National Center on Immigrant Integration Policy at the Migration Policy Institute in Washington, D.C.



■ (from left) Veronica Thronson, Brian Gilmore, Jennifer Carter-Johnson, and David Thronson

■ MSU LAW WELCOMES NEW STUDENTS

J.D. Students Begin Law School with Day of Service

The MSU Law Class of 2013 arrived in August, ready to embark on their law school careers. Students capped off orientation week with a day of service—an event that has become an integral part of the MSU Law orientation experience.

Students worked at 18 local nonprofit organizations on August 21, providing much-needed help while learning about the important services that the agencies offer within the community. Their work included landscaping and cleaning projects for Gateway Community Services, Potter Park Zoo, and Ronald McDonald House; sorting food donations for Mid-Michigan Food Bank; minor building and site preparation projects for Habitat for Humanity of Greater Ingham County; and several other service activities.

Eleven faculty members participated at the agencies, while 35 student organization leaders served as site leaders and coordinated the day's activities. Students, faculty, and staff reconvened at the Law College for a Welcome Barbeque.

"We are pleased to welcome our incoming class and proud to serve our community while helping instill an ethic of public service in those just beginning their journey at MSU Law," said Dean Howarth.

"We encourage our students to carry on the Law College's commitment to service throughout their legal education and careers."

This year's incoming class of Juris Doctor (J.D.) candidates includes 299 students from 36 states, six countries, and 164 undergraduate institutions. The class has a median Law School Admission Test (LSAT) score of 157 and a median undergraduate grade point average of 3.52; 47% of the incoming students are female, and 17% are of minority background. The class was selected from more than 3,400 applications—the highest number in MSU Law history.

"Our incoming class brings impressive talents and experiences, wonderful diversity, and the best academic credentials we've seen yet."

—Joan Howarth,
dean of MSU Law

LL.M. Candidates Bring the World to MSU Law

MSU College of Law is also pleased to announce the largest-ever class of students entering its one-year Master of Laws (LL.M.) for Foreign-Educated Lawyers Program. The program is specially designed for those who received their legal training in a foreign jurisdiction. A total of 58 new LL.M. candidates representing 28 countries will begin their studies at MSU Law this year, with the highest numbers coming from Saudi Arabia, China, India, Pakistan, and Korea.



■ MSU Law students kicked off their MSU Law experience with a day of service at nonprofit agencies throughout the Greater Lansing community.

Scholarly

EVENTS

“Legal and Bioethical Foundations of Assisted Reproductive Technologies”

In the first-ever joint symposium between the two colleges, MSU Law and the MSU College of Human Medicine (CHM) teamed up on October 1 to discuss medical and legal issues associated with the expanding usage of Assisted Reproductive Technologies to create families. Professor Melanie Jacobs, a leading scholar on legal issues surrounding the establishment of parent/child relationships, helped organize the event, at which presenters examined important issues at the intersection of family law and medicine.

In addition to Jacobs, the symposium featured Paul Arshagouni, MSU Law professor; Richard Leach, professor and chair at the Department of Obstetrics, Gynecology and Reproductive Biology; Barbara Luke, professor at the Department of Obstetrics, Gynecology and Reproductive Biology and the Department of Epidemiology; and Thomas Tomlinson, director of the MSU Center for Ethics and Humanities in the Life Sciences.

“Dramatization and Context”

The premier staging of Sandra Seaton's *Music History*, a play set in the era of the struggle for civil rights, provided a perfect occasion for a symposium and roundtable on November 12. Speakers addressed a range of legal, historical, and cultural questions on the dramatic representation of problematic societal issues, followed by a roundtable discussion in which the playwright, director, audience, and experts from several disciplines offered comments on issues raised by the play.

Speakers and participants included Pero Dagbovie, Kirk Domer, Aaron Todd Douglas, Rita Kiki Edozie, Matthew Fletcher, Renee Knake, John Lepard, Ronald Primeau, Rob Roznowski, Sandra Seaton, Ann Folino White, John Woodford, and Jeff C. Wray. Gabriel Dotto provided the symposium concept.

“Modernizing Marriage through E-Marriage”

On November 11 and 12, Professors Mae Kuykendall and Adam Candeub teamed up with the *Michigan State Law Review* to bring legal scholars, legislators, and economists from across the country to explore the many issues and possibilities surrounding e-marriage. Discussion at the event centered around the practical and theoretical implications of reforming marriage licensing in the United States to meet the needs of modern couples. Participants included legislators from several states, including Vermont House Judiciary Chairman Bill Lippert; Kerry Abrams, University of Virginia School of Law; M. V. Lee Badgett, University of Massachusetts Amherst; Anita Bernstein, Brooklyn Law School; Jennifer Gerarda Brown, Quinnipiac University School of Law, and Yale Law School; June Carbone, University of Missouri-Kansas City School of Law; Howard P. Fink, The Ohio State University Moritz College of Law; Marci A. Hamilton, Benjamin N. Cardozo School of Law; Gregory Mitchell, University of Virginia School of Law; Joel Nichols, University of St. Thomas School of Law; Marc R. Poirier, Seton Hall University School of Law; Mark Reed-Walkup, Wiedamark LLC, GetEQUAL; Allison Tait, Yale Law School; Dante Walkup, Wiedamark LLC; and Bryan H. Wildenthal, Thomas Jefferson School of Law.

Distinguished Speaker Series

The Fall 2010 Distinguished Speaker Series brought prominent scholars from across the country to exchange ideas with the MSU Law faculty and community. The series was arranged by Professor Kristi Bowman, chair of the Programs Committee, along with Professors Adam Candeub, Mae Kuykendall, Frank Ravitch, and Glen Staszewski. This fall's speakers, who spoke on a range of thought-provoking topics, included professors Emily Cauble, University of Illinois; Deborah Rhode, Stanford Law School; Charles Silver, University of Texas School of Law; Neil Siegel, Duke University School of Law; and Zanita Fenton, University of Miami School of Law.

“Persuasion and Ideology: Ideologically Divisive Cases in the Appellate Courts”

The Indigenous Law & Policy Center's Seventh Annual Indigenous Law Conference on “Persuasion and Ideology” drew legal experts from around the nation to MSU Law on October 8 and 9. Participants at this year's conference examined the roles of politics and persuasion in a variety of contexts, including federal Indian law; tribal courts; and cases involving religious freedom, race and equal protection, and criminal justice.

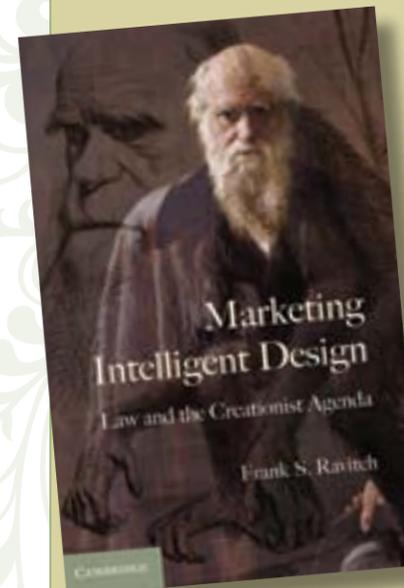
This year's conference theme was inspired by *How Judges Think*, by Judge Richard A. Posner; *Are Judges Political?*, by Professors Cass R. Sunstein, David Schkade, Lisa M. Ellman, and Andres Sawicki; and *Making Your Case: The Art of Persuading Judges*, by U.S. Supreme Court Justice Antonin Scalia and Bryan A. Garner.

The keynote speakers were William A. Thorne, Jr., a judge on the Utah Court of Appeals, and Philip S. (“Sam”) Deloria, director of the American Indian Graduate Center in Albuquerque, New Mexico. A distinguished group of panelists included Raymond Austin, University of Arizona; Jeannine Bell, Indiana University Maurer School of Law; Matthew L.M. Fletcher, MSU Law; Douglas Laycock, University of Virginia School of Law, MSU Law Board of Trustees; and Paul Finkelman, Albany Law School.

LOOKING AHEAD

Spring 2011: Professors Catherine Grosso and Barbara O'Brien will host a spring 2011 symposium with the *Michigan State Law Review* on the effect of race in capital punishment cases.

MSU LAW BOOKSHELF



PROFESSOR FRANK S. RAVITCH,
the Walter H. Stowers Chair in Law and Religion

Marketing Intelligent Design: Law and the Creationist Agenda
Cambridge University Press
Released: October 2010

Recently a new battle has emerged between science and religion. The battle has focused on intelligent design (ID) and the numerous legal, philosophical, and educational concerns surrounding it. Resolution of these concerns centers on two questions: Is ID science? And is ID religion? Despite the fact that ID does not meet the standards of scientific rigor, ID proponents have been able to create a remarkably well-designed marketing plan aimed at imposing a theistic naturalism in schools and scientific discourse. Both the ID movement and some of its most vociferous opponents have a vested interest in suggesting that science, especially evolutionary biology, and religion are incompatible. This book presents a philosophical and legal counterpoint by demonstrating the compatibility between religion and evolutionary biology and the incompatibility between ID and mainstream science.



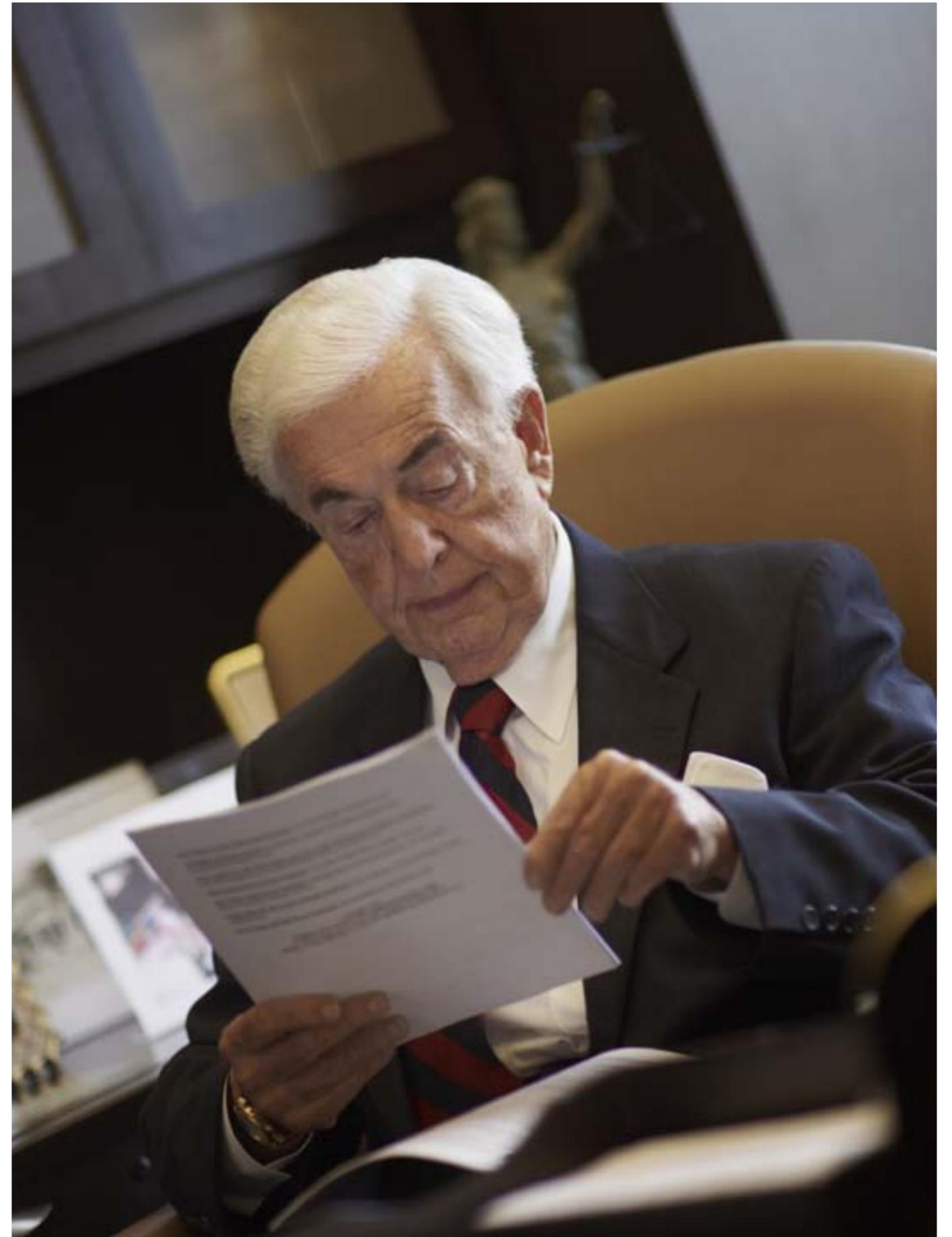
A FOUNDATION OF ETHICS

BY ALEXA STANARD

Frank Kelley served as Michigan's top lawyer for 37 years, making him the longest-serving attorney general in U.S. history. At 85, he still practices law in his Lansing office. His name now graces the Michigan State University College of Law Frank J. Kelley Institute of Ethics.

The Institute opened in 2009, after Kelley's friends and supporters rallied together to create a permanent legacy for his career. In September, the Institute hosted its second annual lecture, an event aimed at giving MSU Law students and faculty access to the country's leading ethicists.

"The Institute is about ethics because of Kelley's stature in the profession, in government, and in politics," says Dean Joan Howarth. "It was a match between the core values of the Law College, the needs of the profession for a greater emphasis on ethics, and the identity of Frank Kelley."



“We want to make sure that everyone associated with MSU Law . . . understands that this is the law college where ethics is at the center of our education. It’s not an add-on, it’s not secondary, it’s absolutely central.”

MSU LAW’S COMMITMENT TO TEACHING ETHICS

Legal ethics is a relatively new field. In the wake of the Watergate scandal, the American Bar Association (ABA) drafted the Model Rules of Professional Conduct and began requiring law students to take a course in ethics and pass an exam to be licensed. In turn, every state adopted its own body of rules based on the ABA’s, and law schools created ethics curricula.

Renee Knake, assistant professor at MSU Law, says it’s important to teach ethics because “it’s one thing to learn all the rules; it’s quite another to figure out how they’re going to operate in one’s day-to-day practice.”

She adds, “We want students to have a framework for approaching ethical dilemmas. It doesn’t matter how expert a student is in a particular field or skill if they don’t understand the laws to get licensed, maintain a license, and execute duties to clients.”

Nonetheless, even after decades of including ethics in law school programs, legal ethics continues to be “second class” in law schools today, says Deborah Rhode, the Ernest W. McFarland Professor of Law and the director of the Stanford Center on the Legal Profession at Stanford Law School. Rhode was the featured presenter at this fall’s Kelley Institute lecture.

“There’s a concern about touchy-feely, a sense that on the hard issues there aren’t any right answers and that you don’t want professors to pontificate from the podium and impose their views,” she says. “And I think many professors are just more comfortable when they can speak authoritatively, and they can’t on ethical issues. The issues that are interesting to talk

about in class are ones where people can stake out different sides. It’s precisely for that reason that I think students need to think about these issues and figure out what matters to them and why.”

Ethics should be taught across the law school curriculum, Rhode says. Because ethical issues arise in every subject, she believes that all professors need to see ethics as critical to their subject matter.

“Students pick up messages and subtexts as well as texts, and silence sends a powerful message,” she says. “For professors to take the view that professional responsibility is someone else’s responsibility is a cue for others to do the same.”

Howarth agrees that teaching legal ethics is no easy task, but says doing so is critically important and central to the mission of MSU College of Law.

“I know from a couple of decades as a law professor that it’s actually easier to teach the most complex rules than to teach ethical values. It’s difficult, but it absolutely can be done,” she says. “We want to make sure that everyone associated with MSU Law—starting with the students and including the faculty and the staff and the graduates and the clients of our graduates—understands that this is the law college where ethics is at the center of our education. It’s not an add-on, it’s not secondary, it’s absolutely central.”

THE KELLEY INSTITUTE

The core of the Kelley Institute’s programming is a yearly lecture by a leading ethicist, whose visit includes teaching a law



class, meeting with faculty, giving a public lecture, and writing for the *Michigan State Law Review*.

“It’s about creating some impact in all parts of the community,” Howarth says. “If we are smart about who we invite, the short period of physical presence has a ripple effect. We’re trying to aim for Kelley lecturers who will help us build and strengthen the Law College way beyond the duration of their visits.”

Last year’s presenter was David Wilkins, a professor at Harvard Law School and director of its Program on the Legal Profession. During his visit, Wilkins spoke about revisions that had been made to Harvard Law School’s professional responsibility curriculum. MSU Law faculty used the input as the foundation for a proposal to evaluate the Law College’s own curriculum.

“Because we adopted something that’s based in part on Wilkins’ contributions, there is an impact from his visit every day for every student,” Howarth says.

A second component of the vision for the Kelley Institute is to inspire students by holding Kelley up as an example of a lawyer and leader whose priority was to serve his community, Knake says. Cited by all 50 states’ attorneys general as being the one who most furthered the cause of justice in the United States, Kelley was the first to create state consumer protection, criminal fraud, and environmental protection divisions.

“It’s all well and good for me to stand up in front of class to say there are wonderful examples of lawyers we can be inspired by,” Knake says. “But having an Institute that offers such a preeminent example from right here in Michigan takes it to a different level.”

THE FUTURE

The Kelley Institute is funded through an endowment—created jointly by individuals associated with the Law College and Kelley supporters—that will pay for its programs in perpetuity.

The Institute will have plenty of thorny issues to grapple with. The ABA is currently revising the Model Rules (the last round of revisions came about 10 years ago), with an eye to lawyers’ obligations when lawyers are practicing from state to state.

“Right now, lawyers have to be licensed in a particular state . . . but that doesn’t really reflect the reality of most lawyers’ practice in this day and age,” Knake says. “With today’s technology, they’re often called on to practice in states where they’re not licensed.”



■ Dean Howarth, Frank Kelley, and Deborah Rhode

Rhode says it’s high time that ethical rules caught up to the technological innovations that have changed how lawyers work and communicate.

“Technology has raised a whole host of issues on ways that bar rules are incredibly anachronistic,” she says. “To have these state-controlled rules and governing structure for a profession that is increasingly national and international raises huge issues.”

Social media use by lawyers also will need to be addressed by the new rules, Knake says. Lawyers have been disciplined in the last couple of years for complaining about or commenting on judges on blogs. Judges now use social media for judicial campaigns. Even the professional networking site LinkedIn can pose problems, since lawyers face restrictions on how they can talk about and market themselves. The use of social media in the profession raises “really interesting free speech issues,” Knake says.

Outsourcing of legal resources overseas and the sort of supervision needed in such circumstances is another topic of interest in the ABA’s process, Knake says, as is access to justice—an issue that helped drive Rhode into the field in the 1970s.

“In this current economy, a huge number of people who might need access to a lawyer can’t afford one,” Knake says. “There’s

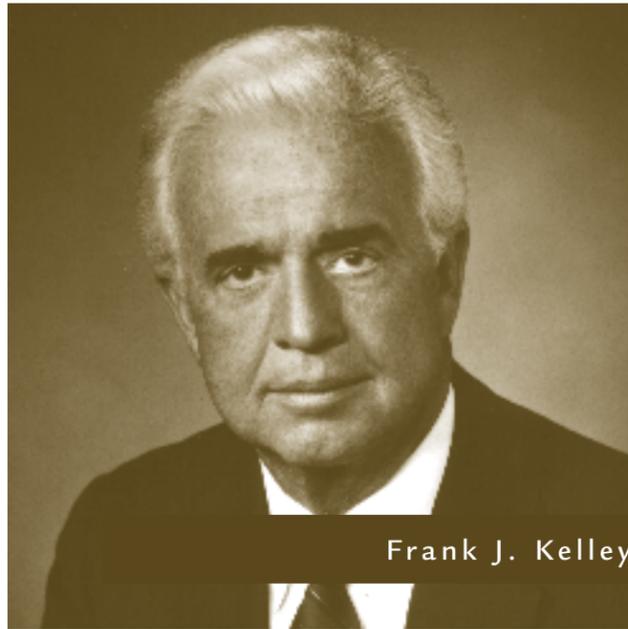
a need to provide lawyering to the middle class and lower middle class in civil situations, especially in the bankruptcy and home foreclosure contexts. Many people in these situations can’t afford lawyers, but their cases can have life-altering consequences.” ☞

About the Author

Alexa Stanard is a freelance writer based in Ferndale, Michigan.

CONVERSATIONS...

BY ALEXA STANARD



Frank J. Kelley

FRANK J. KELLEY rose from a job as city attorney for Alpena, Michigan, to become Michigan's attorney general at the age of 36, the youngest in state history. (He was the oldest when he retired 37 years later.) He mentored his replacement, now-Governor Jennifer Granholm, and became nationally recognized in the area of consumer protection.

After stepping down in 1999, he co-founded the Lansing law firm Kelley Cawthorne. That year, Republican Governor John Engler named him to the Mackinac Island State Park Commission. In 2007, Granholm named him commission chair.

Kelley spoke with us just prior to the Frank J. Kelley Institute of Ethics Second Annual Lecture.

■ Talk about how the Institute got its start.

When I decided to retire as attorney general back in '98, David Sparrow—who is on the MSU Law Board of Trustees—and a couple of other people thought it would be a good idea if I had some farewell banquets and we could take whatever money was raised and put it into a legal ethics program.

■ Why is ethics so important to emphasize at law schools?

By their very nature, lawyers need to have a code of ethics because really, a lawyer is a law giver. What is the law? Implicit in that question is: What is the honest law? What is the honorable thing to do? Intrinsic to that is you have to have honesty and integrity. Lawyers by nature have to be guided by a code of ethics and need to have a way to enforce it.

In Watergate, good lawyers found bad lawyers doing things wrong. That's an example of the fact that, when you have ethics and high standards, you unfortunately always have a few in the group who want to skirt the ethics rules and violate them. The temptations are money, prestige, and advancement. It was lust for power in the Nixon administration. But it's the honest lawyers who correct the scoundrels.

We're currently in a difficult situation on Wall Street because, whatever ethics were supposed to exist with bankers and stockbrokers, nobody bothered to apply them. If you don't have ethically moral types in high learned professions, as a society you have no moral conscience. Plenty of things are going on out there that people of integrity need to expose. Most people tend toward good until they're tempted.

The more ethics courses we have, the better. Ethics instruction is very important. If you don't know the rules, you can't help police them.

■ What are you doing these days?

I have a firm in downtown Lansing. I'm an elder consultant. I work when I feel like it. I talk to clients and give advice and so on. I do whatever an 85-year-old man is supposed to do. More importantly, I tell younger lawyers what to do, if they ask. A profession isn't like a job. I didn't become a lawyer to get paid a salary; I became a lawyer to be a public servant. You can do that until the day you die as long as your mind works.

DEBORAH RHODE is one of the country's leading experts on legal ethics and gender, law, and public policy. She is the author of 20 books, most recently *The Beauty Bias*, and is the nation's most frequently cited scholar on legal ethics.

Rhode is the former president of the Association of American Law Schools, the former chair of the American Bar Association's Commission on Women in the Profession, the founder and former director of the Stanford Center on Ethics, and the former director of the Michelle R. Clayman Institute for Gender Research at Stanford. She has received numerous prestigious awards for contributions to the fields of professional responsibility and legal ethics, and is currently a columnist for *The National Law Journal*.

Rhode spoke with us about how the issues that sparked her passion in legal issues are still important today.



Deborah Rhode

■ Why is it important to teach ethics to law students?

[Federal Judge] Richard Posner said, "I can think of few things more futile than teaching people to be good." Nor can I. If that's how ethics courses were designed, none of us could get through our day jobs. I don't think that is anyone's rationale for teaching ethics. It's important to give students an understanding of where the line is before they cross it and, as future leaders, an understanding of where the line should be.

■ How did you get started in the field?

I wandered into it inadvertently through work I was doing in the family law clinic of the Yale New Haven Legal Assistance program in the late '70s. We were open one morning a month for intake. If you didn't show up, you didn't get help. We decided to put out a kit to allow people to navigate the law themselves. This was before self-help was available.

The local bar association found out and threatened to sue us for unauthorized practice. I was outraged because it was so clearly a self-interested position on the part of the bar. For people who could not afford a lawyer, costs were in the neighborhood of \$2,500. Luckily for me as a budding researcher, the local women's organization saw the same problem and put out the kit and said, "Fine, sue us. Take the coffee pot." The bar didn't want to tangle with those women.

So, we compared and surveyed kit users. We found that the error rate for the kit users and the lawyer-assisted divorces was about the same. No big deal. And most of the clients did not get the kind of legal advice the bar claimed was essential.

One thing led to another, and I sort of fell in love with the writing process and doing it around issues of access to justice. The fact that this was a women's issue and a poverty issue pushed me in that direction.

■ What propelled you to devote yourself to ethics research?

Two issues: Access to justice and bar governance. We're the only occupation that claims the inherent right to regulate ourselves. We've pretty much gotten away with it, and there's certainly a theoretical justification for it. You want to protect judicial independence. You don't want lawyers who are challenging governments to be at risk for their license. At the same time, there are many countries with regulatory structures that are much less protective than we have in this country, whose lawyers are less involved in shaping the rules that they themselves have a vested interest in defining. There are models out there that we could usefully profit from and that don't pose the threats to independence that are always raised.

■ How do you see the state of access to justice today?

No one's talking about it. It's a shameful irony that in the country with the highest concentration of lawyers, the legal needs of poor people aren't being met. There's a huge justice gap and it's just not on the radar screen. The criminal defense system for indigents is a national disgrace. We have a whole jurisprudence around sleepy lawyers: How much dozing is allowed? What if he's in and out? It's shameful. It's gotten worse as the economy has cut into local budgets. ☹

THE SUPREME COURT'S RECENT FOCUS ON

LAWYERING

BY RENEE KNAKE

Whether coincidental or the signal of an emerging trend, the U.S. Supreme Court's docket last term contained an unprecedented number of cases involving the law of lawyering. A total of 16 of the Court's 86 merits opinions—nearly 20 percent—touched on issues of legal ethics. In a typical term, the Court takes up less than a handful of such cases. Whether an anomaly or a new norm, the Court's recent focus deserves attention.

ACCESS TO LAWYERS

Several of the cases produced outcomes that limit access to lawyers and legal advice. In both *Milavetz v. U.S.* and *Holder v. Humanitarian Law Project*, the Court upheld federal statutes (a bankruptcy statute in the former case and an antiterrorism statute in the latter) that ban lawyers from rendering certain advice.

A third case, *Mohawk Industries v. Carpenter*, questioned whether a dispute about the waiver of attorney-client privilege for materials requested in the civil discovery process can be immediately appealed. Mohawk argued that waiting until the end of trial for an appeal would be akin to unscrambling an egg after it is scrambled by the disclosure. A unanimous opinion authored by Justice Sotomayor—her first as a justice—acknowledged the importance of the attorney-client privilege, but declined to protect it through the immediate appeal. As a consequence, parties seeking legal advice may be less forthcoming in the future for fear that they will end up in a similar situation.

The other access cases centered on fee-shifting statutes which, by requiring the losing party to pay the winning party's

attorney's fees, encourage attorneys to take on meritorious cases where important civil rights or economic and social benefits statutes otherwise likely would go unenforced.

Two of the Court's opinions make it somewhat more difficult for attorneys to be compensated under such statutes. In *Purdue v. Kenny A.*, the Court narrowly reversed a \$4.5 million bonus a lower court awarded attorneys for their superior performance in bringing reform to the suburban Atlanta foster care system; this opinion significantly constrains the availability of such bonuses in the future. In *Astrue v. Ratliff*, the Court unanimously held that a fee-shifting award belongs to the client—not the attorney—and may therefore be offset by the federal government to satisfy the client's pre-existing debt. The attorney received no compensation in this case, despite successfully obtaining wrongfully-denied social security benefits for her client, thus defeating the very purpose of the fee-shifting statute.

Only one of the six cases falling under the umbrella of access resulted in a more favorable outcome for encouraging or facilitating access to legal advice. In *Hardt v. Reliance Standard Life Insurance*, a unanimous Court upheld a fee award under the Employee Retirement Income Security Act (ERISA) without demanding the standard "prevailing party" status normally required under a fee-shifting statute. Rather, as Justice Thomas wrote, the text of the ERISA statute allows for a fee award if the party achieves "some degree of success on the merits."

BAD LAWYERING

In a second broad category of cases, the Supreme Court addressed various harms caused by bad lawyering. Most of the

cases in the ineffective assistance of counsel category (*Wood v. Allen*, *Porter v. McCollum*, *Bobby v. Van Hook*, *Wong v. Belmontes*, *Sears v. Upton*, and *Jefferson v. Upton*) raised the issue of whether an attorney offered sufficient mitigation evidence during the sentencing phase of a capital murder trial. The Court reached at least somewhat favorable outcomes for the defendants in three of the cases, either reversing or remanding the case for further consideration.

The other cases involved claims of attorneys delivering a prejudicial closing argument, rendering wrong advice, and missing a critical filing deadline. Two of the three claims were successful.

The Court held in *Holland v. Florida* that the timeline for filing the defendant's federal *habeas corpus* (unlawful imprisonment) appeal could be extended due to the attorney's negligence in missing the deadline. In *Padilla v. Kentucky*, where the attorney incorrectly told his client that pleading guilty would not result in deportation, the Court held that lawyers must advise clients who are considering a guilty plea about the risk of deportation.

In the case of *Smith v. Spisak*, the defense attorney delivered a closing argument so damaging that Justice Stevens wrote in a concurring opinion that it would have constituted prosecutorial misconduct had the argument been delivered by the other side. The Court nonetheless held that an improved argument would not have altered the ultimate result.

A final case on harm caused by bad lawyering, *Pottawattamie County v. McGhee*, questioned whether prosecutors may face civil liability for procuring and introducing false evidence at trial.

The case settled after oral argument without the issuance of an opinion from the Court.

WHAT DOES IT ALL MEAN?

The message conveyed by these cases collectively may be even more important than their individual holdings. The conspicuous presence on the Court's docket of so many cases involving the practice of law and legal ethics is itself remarkable.

In addition to offering helpful lessons to future and practicing attorneys, the cases served an important function by bringing the discussion of legal ethics to the forefront. While it remains to be seen whether the Court's heightened attention last term to lawyering proves to be an anomaly or a trend, practitioners, scholars, and students of the law can—and must—continue the conversation. ☞

About the Author

Professor Renee Knake's article titled "The Supreme Court's Increased Attention to the Law of Lawyering: Mere Coincidence or Something More?" was the first to present a comprehensive overview of the body of cases touching on the role of attorneys and the practice of law that dominated last year's U.S. Supreme Court docket. Her work will help scholars and practitioners alike understand the Court's increased attention to lawyering matters. The article appeared in the August 2010 issue of *American University Law Review*.

accolades | accomplishments | published works | presentations | guest lectures



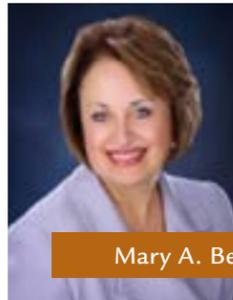
Bruce W. Bean

■ Professor **BRUCE W. BEAN** taught Advanced Corporate Governance as a Visiting Professor at the Law Faculty of Lodz University. The course was taught immediately after the close of the MSU Law spring 2010 semester in Lodz, Poland.

After returning to East Lansing to present the commencement address to the Class of 2010, Professor Bean traveled to Moscow, where he taught a five-week course on International Transactions in Emerging Markets to Russian, European, and American law students. During this time, his wife, Adjunct Professor and Reference Librarian **BARBARA BEAN**, taught MSU Law students enrolled in the summer semester of Advanced Legal Research. This course was taught online from the living room of their apartment in the center of Moscow.

Since returning to MSU, Professor Bruce Bean, who also directs the LL.M. for Foreign-Educated Lawyers Program, has been working with the 45 LL.M. candidates now enrolled at the Law College. Integrating into life at the Law School has meant

quite an adjustment for many of these students, who come from more than 20 countries, each of which has a tradition of education quite different from ours. He believes the entire MSU Law community has done an excellent job of welcoming these students into our unique institution.



Mary A. Bedikian

■ Professor **MARY A. BEDIKIAN**, director of the Alternative Dispute Resolution Program, helped lead the MSU Law Commercial Arbitration Team to the final round of the American Bar Association Law Student Division's 2009–10 National Arbitration Competition in January. Eric Griggs, a 3L, and 2010 graduates Justinian Lane, Jane Moon, and Sarah Stempky vied for the national championship in California, ultimately finishing second—a first for MSU law arbitration competition teams. Professor Bedikian was complemented in her coaching role by Adjunct Professor **BRIAN PAPPAS** and Visiting Professor **NICHOLAS J. WITTNER**.

In March, Bedikian presented at the Institute of Continuing Legal Education's

9th Annual Advanced Negotiation & Dispute Resolution Institute. Her discussion focused on recent developments in arbitration jurisprudence—especially those since *Hall Street Associates v. Mattel*, in which the U.S. Supreme Court in 2008 held that the Federal Arbitration Act provides the exclusive bases for judicial review—and the legislative agenda of Congress, including the Arbitration Fairness Act.

Bedikian completed her “Annual Survey of ADR Law” for *The Wayne Law Review* in May. Her 75-page contribution includes an analysis of a long-awaited decision, *14 Penn Plaza v. Pyett*, in which the U.S. Supreme Court revisited whether statutory claims arising under a collective bargaining agreement may be arbitrated if subject to a union-negotiated waiver that is clear and unmistakable. The decision's importance lies in the Court's apparent willingness to unify arbitral and labor law jurisprudence.

Finally, Professor Bedikian prepared a formal response on behalf of the State Bar of Michigan ADR Section to the Consumer Law Section's Revised Uniform Arbitration Act (RUAA) Opposition Paper. Her paper, which endorses the passage of the RUAA in Michigan, was circulated to all State Bar sections for comment, and served

as the centerpiece for the Representative Assembly's vote in September. Bedikian's involvement with the RUAA legislation has led to multiple speaking engagements.



Kristi L. Bowman

■ Professor **KRISTI L. BOWMAN** presented “Breaking Down Anti-Discrimination: Anti-subordination, Anti-classification, and Education in the United States and Israel” in May at the Conference on Toleration, Equality, and Segregation in the Name of Culture, which was sponsored by the Minerva Center for Human Rights at Hebrew University. In August, she presented “States' Intervention in School Districts' Fiscal Crises: Considering State Constitutional Ramifications” at the Southeastern Association of Law Schools (SEALS) Conference in Palm Beach, Florida.

Professor Bowman has joined Mark Yudof, David Kirp, Betsy Levin, Rachel Moran, and James Ryan as a co-author of the fifth edition of the leading education law textbook, *Educational Policy and the Law*, which will be forthcoming in 2011.

accolades | accomplishments | published works | presentations | guest lectures



Nicole S. Dandridge

■ Clinical Professor **NICOLE S. DANDRIDGE** participated in the Georgetown Law Annual Summer Institute on Clinical Teaching in June. A small group of experienced clinical faculty was invited to the Institute to reflect on pedagogical choices and to rethink and refine teaching and supervision methods.

Professor Dandridge's article titled “Racial Equity and Social Capital: Challenges Facing Black Entrepreneurs” was published in the Summer 2010 *Western New England Law Review*. The article explores access to social capital for people of color, with a focus on African-American entrepreneurs.



David S. Favre

■ Professor **DAVID S. FAVRE**, the Nancy Heathcote Professor of Property and

Animal Law, spoke at the Second World Conference on Bioethics and Animal Rights in August. The event was held at the Federal University in Salvador, Brazil. Professor Favre's presentation titled “Legal Rights for Wildlife” considered the status of both individual wildlife and species of wildlife under existing law, and examined how their interests could be better represented in the future. While in Brazil, he also had the opportunity to speak at another private law school on general animal law issues.



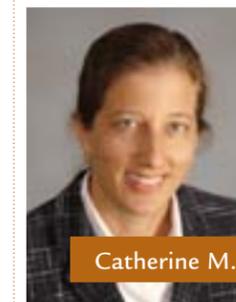
Matthew L.M. Fletcher

■ Professor **MATTHEW L.M. FLETCHER**'s lecture, “Rebooting Indian Law in the Supreme Court,” was published in the *South Dakota Law Review* in September. Professor Fletcher presented the 2010 Dillon Lecture in February in conjunction with the University of South Dakota School of Law's biennial Native American Law Students Association Indian Law Symposium and the journal's annual scholarly symposium.

Also in September, Fletcher presented “Consent and Resistance: The Modern

Struggle between American Indian Tribes and the United States” at the Third National People of Color legal scholarship conference at Seton Hall University School of Law. In addition to his role as a presenter, Fletcher served on the conference steering committee and participated in four panels.

Finally, Professor Fletcher presented “The Future of American Indian Activism” at Yale Law School in September as part of a discussion on Contemporary American Indian Educational and Legal Activism in the Great Lakes.



Catherine M. Grosso



Barbara O'Brien

■ Professors **CATHERINE M. GROSSO** and **BARBARA O'BRIEN** completed a comprehensive study in August that methodically examined more than 1,500

North Carolina murder cases dating back to 1990 for evidence that race was a factor in charging, sentencing, or juror selection decisions. The work was conducted in response to the state's Racial Justice Act. Since its completion in August, the study has been cited in claims by more than 150 North Carolina death row inmates seeking to prove racial bias at the time of their charging or sentencing; those who succeed will be re-sentenced to life in prison without the possibility of parole.

Professors Grosso and O'Brien will team up with the *Michigan State Law Review* to host a spring 2011 symposium on the effect of race in capital punishment cases.



Michele L. Halloran

■ Clinical Professor **MICHELE L. HALLORAN** received an award at the annual meeting of the Michigan Women's Tax Association in October for having served as the organization's inaugural president.

■ Professor **MELANIE B. JACOBS** presented “Intentional Parenthood's Influence: If Procreative Autonomy



Melanie B. Jacobs

Includes the Right Not to Parent, Then Should Federal Paternity Establishment Policy Be Changed?" at the joint conference of the International Society of Family Law and the Midwest Family Law Consortium. The conference was hosted by the University of Missouri-Kansas City School of Law in June.

In August, Professor Jacobs presented techniques for incorporating greater skill development, interactive teaching, and skills assessment in traditional, doctrinal courses on the "Innovative Teaching Techniques Used in Second/Third Year Courses" panel at the SEALS conference in Palm Beach, Florida.

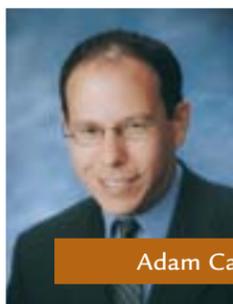


Mae Kuykendall

■ Professor **MAE KUYKENDALL** presented "Enacted Narratives: The Vote of No Confidence," as

part of the "Narrative Theory Across the Professions" panel at the 2010 Conference of the International Society for the Study of Narrative. The conference was held in April at Case Western Reserve University in Cleveland, Ohio.

In May, Professor Kuykendall presented "Huck Finn and 'Poor Joshua!': Conceptions of Due Process and American Liberty" as part of the "Law and Literature" panel at the 40th Annual Meeting of the Society for the Study of Midwestern Literature, which was held at Michigan State University. She was also active as president of the American Association of University Professors chapter at Michigan State University during 2010.



Adam Candeub

In early November, Kuykendall and Professor **ADAM CANDEUB** teamed up with the *Michigan State Law Review* to host a symposium that brought legal scholars, legislators, and economists from across the country together to explore the many issues and possibilities surrounding e-marriage. The dinner speaker was Professor Marci Hamilton of Cardozo Law School, and

the luncheon speaker was Professor Lee Badgett, a professor of economics at the University of Massachusetts-Amherst and expert witness in the Proposition 8 litigation in California. Legislators from several states participated in a roundtable discussion of marriage law reform in the United States.



Michael A. Lawrence

■ Associate Dean **MICHAEL ANTHONY LAWRENCE**'s book, *Radicals in Their Own Time: Four Hundred Years of Struggle Toward Liberty and Equal Justice in America*, will be released by Cambridge University Press in December.



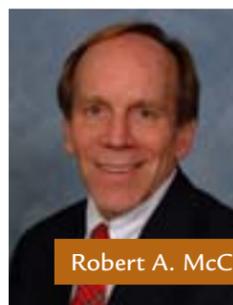
Anne Lawton

■ Professor **ANNE LAWTON** presented as a member of the "Mortgage/Real Property Issues" panel at the Twenty-Second Annual Federal Bar Association Bankruptcy Section Seminar,

which was held in Traverse City in July.



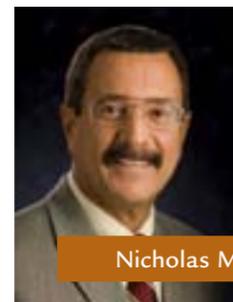
Amy C. McCormick



Robert A. McCormick

■ An article by Professors **AMY C. McCORMICK** and **ROBERT A. McCORMICK** titled "Major College Sports: A Modern Apartheid" was accepted for publication in the *Texas Review of Entertainment & Sports Law*. This article documents the disparate impact the NCAA's amateurism rules have with respect to predominantly African American college athletes.

■ Professor **NICHOLAS MERCURO**'s book review, "Antitrust Law & Policy in Terms of the Legal-Economic Nexus," was published in *Research in the History of Economic Thought & Methodology*. The essay reviewed *How the Chicago School Overshot the Mark: The*



Nicholas Mercurio

Effects of Conservative Economic Analysis on U.S. Antitrust, edited by Robert Pitofsky.

Professor Mercurio serves as editor of the MSU Law book series, *The Economics of Legal Relationships*. The 15th book in the series was released during 2010: *Patent Policy: Legal-economic Effects in a National and International Framework*, by Pia Weiss, a member of the economics faculty at Nottingham University Business School.

This fall, Mercurio organized a photography exhibition by Alejandro Cartagena titled "Suburbia Mexicana: Cause and Effect," which was on display at the Law College through Thanksgiving. (See the related article on page 11.)



Elan Stavros Nichols

■ **ELAN STAVROS NICHOLS**, '00, was promoted to Assistant

Clinical Professor of Law at the MSU College of Law Rental Housing Clinic in July. In February, she served as a facilitator for the City of East Lansing Fair Housing Community Forums.

In May, she co-presented "Implementing Backward Design in Creating Curricular Change" at the Association of American Law Schools Conference on Clinical Legal Education with Clinical Professors **MICHELE L. HALLORAN** and **NICOLE S. DANDRIDGE**. The event was held in Baltimore, Maryland.

Nichols was selected as a session chair and Academic Organizing Committee member for the Research Unit of the Athens Institute for Education and Research 7th Annual International Conference on Law. She also participated on the "Issues of Death and Dying Panel" at the event, which was held in Athens, Greece, in July.



Sean A. Pager

■ Professor **SEAN A. PAGER** presented "Romancing Tradition: A Cautionary Note Against Property Rights in Traditional Culture," at the Intellectual Property Law Scholars Conference at University

of California, Berkeley in August. In his article, Pager argues that a new "romance with tradition," while touting "the emancipatory potential" of traditional knowledge rights, instead threatens to dampen cultural innovation and economic growth in the global South.

In September, Pager and Professor **ADAM CANDEUB** hosted the "Bits without Borders: Law, Communications & Transnational Culture Flow in the Digital Age" conference. The conference brought scholars from a range of disciplines to MSU Law to examine the broad cross-section of regulatory policies—from Internet governance to intellectual property rights to cultural protectionism—that affect transnational culture flows. Pager presented his article titled "Digital Content Production in Nigeria and Brazil: A Case for Cultural Optimism?" at the event.

■ Associate Dean **KATHLEEN E. PAYNE**, '77, Professors **DANIEL D. BARNHIZER**, **CYNTHIA LEE STARNES**, and visiting professor **BRAD STONE** edited the chapters dealing with secured transactions in the sixth edition of the Matthew Bender casebook, *Commercial Transactions under the Uniform Commercial Code*. The chapters required substantial change, since the previous edition was published four years before



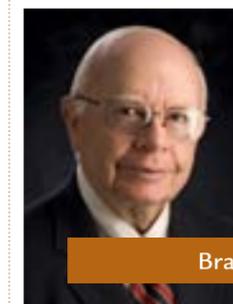
Kathleen E. Payne



Daniel D. Barnhizer



Cynthia Lee Starnes



Brad Stone

Revised Article 9 of the UCC took effect in 2001. Therefore, all cases in the earlier edition had been decided under the older UCC provisions. The manuscript was submitted to the publisher in July.

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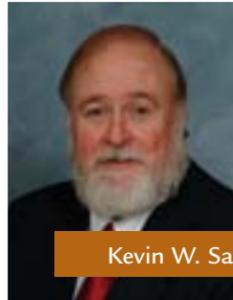
Frank S. Ravitch

■ Professor **FRANK S. RAVITCH**, the Walter H. Stowers Chair in Law and Religion, directed and taught in the new study abroad program in Kyoto, Japan, in summer 2010. The program was held at Doshisha Law School, where Ravitch was a Fulbright Scholar on the Faculty of Law in 2001. The program included students from MSU Law and three other U.S. law schools.

Professor Ravitch's new book, *Marketing Intelligent Design: Law and the Creationist Agenda*, was released in October by Cambridge University Press. Professor Ravitch also continues work on *Religion and the State in American Law*, a treatise co-authored by Scott Idleman (Marquette University Law School) and the late Boris Bittker (Yale Law School), and supported by a grant from the Lilly Endowment. His chapter on Law and Religion will be published in the *Columbia Guide to Religion in America* (Columbia University Press, forthcoming 2011).

Since May 1, Professor Ravitch has spoken about law and religion and/or

constitutional interpretation at Petre Andrei University in Iasi, Romania; the American Law and Religion Association (held at Brooklyn Law School); Japan's Doshisha University and Nanzan University; and Lansing Community College. Professor Ravitch also wrote an amicus brief to the U.S. Supreme Court in the recent case *Hecker v. Deere*.



Kevin W. Saunders

■ Professor **KEVIN W. SAUNDERS**, the Charles Clarke Chair in Constitutional Law, taught a course in Comparative Free Expression at Yeditepe University in Istanbul, Turkey, in summer 2010. He also taught a U.S. Constitutional Law course in the MSU Law program at the University of Bialystok in Poland.

Professor Saunders co-authored an amicus brief for Common Sense Media in support of California's appeal in *Schwarzenegger v. Entertainment Merchants Association*, a case that was argued before the U.S. Supreme Court on November 2. The case involves a California statute prohibiting the sale of violent video games to

anyone under the age of 18; industry groups challenged the law as a violation of the Free Speech Clause of the First Amendment. Saunders, the nation's leading expert advocating restrictions on youth access to violent media, argues that parents—not retailers—should control youth access to violent media.



Elliot A. Spoon

■ Assistant Dean **ELLIOT A. SPOON** was elected president of MSU Hillel, the Jewish student center on the MSU campus, in June. In August, he was appointed to the Board of Directors of Community Legal Resources, a nonprofit organization whose mission is to support and empower nonprofit community organizations in Michigan that serve low-income individuals and communities, with an emphasis on economic development, by providing pro bono legal services and technical assistance.

Dean Spoon co-chaired the 2010 Midwest Securities Law Institute, which was held in October at MSU College of Law. The event included presentations by

representatives from the Securities and Exchange Commission and Financial Industry Regulatory Authority, as well as by experienced securities law practitioners.



Glen Staszewski

■ Associate Dean **GLEN STASZEWSKI**, the A.J. Thomas Faculty Scholar, was presented with the 2009–10 Distinguished Faculty Award by the MSU Law Student Bar Association. His essay titled "The Challenges of Fiduciary Administration" was published in September by the *Texas Law Review*.

Staszewski is currently working on projects that examine the role of political preferences in administrative law from the perspective of deliberative democratic theory, and the appropriate institutional mechanisms for revising the Federal Rules of Civil Procedure.

■ Professor **DAVID B. THRONSON**'s article titled "Thinking Small: The Need for Big Changes in Immigration Law's Treatment of Children" appeared in the July issue of the UC Davis School of Law *Journal of Juvenile Law & Policy*.

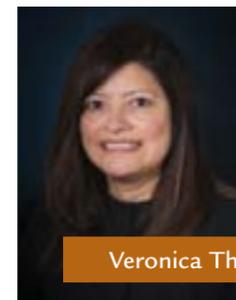
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David B. Thronson

Professor Thronson spoke at numerous events this fall, beginning with a September appearance with Professor **FRANK S. RAVITCH** at Lansing Community College's Constitution Day celebration. The two participated in a panel discussion titled "Immigration Issues in the 21st Century." Thronson also served as a presenter and panelist at MSU Law's Constitution Day event.

Also in September, Thronson presented "Immigration Issues in Domestic Relations Cases" at the Michigan Judicial Institute's Seminar for Domestic Violence Referees. He was joined by Assistant Clinical Professor **VERONICA THRONSON**



Veronica Thronson

for a presentation at the Institute's Supreme Court Judicial Conference in Grand Rapids, where they discussed "Immigration Issues and

Collateral Consequences in Divorce, Child Protective, and Delinquency Proceedings."

In October, Professor David Thronson returned to his alma mater to participate in the Harvard Law School Board of Advisers Centennial Celebration in Cambridge, Massachusetts. Thronson shared his experiences and insights as a member of the "Progression of Legal Education" panel. Later the same month, he presented "Entering the Mainstream: Making Children Matter in Immigration Law" at the University of South Carolina School of Law's Race and the Family Conference in Columbia, South Carolina.

Finally, Thronson spoke to both the MSU School of Social Work's Continuing Education Program and the Oakland County Friend of the Court about immigration and child welfare matters in October.

VISITING PROFESSORS



Ann Tweedy

■ Visiting Professor **ANN TWEEDY** presented a talk titled "How the Tentacles of America's Racialized History Eviscerate Indian Tribes' Right to Self-Defense" at the Fall

2010 Critical Legal Studies Conference. The "Uproot Sow Cultivate" conference was held in September by the *crit*, a critical legal studies journal published by the University of Idaho College of Law.



Nicholas J. Wittner

■ Visiting Professor **NICHOLAS J. WITTNER** spoke in April at the American Bar Association Tort Trial & Insurance Practice Section's annual seminar on Emerging Issues in Motor Vehicle Product Liability Litigation, which was held in Phoenix, Arizona. Wittner, who served for 20 years as an assistant general counsel for the Nissan North America Legal Department, moderated and spoke on two panels, "Product Liability in Transition" and "The Tenth Anniversary of Product Liability Restatement."

As one of the nation's leading experts on preemption law, Professor Wittner was interviewed and quoted in May in the *BNA Product Safety and Liability Reporter* about *Williamson v. Mazda*, a case involving the preemption defense that is before the U.S. Supreme Court this fall. In August, he

published "The Toyota Recall Crisis: Not Just Another Re-TREAD" in *Law Journal Newsletter's Product Liability Law and Strategy*. Wittner is a member of the LJM board of editors.

Finally, Wittner spoke at the American Conference Institute's 3rd Annual Advanced Forum on Defending and Managing Automotive Product Liability Litigation, which was held in Chicago in September. Wittner spoke on three panels, including "Averting and Managing Crises," a panel about working with government agencies and the media in the event of major product recalls; a panel on reducing litigation costs and resolving product liability litigation more promptly for all parties; and "Tackling the Preemption Issue: Examining the Current Viability of the Defense in Auto Product Liability Cases," which addressed a cutting-edge issue that could change the landscape of product liability law.

CONSIDER A YEAR-END GIFT TO MSU LAW:

Invest in Legal Education

A MESSAGE FROM THE DIRECTOR



Dear Alumni and Friends:

As 2010 comes to a close, we hope you will consider making a year-end gift to help support the many important initiatives under way at MSU Law.

As a not-for-profit entity that receives no state funding, the Law College depends on the generosity of MSU Law and Detroit College of Law (DCL) alumni and friends to remain

accessible and competitive in today's challenging professional environment. Your support has made our accomplishments possible, and it will remain critical as we continue our path of excellence into the future.

MSU College of Law is committed to preparing thoughtful, enterprising lawyers who will help shape the global economy. Unfortunately, however, many of these future lawyers have major concerns over whether they will be able to pay back the significant debt they will face upon graduation. You can help.

By making a philanthropic gift to MSU Law, you can ease the financial burden that stands in the way of many talented men and women who hope to follow in your footsteps. I am sure that many of you appreciate what scholarship support can mean to a student; by giving back, you can pay it forward. You can allow Dean Howarth to put your gift toward the area of greatest need, or you can direct your gift to a specific program, including new

scholarships for the Moot Court & Trial Advocacy program, *Michigan State Law Review*, Black Law Students Association, and the Alumni Association Legacy Scholarship for children and grandchildren of DCL/MSU Law alumni.

The impressive results achieved in three newly implemented outreach and philanthropic initiatives underscore the generosity of our alumni and friends. This year's All University Faculty and Staff Campaign netted a 91.5 percent overall participation rate at the Law College and more than \$35,000 for student programs and scholarships. Our first-ever Law Firm Challenge raised more than \$40,000 while sparking a bit of friendly competition among the 20 participating firms; seven firms even reached the goal of 100 percent participation. Equally inspiring was the first-ever 3L Campaign, in which 40 percent of our Class of 2010 graduates made gifts or pledges to the Law College.

Whether you are at the height of your career, retired from a successful practice, or just starting out in the legal profession, I encourage you to make a gift that fits into your family and personal planning—a gift of which you will be proud. All gifts are important and appreciated. Help us continue to build a culture of giving at MSU College of Law.

Thank you in advance for your interest. To make a gift, visit www.law.msu.edu/donate or call me at 517-432-6840. Gifts sent in the mail must be postmarked by December 31 to count on this year's taxes. I look forward to meeting many more of our great alumni in 2011. Together, we can make a difference.

Warm regards,

Tina Kashat Casoli
Director, Office of Advancement

SCHAEFER ENDOWS CHAIR, NAMES LAW LIBRARY

John F. Schaefer, '69, recently made an extraordinarily generous \$6 million gift to name the MSU College of Law Library and endow a chair in matrimonial law. Schaefer is one of the country's most highly respected lawyers in the field of matrimonial law, which he has practiced for more than 40 years.

Schaefer, a trustee emeritus, also taught Family Law for more than 30 years as an adjunct professor at the Law College. A member of the Board of Trustees from 1985 to 2001, he was involved in the decision to bring Detroit College of Law to MSU.

The John F. Schaefer Law Library was dedicated on November 4. Updated signage reflecting the library's new name will serve to recognize Schaefer's generosity and dedication to helping prepare the lawyers of tomorrow.

"We are thrilled to be able to name the library for John," said Tina Kashat Casoli, director of the Office of Advancement. "John has been a steadfast donor and a very involved alumnus over many years. We are fortunate to call him one of our graduates."

In addition to earning his Juris Doctor degree at Detroit College of Law, Schaefer received a bachelor's degree from Michigan State University and an honorary doctor of law degree from the Law College.

■ (top right) John F. Schaefer spoke at the November 4 event celebrating the renaming of the Law Library in his honor.

■ (bottom right) John F. Schaefer; Dean Joan Howarth; and President Clif Haley



NOMINATE DISTINGUISHED ALUMNI!

The MSU College of Law Alumni Association proudly recognizes prominent alumni each year with the presentation of the George N. Bashara, Jr., '60, Distinguished Alumni Award. This prestigious award recognizes contributions to the field of law, as well as outstanding service to the Law College and the community. Up to four awards may be presented annually.

Please visit www.law.msu.edu/alumni or contact the Office of Advancement at 517-432-6840 or alumni@law.msu.edu to submit nominations for this distinguished award. Recipients will be recognized at the spring commencement ceremony.

Send us your notes!

We encourage all alumni to contribute information on accomplishments and special recognition in the legal profession and other fields.

To submit your notes, please e-mail alumni@law.msu.edu or go to www.law.msu.edu/amicus.

1970s

■ DENNIS W. ARCHER, '70, chairman emeritus at Dickinson Wright, was selected to be one of six Fellows at the Institute of Politics at the John F. Kennedy School of Government at Harvard University.

■ HERSCHEL P. FINK, '72, a partner at Honigman Miller Schwartz and Cohn, was awarded "The 2010 First Amendment Award" by the Society of Professional Journalists. Fink's selection for this award was based on his journalism experience and distinguished defense of the First Amendment.

■ WILLIAM J. EWALD, '73, was made chair of the admissions committee for the Federation of Defense & Corporate Counsel for the fourth consecutive year. He was also named to the board of the Field Neurosciences Institute for 2010.

■ Victor and Victor, the firm of RICHARD S. VICTOR, '75, was recognized as a first-tier U.S. law firm for its work in family law by *U.S. News and World Report*. The firm will be listed in a special "Best Law Firms" edition of the magazine.

■ MARY M. FOWLIE, '76, was hired by First Michigan Bank as managing director of regulatory affairs. She will serve as the bank's compliance officer and Community Reinvestment Act officer.

■ RONALD A. DENEWETH, '77, was selected to be the 51st chair on the YMCA of Metropolitan Detroit historic board of directors.

■ GREG JANKS, '77, was selected as a "Top Lawyer for 2010" by *DBusiness*.

■ ALAN C. RUDZEWICZ, '77, was hired by Strobl & Sharp as a shareholder. Rudzewicz practices estate planning/administration, business law, and real estate.

1980s

■ WILLIAM G. ABBATT, '82, of Brooks Kushman, was reappointed as co-chairman of the Federal Bar Association's Intellectual Property Law section, Eastern District Michigan Chapter.

■ WILLIAM LANSAT, '83, was reappointed by Michigan Governor Jennifer Granholm to the Governor's Task Force on



Dennis W. Archer



Herschel P. Fink



William J. Ewald



Richard S. Victor



Kathryn L. Ossian



Clara D. Mager



Dr. Fares M. Elias



Tracey Salinski



John A. VanOphem

Children's Justice for another two-year term. He has served on the task force since he was first appointed by Governor John Engler in 2000.

■ JUDITH CUNNINGHAM, '83, received the "Women in the Law 2010" award from *Michigan Lawyers Weekly*.

■ KATHRYN L. OSSIAN, '84, of Miller Canfield, was elected to serve a three-year term on the board of governors of the Armenian Bar Association.

■ MICHAEL J. WATZA, '85, was elected in August to the National Association of Telecommunications Officers and Advisors by its membership of city telecommunications directors from across the country. As a board member, he will help guide the organization on legal and public policy telecommunications issues in Congress, at the Federal Communications Commission, and in courts.

■ GEOFFREY S. GALLINGER, '87, of Butzel Long, was reappointed as chair of the Salvation Army Detroit Metropolitan Advisory Board for 2010-11.

■ CLARA D. MAGER, '87, was elected president of the Italian American Bar Association of Michigan.

1990s

■ DR. FARES M. ELIAS, '90, was selected to be the president of the Academy of General Dentistry during the 2010 annual meeting in New Orleans.

■ TRACEY SALINSKI, '91, of Arnstein & Lehr, was promoted to partner in the Business Organizations and Transactions and Health Care practice groups in the firm's Chicago office.

■ PATRICIA E. KEFALAS DUDEK, '92, of Patricia E. Kefalas Dudek & Associates, became a member of the National Academy of Elder Law Attorneys Council of Advanced Practitioners (CAP). CAP membership is available only to attorneys who have made substantial contributions to elder or special needs law.

■ REGINALD A. PACIS, '92, of Butzel Long, was named chair of the American Immigration Lawyers Association's National Customs Border Protection Liaison Committee.

■ JOHN A. VANOPHEM, '93, joined the firm Dobrusin Thennisch as a shareholder. He will be practicing intellectual property law. He currently serves on the Board of Directors of the Michigan Intellectual Property Lawyers Association.

ALUMNI NOTES

■ JAMES D. MOLENAAR, '95, of the State Attorney's Office in Naples, Florida, received a Master of Business Administration degree from the University of Florida. Molenaar is assigned to the Collier County Economic Crimes Unit as its prosecutor.

■ SHERRIE L. FARRELL, '97, of Dykema, was elected to the board of directors of the Legal Aid and Defender Association, Inc., until December 31, 2011. She also was appointed chair of the firm's Diversity Committee.

■ JAMES W. METZ, II, '97, is employed at the Michigan Office of the Attorney General's Criminal Division in Lansing.

2000s

■ NELS A. CHRISTOPHERSON, '01, was promoted to shareholder of Kendricks, Bordeau, Adamini, Chilman & Greenlee.

■ COLIN T. DARKE, '04, was juried into the 18th Annual National Juried Exhibition at the Bowery Gallery in the Chelsea district of New York City. Darke and 34 other artists were selected from more than 400 artists by Rackstraw Downes.

■ BRIAN SIMS, '04, is a recipient of the National LGBT Bar Association's inaugural "Best LGBT Lawyer under 40 Award."

■ HOLLI WALLACE, '04, joined Common Ground in Bloomfield Hills as its Legal Services Manager.

■ SHANNON BURKE, '05, joined Schiller, DuCanto & Fleck in Chicago, Illinois, as an associate attorney. Burke is also president-elect of the MSU College of Law Alumni Association Board.

■ CHRISTOPHER M. HOGG, '06, was recently hired to Gasiorek, Morgan & Greco as an associate attorney.

■ KRISTI L. KOZUBAL, '06, opened a new firm, Learman Kozubal, in Bay City.

■ SHIVAUGN RAYL, '06, was hired to be the campaign manager for the North Carolina Sustainable Food Systems Coalition.

■ JAMES C. SIDOU, '06, joined the Lakeland, Florida, office of GrayRobinson in the litigation practice group.



James D. Molenaar



Sherrie L. Farrell



Nels A. Christopherson



Robert T. Taylor



Erica E. L. Huddas



Nicholas M. Oertel



Nicole E. Stratton

■ ROBERT T. TAYLOR, '06, of O'Keefe & Associates, earned the Certified Valuation Analyst designation from the National Association of Certified Valuation Analysts.

■ DAVID E. LACASSE, '07, announces the formation of Schaedler & Lacasse. The firm specializes in the representation of cities, villages, and townships, along with an active alternative dispute resolution practice. The firm also provides services in estate planning, personal and commercial litigation, and family law.

■ DANA B. KRULEWITZ, '08, joined Brownstein Hyatt Farber Schreck in its Las Vegas, Nevada, office.

■ JON POLI, '08, was hired by Pietragallo Gordon Alfano Bosick & Raspanti in Pittsburgh, Pennsylvania.

■ LEIGH A. HANSMANN, '09, was hired by Oade, Stroud & Kleiman.

■ ERICA E. L. HUDDAS, '09, joined Foster Swift Collins & Smith as a new associate working with the Trusts & Estates Practice Group.

■ MEGAN A. MCCARTHY, '09, was hired to The Law Office of Gregory C. Nikitas. The firm represents clients in criminal law, commercial litigation, and family law.

■ NICHOLAS M. OERTEL, '09, joined Foster Swift Collins & Smith as a new associate working with the Trusts & Estates Practice Group.

■ AARON T. SEYBERT, '09, was hired with J.P. Morgan Chase in Chicago, Illinois, as assistant vice president in the New Markets Tax Credit Group. He married Veronica Farley, '08, in June.

■ NICOLE E. STRATTON, '09, joined Foster Swift Collins & Smith as a new associate in the firm's Business & Corporate Practice Group.

■ CHRISTOPHER L. TAYLOR, '09, joined the law office of Steve Sielatycki as associate counsel.

Dennis A. Martin, '89, was incorrectly listed under "In Memoriam" in the Summer 2010 issue of Amicus. Mr. Martin continues to practice law in Charlevoix, Michigan. Michigan State University College of Law sincerely regrets this error.



Norman A. Tibbits, '33,
on July 16, 2009

Gerald P. Laracy, '50,
on January 27, 2010

Ralph S. Moore, '50,
on July 12, 2010

Matry G. Thomas, '50,
on July 28, 2010

Richard C. Walsh, '58,
on February 23, 2010

John G. Ellis, '60,
on April 15, 2010

Harry E. Roer, '64,
on February 10, 2010

Robert J. McClear, '66,
on July 25, 2009

Gerald M. Blank, '69,
on June 9, 2009

Gene M. Currier, '69,
on July 17, 2010

James C. Devries, '69,
on October 8, 2010

Franklin D. Gattleson, '69,
on April 24, 2010

James J. Zimmer, '71,
on March 7, 2010

George J. Tarasuk, '72,
on June 28, 2009

Sharon L. Boelio, '75,
on January 25, 2010

Konrad Stauch, '76,
on January 20, 2010

Neil A. Kay, '77,
on February 26, 2010

Craig J. Drewett, '78,
on March 25, 2010

Earl R. Norris, '79,
on May 22, 2010

Patricia Johnson, '80,
on July 17, 2010

Geno T. Zayid, '84,
on January 2, 2010

Sean A. McPhillips, '91,
on August 13, 2009

Michael Fredericks, '92,
on February 20, 2010

Mark A. Mullins, '07,
on December 29, 2009

2010

MICHIGAN SUPER LAWYERS

and
Rising Stars

MSU College of Law congratulates the nearly 200 Law College alumni who were listed by *Super Lawyers* magazine as 2010 Michigan Super Lawyers and Rising Stars.

■ SUPER LAWYERS

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Albert B. Addis, '80
Shereef H. Akeel, '96
Denise R. Alexander, '76
Brian C. Andress, '07
Nicholas S. Andrews, '89
Dennis W. Archer, '70
Charles R. Ash III, '85
Michael P. Ashcraft Jr., '92
Janet Callahan Barnes, '79
Steven L. Barney, '72
Patrick T. Barone, '91
Dorothy Hanigan Basmaji, '86
Thomas R. Behm, '86
Douglas C. Bernstein, '82
Richard A. Bone, '68
Joseph A. Bonventre, '83
Thomas R. Bowen, '98
Thomas P. Branigan, '88
Kenneth T. Brooks, '81
Patrick J. Bruetsch, '77
Jennifer M. Buckley, '86
Rex A. Burgess, '89
Joseph P. Buttiglieri, '76
Thomas G. Cardelli, '80
Donald F. Carney Jr., '76
William M. Cassetta, '80
Carl E. Chioini, '71
David W. Christensen, '72
Lisabeth H. Coakley, '81
Steven J. Cohen, '91
William G. Coon, '76
Dennis G. Cowan, '84
James P. Cunningham, '80
Matthew G. Curtis, '85
Mark L. Dailey, '78
Edward C. Dawda, '77
Ronald A. Deneweth, '77
Charles C. DeWitt Jr., '76
Frederick D. Dilley, '75
Timothy A. Dinan, '93
Lawrence R. Donaldson, '69
Gary L. Dovre, '77
Jerry M. Ellis, '68
Scott M. Erskine, '96
Patrick A. Facca, '84
Joanna B. Faycurry, '87
Herschel P. Fink, '72
Neil H. Fink, '67
Deborah L. Fish, '84
Charles W. Fisher, '79
Richard D. Fox, '76
Jerome A. Galante, '81
Linda M. Garbarino, '85
Arthur A. Garton, '85
Donald J. Gasiorek, '75
Michael D. Gibson, '80
Randall J. Gillary, '79
Robert M. Giroux, '93
Stephen B. Goethel, '79
Edward D. Gold, '64
Barbara H. Goldman, '92
Scott A. Goodwin, '86
Russell Gregory, '86
David Griem, '73
Gilbert Gugni, '75
Steven A. Harms, '75

David E. Hart, '91
Harvey R. Heller, '76
Dale L. Herbert, '79
Maurice Herskovic, '74
Craig E. Hilborn, '89
Michael D. Hills, '98
Richard W. Hoffmann, '89
William H. Horton, '80
J. Michael Huget, '86
Harry Ingleson II, '76
Maurice G. Jenkins, '81
Steven P. Joppich, '94
David A. Kanaan, '75
Thomas M. Keranen, '81
James R. Kohl, '69
Dean Koulouras, '73
Jeffrey S. Kragt, '98
Craig W. Lange, '76
Michael J. Lebow, '82
Elise S. Levasseur, '85
Lawrence A. Lichtman, '83
Michael D. Lieberman, '85
Wallace G. Long, '82
Timothy J. Lozen, '85
Roy A. Luttmann, '87
Jeffrey D. Malin, '84
George P. Mann, '75
James N. Martin, '68
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Edward D. Plato, '78
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■ RISING STARS

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Eric C. Bartley, '06
Kristin B. Bellar, '06
Torree J. Breen, '00
Rosemary H. Buhl, '04
Timothy J. Dardas, '00
Rachel A. Doxsie, '03
Rebecca J. Dukes, '04
Paul J. Dwaihy, '03
Trent K. English, '04
Michael O. Fawaz, '05
Amanda M. Fielder, '06
Gary W. Francis, '02
Casey A. Fry, '05
Dana A. Kreis Glencer, '98
Brian A. Hall, '07
Benjamin H. Hammond, '02
Henri O. Harmon, '06
Scott W. Kraemer, '06
James W. Low, '01
Benjamin S. Manson, '03
Kelly M. Martorano, '03
Christopher D. Matthyse, '99
Sean P. McNally, '03
Veronica Valentine McNally, '03
Keri L. Middleditch, '01
Carl T. Rashid, '03
Courtney D. Roschek, '07
David R. Russell, '05
Joshua B. Sanfield, '03
Robert H. S. Schaffer, '95
John C. Schwartz, '07
Steven K. Stawski, '03
Brandon J. Stewart, '05
Richard W. Warren, Jr., '01
Anne-Marie Vercrusse Welch, '07
Richard J. Zecchino, '00

Alumni Profile

JUDGE AND SCHOLAR ADVOCATES FOR SOCRATIC METHOD OF LAW

Judge Richard F. Suhrheinrich is a rare breed. His real-world experience as a trial lawyer, rainmaker, and partner of a leading law practice provided a perfect foundation for the demands of judiciously reviewing and ruling on weighty legal matters in the highest courts in the country.

President Ronald Reagan appointed Suhrheinrich to the U.S. District Court for the Eastern District of Michigan in 1984. In 1990, President George H. W. Bush appointed him to the U.S. Court of Appeals for the Sixth Circuit, where he now serves as a senior judge, working in Lansing. The Court has jurisdiction over four states and holds sessions in Cincinnati.

A 1960 graduate of Wayne State University, Suhrheinrich earned a J.D. from Detroit College of Law (DCL) in 1963. He was fourth in his class of 85 law students and took on an early leadership role as class president. He also earned a Master of Laws (LL.M.) degree from the University of Virginia School of Law in 1990 and received an honorary Doctor of Laws (LL.D.) from MSU College of Law in 2001.

He started his career at the law firm of Moll, Desenberg, Purdy, Glover, & Bayer, and worked there for about five years. In 1969, Richard (Dick) Kitch, a mentor and colleague at the Moll law firm, invited Suhrheinrich to join him in setting up a new practice.

The law firm, Kitch and Suhrheinrich, opened with a focus on medical legal matters. Suhrheinrich handled a full caseload and over time began to manage the firm, building it up to include 60 lawyers and an equal number of support staff. As the firm's

size and case volume grew, Suhrheinrich found himself working too much and sought to change the direction of his career.

Becoming a federal judge expanded his horizons. One of his landmark rulings came in the case of *ACLU vs. Mercer County* over a listing of the Ten Commandments in a Kentucky courthouse. He wrote the opinion for three judges, noting that the Ten Commandments, displayed in parity with other historical documents such as the Bill of Rights and the Declaration of Independence, did not violate “separation of church and state.”

Suhrheinrich's education prepared him for a wide range of legal challenges. He credits the Socratic method of law education—conceptualizing the law and its application—with his ability to think clearly about complex legal matters. He is a proponent of using this approach to teach the next generation of lawyers.

“I received a superb legal education,” Suhrheinrich says. “I never felt that an adversary in the courtroom or litigants appearing before me had any better legal education or thought conceptually different about the law than I did.”

Recalling his years at DCL, Suhrheinrich notes, “The Law College did not have many full-time faculty members, but it had great scholars both in the acting bar and on the permanent staff.” This intellectual heritage, combined with strong friendships among DCL colleagues, who share their expertise freely, holds great value for Suhrheinrich.

To convey his gratitude for the scholarships that allowed



RICHARD F. SUHRHEINRICH

him to obtain a quality education at DCL, Suhrheinrich has generously set up a \$150,000 gift to MSU College of Law through a contribution of life insurance. He also has a charitable gift annuity set up for the Michigan State University Museum.

Suhrheinrich was active on the DCL Board of Trustees from 1985 to 2001 and served as the Board's president from 1999 to 2001. He was an associate professor for a total of 12 years (from 1975 to 1985 and 2001 to 2003), and a leader in the Law College's move to East Lansing.

As head of the “space” committee, Suhrheinrich was charged with finding the right locale for the Law College. “I was the point man in working out the arrangements with (former MSU President) Peter McPherson,” says Suhrheinrich. He notes that fellow classmate Dick Heiss [then president of the DCL Board of Trustees] was “very supportive and a moving force in partnering with MSU.”

“The decision to move to East Lansing was a good one,” Suhrheinrich says. “It enriched the curriculum, enhanced the stature of current graduates, and offered different academic opportunities.” Those advantages still hold true today.

Suhrheinrich has a strong sense about what a law degree should confer. “One should be taught to think conceptually about the law. It's a professional school—not a graduate school,” he notes. “A law school must teach how to handle legal matters and how to think about the law.”

He observes that technology is changing the practice of law by taking away some basic work—such as wills and simple divorces, which can be done online—but also creating new opportunities. “Law is changing dramatically. Whether it's for the better isn't yet known,” he says. Suhrheinrich cites some examples of litigation trends. “Few civil suits are tried in federal court. The verdicts are so high that no one can afford to try a case, so they settle it. Does this create justice?”

Still, Suhrheinrich is optimistic about the legal profession. “There are some awfully good lawyers out there,” he says. He believes that students should go into the profession based on a passion “to obtain justice.”

Suhrheinrich has been married to Beverly for 53 years. Together, they have three children and six grandchildren. His son, Richard Jon Suhrheinrich, is a partner in his father's former practice. ☺

For more information on making a current or future gift to MSU College of Law, contact Tina Kashat Casoli, director of the Office of Advancement, at 517-432-6842 or casoli@law.msu.edu.

ALUMNI ASSOCIATION

Golf Outing

Generates Scholarship Support



■ MSU Law alumni and friends raised more than \$15,000 to support scholarships for children and grandchildren of graduates.

Alumni and friends hit the links on a beautiful August day for the 13th Annual MSU College of Law Alumni Association Golf Outing. A total of 114 golfers participated in the event, which was held at Forest Akers West Golf Course on the MSU campus. Sponsors covered the fees for 15 students, who were able to enjoy a valuable networking opportunity with alumni.

The nearly \$16,000 raised by the event will benefit the Alumni Association's Legacy Scholarship, which is available for children and grandchildren of Detroit College of Law and MSU Law alumni. Many thanks to the following sponsors:

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MSU Law President Emeritus

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Dean Joan W. Howarth

Professor Clark Johnson, '02

Jonathon Koenigsberg, '00

Roger H. Lee, '02

Sean McNally, '03, of Kotz, Sangster, Wysocki and Berg

Veronica McNally, '04

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MSU Law Office of Advancement

MSU Law Geoffrey Fieger Trial Practice Institute

Associate Dean Kathy Payne, '77

Sandra Schultz Mengel, '79

Assistant Dean Elliot Spoon

Curtis Warner, '02

Patrick Winters, '03, and Beth Winters



■ (top right) Patrick Winters, '03, Dean Joan Howarth, and Bryan Genrich, 2L



■ (right) Jules Olsman, '78, and Judge Brian Zabra of the Michigan Court of Appeals

■ Donor Profile

■ Dean Joan Howarth (right) inducted Willard and Marion Munro into the MSU College of Law Donor Hall of Fame in October 2009.



WILLARD & MARION MUNRO

LAW RUNS IN MUNRO FAMILY, GIVING BACK REINS IMPORTANT

Willard (Bill) and Marion Munro, both Michigan State University graduates, believe in giving back to the institution that has given them, their family, and the greater community outstanding educational opportunities and dynamic athletic events. The couple has provided two future gifts of \$100,000 each to the MSU College of Law and the MSU Athletics Department. This dual gift was set up as a charitable gift annuity.*

A major reason for giving to MSU runs as deep as family ties. Bill and Marion met while pursuing business degrees at MSU. They dated throughout college and married in 1946. Upon receiving his law degree from Wayne State University Law School in 1951, Bill entered into solo practice in a firm bearing his name in Detroit; the firm later moved to Troy. Although he was a general practitioner, he developed an expertise in federal estate taxes.

Bill was president of the MSU Alumni Club of Oakland County for several years, securing gifts from other graduates for student scholarships. The club also hosted social events and postgame parties at top venues in and around Detroit.

In 1992, the Munros' son, Andrew (Andy), graduated from Detroit College of Law (DCL) and joined the firm, which became Munro and Munro. Bill retired in 1998, and the firm later merged with Howard & Howard.

When DCL affiliated with MSU in 1995 and moved to East Lansing, Bill knew that the Law College would need

philanthropic support to forge its new partnership and thrive in its new location. To help ease the transition, Bill and Marion became committed donors. Both recognized that the Law College helps students prepare for a career that fits with today's reality of law: more technology and greater specialization.

Lawyers in the Munro family will soon span three generations, since Andy's daughter, Sara, now attends MSU Law. Another daughter, Andrea, is a student in the MSU College of Human Medicine.

The Munros have been season ticket holders to Spartan football games for 47 years. Bill and Marion have attended many sporting events at MSU—everything from football to boxing—since their undergraduate years. Their gift to athletics is in support of student-athletes and the program that develops their potential on and off the field. 🏈

**By deciding on a charitable gift annuity, the Munros are provided with a guaranteed stream of income at a fixed rate throughout their lives. Upon the death of the surviving annuitant, the remainder will go directly to MSU Law and the MSU Athletics Department. The Munros received a significant charitable deduction on their federal tax return for the year they established their gift annuity.*

For more information on making a current or future gift to MSU College of Law, contact Tina Kashat Casoli, director of the Office of Advancement, at 517-432-6842 or casoli@law.msu.edu.



MSU LAW SALUTES DONORS AT APPRECIATION EVENT

MSU College of Law is deeply grateful to the nearly 1,000 alumni and friends who donate to the Law College each year. To show its appreciation, MSU Law hosted annual donors of \$500 or more and cumulative donors who are members of the Circle of Friends giving societies at a strolling dinner and celebration at the Bloomfield Hills Country Club on October 20.

"Alumni and friend support is vital to our annual programs, services, and student scholarship," said Tina Kashat Casoli, director of the MSU Law Office of Advancement. "Gifts of philanthropic support fuel our programs and enable the Law College to continue to provide promising current and future students access to a great legal education."

The event was hosted by Alan Ackerman, a Law College friend and major supporter whose beloved father, Irving Ackerman, was a 1931 graduate of the Detroit College of Law. Ackerman was joined by co-hosts Elaine Fieldman, '76, Linda M. Orlans, '87, and John F. Schaefer, '69.

■ (top right) Generous scholarship supporters Willie Gibbons, Jenifer Franklin, '97, and Joan Kalustian

■ (center right) Paul Lay, '69, Carol Lay, Howard Victor, '77, and Gail Victor

■ (bottom right) MSU Law Trustee Charles Janssen, Alan Ackerman, Sharyl Ackerman, and MSU Law President Clif Haley, '61





NORTH CAROLINA RACIAL JUSTICE ACT

STUDY PROJECT

*Generous
donations
help support
landmark racial
justice study*

■ Thanks to the support and generosity of seven foundations and one anonymous donor, Michigan State University College of Law recently completed research that could potentially save the lives of individuals on North Carolina's death row. The foundations and anonymous donor collectively contributed more than \$500,000. Donors include:

- A. J. Fletcher Foundation
- Butler Family Fund
- Maverick Lloyd Foundation
- Open Society Institute
- Proteus Action League
- Vital Projects Fund, Inc.
- Z. Smith Reynolds Foundation

■ The North Carolina Racial Justice Act of 2009 provides that every person currently sentenced to death in North Carolina and any person facing a potential death sentence in the future "may seek relief . . . upon the ground that racial considerations played a significant part in the decision to seek or impose the sentence of death." If the court finds race to be a factor, the court must convert the death sentence to a life sentence without the possibility of parole or, for pending cases, order that death not be sought.

The Act prompted two Michigan State University College of Law professors to undertake a comprehensive study examining whether race was a factor in capital case charging, sentencing, and juror selection decisions during the 20-year-period from 1990 to 2010.

"In early August 2010, we completed enough work on the studies to file affidavits in support of claims by more than 150 death row inmates and at least one defendant facing a future capital prosecution," said Catherine Grosso, MSU Law professor. "The claims found discrimination in jury selection and in the treatment of cases with at least one white victim."

Professor Grosso was joined in the study by MSU Law Professor Barbara O'Brien. The two designed and conducted the research, which included collecting and coding information on 1,562 cases from across North Carolina. The jury selection study collected and coded every set of jury selection decisions for every person currently on death row in North Carolina. According to Grosso, "It would not have been possible to complete these two studies in just 12 months without the support of these donors."

"We are so appreciative of the donors who recognized the landmark nature of the North Carolina Racial Justice Act and agreed to provide the resources necessary to carry out the MSU Law studies," Professor O'Brien added. "We also appreciate that MSU Law believed enough in this effort to provide all operational costs for the study." 



■ Professors Catherine Grosso (left) and Barbara O'Brien

■ Donor Profile

Living a robust life is what it's all about for Bob Parenti, '51. Giving back to MSU College of Law through a charitable gift annuity is his way to help other veterans pursue law degrees.

"I was so pleased to help other veterans as a way of giving back. I am grateful for the help that I received while going to law school," he said. "I went to law school on the G.I. Bill and had financial concerns since I was married and our son, Robert Jr., was born during my first year of law school."

The multifaceted Parenti is a romantic at heart who also enjoys writing. His book, *A Story of Love and War*, portrays his experience as a World War II soldier through the letters he sent to his girlfriend, Laurie, who became his wife in 1946.

Unbeknownst to him, Laurie kept those letters safely tucked away in a large box, which he discovered in 2001. Parenti realized his letters held interest as they reported on his life as a soldier and provided a diversion from the daily grind and horrors of war. "I had the luck of the soldier," he said. "I was lucky to have survived the war." He contributed the proceeds of the book, which also became a 30-minute documentary, to war memorial initiatives in public parks.

Parenti worked in private practice in Michigan for 30 years and for five years in Florida. He capped his career by joining forces with Willie Gary—senior partner of Gary, Williams, Finney, Lewis, Watson & Sperando—to become the first Caucasian partner in a leading African American firm.

Parenti is now of counsel at the Gary law firm, assessing the merits of new cases. His newest book, *Giant Killers*, details some of the firm's cases, including a \$500 million verdict against a Canadian conglomerate attempting to monopolize the funeral home business in Mississippi, and a suit by the family of baseball legend Roger Maris against Anheuser-Busch, Inc., for breach of a lucrative Budweiser beer distributorship contract.

In their 63 years of marriage, the Parentis have raised three accomplished children and have three grandchildren. At age 84, Bob still relishes being a go-getter with a sharp lawyer's mind who follows his interests and cherishes his marriage to Laurie, whom he describes as "the love of my life." Some might call it luck, but such luck sure takes a lot of effort.

The Parentis' future gift to the Law College will provide financial assistance for students who are veterans. Their gift is set up as a one-life charitable gift annuity, providing Laurie with a fixed and guaranteed stream of income for the rest of her

A STORIED CAREER AND PASSION FOR LIVING

MOTIVATE ALUM TO GIVE BACK



BOB PARENTI, '51, &
LAURIE PARENTI

life. At Laurie's death, the balance of the gift will be directed to the Law College for the veteran's clinic program. Charitable gift annuities qualify for a tax deduction in the year in which the gift annuity is established, and much of the annual income may be received tax-free. ☺

For more information on making a current or future gift to MSU College of Law, contact Tina Kashat Casoli, director of the Office of Advancement, at 517-432-6842 or casoli@law.msu.edu.

PICNIC

Draws Law Alumni, Families, and Friends

More than 200 alumni, families, friends, faculty, and staff gathered on the Law College lawn for an old-fashioned picnic on September 12. All enjoyed a fun-filled day that included face painting, balloon characters, a magic show, MSU fire trucks, a bounce house, and a variety of picnic treats.

"This event brings together the entire MSU Law family and creates an opportunity to socialize and have a little fun with alumni, friends, faculty, and staff," said Angela Hunt, MSU Law alumni coordinator. "Colleagues and alumni with young children can't always attend evening functions. The picnic is an event where children of all ages are welcome and where we can showcase the Law College in a different way."



■ (left) Kids enjoyed the bouncy slide



■ (above left) Face-painting clowns had kids asking for more



■ (above right) Associate Dean Glen Staszewski, his wife Nora, and their son took part in the picnic festivities

TAILGATE



HOMECOMING WEEKEND 2010

10-YEAR REUNION



MSU Law alumni and friends gathered at the Law College on October 15 and 16 for reunions and the annual Alumni Association Homecoming Tailgate.

- (above left) Spartan fans enjoyed the tailgate
- (above right) Thomas Bowen, '77 (center), celebrated with his sons, David Bowen, '06 (left), and Marc Bowen, '09
- (left) Professor Elan Stavros Nichols, '00, Christine Dodd-Seppala, '00, and Elsie Mandadakis, '00, celebrated their 10-year reunion

KING SCHOLARS RECEPTION



GLBT/TRIANGLE BAR RECEPTION



- (top) Amanda Frank, 2L, Richard Warren, '01, Professor Kevin Saunders, and Joseph Cabosky, 2L
- (above) Visiting Professor Ann Tweedy, Dean Joan Howarth, Director of Diversity Services Mary Ferguson, Kevin Grattan, 2L, Natalie Weiss, 2L, and Aaron Simonson, 1L



Swearing-In Ceremony

MSU College of Law held a swearing-in ceremony for the State Bar of Michigan on November 9. The following Class of 2010 graduates were sworn in at the event by Judge Rosemarie E. Aquilina of the 30th Judicial Circuit Court:

- Matthew Robert Allen
- Omari Chioke Boone
- Shawn Patrick Calabrese
- Matthew David Coté
- Timothy Mark Feehan
- Dustin Michael Ford
- Susan Ann Fyan
- Sara Christine Gaugier
- Victoria Jean Hyde
- Bridget Ashley Karns
- Joni Gabriel Klingler
- James McDonald Leiby
- Paul Alexander McDonald
- Molly Ann Phillips
- Jennifer Lynn Shaltry
- Christopher Ryan Slavin
- Gloria Michelle Stamat
- Alessa Jill Thomas



ALL UNIVERSITY CAMPAIGN

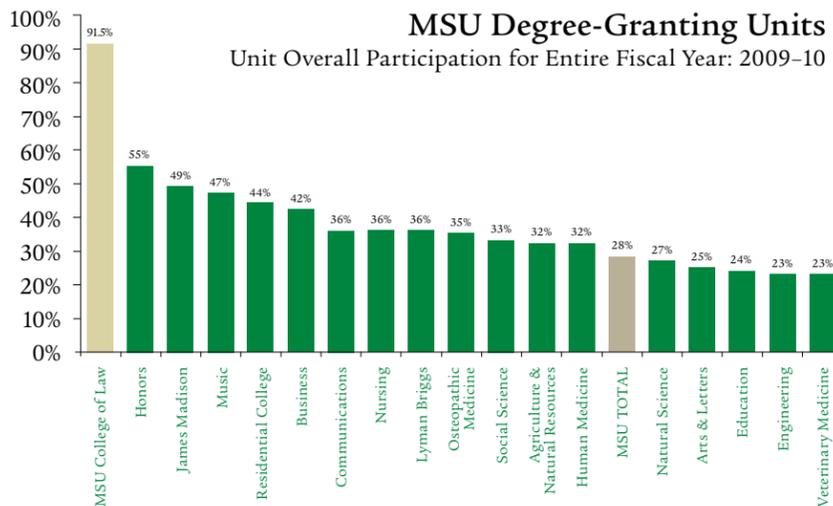
ADVANCING KNOWLEDGE. TRANSFORMING LIVES.

The Law College once again boasted 100 percent participation by staff in the All University (All U) Faculty and Staff Campaign and topped all other Michigan State University units by achieving a 91.5 percent overall participation rate. The MSU Honors College was in second place in the degree-granting category with 55 percent participation, and MSU University Development trailed the Law College in the non-degree-granting category with 70 percent participation.

Faculty and staff demonstrated their support of MSU Law by raising more than \$35,000 for student scholarships and other programs through the All U Campaign. Professor

Brian Kalt, who served as a team captain for faculty, expressed the importance of this campaign. “The faculty at MSU Law are committed to providing a great education to current and future law students,” he stated. “To further this goal, we recognize the importance of giving back to the school in support of student scholarships and programs.”

In September, faculty and staff donors celebrated their All U Campaign success at an ice-cream social and wrap-up, at which donors won prizes including restaurant and clothing gift certificates, golf passes, and gift baskets. The Office of Advancement looks forward to MSU Law leading the University once again in next year’s campaign!



■ MSU Law staff donors Pamela Dirske and Sarah Haigh show off their All U Campaign prizes

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MSU ALUMNI SEEN + HEARD

2010 MENTOR PROGRAM KICKS OFF

The MSU College of Law Alumni Association launched its 2010 Alumni Mentor Program at an October 19 reception at the Law College. Seth Rodack, '96, Alumni Association parliamentarian, and Brian Davis, '10, associate director of alumni engagement, spoke about the important guidance and support that current students receive through the program as they navigate law school and explore potential legal career paths.

The program, now in its fourth year, has a positive impact on both alumni and students. "It provides a unique opportunity for students to connect with alumni and obtain real-world advice about the law school experience and career possibilities," said Matthew Rettig, '04, program chair.

More than 500 alumni and students have participated in the program to date. To become a mentor, sign up at www.law.msu.edu/mentor or call the Office of Advancement at 517-432-6840.



■ Steve Vella, '82, and Kelechi Nnodim, 3L



■ (above) Kelli King, 2L, and Howard Victor, '77

BLACK LAW STUDENT ASSOCIATION SCHOLARSHIP BENEFIT

Monique Claiborne, Aliyah Sabree, '10, and Douglas Grissom, '07, (below) enjoyed themselves at the August 7 Black Law Student Association (BLSA) Scholarship Benefit. Eric Sabree, '96, and his wife, Badriyyah, hosted the event at their lovely Detroit home, providing an opportunity for alumni and other community leaders to support this important scholarship initiative.



STATE BAR ANNUAL MEETING ALUMNI RECEPTION

MSU Law alumni mingled at a September 30 reception at the State Bar of Michigan Annual Meeting. The event, which was held at the Amway Grand Plaza Hotel in Grand Rapids, celebrated the State Bar's 75th anniversary.

■ Professor David Favre and Adjunct Professor Ron D. Robinson, '83, visited at the State Bar event.



BOOK AWARDS

Morganti Award

A special thanks to Andrew Morganti, '97, who recently established the Andrew Morganti Book Award to honor Professor Kevin Kennedy's influence on his legal career. Professor Kennedy teaches International Civil Litigation at MSU College of Law. A \$500 book award was given to the student with the highest grade in that class. This year's recipient was Jeramie Murray, 3L.

State Bar Real Property Award

The State Bar of Michigan Real Property Section established a book award for \$500 for the MSU Law student who most exhibited high achievement in this year's Condominium Law class, and who expressed the intent to practice in Michigan after graduation. The recipient is also invited to attend the Real Property Summer Conference at no cost. Jehan Farrag, 3L, was this year's recipient.



■ (far left) Professor Kevin Kennedy, Andrew Morganti, '97, and Jeramie Murray, 3L



■ (left) Jehan Farrag, 3L



There is more to this picture than meets the eye!

Professors Clark Johnson, '02, and Ronald Deneweth, '77, seen here showing off their classic and new Ford Mustangs, go back more than 30 years as friends and colleagues. The two formerly practiced law together, and Johnson was instrumental in convincing Deneweth to teach Construction Law as an adjunct professor at MSU Law. MSU Law is proud to call them professors, alumni, and Circle of Friends donors.

Alumni Profile

FORWARD-LOOKING COMMUNITY LEADER GIVES BACK

KATHRYN OSSIAN



At 18, Kathryn Ossian embarked on her college career at Michigan State University with a major in food science. A star student in her Novi high school, she had been encouraged to major in science and found herself in organic chemistry class her first year on campus.

"I looked around and thought, 'I'm not into this the way these people are,'" Ossian says with a laugh. She switched to economics, and soon found herself in an antitrust class taught by former Law College President Walter Adams.

"He used the Socratic Method in class, and it was a good introduction to law school," she says. "Once I changed my major to economics, I pretty much knew I was going to go down that path." Ossian graduated from the Law College in 1984.

Today Ossian is a leader in the metro Detroit legal community, and a principal at Miller Canfield, heading its team of lawyers dedicated to information technology (IT) law. She counsels major corporations, school districts, and individuals on how to legally navigate the brave new world of technology, and speaks around the country on the myriad legal issues technology raises.

Her work on IT began in 1997, 10 years into her tenure with Miller Canfield. Ossian, a litigator at the time, had a couple of cases of computer contracts gone bad. The cases piqued her interest in the transactional side of IT law. Miller Canfield didn't have an IT legal team at the time, and Ossian saw opportunity.

"Information technology was a niche we didn't have. It was a new and upcoming area at the time," she says. "I started transitioning and picking up those cases. [My] litigation

experience was really helpful to contracts. I realized there were pitfalls and we didn't want to leave things vague."

Ossian's work has earned her accolades and led to speaking engagements and writing assignments. Michigan Super Lawyers named Ossian one of the Top 50 Women Lawyers of 2009. A former case notes editor for the *Detroit College of Law Review*, Ossian now writes a regular column for *MLive* and has published in the *Michigan Business Law Journal* and *Corp!* magazine.

She's also engaged in her community: Ossian is a member of the Armenian Bar Association, past president of the local Armenian-American Bar Association, and a board member for Girl Scouts of Southeastern Michigan (she was also a troop leader for 13 years).

Some of Ossian's most active involvement has been with the Law College, from which, she happily notes, her nephew graduated in 2009. She spent several years as a member of the MSU Law development council and today regularly attends alumni events. She's a member of the Law College's Circle of Friends donor society at the Benefactor's Club level.

"Giving back to the school is a role that's important to me," she says. "All of us who graduated owe something to the school for that education. My view is that we really should give something back. Not just, 'Well, I paid my tuition and I'm done.' To me it's an ongoing commitment.

"My long-range plan is that, when I retire, the practice is sustainable and my associates can take it over," she adds. "It's the same with the school—for those of us who are graduates to look to the school and see what we can do to help." ☺

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I'M AN ALUM.

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www.law.msu.edu/alumni

Mark Your Calendars

Join your fellow alumni and friends for the following events.

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TBD Alumni Association Outreach Campaign

TBD Law Firm Challenge Kickoff Lunch

■ February

22 & 23 Bar Exam Breakfast and Lunch
Kellogg Center

■ March

2 *Michigan State Law Review*
Student/Alumni Reception
Birmingham Country Club

15 Jewish Legal Society
Student/Alumni Networking Night
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25 Black Law Students Association Dinner

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