Despite its big-money contracts, celebrity athletes, and mega-endorsement deals, the business of sports law is more than simply “show me the money.” See how several alums handle the nuts and bolts of the job.
FROM THE DEAN

I t’s a little difficult for me to believe that I am now beginning my fourth year as dean of our law school, but I guess that just proves the old adage of how time flies when you’re having a good time.

There have been many challenges and I am pleased with the progress we have enjoyed. As you know, the academic credentials of our student body are the best they’ve ever been. During the past three years, we have made seven new faculty appointments—all bright, talented and energetic teachers and scholars. Our programs are as strong or stronger than they’ve ever been and we are enjoying unprecedented levels of alumni involvement and support.

So there is much to be proud of. And yet, amidst all these positives, we were very surprised and disappointed to see a drop in numbers shows that Tulane’s performance of its thought-provoking talk was “The Rule of Law and Its Limitations.”

Our faculty continues to be remarkably productive and engaged professionally—as you can see by just a quick perusal of the “Faculty Publications and Presentations” section of the Lawyer. And in “Faculty Notebook,” Professor Adam Babich sets the record straight in a revealing article about the Environmental Law Clinic.

Finally, on May 22, we celebrated the commencement of the class of 2004 and you’ll see some photos of that special event on the pages that follow.

It is with mixed emotions that I tell you that, after 32 years of service, distinguished faculty McDougall has retired. The faculty joined together for a luncheon in Luther’s honor just before finals and presented him with the 21st century equivalent of a gold watch, i.e., a laptop computer and multifunction printer, so that Luther can continue to work on his books and other scholarship at the same time that he and Mary Anne make the most of his new-found free time.

On the external relations front, looking back at the 2003-04 year, we sponsored 52 events for alumni and friends in New Orleans and 14 other cities. They ranged from reunions and receptions, to faculty presentations, to send-off parties for incoming students from the New York, D.C., Houston and Baton Rouge/Acadiana areas. We also hosted our first annual New Orleans alumni lunch where our distinguished graduate, Maj. Gen. William K. Suter, clerk of the Supreme Court of the United States, was the featured speaker. In July, I will host a dinner honoring Chief Justice Rehnquist, who is teaching in our Cambridge program, for our senior UK and UK-based alumni. I personally look forward to even more events next year.

While the challenges ahead are not inconceivable, I can’t help but reflect with pride and satisfaction on how far we’ve come and how bright the prospects are for us to attain our ambitious goals in the future. I know without a doubt that we could not have come as far as we have without the support and loyalty of so many of you, for which we are deeply appreciative. I also know that achieving our aspirations will hinge critically on your continuing support and assistance, but I am as confident as ever that our alumni will be there for us as they have always been in the past. I hope you enjoy this issue of the Lawyer, which features a number of high-ly successful sports lawyers who have benefitted from our Sports Law program that continues to grow in stature under Dean Gary Roberts’ strong leadership.

As always, if there are ways in which the Law School or I can be of service to you, I hope you won’t hesitate to let us know. I look forward to seeing many of you in the next year and to continuing our partnership to make Tulane Law School the best that it can be. Have a wonderful summer.

Like any other great institution, Tulane Law School must continually seek to renew itself in order to keep pace with evolving trends in the practice, deliver the highest quality education to our students, and look for new ways to build on the strength of our extraordinary reputation in international and comparative law.

On the graduate level, this coming academic year we will launch two new programs: an LLM in American business law and the first PhD program in law in the country. On the international front, in 2005, we will begin operation of two new summer-abroad programs: one in London associated with Queen Mary College focused on international business transactions, and the other in Barbados affiliated with the University of the West Indies.

But why wait for the future to report good news? A look through this issue of the Lawyer will give you a good indication of some of the exciting things that are taking place right now.

The first item bearing mention is the outstanding performance of the Tulane team in the Willem C. Vis Arbitration Competition in Vienna, Austria. The team, consisting of Allison Caire, Allison Cook, Lorren Golasaki, Warren Burns, Anne Herrmann, and coached by Professors Martin Davies and Lloyd Bonfield, made it to the final eight among a field of nearly 140 teams from more than 30 countries around the world. They all deserve our congratulations. In April, David Babies, most recently of Bush v. Gore fame, delivered the inaugural Gauthier Lecture on Trial Advocacy to a packed house. The title of his thought-provoking talk was “The Rule of Law and Its Limitations.”

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THE FORMER DEAN GETS HIS DUE

KRAMER, UNVEILED

It was a night of heartfelt sentiment and waggish merriment, an evening that hit the appropriate tone in honoring former law school dean John Kramer. The event was the unveiling of Dean Kramer’s portrait, which will take its place of distinction in Weinmann Hall along with the portraits of his predecessors. Dean Kramer has remained on the faculty since stepping down as dean in 1996.

The unveiling, which took place on March 5, drew an overflow crowd to the spacious lecture room on the first floor. On hand were law alums, law school faculty and staff, current students, and a who’s who registry of friends.

Organized with the help of Dean Kramer’s wife, Sandra, the event’s guest list included out-of-town guests such as Ambassodor Tom Foley, former speaker of the House of Representatives; Ken Bode, a journalist who has worked for NBC, CNN and National Public Radio; Curtis Wilke, a nationally acclaimed political journalist; and Robert Greenstein, executive director of the Center on Budget and Policy Priorities.

Local dignitaries included former Louisiana Congressman and U.S. Ambassador to the Vatican Lindy Boggs and Ambassador and Mrs. John Weinmann.

Dean Lawrence Ponoroff set the tone for the evening with an opening address that acknowledged Dean Kramer’s accomplishments, which included nothing less than transforming Tulane from a primarily regional law school into a nationally recognized and respected institution. He spiced his remarks with allusions to Dean Kramer’s well-known tendency to agitate the status quo. Also, he noted Dean Kramer’s innumerable orientation speech and cited a former student’s simile that listening to a lecture by Kramer is like trying to take a sip from a gushing fire hydrant.

The audience also heard remarks from Gary Roberts, who was vice dean during the Kramer years, Dean Kramer’s sons, Andrew and Gladstone, and portrait artist Jason Bouldin. Perhaps the most poignant moment of the evening came from alumnus Roderick West, who looked the former dean straight in the eye while sharing with the audience how he and his fellow minority classmates benefited from Dean Kramer’s tenacious demand that social justice be incorporated in all facets of the school, including curriculum, student admission and faculty hiring.

When his time to speak arrived, Dean Kramer opened by mischievously clarifying the exact verbiage of his bawdy orientation presentation (you’d remember it if you’d heard it) and then generously devoted most of his remarks to the accomplishments of his wife.

After the unveiling, the audience was treated to a sumptuous reception that, in the words of Dean Ponoroff, would be a banquet of Krameresque proportions. Everyone knew what he meant.

BOIES DELIVERS GAUTHIER LECTURE

Never mind the fact that a jury in New York was still out, deliberating the fate of his client’s multibillion dollar, high-profile insurance coverage dispute. Or that he owed his publisher another chapter in the book he’s writing. Attorney David Boies still managed to find time to deliver the inaugural Wendell H. Gauthier Lecture at Tulane Law School. All in a day’s work for Boies, the lawyer best known as former Vice President Al Gore’s lead counsel during the recount of the Florida vote in the 2000 presidential race. He spoke eloquently on “The Rule of Law and its Limitations,” outlining several reforms he says are needed to make the justice system more effective.

Boies has family ties to Tulane. Daughter Caryl (L’97) and son Jonathan (L’97) both graduated from Tulane Law School. He flew in the afternoon of April 21, delivered the lecture, attended a dinner with the Gauthier family, several law school faculty and alumni, then boarded a private plane back to New York that night.

In his lecture, Boies noted that skyrocketing litigation costs impede the quality of justice when opposing parties have vastly different resources. If either party has a disproportionate war chest to litigate, he says, it gives them an increased advantage and “degrades the quality of the justice system.”

The remedy, Boies suggests, comes down to each attorney as an individual. “As a profession, we want to have standards that don’t rely on people getting caught. I think if we really want to aspire to the rule of law what we all have to do is discipline ourselves and discipline each other in terms of the extent we will go in advocacy. That’s very hard.”

Boies was relaxed yet deliberate in his hour-long speech. “Our own interests are at stake,” he urged. “We are all terribly competitive people. We wouldn’t be trial lawyers if we weren’t competitive. We want to win.”

And he did. A week later, the jury came back with a favorable verdict.

THE IMPEACHMENT OF THOMAS JEFFERSON

They didn’t wear frock coats or arrive on horseback, but student members of Tulane’s American Inn of Court chapter managed to evoke a real sense of American history during their most recent event, held on March 1 at the Law School. The program depicted the hypothetical impeachment of Thomas Jefferson for alleged “high crimes and misdemeanors” stemming from the purchase of the Louisiana Territory.

“It just seemed topical, with the recent anniversary of the Louisiana Purchase,” said A. Brooke Bennett, second-year law student and a participant in the program. Bennett, along with fellow law students Kevin Norman and Frederic Gilles Sourges, played the roles of “house impeachment managers,” making the case for impeachment, while Phyllis E. Glazer and Heather Matthews, also law students, played the role of White House counsel.


The house managers made a spirited case for impeachment, with accomplished orator Sourges urging the audience to concede that Jefferson exceeded his treaty power by undertaking the Purchase, unfairly favoring the new territory with regard to import tariffs, and committed treason by grossly exceeding his authority as president. President Jefferson was, however, ably defended and, after several probing questions from the assembled “senators,” the impeachment was defeated. Bennett and Sourges, members of Tulane’s Phillip C. Jessup Moot Court team, were fresh from their impressive showing at the Jessup regional competition, where both placed in the category of “Best Oralist” – Sourges was first overall, and Bennett was fourth overall.

The American Inn of Court are loosely modeled after the apprenticeship system of the British Inns of Court. Participation is voluntary, and brings together judges, lawyers and law students in a collegial atmosphere to foster legal skills, professionalism, civility and the highest standards of ethical conduct. There are 16 Inns in Louisiana, many affiliated with law schools and local bar associations. The Inns typically meet about once a month, giving members the opportunity to participate in programs and discussions on practice issues as well as to socialize.
The Tulane team began their work last fall, preparing briefs and practices for oral argument with the help of Professors Lloyd Bonfield and Martin Davies. A stated goal of the Vis Moot is to “taste the study of international commercial law and arbitration for resolving international business disputes,” so the problem for each competition is framed as the arbitration of a transaction for the sale or purchase of goods under the United Nations Convention on Contracts for the International Sale of Goods. This year’s problem concerned conformity of goods to the contract terms and fundamental breach of the contract. Typically, each year’s problem also poses a procedural arbitration issue, and this year’s revolved around the posting of security for legal costs of arbitration and the confidentiality of the arbitration proceedings.

The hectic schedule of the competition left little time for sightseeing. The teams first competed in a general round, in which Tulane met teams from Brazil, China, Latvia and Germany. At the end of those rounds, the top 32 moved on to the elimination rounds, and Tulane was in that number. In the Round of 32, Tulane defeated the University of Singapore, the 2002 winner of the Vis Moot. Tulane then advanced to the Round of 16, where the team met McGill University from Canada. Tulane won again, and the team moved on to the quarterfinals, where they met the University of Fribourg. Although the team was defeated in the Round of 8, its showing was impressive, given the breadth and excellence of the competition. Warren Burns was awarded an honorable mention for his white-cell defense work she sees in her practice, Elwyn devotes a great deal of time to work at the United Nations. And in the fall, she begins an LLM program in international trade at Fordham Law School. “My experiences through the Vis, the people I’ve met, the advocacy skills and the experience of working with different laws, have really helped me. The Vis experience gave me confidence that is what I want to do.”

"I know Anita would share my feeling that a scholarship fund for law students who want to pursue public service was long overdue,” added Harry Sr. “Anita Connick won no elections while undergoing chemotherapy for treatment of leukemia. She died a year later. Harry spent 29 years as the Orleans Parish District Attorney, a public service career that he began in 1973 with the defeat of the late Irene Garrison (L’49). During Connick’s tenure as district attorney, the office became nationally praised for its honest and efficient approach to screening cases, the theory being that Connick’s strict screening policies resulted in fewer plea bargains and more “charged” convictions. These practices gained national recognition in the October 2002 Stanford Law Review article, “The Screening Plea Bargaining Trade Off.” A fitting honor for Connick, who did not seek re-election in 2002.

Today, Harry Connick and wife Londa are enjoying retirement in New Orleans and spending time with their four grandchildren. Son Harry and daughter Suzanna continue the Connick tradition of outstanding achievement. Harry Jr. is one of the world’s most acclaimed performers and Suzanna recently graduated from Louisiana State University School of Medicine, after obtaining two nursing degrees from the University of Virginia. Meanwhile, Harry Sr. devotes more time to his second career as a talented singer and band leader, performing regularly with the Nelson Riddle Orchestra—a gig that plays well with Anita Connick’s favorite saying, “the best way to proceed is to start at the top.”
Professor Luther McDougal

LUTHER L. MCDOUGAL III

ON THE RETIREMENT OF MY COLLEAGUE, LUTHER L. MCDOUGAL III

BY ROBERT FORCE

Niel F. Johnson Professor of Maritime Law and co-director, Tulane Maritime Law Center

(Editors’ note: We are deeply sorry to have to report that Luther McDougal passed away in June, only weeks after teaching his final class for Tulane. Professor Force wrote this tribute when Professor McDougal was still alive and well, and looking forward to retirement. We think it stands as a fitting memorial to a man so well loved by his colleagues and students.)

A person’s resume, or curriculum vitae, as we academics prefer to call it, can tell us a lot about a person. But as we all know, it never tells the full story. Luther McDougal’s paper record is no exception to the general rule. It tells us that he earned his BA and LLB degrees from the University of Mississippi. Upon graduation from law school, he was admitted to practice in the State of Mississippi, engaged in private practice in Tupelo for several years. Unfortunately, Elvis was not one of his clients. In 1965 he joined the faculty at University of Mississippi Law School. He promptly was granted a leave of absence to attend Yale Law School as a Sterling Fellow and was awarded an LLM degree in 1966. In 1970, he left Ole Miss and became a member of the law faculty at the University of Arizona. The Tulane Law School faculty had the good judgment to lure him back to the South, and he joined our faculty as professor of law in 1974. For the past 30 years, he has served continuously on the Tulane Law School faculty except for a visit to the University of Hawaii Law School in 1978. His academic achievements and contributions to the law school were recognized by his appointment as W.R. Irby Professor of Law, a chair he has held since 1981.

The paper record reflects that he has authored or co-authored eight books, 19 law review articles, and seven miscellaneous publications, including book reviews and a major piece of Louisiana legislation on local government law. We conclude that he is a scholar, a hard worker, and consistent in his productivity. In his long career Luther has taught: Oil and Gas, Conflict of Laws, Land-Use Planning, Introduction to Common Law Property, International Commercial Arbitration, Civil Procedure, Land Finance, International Law, Trusts and Estates, Insurance, Debtor and Creditor Rights and Constitutional Law. He has served on every major law school committee and, at some point, as chair of virtually every one. He never shirked from a committee assignment; he never asked for relief from administrative duties to meet publication deadlines. Furthermore, in the past 13 years he has directed the Tulane Summer Program in Cambridge, England. His excellence as a teacher is evidenced by his receiving the Felix Frankfurter Distinguished Teaching Award and the SBA Best Professor Award. His excellence as a scholar is evidenced by his designation as the first annual C.J. Morrow Research Professor. Also, he is a member of the prestigious American Law Institute. With the exception of the details, that is the paper record. Does it accurately portray the man? Yes, to the extent it reveals his commitment to scholarship, his accomplishments as a teacher and his broad background in law. But like all paper records, it doesn’t tell the whole story. It simply doesn’t do Luther justice. In our experiences we all have met some people who are bountiful self-promoters, others with overly inflated egos, and some enthralled with their own voices. Some people have no sense of humor. Some people have no sense of institutional commitment. Some people can’t make difficult decisions. For some people, expediency always trumps integrity. Some people are cruelly judgmental. Some people are so wrapped up in their own projects that they never have time to help others.

Not a single one of those character flaws applies to Luther. In fact, he has just the opposite traits. Luther McDougal has been a stalwart of the Tulane Law School faculty for the past 30 years. He is a leader—the strong, silent type, speaking only when he has something to say and only when something needs to be said. His judgment and opinions are respected by his colleagues. When Luther speaks, his colleagues listen. We know that he is a man of honor, integrity, high standards and common sense. With Luther’s plain speaking, we know where he is coming from. There is no hidden agenda. There is no “what’s in it for me.” Luther also understands the meaning and importance of institutional commitment. Even as one of the most senior faculty, he agrees to teach where he is needed. He has been courteous and collegial to his colleagues and has set an excellent example for all to follow. At one point in our history there was some concern that the senior faculty was not being sensitive and supportive of the junior faculty, and Luther was asked to head a small group to narrow the gulf. “Luther’s List” became a byword and part of the process whereby he personally advised non-tenured faculty how to get published in the best law review possible.

For me, Luther’s retirement will be especially difficult. For almost 30 years we have been fortunate to have a competent and staff and subject advocate. His sense of humor, his availability to discuss difficult issues of law and his general affability have made Tulane a better place for me. We will all miss him, but I, perhaps, a little more than most.

I close with a story that tells a lot about my colleague Luther. When he was hired as a faculty member by Ole Miss Law School, his job description included being the director of the North Mississippi Rural Legal Services Clinic, a clinic operated by the law school. The law school had received federal funds to provide legal services to poor people who could not afford counsel. The office was staffed by several full-time lawyers. The clinic filed suit to desegregate the schools in Lafayette County, Miss., which included Oxford, the home of Old Miss. Those were the days of the Civil Rights struggle, and various state officials and legislators were displeased. As a result the law school terminated its relationship with the clinic and sent termination letters to the lawyers. When Luther was informed that he, too, was terminated, he responded: “You can’t fire me, I have tenure. What do you want me to teach?” He was correct—the law school could not and did not fire him. Thus, a great career in academia was launched.

Dean Lawrence Ponoroff was inducted as a Fellow into the prestigious American College of Bankruptcy. The honor recognizes Dean Ponoroff’s many years of practice in the area of bankruptcy law and his many contributions to the law of bankruptcy and insolvency since entering legal academia.

The American College of Bankruptcy’s Class of 2004, the fifteenth class admitted to the College, was inducted in the Great Hall of the United States Supreme Court in Washington, D.C. on March 18.

PONOROFF HONORED

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The American College of Bankruptcy was formed to honor and recognize bankruptcy professionals who have distinguished themselves in the practice of their profession and through their efforts to enhance the insolvency and bankruptcy process. The College utilizes the talents and resources of the Fellows for projects that promise the highest quality of bankruptcy practice, including pro bono bankruptcy projects, education programs at law schools and the establishment of the National Bankruptcy Archives.

HEALDLINES

“Crazy…The labor exemption is just about as clear as can be on this point.” —Professor Gary Roberts’ reaction to a federal judge’s ruling that NFL rules restricting younger players from entering the draft violated antitrust laws in the February 6, 2004 edition of the New York Times.

“As its primary purpose is to provide access to the courts for individuals who have a claim that is relatively small, so small that it is not economically feasible for them to hire an attorney.” —Former dean Edward Sherman explaining the use of class actions in the March 8, 2004 edition of the Chicago Tribune.

“For me, Luther’s retirement will be especially difficult. For almost 30 years we have been fortunate with offices across from one another first in Jones Hall and now in Weitmann Hall. He has been a constant supporter and subject advocate. His sense of humor, his availability to discuss difficult issues of law and his general affability have made Tulane a better place for me. We will all miss him, but I, perhaps, a little more than most.”

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THE APOITICAL CLINIC

BY ADAM BABICH

An associate professor at Tulane Law School, Adam Babich directs the Tulane Environmental Law Clinic. Before joining Tulane, Babich was a Chicago-based litigator whose practice emphasized environmental and insurance-related disputes. He also has served as an environmental enforcement lawyer for the Colorado attorney general, adjunct attorney for the Environmental Defense Fund, editor-in-chief of the Environmental Law Reporter, and judicial law clerk for the Colorado Supreme Court. He has taught at Georgetown University Law Center, American University and the University of Denver. He received his JD from Yale Law School in 1983. He can be reached at ababich@law.tulane.edu.

Not so many years ago, controversy about the Tulane Environmental Law Clinic was front-page news. At the time, I was in a private law practice far from Louisiana and did not pay close attention. But as the clinic’s director since May 2000, I find those events still shape many people’s perceptions about the clinic—both positively and negatively. Some approach the clinic as if it were part of an environmentalist crusade to stop economic growth. Others believe that the clinic’s crusade is to protect Louisiana residents’ health and welfare.

The clinic, however, is not on a crusade at all. Its real mission is more mundane, if not much. Every year, the clinic’s attorneys and staff have the privilege of helping 26 third-year law students find their voices as advocates under the stress of complex litigation. And along the way, the clinic serves the larger community by helping Louisiana lawyers meet their obligation to ensure that access to the courts on environmental issues is not denied to “people who are unable to afford legal services, or whose cause is controversial or the subject of popular disapproval.”

It may seem odd for an environmental law clinic to deny that its purpose is to protect health and welfare. But as a program of Tulane Law School, our job is to train environmental lawyers, not environmentalists. Granted, most professionals who devote their careers to environmental issues—whether working on behalf of regulated companies, government, or non-profits—believe in environmental protection. And by making legal expertise available on environmental issues to people who could not otherwise afford it, the clinic helps improve the regulatory system and, thus, advance environmental protection. But questions about how to balance environmental protection with other goals, or how to protect the environment in any specific situation, raise issues of policy. And clients, not clinic lawyers or student attorneys, decide policy issues.

The clinic’s mission is therefore best expressed as one of training students, and making the legal system accessible to all, rather than in terms of substantive objectives. As lawyers and student attorneys, we focus on developing and implementing legal strategies to achieve our clients’ lawful goals—not on selecting those goals.

Why not make policy decisions? The short answer is that our clients are fully capable of making their own decisions. And aside from our clients, on whose behalf would we make policy? Every organization, of course, has constituents. For organizations built around specific lines of a public-interest law firm such as Earthjustice or Defenders of Property Rights—organizations that make no bones about advancing specific agendas, the director of such a clinic could fairly invoke academic freedom to justify whatever value judgments were implicit in that director’s choice of political viewpoints to advance, and students would have a similar educational experience of learning by doing. Most of our students, however, are headed for employment with organizations that put a premium on representing clients, rather than their lawyers’ views. For this reason, an apolitical clinic offers an experience that is arguably more relevant to most Tulane law students’ future careers.

There is a flip side, however, to the fact that most clinic students go on to work for law firms or government after graduation. This means that, other than pro bono work, the clinic may provide many students with their only exposure to public interest litigation. It might be fairly argued, therefore, that we should run a “progressive” clinic to sensitize those students to the importance of environmental protection before economic forces shape them into apologists for the status quo. Law students, however, are generally fully formed adults. They look to law professors to help them develop their legal knowledge, professionalism, and appreciation of legal ethics—but not necessarily for political, philosophical or moral guidance. Also, because the clinic exposes its students to real-world environmental disputes, the clinic experience helps students develop and refine their philosophies more effectively than could any professorial force-feeding of “progressive” ideas.

In addition, to put it bluntly, the apolitical model appeals to my own biases. My training is as an advocate, not as an activist or policy expert. I am as full of opinions as the next person, but the discipline of my chosen profession is to empower clients to set their own objectives and then figure out how to accomplish those objectives, within the law, as efficiently and reliably as possible. Like many lawyers with a background in private practice, my view is that advocates can best serve their clients by maintaining a professional objectivity about the underlying dispute. A core of objectivity helps lawyers find the flexibility to explore settlement possibilities, foster collegial relationships with opposing counsel, and give clients advice that reflects the risks, as well as the potential benefits, of particular positions. This is not to say that lawyers do not believe in...
their clients’ positions. Although successful advocates preserve their ability to see both sides of disputes, they also develop and refine theories of their cases that they can present with conviction.

But why should you believe me when I say the clinic has no political agenda? Anyone who has ever taught a class knows how attuned students are to hypocrisy. It rarely escapes students’ notice when teachers fall short of their own standards. It would be madness for me to tell the world that Tulane Law School was running a 26 law-student clinic along the lines of a professional law firm while trying to secretly run an environmentalist political advocacy group. Those 26 law students would notice! This does not mean, by the way, that I never express a political or policy opinion in front of a student attorney. The clinic has no political agenda.

In 1991, Tulane Lawyer published an impolitic, albeit ironic, statement that the clinic had hired a staff member “to commit barratry”; i.e., to stir up litigation. In 1962, “barratry” was how South Carolina Senator Olin Johnston described Thurgood Marshall’s efforts to help African-Americans defend their civil rights. The next year, the Supreme Court found that Virginia’s barratry law imposed unlawful restraints on advocacy. Some critics of the clinic tout the 1991 Tulane Lawyer article as a confession of wrongdoing. But that interpretation is belied by the same article, which quotes a clinic spokesperson as follows: “There’s no need for me to seek out cases . . . they come to us.” So regardless of whether the term “barratry” is used to compare the clinic to the heroes of the civil rights movement or to suggest that the clinic somehow stirs up litigation, it misses the mark. The clinic has hired a staff member “to make the clinic as widely respected as practical, regardless of whether our constituents agreed with every one of our clients’ positions. A major advantage of the apolitical model is that the more fully people understand the clinic, the less controversial it becomes—without becoming any less effective on behalf of clients.

Over the last year, the clinic has won important victories for its clients. For example, in a Fifth Circuit case, the court vacated EPA’s approval of a state plan to allow increased air emissions of volatile organic compounds (many of which can cause cancer) in return for reductions in less dangerous nitrogen oxides. The 19th Judicial District vacated a state decision that gave the go-ahead for destruction of wetlands without a full assessment of effects on flooding and water quality. And the Eastern District of Louisiana confirmed that federal hazardous waste law can provide a remedy for citizens concerned about the Army Corps’ plans to dredge and dispose of contaminated sediments in the Lake Pontchartrain eco-system.

In light of the clinic’s record of success, one might fairly ask how the clinic—no matter how apolitical—can hope to avoid controversy. We can point to the credit the clinic brings to Tulane University and the State of Louisiana as part of a top-five ranked environmental law program. But ultimately, we are counting on people to remember and appreciate how the American legal system works. It operates from the premise that when all sides to a dispute are well represented, justice will prevail in settlement or trial. A “lawyer’s” representation of a client . . . does not constitute an

As lawyers, we all agree that law students should be trained to be strong, ethical advocates. Further, a basic tenet of our profession is that access to the courts should not be rationed on the basis of ability to pay or viewpoint. And finally, it is a fundamental principle of our legal system that nobody is above the law.
Denying service to clients for fear of controversy would cause much deeper offense to the values of law school constituents than could any lawful position the clinic might advance on behalf of a client.

endorsement of the client’s political, economic, social or moral views or activities. 15

Indeed, under court rules, clinic student attorneys must promise not to place their own interests or those of the clinic above the interests of their clients. Denying service to clients for fear of controversy would cause much deeper offense to the values of law school constituents than could any lawful position the clinic might advance on behalf of a client.

Denying service to clients for fear of controversy would cause much deeper offense to the values of law school constituents than could any lawful position the clinic might advance on behalf of a client.

Stephen Griffin was on a panel at the 2004 American Association of Law Schools meeting in Atlanta, joining a co-sponsored program of the sections on constitutional law and jurisprudence entitled “Restoring the Lost Constitution: The Presumption of Liberty.” Catherine Hancock’s treatise on *Principles of Criminal Procedure* (co-authored with Russell Weaver, Leslie Abramson and John Burkoff) was published by Thomson/West in April 2004. Her casebook, *Constitutional Criminal Procedure Cases, Problems, and Exercises* (2nd edition), Thomson/West, (with Russell Weaver, Leslie Abramson, Ronald Bacigal, John Burkoff and Donald Lively), was published in March.


David Katner’s article, “Confidentiality and Juvenile Mental Health Records in Dependency Proceedings,” was published in 12 *William and Mary Bill of Rights Journal* (2004). In addition, the director general of the Japan Federation of Bar Associations announced that Katner’s chapter, “Raising the Insanity Defense”; in *Ethical Problems Facing the Criminal Defense Lawyer* (America Bar Association, 1995), has been selected for translation into Japanese. In September 2004, Katner will be co-presenting a paper on the implications of the MacArthur Juvenile Competency Study at the 27th annual National Children’s Law Conference in Las Vegas, Nev.

Marjorie Kornhauser spoke on two panels at the annual conference of the American Association of Law Schools. She delivered one address on “The Uses of the Past: ‘Doing Tax History’” at the taxation section and another on “Occupational Segregation by Sex in the Legal Academy” at the section on women in legal education (at which she presented the findings from her “Room’s of Their Own” article). She also spoke in April at Boston College on “The State of the Federal Income Tax.” Kornhauser also published “Anti-Tax Rhetoric in America: A Detail Look at a Sinless Tax,” *Vol. 114* (2003), has been selected for publication by the American Bar Association, 1995.

Susan Krinsky has been named to the Board of Trustees of the Law School Admissions Counsel. In March, Krinsky spoke at the the neuroethics symposium at Tulane School of Medicine. Her topic was
legal issues raised by advances in brain research and related technology.

Bill Lovett published “Exxon Valdez: Punitive Damages, and Tort Reform,” 38 Tort & Insurance Law Journal 1071 (ABA, Summer, No. 4, 2003), as well as the second edition of U.S. Trade Policy: History, Theory, and the WTO with Alfred Eckes and Richard Brinkman. This fall and spring he has given 13 lectures: “Grand Bargain or Grand Illusions: Great Strains in International Trade, Finance, and Security” at nine universities: Dalhousie University, University of Maine–Orono, University of Alabama School of Law, and Wake Forest Law School. In addition, he arranged four lectures on “Exxon Valdez: Punitive Damages, and Tort Reform,” at University of Maine School of Law, Tulane Law School, University of South Carolina School of Law, and the Insurance Law Institute at University of Connecticut School of Law.

Glyn S. Lunney Jr.’s article, “Patents, the Federal Circuit, and the Supreme Court: A Quiet Revolution,” has been published as the lead article in volume 11 of the Supreme Court Economic Review. He has also presented a paper entitled “Copyright Preemption of Verbal Contracts” at the Joint Session of the Sections on Intellectual Property and Law and Computers at the American Association of Law Schools Annual meeting, and a paper entitled “Patents and Growth: Empirical Evidence from the States,” at George Mason University School of Law, as well as at the Works-in-Progress Intellectual Property Colloquium he organized at Tulane University School of Law in October of 2003. Lunney also has been named chair-elect for the American Association of Law Schools section on intellectual property.


Jonathan Nash’s article, “Examining the Power of Federal Courts to Certify Questions of State Law,” was published at 88 Cornell L. Rev. 1672, and his article, “A Context-Sensitive Voting Protocol Paradigm for Multimember Courts,” appeared at 56 St. John’s L. Rev. 75. Nash also co-authored a book chapter (with Rocky Reeves of New York University entitiled “The Design of Marketable Permit Schemes to Control Local and Regional Pollutants,” in An Introduction to the Law and Economics of Environmental Policy: Issues in Institutional Design (Timothy Swanson, ed.). Nash also presented a paper on “Ecosystems, Endangered Species, Markets, and Geography: A New Direction for Habitat Trading Programs” at the annual meeting of the American Law and Economics Association at the University of Toronto Faculty of Law in September, and a paper on “Induced Travel and the Case for New Capacity” at the Environmental Defense Conference in traffic Congestion” at the annual meeting of the Midwestern Law and Economics Association at the Indiana University Law School at Indianapolis in October. He also spoke in March on First Amendment restraints on speech during campaigns for judicial office as part of a panel at the conference on Judicial Excellence and Accountability co-hosted by Tulane Law School and the Judicial Excellence Foundation. In May, two papers by Nash will be presented at the annual meeting of the American Law and Economic Association. Nash will present “Framing Effects and Regulatory Choice: The Case of Environmental Regulation,” and co-author Samuel Estreicher will present “The Law of Economics of Tipping: The Laborer’s Perspective.”


Vernon Palmer signed a contract with Carolina Academic Press to publish The Louisiana Civilian Experience: Critiques of Codification in a Mixed Jurisdiction in spring 2004. An earlier book, Pure Economic Loss in Europe (Cambridge Univ. Press) (with Busnain), has been chosen for translation into Chinese. Another book, The Boundaries of Strict Liability in European Tort Law (with Weisz) was published by Carolina, Stuenmpfl and Bruylant in spring 2004. Palmer also published two articles in the law reviews of Loyola and Louisiana State University: “The Paradigm for Multimember Courts,” 88 Cornell L. Rev. 1672, and his article, “A Context-Sensitive Voting Protocol Paradigm for Multimember Courts,” appeared at 56 St. John’s L. Rev. 75. Nash also co-authored a book chapter (with Rocky Reeves of New York University entitiled “The Design of Marketable Permit Schemes to Control Local and Regional Pollutants,” in An Introduction to the Law and Economics of Environmental Policy: Issues in Institutional Design (Timothy Swanson, ed.). Nash also presented a paper on “Ecosystems, Endangered Species, Markets, and Geography: A New Direction for Habitat Trading Programs” at the annual meeting of the American Law and Economics Association at the University of Toronto Faculty of Law in September, and a paper on “Induced Travel and the Case for New Capacity” at the Environmental Defense Conference in traffic Congestion” at the annual meeting of the Midwestern Law and Economics Association at the Indiana University Law School at Indianapolis in October. He also spoke in March on First Amendment restraints on speech during campaigns for judicial office as part of a panel at the conference on Judicial Excellence and Accountability co-hosted by Tulane Law School and the Judicial Excellence Foundation. In May, two papers by Nash will be presented at the annual meeting of the American Law and Economic Association. Nash will present “Framing Effects and Regulatory Choice: The Case of Environmental Regulation,” and co-author Samuel Estreicher will present “The Law of Economics of Tipping: The Laborer’s Perspective.”

Dean Lawrence Porco’s book (co-authored with Dolan and Markell), Core Principles of Commercial Law: Past, Present and Future (Thompson/West), was published last fall. The text is a rewritten, updated, and expanded version of Dolan and Porcofer’s Basic Concepts in Commercial Law.


Stacy Sechsiaindre was a panel speaker at an American Bar Association AIDS Coordinating Committee’s “HIV/AIDS Law and Practice: From Nuts and Bolts to Cutting Edge” held in New Orleans in January. The month before, Sechsiaindre served as a speaker for a Louisiana Commission on Human Rights-sponsored CLE on the topic of financial transactions and housing discrimination litigation.

Judith Schaefer received the Gannie McIntyre Distinguished Career Award at a spring meeting of the Louisiana Historical Association.


Mark Wessman (with Paul Barron) published Secured Transactions—Problems and Materials (West) last fall.


Mention sports law to most people and the infamous line from the movie Jerry Maguire comes to mind: “Show me the money.”

Sports law brings to mind big-money contracts, star athletes, endorsement deals, and marketing strategies.

But the field is much broader, encompassing amateur and international sports as well as the pros—and much more complex, as athletes become more marketing savvy and more money is at stake.

Since 1993, the Tulane Law School Sports Law certificate program has provided students with the background necessary to understand and handle problems unique to the sports industry. Directed by professor Gary Roberts, who himself is an officer and director of the Sports Lawyers Association, the program attracts students from around the country interested in pursuing careers in a sports-related field.

“Pop Warner provides kids with valuable experience, especially kids who don’t have the family support they need.”

“Eam to away from the program learning about the industry and cutting-edge issues affecting the industry,” Roberts says. “But, basically, to be a good sports lawyer you have to be a good broad-based lawyer. You have sports clients, but you are dealing with business enterprises, income tax, antitrust issues, labor law, and intellectual property.”

A goal of the program—and one Roberts believes it has achieved—is to send graduates into the field armed with a certificate from a program that is recognized in the industry as one of the best.

“The vast majority of people in the industry are aware of and respect our program,” he says. “Our people come out with instant credibility.”

Following are a few of the many Tulane lawyers involved in various aspects of the broad and growing field of sports law.

Mary K. Fitzgerald (L ’01) began her sports law experience as an intern in the National Hockey League, cut her teeth clerking for the National Football League Management Council and then moved on to FOX Entertainment.

Now the Tulane JD and MBA, and 2001 editor of The Sports Lawyers Journal at Tulane, is chief operating officer of what is arguably the world’s largest sports organization, with more than 5,000 football teams and 300,000 participants.

And the Superbowl quarterback was a girl.

Fitzgerald is chief operating officer of Pop Warner Little Scholars, the juvenile sports program incorporated in 1959 that sponsors both football teams for kids ages 5-16 and such “sideline teams” as cheerleading and dance.

The lack of paid players and the dependence on donors, sponsors and volunteers—38,000 of them—in key positions puts Fitzgerald in what is undoubtedly one of the most unusual sports law positions around.

“It’s unique from a labor standpoint,” she acknowledges. “There are no typical unionized workers. If our players go on strike, there’s no one to replace them.”

Instead, Fitzgerald brokers deals and contracts with sponsors and handles marketing for the organization. She works with the NFL to get the pros involved with the kids.

“It’s all about the game.”

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Instead, Fitzgerald brokers deals and contracts with sponsors and handles marketing for the organization. She works with the NFL to get the pros involved with the kids. She finds donors and sponsors for travel, equipment and uniforms. And she gets to work in a field she believes in.

“Pop Warner is the only youth sports organization that stresses academic excellence,” she said. “It provides kids with valuable experience, especially kids who don’t have the family support they need. It’s definitely a great cause.”

A recent “cause” for Fitzgerald has been lobbying the federal government to require mandatory background checks for volunteers who will be working with youths. This year, for the second consecutive season, Pop Warner programs nationwide will be required to annually conduct a background check of coaches, board members and any other persons who provide regular service to the league or have repetitive access to the children.

The program also is growing internationally, most recently starting up in Scotland, and has ongoing programs and competitions culminating in the “Super Bowl” held at Disney World in Orlando, Fla.

Despite the numbers, however, it’s still all about kids and families—and about the game. “Sports has changed a lot,” says Fitzgerald, a longtime fan of the NFL and NHL who came to Tulane for its sports law program. “Sports can become a cultural phenomenon and can get larger than the game. The NFL and NHL are trying to go back to that.”

Another thing that has changed is the steady growth of opportunities in the field of sports law. “In the early years of the sports law program, the numbers were low and it was hard to get a job. But we were all there and knew that was what we wanted to do. It was a wonderful experience.”
**FLY BALLS IN KUWAIT**

The vision of a Major League Baseball game being broadcast to an avid audience of television viewers is nothing new. But put the TV in Kuwait or the United Arab Emirates, and it’s a scene with more than a touch of surrealism.

It’s also a scene that would warm the heart of David Wisnia, a 1999 Tulane Law graduate now working as director of business and legal affairs for Fox Sports International, working to expand viewership for Fox Network offerings outside the U.S. borders.

Unlike many who seek out sports law, Wisnia was a sports fan who had plans to go into entertainment law and found the perfect job to blend the two. A Los Angeles native, he was job hunting at the same time Fox was in the market for an attorney who spoke Spanish.

Now, in addition to providing support for key business units including international television licensing and distribution, production marketing, affiliation relations, new media and talent, Wisnia has turned his focus to what seems an unlikely market, the Middle East. “There is an audience out there that watches American sports—football, major league baseball, hockey.”

**TAKING A CHANCE**

When Exxon closed its New Orleans office in 1996, Vicky Gerl Neumeyer established her own law firm specializing in corporate defense work. With the ability to establish her own hours, the 1998 Tulane LLM also indulged in a personal dream. The avid Green Bay Packers fan who grew up in a Wisconsin town near the team’s headquarters volunteered as an unpaid intern in 2000 for the New Orleans Saints’ marketing department.

Within a year, her life had taken a dramatic turn as she was hired as general counsel for the Saints in March 2001. The only attorney employed by the organization, Neumeyer has her hand in just about all aspects of the club except for player contracts, which are determined through collective bargaining.

“The internship was a way to get my foot in the door,” she says. “From day one, I was interested in sports and I took all the intellectual property and sports law courses I could.”

Now she handles everything from sponsorship contracts, issues concerning facilities, marks and logos, to suite leases, broadcast agreements and entertainment contracts. Working with players and coaches on a daily basis, she even will try to help them out with referrals or personal issues when needed.

Each area has its own set of complex angles and issues. “Good will is always a consideration in marks and logos,” she said. “How recognizable is the black and gold fleur de lis of the Saints and the NFL shield, and how do you police their use?”

People all the time want to put a picture of Michael Lewis or a logo in an ad. You can’t do that. The rights [to the image] belong to the player, not the club. And you have sponsors who pay a premium to use those marks. You don’t want to have a negative effect on a fan but you have to do what is right for your sponsors.”

A “whole new thing” this season, she says, is taking a look at all the entertainment plans following the now-infamous Janet Jackson episode during halftime of the Super Bowl. “We are re-evaluating all our entertainment,” she says. “And there are free speech issues out there.”

Like others in the field, Neumeyer says the business of sports law is growing more complex. When she began working with the Saints, only half of all NFL franchises had on-staff counsel. Now, almost all of them do. “Players are becoming more popular and more savvy in protecting their rights, which creates a new set of issues,” she says. “Who owns the number, the color, the logo, the name?”

One thing hasn’t changed, and that is Neumeyer’s love for football, which was nurtured on fall afternoons in Wisconsin. Except now, she pulls for the black and gold. “I’m a Saints fan through and through,” she says. “There’s no question.”

“Players are becoming more popular and more savvy in protecting their rights, which creates a new set of issues.”
Mike Tannenbaum (L ’95) knows football. As assistant general manager and director of pro personnel for the New York Jets, he has to—maneuvering the slippery slope of salary caps, player contract negotiations and financial forecasting for a National Football League franchise—is not for the faint of heart, or the football novice.

Now in his seventh year with the Jets (he was promoted to his current position in 2001), Tannenbaum sees the field of sports law growing more complex, particularly in terms of collective bargaining and salary caps. “Every day you learn something different,” he says. “My biggest learning curve is keeping track of the market and what’s going on in the market.”

As Tannenbaum talks, he ticks off a growing list of areas in which he’s currently working. “We are signing players from other teams. Trying to see what is going on in the marketplace and keeping track of it all. Being more creative. Managing the salary cap and staying underneath it each year.”

Springtime is contract-negotiation time. “If I do my job well, I will help the team be more competitive,” he says. “My primary job is to understand the goals of what we are trying to accomplish, assess our needs and see what we have to do to build a team. Our decisions are made jointly as an organization. You have to know football.”

And most would agree he has been successful. Coming on the job near the same time as then-coach Bill Parcells, Tannenbaum successfully negotiated a number of key contracts and acquisitions for the team. The team went from the league’s worst record in football at the time, with back-to-back seasons of 3-13 and 1-15, to a 9-7 record in Parcells’—and Tannenbaum’s—first year. The following year, the Jets went 12-4 and advanced to the AFC Championship game against the eventual Super Bowl champion Denver Broncos.

A native of Boston and a high school football player himself, Tannenbaum came to Tulane for the sports law program and calls it an “excellent foundation on the intricacies of the industry.” While in law school, he interned for the New Orleans Saints, then went to work for the Cleveland Browns in 1995 before heading for New York two years later. He also has published three articles on sports management for the Sports Lawyers Newsletter and the Sports Lawyers Annual Journal.

But writing time is hard to come by. “Every move [on the job] has significant ramifications,” he says. “My primary job is to understand the goals of what we are trying to accomplish, assess our needs and see what we have to do to build a team. Our decisions are made jointly as an organization. You have to know football.”

“I don’t know if the field [of sports law] is becoming bigger, but it is becoming more complicated.”

Jaime Wolf (L ’01) grew up in a sports-minded family that included professional athletes, former Olympians, collegiate standout. “I ran track, but I realized I was not going to earn a living running the 400,” he says.

Instead, he headed to Tulane to study sports law and merge his academic and athletic interests. After a brief stint as a clerk in the Department of Labor, Wolf, a New York native, landed his dream job, working as assistant general counsel for the National Hockey League’s New York Islanders as well as for the New York Dragons arena football team.

Saying “everything I learned in law school comes into play,” Wolf works primarily with sponsorship contracts. “We actively seek out sponsors to see if they are interested in a sponsorship in the stadium,” he says, referring to Nassau County (N.Y.) Veterans Memorial Coliseum, where both the Islanders and the Dragons play.

Lest it all sound too corporate and far-removed from the playing field—or ice, as it might be—consider that Wolf is negotiating his sponsorship contracts with the threat of a potential NHL lockout next season. “We have to factor that into the sponsorship deals,” he says. “We don’t want to reach an agreement and then go into the season with deals unmet.”

“I struck gold with this job.”

Factoring in refund provisions or alternatives becomes part of the negotiations, which involves working not only with potential sponsors but also with the vice president of operations and the chief financial officer. If it sounds complex, it is indicative of what Wolf sees in the field of sports law as a whole. “I don’t know if the field is becoming bigger, but it is becoming more complicated,” he says.

“At age 30 or 35, you are seeing groups of individuals buying back into it and corporations are selling their interests. You see a lot of turnover. Whether that will open up more opportunities I don’t know.”

What he does know is that the kid who went to the Stanley Cup parades with his family back in the ’80s when the Islanders were winning the titles is happy to be where he is.

“I struck gold with this job.”
This year’s inductees to the Order of the Barristers pose for a photo during the awards ceremony held the night before commencement.

Happy not to have to take notes, JD candidates give their full attention to the diploma ceremony.

(left) Dean Lawrence Ponoroff with Dean’s Medal recipients Elizabeth Piercy and Daniel Charest, who held the highest average during the third year.

(left) Dean Ponoroff congratulates Faculty Medal winner Laura Butte, who earned the highest average over all three years.

(right) Dean Lawrence Ponoroff stands with Judge Edith Brown Clement (L ’73), who delivered the alumni welcome.

(right) Law faculty peruse commencement brochures before the ceremony begins.

(right) Graduate students savor the moment.

(right) “Where do I go, what do I do?!” Asking the academic services staff for help one last time.

(right) Members of the class of 1954 gather before commencement.

(from left) Helynn Stephens, 3L president, addresses her classmates; Daniel Fort, Student Bar Association president, does the same; JD candidate Sara Jacob opens commencement with the National Anthem: “I’ll call you back later, I’m graduating!”

(from left) Adjunct faculty member Lawrence Fabacher offers remarks after receiving the Monte M. Lemann Distinguished Teaching Award, and Professor Hoffman Fuller receives the Felix Frankfurter Distinguished Teaching Award from Dean Lawrence Ponoroff.
One way that the network of Tulane Law School alumni is being established is through the use of listservs, electronic mailing lists that facilitate easy communication among alumni within chapter cities. More than 500 alumni are currently subscribed to listservs in their communities. To join the listserv in your area, look up “Alumni Chapters” on the Alumni Affairs section of the law school website, www.law.tulane.edu.

ALUMNI COMMITTEES MAKING GREAT PROGRESS

The Tulane Law School alumni community continues to move in exciting new directions. A renewed focus on alumni outreach has resulted in a groundswell of interest among alumni around the country and even the world. The most significant progress has come in four cities where local chapter committees have formed to assist in generating an active network of graduates: New Orleans, New York City, Washington, D.C. and Houston.

Alumni chapters connect and involve alumni with the law school and its current students. Alumni involvement not only creates a useful network for alumni themselves, it also helps advance the law school recruiting efforts and can result in better job placement for our law graduates who benefit from alumni involvement with the Career Development Office.

Critical to the success of the burgeoning alumni chapters is the leadership of each local chapter chair. The groups are led by Rose McCabe LeBreton (L’60) in New Orleans, Michael Littenberg (L’90) in New York, Brian Kilmer (L’98) in Houston, and Bryant Gardner (L’00) in Washington, D.C., who has received significant help in the D.C. area from Heather Hodges (L’01) and Kevin MacMillan (L’08).

NEW ORLEANS

Rose McCabe LeBreton’s volunteer work for the law school began when she served as a class agent for law school reunions and continues today with her service as the first chair of the New Orleans Alumni Committee. She hopes the committee’s work will organize and motivate local alumni to take advantage of opportunities available at the Law School, which will enhance their practices and professionalism. LeBreton recently rallied local graduates to attend the New Orleans Alumni Luncheon where Maj. Gen. William K. Suter (L’62), clerk of the U.S. Supreme Court, addressed a crowd of more than 150 alumni. She can be reached at fbreton@tulanealumni.net or 504-582-1199.

NEW YORK

New York City has more Tulane Law School alumni than any other city except New Orleans itself. Michael Littenberg responded to a call from the alumni office with energy and enthusiasm because he saw an opportunity to foster a sense of community among law school alumni in the New York area and to build a network of relationships with its professional ranks. Littenberg encourages alumni to contact someone on the committee about getting involved. He and his committee have been instrumental in hosting several local alumni events, including the recent visit by Dean Ponrouch with Rep. David Vitter (L’88), at the U.S. Capitol. The standing-room-only crowd was a sign that the event was well-received and that the local community is ready to put their Tulane connections to work for one another. Gardner can be reached at bgardner@winston.com or 504-582-1199.

WASHINGTON, D.C.

Bryant Gardner and his committee live in a relationship-oriented town. In D.C., it’s all about who you know. Tulane Law School connections can run very deep in the nation’s capital and Gardner, along with the help of Heather Hodges and Kevin MacMillan, is working to make the most of those relationships. The D.C. committee recently scored a huge success when they hosted a reception for Dean Ponrouch with Rep. David Vitter (L’88), at the U.S. Capitol. The standing-room-only crowd was a sign that the event was well-received and that the local community is ready to put their Tulane connections to work for one another. Gardner can be reached at bgardner@winston.com or 504-582-1199.

The Law Alumni and Law Development offices are constantly striving to reach out to the Tulane law alumni base around the world. The work of local alumni chapters is important to the ongoing success of these efforts. Please contact your local alumni chapter committee about getting involved and attending the next Tulane Law School event in your area.
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advocacy on behalf of civil liberties, Johnson also received the 2002 Benjamin E. Smith Civil Liberties Award from the ACLU of Louisiana and was honored by the Louisiana State Bar Association in 1989 and 2000 for her lifetime commitment to Louisiana’s indigent through pro bono service.

1975

ULYSSES GENE THIBODEAUX was installed as chief judge of the Louisiana Third Circuit Court of Appeal on April 16, 2004. Thibodeaux, the first chief judge from the Lake Charles, La., area, is also the first African-American to hold the position and is the youngest chief judge in the state. The Third Circuit Court of Appeal is one of five appellate courts in the state and represents the largest geographical area, consisting of 21 parishes with a population of 1.2 million. It handles all cases from the city, juvenile, family and district courts from the 21-parish area. Approximately 95 percent of the opinions from the Third Court are final and not reviewed by the Louisiana Supreme Court.

SANFORD TEPLITZKY has been listed in Chambers USA, America’s Leading Lawyers for Business 2004 The Client’s Guide, a ranking of the country’s most widely-recommended lawyers and law firms. He is the chair of the health law department of Ober-Kaler.

1976

JANE JOHNSON was awarded the Michaele Pittard Wynne Professionalism Award for 2004 by the New Orleans Chapter of the Association of Women Attorneys. In addition to her duties as the director and supervising attorney of the Tulane Law School Civil Litigation Clinic, Johnson and her students are often appointed to represent civil rights plaintiffs in the U.S. District Court. In acknowledgment of her long history of

1982

KATE MORROW has been nominated by Pennsylvania Gov. Ed Rendell to replace retired judge Keith B. Quigley on the Perry/Juniata County, Pa., bench. A resident of New Bloomfield, Pa., Morrow is a general practitioner who has lived in Perry County since 1989. She and her husband, Lewis, have three children, ages 17, 14 and 10.

1983

GAIL AGRAWAL is a professor of law and was recently appointed the associate dean for academic affairs at the University of North Carolina Law School in Chapel Hill.

1984

HON. ROLAND L. BELSOME has been elected to the Louisiana Fourth Circuit Court of Appeal after serving as a District Court Judge in Orleans Parish for the past seven years.

1986

JOHN MCCABE is a magistrate judge in the District of Columbia Superior Court, where he does family law, prima- lily child abuse and neglect. This news was sent in by another Tulane law alum, NOEL THOMAS JOHNSON ’84, who holds the same position.

1987

JOHN G. ALLELO of the Baton Rouge, La., law firm of McElroy, Glisson & Koch, has been selected to work with the Central European and Eurasian Law Initiative, a public service project of the American Bar Association, in its office in Sofia, Bulgaria. He will serve as a Rule of Law Liaison in Sofia, working with an existing team of Bulgarian and American legal professionals for at least one year. His work will focus primarily on three areas: 1) the development of an alternate

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31
dispute resolution program as a component of the country’s judicial system; 2) the implementation of law school clinical programs that address practical skills training for law students and provide essential pro bono legal services to minority communities; and 3) the development of a centralized bar services network.

WILLIAM S. HELFAND has joined the firm of Chamberlain Hrdlicka as director of the labor and employment section in the firm’s Houston office. He has a wide range of significant trial experience, having tried more than 150 jury trials concentrating mostly in federal civil rights cases and litigation of local governmental liability and public interest cases in both state and federal courts.

M. ISABEL MEDINA taught American constitutional law to Greek law students while on a Fulbright to the University of Athens in 2003. Upon her return last fall, she was endowed as the Ferris Family Professor of Law at Loyola University New Orleans School of Law, established in 2001 with a gift from one of her former students, David Ferris, and his parents, Cornelius and Maureen Ferris. Medina has been teaching at Loyola since 1991, prior to which she practiced law with Arnold & Porter.

1988
CHRISTOPHER BR UNO has been appointed by the Louisiana Supreme Court to serve as a judge pro tempore in Civil District Court, Parish of Orleans. He will temporarily fill a vacancy created by the recent election of Judge Roland Belsome to the Fourth Circuit Court of Appeal. The appointment is effective through Oct. 31, 2004, or until the vacancy is filled. Bruno has practiced civil litigation for more than 15 years and is a partner in the law firm of Bruno and Bruno.

A. ELIZABETH PATRICK has joined Kilpatrick Stockton as a partner in the firm’s Atlanta office, practicing in the construction law and public contracts group. Patrick currently serves as chair of the board of directors for the Atlanta Bar Association, Construction Law Section and is division chair of the owners and lenders divisions of American Bar Association’s Forum on the Construction Industry.

GARY F. SEITZ has been named of counsel to The Bayard Firm in Wilmington, Del. He also has been named Chapter 7 or Chapter 11 trustee for several entities in both Philadelphia and Wilmington.

LISA C. WINTER joined McGlinchley Stafford’s General Litigation Section as an associate in the New Orleans office, where she concentrates on product liability defense. Her practice also encompasses insurance defense and toxic tort defense.

1989
MARK R. BEER E (A&S ’86), a partner with the law firm of Adams and Reese LLP in the New Orleans office, has been named Litigation Practice Group Leader by the firm. In this capacity, he joins fellow partners THOMAS G. O’BRIEN (L ’79 A&S ’76) and Stephen A. Rowe to lead the firm’s Litigation Practice Group and practice teams including those in alternative dispute resolution, appellate advocacy, business litigation, class action, environmental litigation and toxic tort, health care litigation, marine and energy, pharmaceuticals/products liability and torts and insurance. Beebe has experience in commercial litigation and corporate counseling, including securities litigation, antitrust and fair competition, corporate governance and professional liability. He has been involved in multidistrict litigation, class action litigation and has appeared before various federal district courts of Louisiana, Mississippi and Pennsylvania, the state courts of Louisiana and courts of the District of Columbia.

SCOTT BLANKENSHIP of The Blankenship Law Firm of Seattle, Wash., was lead counsel in winning a major discrimination case, Wei Zhang v. American Gem Seafoods and its Texas-based parent corporation, changing the company with discriminatory treatment after he was demoted from senior vice president and eventually publicly fired following American Gem’s sale to parent corporation MCM Food Co. The case was appealed and the decision upheld by the Ninth Circuit Court of Appeals, and on March 9, the U.S. Supreme Court announced its decision that it would not review the case further.

MICHAEL D. PEGUES has been appointed section head for the Litigation Section of Munich Haft Kopf & Harr PC, Dallas. Pegues concentrates his practice on intellectual property litigation in federal and state courts, as well as before the U.S. Patent and Trademark Office. He handles cases involving all aspects of intellectual property, including patent, trademark, copyright and trade secrets.

JOSH ROMANOW is a partner at the Washington, D.C., firm of Pillsbury Winthrop, focusing on travel law. His clients include major airlines, cruise lines, hotels and resorts, casinos, professional sports teams, trucking companies, large travel agencies and online travel companies.

JOHN T. WOOLDRIDGE, a commander at the Judge Advocate General’s Corps of the U.S. Naval Reserve, has
been selected to be a Military Judge. He and his wife have four children and live in Houston.

1992 JULIET YACKEL was recognized by Amnesty International as the “Abolitionist of the Year” for her work on behalf of Indiana death-row inmate Darnell Williams. She obtained a reprieve and DNA testing for Williams, who was scheduled for an Aug. 1, 2003, execution. The case ignited intense pub-

lic debate over the imposition of capital punishment in Indiana.

1993 STEPHEN G. CHARBONNET has been elected partner of KMGI LLP in the firm’s Washington, D.C., office. He provides tax services to corporate clients and joined the firm in 2001. He and his family live in McLean, Va.

CHRISTOPHER R. GRAHAM has been named senior counselor, Enforcement and Litigation, with Koch Industries in Wichita, Kansas. He previ-

ously was a partner at Hunton & Williams in Richmond, Va.

KENT A. LAMBERT has joined the 350-lawyer Memphis-based law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz as a shareholder in its New

Orleans office. His practice includes rep-

resenting clients in a variety of litigation matters includ-

ing lender liability suits, bank deposit and 

national, federal, and insurance litigation, with an

emphasis on complex insurance cover-

age matters. He has trial and appellate 

experience in a wide variety of litigation matters includ-

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LAURA McNALLY has been named principal in the Chicago litigation law firm of Grippo & Elder, LLC.

ROBERT R. HEARN has been elected to be a Military Judge. He and his wife, LINDA D. HEINRICHS (G ’93), have three children: Tyler, 7, Ryan, 5, and Olivia, 2.

SHANNAN L. HICKS has been appointed to serve as the District 8 Representative of the Louisiana State Bar Association Young Lawyers Section Council, as well as being appointed to participate in Leadership LSBA 2003-2004. Leadership LSBA identifies future bar leaders and provides opportunities to participate and contribute in the activities of the state bar at all levels. Hicks is an attorney with the Shreveport, La., firm of Davidson, Jones and Summers, where she practices in the areas of corporate, employment and probate.

CR AIG D. PIERS ON started his own firm with partner Chris M. Kennedy on March 1, 2004. They have offices in Chicago and Lake Forest, Ill. Piers on and Kennedy met while working in the Lake County State’s Attorney’s Office, prosecuting felonies and honing their trial skills, then the two worked together at a litigation firm in Chicago, winning a 2002 defense verdict in a $30 million products liability case on behalf of a well-known boat manufacturer. Their firm (www.kennedypierson.com) spe-

ializes in litigation on behalf of con-

struction and insurance companies.

1996 STACY PATTON ANDERSON and ROD ANDERSON ’97 live in Los Angeles and will celebrate their sixth wedding anniversary in July 2004. They

write that they have a spunky 4-year-old, Meena, and a mellow 10-month-old, Oliver. Stacy left law-firm life last year and started a maternity clothing website (funkykonna.com). Rod manages Thomson West’s Southern California government accounts and is back in school at the University of California-Los Angeles pursuing his MBA.

PHILIP BUDWICK co-authored a book entitled The Option Trader Handbook: Strategies and Trade Adjustments, which was published in May.

L. SCOTT BROWN has joined the Richardson, Texas, office of Jackson Walker LLP as senior counsel in the Business Transactions Section. His expertise is in assisting entrepreneurs and emerging growth companies with formation, financing and the establish-

ment of strategic alliances and joint ven-
tures, as well as commercial contracts. He also advises clients on mergers and acquisitions matters.

UGO COLELLA was elected to par-
tnership in Patton Boggs LLP in Washington, D.C., one year earlier than anticipated.

ROBERT M. FINEMAN was elected partner at Hancock Rothert & Bunshoft LLP’s home office in San Francisco, where he has been practicing since 1996. Fineman’s practice focuses on commer-
cial and insurance litigation, with an emphasis on complex insurance cover-
age matters. He has trial and appellate experience with matters in California and Washington courts. He is a member of the firm’s business litigation and insurance practice groups and is a mem-

ber of the Association of Business Trial Lawyers.

PAUL FRIEDMAN and his wife, Toni, welcomed their first child, Taylor Harris, on Feb. 25, 2004. Paul is executive director of business affairs in the Music Group at Sony Pictures Entertainment in Culver City, Calif.

VOLKER SCHAFER practices litiga-
tion, bankruptcy and restructuring law and was admitted to the bar in Germany in 1997. He has been elected to partner with the firm of Latham & Watkins in a global law firm with more than 1,500 attorneys and 21 offices. Schafer is in the firm’s office in Frankfurt, Germany.

ROTHO STEINVORTH has been appointed secretary-general for the ICC Costa Rican Committee.

TIM WIDMAN lives in Mountain View, Calif., with his wife, Kami, and their two dogs. He writes that he joined his father, Jeffrey Widman, in private practice in San Jose, Calif., two years ago, which has given him “the advan-
tage of learning from a wise and patient teacher and has reaffirmed my belief that legal education must be more student-
centered and not take the learning of any student for granted.”

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TON ANDERSON ’96 live in Los Angeles and will celebrate their sixth wedding anniversary in July 2004. They

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ALI NOVAK HAWTHORNE and her husband, David, announce the birth of their daughter, Tess, on Aug. 14, 2003. They live in Mt. Kisco, N.Y., where Ali is senior staff counsel for Fujifilm.

CLAIRE JENKINS PORTER and her husband, Stephen Robert Porter, announce the birth of their first child, Grace McMahon Porter, on Dec. 20, 2003. Claire planned a year of maternity leave but will continue a part-time medi-

ation practice from her home. The fam-

ily lives in Connecticut. She writes that she was in KATIE WOLF MAHONEY’s wedding last September, along with TRACEY WINGATE.

DAVID CONDRAS. She invites any law alums to get in touch if they are passing through Connecticut.

DAVID VUKADINOVICH and his wife, Elaine, announce the birth of a daughter, Sophia Maria, on March 11, 2004. The family lives in Santa Monica, Calif.

1998 MARCIA L. HANNEWALD has joined The Auto Club Group in Dearborn, Mich., as counsel for the Office of the Corporate Secretary. Her experience includes work for Masco
has a 1-year-old boy, Alejandro, who was born in March 2003. She worked for the presidency of Nicaragua in the presidential advisors offices until last year, and is now planning to begin work in the private sector.

JASON THELEN is a captain with the U.S. Army, serving in Baghdad, Iraq. Since April 2003 he has been deployed as the international law officer of the 490th Civil Affairs Battalion, which is charged with the post-war rebuilding of the government and infrastructure of Iraq.

ETHAN VALE has accepted a tenure-track faculty position at George Washington University.

2000

VIVIAN DE LAS CUEVAS-DIAZ practices real estate law with the firm of Weiss Serota Helfman Pasturiza Guedes Cole & Boniske with home offices in Miami. She is also expanding her work in the areas of land use, zoning and municipal law.

TERI GREMLIION married John Gordon on Sept. 6, 2003, at St. Louis Cathedral in New Orleans. Teri, a former associate at Frilot, Praridge, Kohnke and Clements LC (New Orleans), now lives in London, where her husband is an MBA candidate at London Business School.

ADAM W. HELLER has joined the Columbus, Ohio-based firm of Buckingham, Doolittle & Burroughs, LLP, as vice president of a new subsidiary, HDH Sports & Entertainment, LLC. Heller is a certified contract adviser with the National Football League Players Association and has assisted in the negotiation of more than $200 million in NFL contracts. While at Tulane, Heller was vice president of the Sports Law Society and managing editor of The Sports Lawyers Journal, where he later published “Creating a Win/Win Situation in Collective Bargaining—the NFL Salary Cap.”

KEVIN McMILLAN has been named senior counsel to the House of Representatives Committee on Financial Services, Washington, D.C. He also received an LLM in banking and securities regulation from Georgetown Law Center in May 2003.

2001

JAY AUGUSTINE was elected executive vice president of the Young Democrats of America at the organization’s 2003 national convention. He also has joined the newly opened Baton Rouge, La., office of Middleberg Riddle & Gianna. The firm has other offices in Dallas and New Orleans. Augustine previously practiced with Adams and Reese LLP.

ANTONIO BAYON has joined alumni LUIS N. SALDANA ’92, JAN P. CARVALHIDO ’95 and MANUEL SOSA ’01 in the admiralty practice of Saldana & Carvalhido, PSC, in San Juan, Puerto Rico.

JOELLE BOWERS has been hired as an associate at Brathol & Green in New Orleans.

LISA BETH CHESSIN (MBA ’01) married Allison Lentin (MBA ’01) at St. Mary Assumption Church in New Orleans on Feb. 7, 2004. The couple plans to continue residing in Virginia. Lisa Beth currently works for the U.S. Securities and Exchange Commission as an attorney advisor in the Office of Small Business Policy.

2002

CLARKE D. BELLJEAN has joined the firm of Laurie A. White & Associates LLC as an associate. The New Orleans-based firm practices primarily criminal defense at the trial, appellate and post-conviction levels, in both state and federal courts.

J. DAVID YARBROUGH Jr. has joined the Greensboro, N.C., law firm of Adams Kleemeier Hagan Hannah & Fouts PLLC as an associate. He is concentrating his practice in bankruptcy law.

SARAH MATHESON, an associate in the Health Section of Brown McCarroll LLP, recently married Noah Fink. They live in Austin, Texas.

LAUREN E. WILLIAMS has joined the firm of Laurie A. White & Associates LLC as an associate. The New Orleans-based firm practices primarily criminal defense at the trial, appellate and post-conviction levels, in both state and federal courts.

2003

RYAN BEASLEY married Lauren Kenning in New Orleans on Oct. 4, 2003. The wedding party included fellow law alums DAN ANGEL, NICK VLAHOS and BRIAN DEVOS.

Beasley practices law in the New Orleans area and is an associate at Spyridon, Koch, Palermo & Dorman in Metairie, La. Kenning is a dental hygienist with the offices of Lawrence Norton and Edward Vela in Algiers, La.

PALANDA BROWNLOW has been selected a Senate Committee Aide for the 2004 Georgia Assembly legislative session. She works directly with Sen. Rene Kemp of District Three and handles specific legislation assigned to the Special Judiciary Committee.

GREGORY C. FAHRENHOLT has joined the firm of Shields Mott Lund LLP as an associate.

ANGIE CHRISTINA is an associate with Leake & Andersen in New Orleans.

E. STEWART SPIELMAN has joined McGlinchey Stafford’s Commercial Litigation Section as an associate in the firm’s office in Baton Rouge, La. He focuses his practice on bankruptcy and commercial finance.

ADAM HELLER was vice president of the Sports Law Society and managing editor of The Sports Lawyers Journal, where he later published “Creating a Win/Win Situation in Collective Bargaining—the NFL Salary Cap.”

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CLASS REUNIONS

LLM class of ’99

Class of ’94

Class of ’99

Class of ’99
Endowed Gifts Provide Lasting Support

BY LIZBETH TURNER (L’85)

Although donors and their advisers often focus on the tax advantages of charitable giving, it also is important to consider how the gift will be used and administered by the charitable donee. The donor should decide whether the gift will create an endowed fund or a nonendowed fund.

An endowed fund exists in perpetuity, with only the income available for the charity to spend as directed by the donor. The payout from an endowed fund may include not only income such as dividends and interest, but also capital gain.

Donors interested in establishing an endowed fund should obtain from the charity information about its management of endowed funds, its endowed fund payout policy, and past performance of its endowed funds. Many charities require a minimum amount to establish an endowed fund or a nonendowed fund.

TIP: A DONOR SHOULD DISCUSS

THE PROPOSED USE OF ANY

SUBSTANTIAL GIFT—ENDOWED OR NONENDOWED—with

REPRESENTATIVES OF THE

CHARITY BEFORE MAKING A GIFT. BY DOING SO, THE DONOR CAN CLARIFY ANY QUESTIONS ABOUT HIS OR HER INTENT.

ENDOWED FUNDING GUIDELINES

Tulane recently adopted new endowment funding guidelines. Here are a few examples of the minimum amounts required for various purposes:

| Type of Endowment | Minimum Amount
|-------------------|----------------|
| Named partial scholarship or fellowship | $20,000
| Early career professorship | $100,000
| Professorship | $500,000
| Named honor scholarship or fellowship | $600,000
| Chair | $1,500,000
| University Chair | $3,000,000
| Deanship | $5,000,000

* Because a chair established for less than $3 million does not generate the annual income required for a new position at the Law School, it will ordinarily be awarded to an existing faculty member. Other schools and colleges of Tulane may require a higher minimum amount for a chair or professorship in a particular discipline.

In some cases, it may be possible to apply for matching funds from the Louisiana State Board of Regents for chairs and professorships. Such matching funds are not included in these minimums, but would be in addition to the amounts shown.

If a bequest written today is designated for an endowed fund, the required minimum may be higher by the time Tulane actually receives the bequest.

Endowed funds are especially suitable for memorializing the donor or the donor’s family and friends through the name of the fund. A donor who wishes to create a named endowed fund should clearly state in the gift document his or her intent. Also, the charity can help the donor match his or her interests with the needs of the charity and provide sample language establishing an endowed fund.

For more information about endowed funds and planned gifts, contact Tulane’s Office of Planned Gifts at 800-999-0181 or at plangift@tulane.edu.
“While the challenges ahead are not inconsiderable, I can’t help but reflect with pride and satisfaction on how far we’ve come and how bright the prospects are for us to attain our ambitious goals in the future.”
— Dean Lawrence Ponoroff