

TEXAS LAWYER

A man with short brown hair, smiling, wearing a dark blue pinstripe suit jacket, a light blue striped shirt, and a yellow tie with small blue dots. He is standing in front of a wall covered with many framed black and white photographs, likely in a law office or a hall of fame.

TITLETOWN, TEXAS
PG. 14

HAVE DEAN, WILL TRAVEL
PG. 8

AN OLYMPIC HOODING CEREMONY
PG. 22

THE JUDICIAL CLERKSHIP AND TRAINING ACADEMY
PG. 12

It has been suggested that advocacy competitions are the closest thing to law school sports.



If that is the case, then Texas Tech Law is on track for the Super Bowl.

In the 2012 — 2013 academic year alone, Texas Tech Law's advocacy program claimed:

- 4 national championships
- 3 national finalist teams
- 4 national semifinalist teams
- 4 state and regional championships

Talent. Teamwork. Tradition.

Visit <http://www.law.ttu.edu/acp/programs/advocacy/> for the latest developments on our championship-caliber advocacy program.



TEXAS TECH LAWYER

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DOCKET

Introducing Wade Shelton ('81)
pg. 4

Titletown, Texas
pg. 14

All It's Cracked Up To Be
pg. 28

Reflections: Legal Trailblazers at
Texas Tech Law
pg. 7

A Season for the Ages
pg. 17

The Court-Martial of Army Major
Nidal Hassan
pg. 30

Have Dean, Will Travel
pg. 8

Rings of Honor
pg. 18

Profile: Rishi Batra
pg. 31

A Q&A With Dustin Benham
pg. 10

The Fisher Family Legacy
pg. 20

Profile: Eric Chiappinelli
pg. 32

Texas Tech Law Hosts Its Inaugural
Judicial Clerkship and Internship
Training Academy
pg. 12

An Olympic Hooding Ceremony
pg. 22

Texas Tech Law Recognized for
Departmental Excellence in Teaching
pg. 33

Bar Preparation Director Implements
Renewed Emphasis
pg. 13

A Masked Rider Alumna and Her
Midnight Matador
pg. 23

Faculty News
pg. 35

Meanwhile, On Mount Kilimanjaro
pg. 24

Class Notes
pg. 26



In preparing materials for this edition of *Texas Tech Lawyer*, I have received quite an education about the breadth of innovation and progress at the law school. I started as assistant director of communications in August, and I am thrilled to broadcast the remarkable developments at Texas Tech Law since the last edition of this magazine.

Following the Q&A with Dean Darby Dickerson in our last issue, readers will get a closer glimpse at the dean's exceedingly productive – and equally rewarding – travel itineraries (pg. 8). Her demanding schedule is surely reaping opportunities for our students, as evidenced by the expanding Regional Externship Program, the newly created Judicial Clerkship and Internship Training Academy (pg. 12), and the continued success of our award-winning advocacy program, which again received a top 10 ranking by the Blakely Advocacy Institute.

Indeed, Texas Tech Law's advocacy teams are poised for continued success under the leadership of Professor Robert Sherwin ('01). Page 14 features an in-depth look at the philosophy and strategies that have created a championship-caliber advocacy program, with a recap of Texas Tech Law's four national championships in 2012–2013 on page 17.

None of this would be possible without the tireless efforts of our faculty to provide exceptional education, both inside and outside of the classroom. It is no surprise that our faculty have received two of the University's Departmental Excellence in Teaching Awards (pg. 33) in the past four years.

Of course, our alumni never cease to amaze. In this issue, you will read about U.S. District Judge Rob Junell ('76) and his 19,436-foot climb atop Tanzania's Mount Kilimanjaro (pg. 24), Masked Rider alumna Stacy Moncibiaz ('09) (pg. 23), the Fisher Family's legal legacy (pg. 20), and more.

We hope you enjoy these updates, and we look forward to sharing more in our next issue. Guns up!

Kari Scott Abitbol
Assistant Director of Communications



INTRODUCING WADE SHELTON ('81)

2013-2014 PRESIDENT OF THE TEXAS TECH ALUMNI ASSOCIATION

"Pigs not only fly, they fly in formation."

Wade Shelton's philosophy of life is represented by the menagerie of animals that he keeps within arm's reach at all times. It all begins with the noble tortoise, representing his belief in persistence and perseverance. Then comes the ant, representing a strong conviction that preparation can see you more than halfway through. And finally pigs. With wings. Everything is possible.

It's no coincidence there are three animals, because almost everything Wade puts his mind to come in groups of three, to include the summation of his philosophy: Positive in the moment. Optimistic in outlook. Constructive in action.



Wade's enthusiasm and drive is as infectious as it is genuine. An Army brat, his father was an officer with the Military Police. Wade was born in Germany and lived all around the U.S. before settling in San Antonio, where he has been ever since. His office sits downtown, not three blocks from the Alamo, and very much like the Alamo, Wade stands firm for what he believes in, seeing everything through with an energy that is hard to match.

Wade has always lived his life with this guided sense of purpose, and it has served him well. His AV-rated law firm, Shelton and Valadez, prides itself on being one that embraces the diversity and cultural needs of its community of clients to collaboratively deliver thoughtful, efficient and effective representation at trial and in alternative dispute resolution settings. The firm supports clients dealing with adversarial or contested property, employee or business issues, and has been doing so successfully for 20 years. Wade himself was listed as a top attorney for 2013 in the SA Scene magazine, among other accolades he brushes off. He always looks to the future, moving forward one client at a time.

I want a specific identity. I want people to know about Tech Law. They don't even need to know Texas is in the name, Tech Law means Texas Tech.

Wade and Kim, his wife of more than three decades (32 years to be exact), have raised three children. Wade credits Kim with keeping his work and home life in a good balance. Now that his children have all grown up, and there is no more soccer, school functions and everything else, he is dedicating more of his time to community service, which includes serving his alma mater. Already in a leadership role at his church, he is eager to take up the post as the second president of the re-established Texas Tech Law alumni association. "The alumni association should be focusing on the three parts of its reach, not just doing what is best for the alumni, but also for the students and the school, which in turn is what's best for the alumni. We're underappreciated, a real diamond in the rough, because let's face it, we're isolated. There's a renewed emphasis on projecting a larger image, which we should have. We have a very high bar passage rate, put out very good lawyers, and have great faculty. There's a lot going for us, but we don't get the recognition we deserve because of the geographic bias."

Wade has a lot of ideas on how to really turn Texas Tech Law into a name that opens doors.

"Enhancing the school's reputation for top faculty and boosting recognition for the great work being published out of TTU will attract the top students, building the school's sphere of influence to where it should be. The alumni association can help make that happen by reengaging as a community, forming an identity, and yes, giving money. Every student that comes out of that school after you, and makes a name for themselves, really makes waves, enhances your own reputation as a lawyer. Reputations stick. We're becoming more mature as an institution, and quite frankly it's time we act like it too."

With regard to forming an identity as a community of alumni, Wade has some bold ideas. "Why not have a trip back to TTU? Charter a really nice bus, cater the ride, perform some CLE on the ride, settle in and have a nice mixer, spend the next day over at the school, attend a sporting event, get some swag, and really weaving together a tight network? Build relationships, get in some CLE, and reconnect with the school and with each other. Then you can have Tech come to you, hosting local events." It's no coincidence that Wade's firm has hosted very successful alumni events in San Antonio during the past few years.

"I want a specific identity. I want people to know about Tech Law. They don't even need to know Texas is in the name, Tech Law means Texas Tech. Tech lawyers look out for each other, and eventually it becomes a given that the Tech Law candidate is going to be hired, because he's the best. There's no reason that can't happen."

Texas Tech University School of Law is fortunate to count Wade Shelton in its growing population of strong leaders. Dean Darby Dickerson is excited to have him on board. "He is passionate about Tech Law, our programs, students, and alums. He's a fantastic representative for us within the legal and business communities. With Wade at the helm of the alumni association, I'm confident we'll implement some unique programs to engage alumni. And with his infectious desire to transform the alumni population into a cohesive and unstoppable powerhouse, I know we can propel Tech Law to greater heights than any of us thought imaginable."

Wade is committed to transforming his vision of Texas Tech Law into reality. After all, it's not like trying to get pigs to fly. Even if they already do. In formation.

Reflections

Legal Trailblazers at Texas Tech Law

Estate Planning Seminar Draws Prestigious Speakers

March 1, 2013

More than 100 students and faculty, as well as estate-planning professionals from across Texas, attended the 5th Annual *Estate Planning and Community Property Law Journal* Seminar held March 1 at the Texas Tech University School of Law's Lanier Auditorium. "The seminar continues to grow in prestige each year," said Governor Preston E. Smith Regents Professor of Law Gerry W. Beyer. "We are able to attract leading academics and practitioners from around the nation to speak at the seminar."

Mark Lanier ('84) Presents a CLE on Persuasion

March 2, 2013

Texas Tech Law hosted a number of weekend activities following its Ninth Annual Law School Gala on March 1. After an Open House event on March 2 that allowed alumni and prospective students to tour the law school building, Mark Lanier ('84) of The Lanier Law Firm presented a CLE on Persuasion. "I love presenting CLEs," Lanier said. "It's a lot of fun to reconnect with people and stay plugged in to what's happening in the law school, which are both priorities for me."

Seventh Annual Criminal Law Symposium Most Successful to Date

April 5, 2013

Seventeen scholars from across the U.S. participated in panel discussions sponsored by *Texas Tech Law Review* as part of the 7th Annual Criminal Law Symposium, "Juveniles and the Criminal Law." National experts discussed topics ranging from juvenile transfer to procedural rights and punishment at the daylong event, which symposium founder and George R. Killam Jr. Chair of Criminal Law Arnold Loewy said was "perhaps the most successful we have had."

Former Texas Supreme Court Justice Dale Wainwright Headlines the Academy for Leadership in the Legal Profession

April 29, 2013

Former Justice Dale Wainwright provided a clear message to Texas Tech Law students: everyone, no matter what his or her position, has the responsibility to act as a leader.

Have Dean, Will Travel

Keep up-to-date on Dean Dickerson's busy travel schedule.

She has three minutes until her next meeting, and Dean Darby Dickerson is altering her flight schedule.

Dean Dickerson's fingers work furiously on her iPhone. She relays to her executive associate that a weather delay has bumped her flight to Dallas. She will hop a flight to Austin instead.

"There's always something," she says as Professor and Associate Dean for International Programs Jorge Ramírez arrives to begin the meeting — a discussion following up on a recent trip Dean Dickerson took with Ramírez to view the campus of a partner school for a new Summer Law Program in Lithuania.

Dean Dickerson is a woman who lives her life by travel itineraries. A typical week will find her hopping airports, boarding flights—freshly clean after a workout—before most people are out of bed in the morning.

"Dean Dickerson believes in making the most out of every visit," said Assistant Dean for External Relations Julie Doss ('99), who frequently accompanies Dean Dickerson on her trips. "She typically takes the first flight out of Lubbock and has her first appointment scheduled within an hour of landing."

The appointments do not stop. Once she is on the ground, Dean Dickerson moves from one location to the next—a meeting with a federal judge to discuss clerkship opportunities, a thank-you lunch with a donor to showcase the results of a recent gift. Between every meeting, she is in contact with her office, trying to carve out pockets of time for additional appointments.

“There is very little idle time on these trips,” said Director of Development Suzanne Cox, another of Dean Dickerson’s frequent travel companions. “We keep trying to add meetings, even once we are on the ground.”

Staging Ground

During the Spring 2013 semester, when she was teaching an evening arbitration course in Dallas as part of Texas Tech Law’s new Regional Externship Program, Dean Dickerson would use Dallas Love Field as a staging ground. She would conduct meetings in the Metroplex until 3:30 p.m., when she began final preparations for the arbitration course.

The next morning, she would travel to another airport out of Southwest Airline’s Dallas hub, tying her visits to events such as a series of alumni and admitted-student receptions hosted throughout Texas.

At every location, she had law-school constituents lined up to greet her. She would visit law firms to provide state-of-the-law-school speeches to the alumni who worked there. She would visit potential placements for the Regional Externship Program. She would meet with federal judges to try to find clerkship and internship opportunities for students. She would make presentations to potential donors.

“Dean Dickerson meets with a variety of constituents during each visit,” Doss said. “She gives a short update of the goings-on at the law school during each meeting, which alumni—and non-alumni—seem to appreciate.”

I’m Wherever You Are

Her efforts yield results. During a January trip to Fort Worth, for example, she secured an appointment with an alumnus. After providing an overview of law school news, Dean Dickerson walked out the door with a check.

She also continues to build networks with alumni as the Regional Externship Program expands. Originally launched for public interest and government law practices in Dallas and Fort Worth, the program is expanding to Austin in Spring 2014 and Houston in Fall 2014.

Dean Dickerson personally meets with the externs and their supervisors to keep track of the students’ progress. She uses the meetings as an opportunity to seek out contacts that might produce new Regional Externship Program positions.

If Dean Dickerson wants to meet someone, she will keep plugging away until she gets an opportunity to do so.

“I will go to unexpected places and meetings to find people,” she says candidly. “People will say to me, you’re everywhere. I think, ‘I’m where you are.’”

Follow Dean Dickerson

Texas Tech Law has launched a Sidebar Express news site that features frequent updates on Dean Dickerson’s activities.

Visit <http://techlawnews.law.ttu.edu>, or follow Dean Dickerson on Twitter, @darbydickerson.

A portrait of Dustin Benham, a man with short brown hair, smiling. He is wearing a dark suit, a white shirt, and a purple and blue striped tie. The background is blurred, showing an indoor setting with a lamp and some plants.

A Q&A WITH DUSTIN BENHAM ASSISTANT DEAN FOR STRATEGIC INITIATIVES

When it comes to experiential learning, Texas Tech Law is a trailblazer. As Assistant Dean for Strategic Initiatives, Assistant Dean Dustin Benham plays a key role in pioneering programs from the Regional Externship Program to the newly launched Academy for Leadership in the Legal Profession. In a conversation with Texas Tech Lawyer, Professor Benham walks us through a typical day on the job.

TTL: What does the “Assistant Dean for Strategic Initiatives” job entail?

DB: The job encompasses several large projects, and many small ones. Currently, I administer the Regional Externship Program in Dallas, Fort Worth, and Austin. In 2014, that program will include Houston. I also support Dean Dickerson and Professor Rishi Batra as they work to create the new Academy for Leadership in the Legal Profession at the law school. Beyond that, my work really focuses on anything the law school deems strategically significant. In 2012–2013, for instance, I worked with the Honors College at Texas Tech to enhance our relationship and reach out to talented students who are already studying in Lubbock.

TTL: You mentioned the Regional Externship Program. For those who might not know about the program, what is it all about?

DB: The Regional Externship Program allows Texas Tech Law 3Ls to spend a semester in Dallas, Fort Worth, or Austin serving as externs at government and non-profit offices, and in corporate legal departments. Currently, the students work at organizations like the U.S. Attorney’s Office for the Northern District of Texas, Legal Aid of NorthWest Texas, the Supreme Court of Texas, the Texas Court of Criminal Appeals, and the Environmental Protection Agency, to name a few. This program provides an exceptional educational experience, one that cannot be replicated in a traditional classroom.

TTL: Aside from serving as externs, what else do the students do while they are in D/FW or Austin?

DB: The students participate in an externship support course that meets twice monthly. The course covers concepts like professionalism and civility, ethics, client relationships, legal research and writing, and other topics vital to real-world practice. We also integrate students into the relevant practice market. We require them to meet with eight Alumni Contacts during their semester away. They meet with two per month over four months, and attend CLEs and hearings, take law firm tours, go to lunch, or maybe go to a ballgame if they are lucky. All of this is designed to build relationships between our students and great alums. The law school also takes them to special events in the legal community. For instance, last year we provided an opportunity for the externs to attend

the Dallas Bar Association Inaugural Dinner & Dance. This year, we plan to take them back to the Philbin Awards luncheon and several other events.

TTL: I assume you always need volunteer alums to meet with the students.

DB: Absolutely! We are always looking for great people to serve as contacts. Alumni should contact me by email, at dustin.benham@ttu.edu, if they are interested.

TTL: You mentioned the Academy for Leadership in the Legal Profession. What is that?

DB: ALLP is an exciting new program that helps students develop the “soft skills” that are not a traditional part of the law school curriculum. Things like running a meeting, successfully managing relationships with supervising attorneys, the basic business of law practice, and dining etiquette are not a required part of any law curriculum. But students need a basic background in them to succeed. My parents were not lawyers, and I had to learn these skills on the fly early in my job. That is not the best way to do it and, in the current market, our students need every advantage to succeed and lead in the profession.

TTL: So it seems like a large part of your duties involve places and people outside of Lubbock. How does that work with your duties as a professor in Lubbock?

DB: Travel is a big part of my job. But everything is scheduled well in advance and with precision to allow me to be available to my students in Lubbock and also work with our constituents in D/FW and Austin. It’s really a fantastic mix because I get to work with our students and also our practicing alums. I really feel like I get the best of both worlds. I am also producing scholarship, and I think that working with practicing lawyers in these programs allows me to keep a finger on the pulse of the real world. Hopefully, this translates into scholarship that is relevant.

Texas Tech Law Hosts Its Inaugural Judicial Clerkship and Internship Training Academy



☞ A Judicial Clerkship and Internship Training Academy panel moderated by Professor Bryan Camp.

Since arriving at the law school, Texas Tech Law Dean and W. Frank Newton Professor of Law Darby Dickerson has taken steps to raise Tech Law's profile with the judiciary. "One of my top priorities is to increase the number of Texas Tech Law students who secure judicial clerkships and internships. I was fortunate to have been both an intern and a judicial law clerk, and both positions opened opportunities for me and helped advance my career in significant ways. "I've made it a point to connect with judges in Texas and New Mexico to urge them to consider our students, and I'm gratified that they have."

Her efforts have materialized. "Last year, we doubled the number of graduates who obtained federal judicial clerkships, and about 42 interned for judges. Our students have the intelligence, drive, judgment, and work ethic to be excellent clerks. And I want the judiciary to know that."

Dean Dickerson has also created a Professional Development Fund to help students to pursue clerkships. The Fund, among other services, helps students defray costs associated with traveling to clerkship interviews. Last year, four students applied for and received these funds, and all four secured federal judicial clerkships.

Many students, however, are apprehensive about their upcoming judicial placements. To that end, Professor DeLeith Gossett, Chair of the Judicial Clerkship and Internship Training Academy and a former law clerk to four federal judges, planned the inaugural Judicial Clerkship and Internship Training Academy. Held on April 20, 2013, the full-day program brought judges and former clerks to campus to prepare students for their clerkships and summer internships.

After a welcome from Dean Dickerson, the students heard from a variety of judges and former law clerks. In a panel moderated by Professor Bryan Camp, U.S. District Judge Sam R. Cummings and Federal

Magistrate Judges Irma C. Ramirez and E. Scott Frost ('87), all of the Northern District of Texas, offered tips and used real examples to describe how students could position themselves as assets to their judges from day one in the chambers.

In session moderated by Professor Gossett, Jason Jordan ('11), then law clerk to Fifth Circuit Court of Appeals Judge Jennifer Elrod (5th Cir.) and former law clerk to the Texas Supreme Court Justice Phil Johnson ('75); Jonathan Wilkerson ('09) of Vinson & Elkins LLP and former law clerk to Judge Fortunato P. Benavides (5th Cir.); and Matt Flanery ('99) of Grant & Flanery, P.C. and former law clerk to the late U.S. District Judge William H. Steger (E.D. Tex.), discussed their experiences as law clerks and judicial interns and advised students about interacting with the judge's staff, discussing research findings with the judge, and carrying themselves as a member of the judge's chambers.

As lunch was served in the Forum, students interacted with the judges while Larry M. Doss ('99) of Mullin, Hoard & Brown, LLP in Lubbock, Texas, and a former law clerk to Judge Cummings, gave a "from the trenches" testimonial that was both entertaining and informative.

In the afternoon, Dean Dickerson moderated a program with Justice Johnson and U.S. Magistrate Judges Judith Guthrie (E.D. Tex.) and Brian L. Owsley (S.D. Tex. and now a Visiting Associate Professor of Law at Texas Tech Law) about judicial ethics. The day ended with a Judicial Opinion Drafting Workshop, led by Professor Gossett.

"I thoroughly enjoyed the Judicial Clerkship Academy and I thought it was very useful and informative, especially Professor Gossett's presentation on how to write an opinion," said Stephanie Chipley ('14). "It definitely helped to demystify the process."

Bar Preparation Director Implements Renewed Emphasis



☞ Catherine Christopher meets with students to assess their strengths, study habits, and testing skills.

Call her a marathon trainer for the mind.

As director of bar preparation resources, Catherine Christopher spearheads Texas Tech Law's various initiatives to help prepare students for the months-long mental endurance test otherwise known as bar-exam studies. Having passed two bar exams herself — Pennsylvania in 2006 and Texas in 2012 — Christopher can relate to students who are on the cusp of launching into nearly three months of study.

Texas Tech Law has traditionally boasted a solid bar passage rate, so Christopher's immediate attention focuses on providing individual intervention. Christopher meets individually with students, starting in their first year, to assess their strengths, study habits, and testing skills. She looks for potential issues, such as academic performance, upcoming moves or financial issues, and documented disabilities that could impact performance or divert focus, and then helps student develop a customized study plan.

"I'm not just prepping them to take the bar exam itself; I'm prepping them for the mindset they need to study for the bar exam," she said.

In addition to individual meetings, Christopher schedules various events, such as information sessions, essay-writing workshops, and weekend tutorials. And this year she will offer a new writing class. The Texas Practice course is designed to help students improve their essay-writing skills, and to provide background on certain subjects that are not part of the required curriculum but are tested on the bar exam. Limited to 20 students who are selected based on an application process, she had triple the number of applicants as

spots and is now considering a second section of the course.

Christopher said many students are not aware of the quantity of information about the exam that is available to them as they study. "A lot of students are surprised to learn that the bar exam is offered in the same three-day period in all 50 states," she said. "They're also surprised to find out that I can tell them exactly what is going to be tested on exactly which day, and exactly what time they will be sitting down in their seats, so I am trying to make them aware of those things."

Over time, she said she hopes to introduce programming aimed at identifying students at risk of failing the exam as early as the beginning of their second year.

Before joining Texas Tech, Christopher practiced law with a boutique firm in Pittsburgh, Pennsylvania, where she represented regional banks and focused on commercial real-estate loan transactions. She also handled bankruptcies, loan workouts, foreclosures, loan-portfolio sales, and title-insurance matters for institutional clients, and helped individual clients develop estate plans. She moved to Lubbock with her husband Gordon, an Assistant Professor in the College of Engineering.

She loves working with students to help them achieve such an important professional milestone. "The gratifying students are the ones who come in and say, 'I have a low GPA, I'm at risk. How do I become the person who bucks statistical trends?'" she said. "I want students to have a healthy respect for the bar exam. It is a difficult test, but they can pass it."

TITLE TOWN

TEXAS

FEARLESS CHAMPIONS EVER BE
STAND ON HEIGHTS OF VICTORY



Texas Tech Law's advocacy program continues its national championship streak.

“So how do you guys do it?” “What’s the secret?” And, “Why does it seem like you’re in the final round every single year?” Those questions — or some variation of them — are routinely fielded by Professor Rob Sherwin (’01), the Director of Texas Tech Law’s Advocacy Programs, at competitions across the country. “Usually, I just sort of shrug my shoulders, do an ‘aww, shucks’ sorta thing, and say, ‘I don’t know; just lucky, I guess,’” Professor Sherwin said.

But he knows that is not the truth. Not by a long shot. “One of my favorite lines from the movie *Rounders* is when Matt Damon’s character asks his girlfriend, ‘Why do you think the same five guys make it to the final table at the World Series of Poker every year? What are they, the luckiest guys in Las Vegas? It’s a skill game.’” Professor Sherwin recites, as if it’s a famous Vince Lombardi quote.

He is just not about to give other law schools hard-earned state secrets about how to win advocacy competitions. “This is war,” Professor Sherwin explains. “We’re fighting 202 other law schools, and there are bragging rights at stake. So I’d rather other schools just keep thinking that they’ll get lucky some day, and in the meantime, we’ll just keep beating ‘em.”

And beat them Tech does. For nearly four decades, Texas Tech Law’s traveling advocacy teams have been bringing acclaim to the still relatively young law school on the South Plains, battling other schools in disciplines such as moot court, mock trial, arbitration, negotiation, and client counseling. In the 2012–2013 academic year alone, Texas Tech Law’s teams won four national championships. Add that to three regional championships, a state championship, three national second-place finishes, and four national semifinal finishes, and it was just another year in a long history of advocacy successes.

TRADITION OF EXCELLENCE

For 34 years of Texas Tech Law’s history, most of the school’s teams were run by Lubbock attorney Donald M. Hunt, who aside from maintaining a full-time law practice and teaching the law school’s appellate advocacy class, coached both the moot court and mock trial teams.

“Although we had only a handful of teams back then, it’s really remarkable that Coach Hunt was able to coach them all while also teaching and practicing law,” Professor Sherwin said.

In 2007, Hunt announced his intention to retire from coaching. Then-Dean Walter B. Huffman, who had personally witnessed an explosion in national advocacy competitions, realized the program needed a full-time director if it hoped to keep up with other national powerhouses.

“The number of competitions that were being put on by different law schools and bar associations across the country had just skyrocketed,” Huffman said. “When Coach Hunt started, there were maybe four or five moot court competitions. By the time he retired, there were more than 70. We really needed someone full time to take over and elevate the program to new heights.”

That’s where Professor Sherwin — a 2001 Texas Tech Law graduate who had served on five of Hunt’s national moot court teams during his law school career—came in. After his graduation, Professor Sherwin moved to Fort Worth and quickly became involved with the fledgling advocacy program at Texas Wesleyan University School of Law (now rebranded as Texas A&M School of Law).

“It was a pretty sorry state of affairs,” Professor Sherwin lamented. “We had only a couple of teams, and they were operating without any faculty oversight and pretty limited help.” Within three years, Professor Sherwin had transformed the program into one that was finally holding its own at national competitions, and by 2007, his teams had won three national championships. “It took a ton of work, but I basically just tried to run my program the way Coach Hunt did at Tech. Sure enough, after a few years, we started having some real success.”

The triumphs of the Texas Wesleyan advocacy program did not go unnoticed by Huffman, who concluded Professor Sherwin was the perfect person to take the program “onward and upward” when Hunt retired. It took some convincing, but Huffman persuaded Professor Sherwin and his wife, Brie (also a 2001 Tech Law graduate, and now a Tech Law legal practice professor) to return to the plains of West Texas.

“It was hard for us to leave the Metroplex,” Professor Sherwin explained. “We had laid down roots there, and I was extremely proud of what I had accomplished at Texas Wesleyan. Plus, I knew I’d have some enormous shoes to fill taking over for Coach Hunt. That was pretty daunting.”

In the end, Professor Sherwin felt that the challenge was one too exciting to pass up. He resolved that he would not try to fill Hunt’s shoes, but instead put on a pair of new ones and forge his own path.

It has not taken very long. Since he took the reins at Texas Tech Law in 2008, the law school’s advocacy teams have won an eye-popping 42 state, regional, national, and international advocacy championships, along with 29 individual Best Brief and Best Advocate awards. The moot court program is one of just four in the nation to have been ranked in the top ten every year since the University of Houston’s Blakely Advocacy Center began ranking teams four years ago. It is also the only school in the state to make the semifinals of the prestigious Texas Young Lawyers Association’s State Moot Court Competition every year for the past five years.

Perhaps most impressive is Texas Tech Law’s performance at what Professor Sherwin calls “major” championships — tournaments like the 180-team National Moot Court Competition (NMCC) and 220-team ABA National Appellate Advocacy Competition (NAAC). In 2011 and 2012, the law school became just the second in the NMCC’s 60-year history to win back-to-back championships (it also finished in the final four in 2010). Then, in 2013, Texas Tech Law won the ABA NAAC, standing alone as the only school in the country to have claimed three major championships in the past three years. No other school has even two.

And thanks to the generous support of several alumni and their law firms, the size of the program has also grown considerably. Whereas the law school used to field 10 or so teams a year, it now funds 30 teams in the various disciplines—15 in moot court, 9 in mock trial, 4 in negotiation, and 2 in client counseling. More than 60 students (about 15 percent of the 2L and 3L student body) are members of traveling teams.

THE RECIPE FOR SUCCESS

Although he jokes about being coy with other schools when it comes to Tech’s winning ways, Professor Sherwin admits that there is no “magic formula.” “Like most other things in life, success is really just a product of hard work and patience,” he said. “Our students consistently beat teams from other law schools because our students consistently work harder than teams from other law schools. When you add that to the fact that we have the best and most selfless coaches in the country and supportive alumni that give us the resources we need, that’s a pretty good recipe for success.”

While Professor Sherwin personally coaches about 10 teams per year, he relies on a number of people—other faculty members and local attorneys—to guide the students to success. Most of those coaches volunteer their time. “There’s no question, we couldn’t have the success we have without our coaching staff,” he said. “They spend countless hours working and traveling with our students, and in most cases, they’re doing it without any pay whatsoever. It’s just for the love of it, really.”

Because many of the program’s coaches are former Texas Tech Law advocates, they bring a unique skill set to the job. “For one, these people are all outstanding lawyers because most of them went to law school here,” Professor Sherwin explained. “Aside from being able to impart quality practical training tips to our students, they also have the perspective of knowing what it takes to win competitions, because most of our coaches were competitors themselves.”

In one sense, that separates Texas Tech Law’s program from other law schools. According to Professor Sherwin, many other programs conscript as coaches unenthusiastic faculty members with little or no experience—practical or otherwise. “These other teams want to know why we consistently beat them, but it’s really very simple. Our coaches are superior, and our students work harder.”



Four national championships. Three national finalist teams. Four national semifinalist teams. And four state and regional championships. All in just one year.

Texas Tech Law's 2012-2013 advocacy season couldn't have started much better, with our two negotiation teams taking both first and second place in the fall Entertainment Law competition in Los Angeles, California. The one-two finish marked the first time in the law school's history that two of its teams took the top two spots at a national competition. Second-year student Luke Calhoun ('14) and third-year student Juliet Azarani ('13) made up the national championship squad.

The law school's advocacy teams continued their outstanding run throughout the fall, albeit without a tournament win. One team claimed the regional championship — and later a national semifinal finish — at the ABA Negotiation Competition, while a team of three second-year students finished second at the National Entertainment Law Moot Court Competition in Malibu, California. The finalist finish was the fourth time in five years a Texas Tech Law team finished first or second at that competition.

The true glory, though, came in the spring semester, when our teams rattled off three national championships in a five-week span. It started with a trio of third-year students at the National Energy & Sustainability Moot Court Competition in Morgantown, West Virginia. Tanner Hartnett ('13), John McIntyre ('13), and Neal Spradlin ('13) climbed to the top of a crowded field to defeat Florida State University College of Law in the final round.

Three weeks later, third-year students Reagan Marble ('13), Ashirvad Parikh ('13), and Suzanne Taylor ('13) won the 208-team ABA National Appellate Advocacy Competition, becoming the fourth Texas Tech Law team to do so since Mark Lanier ('84), Jeffrey Alley ('85), and James Dennis ('85) first won the competition in 1984. The team defeated rival South Texas College of Law to take what some consider the most coveted crown of all of law-school advocacy competitions.

"Without a doubt, the ABA NAAC title was among the most special wins I've ever experienced as a coach," said Professor Rob Sherwin ('01), Director of Advocacy Programs. "That's a competition that every school sends their best team to, and given the way it's set up, it might be the hardest to win. This was a very special group of students, and they proved they were the best moot court team in the country."

One week after the ABA win, three second-year students won the Show Me Challenge National Voir Dire Tournament, a first-of-its kind competition in Kansas City, Missouri, that focused on jury selection. Texas Tech Law's Riley Branch, Luke Calhoun, and Stacie Carter defeated trial-advocacy powerhouse University of Maryland School of Law in the championship match.

The law school capped off its tremendous season with a win at the Texas Young Lawyers Association Moot Court Competition. Known by some as the "Texas Super Bowl," the competition provides bragging rights to the school that rises to the top of the grueling, nine-round tournament. May graduates Braden Brown ('13), Jamee Cotton ('13), and Tanner Hartnett ('13) found time amid their bar exam studies to represent the law school. They defeated South Texas College of Law in the final round, which was judged by the Texas Court of Criminal Appeals.

It goes without saying that this award-winning advocacy season was the result of impressed discipline and tireless practice. But for Anna Gryska ('14), a second-year student who participated in the Entertainment Law and ABA Moot Court teams last year, the demanding preparation is well worth it. "Although my team and I faced challenges during our months of preparation, they paled in comparison to the thrill of winning a brief award, advancing through rounds, and competing as national finalists," she said.



RINGS OF HONOR

Texas Tech Law's advocacy program adopts an athletic mindset to reward students.

“Law school sports.” That’s how some of Texas Tech Law’s champion advocates refer to competitive activities like moot court, mock trial, and negotiation. “No question—advocacy competitions are the closest thing to athletics we get in law school,” said John Beck, a 2010 Texas Tech Law graduate who now works in the bankruptcy section of Haynes and Boone’s New York City office.

For Beck, who played college baseball before leading Texas Tech Law’s moot court teams to two regional championships and several national final four finishes, the competitive nature of moot court competitions filled a void left after his playing days were over.

That so many of his students equate advocacy competitions to sporting events doesn’t surprise Professor Rob Sherwin (’01), Director of Advocacy Programs. In fact, Professor Sherwin has intentionally tried to foster the comparison since he took over in 2008.

“I’ve really found that a lot of students respond to it—whether that be the student who used to be a competitive athlete, or the student who never had a lick of athletic talent but still dreamed of glory on a field,” said Professor Sherwin.

One sports touch Professor Sherwin started was a picture wall of top-performing advocacy teams, named after alumnus and former mock trial coach D. Murray Hensley (’82), who lost his long battle with cancer in October 2011. The Hensley “Hall of Honor” features pictures of Texas Tech Law teams that finish as national quarterfinalists or better.

“The Hensley Hall serves at least three purposes,” Professor Sherwin said. “First, it honors Murray, who was really the heart and soul of our mock trial program for so many years. Second, it’s a great recruiting tool for incoming students and 1Ls, who see these pictures and decide they want to be part of this great program. And third, it’s yet another motivation tool for our teams, who know how far they need to advance in a competition to get their picture up there.”

Professor Sherwin seems to be right on target. Reagan Marble (’13), now an associate attorney in the litigation section of Orgain, Bell & Tucker in Beaumont, Texas, said it is a “huge honor” to be part of the Hensley Hall. “My team and I get to share a spot on that wall with some of the best advocates to come through the law school,” he said. “More importantly, the Hall of Honor verifies to any recruit who walks through it that Texas Tech’s advocacy program continues to be one of the most successful in the nation.”

Another athletic reward Professor Sherwin has instituted is buying national championship rings for teams that prevail at the country’s most prestigious competitions. While there are somewhere around 100 tournaments that are put on throughout the year, Professor Sherwin says a small handful of them — the National Moot Court Competition, ABA National Appellate Advocacy Competition, and the TYLA National Trial Competition — are the “Holy Grails” of advocacy championships. To honor Texas Tech Law teams that win them, Professor Sherwin has custom rings made for the students.

With Texas Tech Law claiming back-to-back championships at the National Moot Court Competition in 2011 and 2012, and a win at the 208-team ABA National Appellate Advocacy Competition in 2013, Professor Sherwin has had three straight years of ring-earning teams.

“It’s definitely taken a chunk out of my personal bank account,” Professor Sherwin laughs. “But I treat these wins as once-in-a-lifetime events. Who knows when it will happen again? So it’s money well spent.”

Professor Sherwin said he came up with the ring idea when he was attempting to motivate some of his students at Texas Wesleyan University School of Law. “I was trying to impart upon them where we wanted to get to as a program, and how far we had to go to get there. Some of my students seemed to be satisfied with advancing to a regional championship match. I told them that schools like South Texas College of Law weren’t worried about the regional championship match; they were worried about what color stone was going to go in their national championship ring.”

And that, Professor Sherwin said, was the “light bulb” moment. “I decided right then that if I ever had a team win the National Moot Court Competition or ABA National Appellate Advocacy Competition, I was going to buy them national championship rings. I finally got that chance in 2011,” he said.

“Whenever I wear my ring, other attorneys ask about its significance,” said Brandon Beck (’12), an associate attorney with Starr, Schoenbrun, Comte & McGuire in Tyler, Texas. “I am always proud to say that I earned by winning the Moot Court National Championship while at Texas Tech Law.”

The Fisher Family Legacy



Jefferson Fisher ('14) and his wife, Sierra ('14), are model students with impressive family ties.

Third-year student Jefferson Fisher is the current Board of Barristers chairman and a member of several national advocacy teams. He also serves as a comment editor for *Texas Tech Law Review*, Volume 46. But despite his composure and achievements, you would not immediately presume that he hails from a distinguished legal family.



David Jefferson Fisher ('88)

Exuding a refreshing sense of humility, Jefferson is a second-generation Texas Tech Law student and a second-generation chairman of the Board of Barristers. Jefferson's father, David Jefferson Fisher ('88), also served as chairman of the Board of Barristers during his time at Texas Tech Law. Now a trial attorney in Silsbee, Texas, David projects the same modesty and deep-seated respect for the rule of law that is reflected in his son. It is also clear that the late Joseph Jefferson Fisher, a United States District Court Judge for the Eastern District of Texas, has influenced both David and Jefferson.

Born in a small town in East Texas, Judge Fisher — grandfather to David and great-grandfather to Jefferson — served as a county attorney, district attorney, and judge in the First Judicial District of Texas before being nominated by President Dwight D. Eisenhower for a seat in the Eastern District of Texas. Handing down cases that were instrumental in desegregating small towns in the region, it's no surprise that his portrait adorns the walls of courtrooms across the region. In fact, Jefferson

has heard testimonials throughout his life from senior judges and attorneys that it was an honor to clerk for his great-grandfather.

David also remembers Judge Fisher for his unwavering commitment to seeking justice for the disadvantaged. “My grandfather was a living lesson in pursuing law not just because you can, but because it’s right,” says David. These lessons were imparted throughout a lifetime, but Jefferson recalls annual Fisher-family hunting trips as being particularly poignant. With no television, courtroom war stories were a primary form of entertainment.

“I didn’t understand a lot of the legal jargon, being that I was twelve when I first started going on these trips,” said Jefferson. But he acknowledges that his storytelling proclivity – as well as his sense of humor in so doing – was borne from these family gatherings.

According to David, Jefferson’s natural ability as an advocate became most apparent through his involvement in University Interscholastic League (UIL) speech and debate contests during his senior year of high school. “The acorn doesn’t fall far from the tree in our family,” remarked David. “His mannerisms, gestures, inflections – you name it – sound remarkably familiar.”

Jefferson agreed, joking that he’s been called “David Fisher, 2.0.” “But perhaps a bit more handsome; I have some of my momma in me, too,” smiled Jefferson.

That is likely a statement Sierra Fisher – also a 3L at Texas Tech Law and comment editor of *Administrative Law Journal* – would not dispute. Growing up just fifteen miles north of Jefferson’s hometown, Sierra and Jefferson met when she was 16 and he was 17. Sierra was similarly inspired by her father’s legal acumen, deciding at age six that she would be a lawyer. Being welcomed by the Fisher family as one of their own further cemented her drive to pursue a legal career. “The Fishers are the best people; they could make anyone want to be a lawyer,” said Sierra.

After graduating from the University of Texas in Austin, Sierra accepted a job assisting former Texas State Representative Mark Shelton with education policy. Meanwhile, Jefferson completed his degree at the University of Texas in Austin and served as an assistant sergeant-at-arms for the 82nd session of the Texas State Senate.

After getting married, the couple later moved to attend Texas Tech Law. Although Lubbock is hundreds of miles from their family in East Texas, Jefferson and Sierra have grown to love the law school and its close-knit community. Both cited the invaluable relationships – with professors, mentors, and friends – and the award-winning advocacy program as the school’s most rewarding features. The advocacy team is especially paramount, considering Jefferson and David’s shared title as chairman of the Board of Barristers.

“What distinguishes Texas Tech Law is that it doesn’t just create philosophers of the law,” said Jefferson. “Anyone can read a book, but it’s another thing to concisely – and persuasively – speak in front of others.”

Professor Rob Sherwin (’01), Director of Texas Tech Law’s Advocacy Programs, is quick to cite Jefferson and Sierra as prime examples of the sportsmanship that is key to the advocacy program’s success. “Jefferson and Sierra really embody what Tech Law and the Advocacy Program are all about – they make a great team,” said Professor Sherwin. “They each have a different, unique set of talents. Jefferson is the guy who likes to be out front doing most of the talking, and Sierra is perfectly happy to let him be that guy. But they’re both just incredible advocates who work until the point of exhaustion to make things perfect.”

It looks as though Texas Tech Law has lived up to their expectations. After graduating in May, Sierra will practice education law at Karczewski Bradshaw LLP on behalf of school districts in East Texas. She will practice primarily in the Beaumont, Houston, and East Texas areas. Jefferson will join Orgain Bell & Tucker, LLP in Beaumont as a litigator.

Could there be a third-generation Fisher hooded at Texas Tech Law? When asked what they might say to their future children about attending Texas Tech Law, Jefferson responded, “Lubbock is a long way away from the pines of East Texas, but you’ll be better for it. We haven’t regretted a single day spent here.”

Texas Tech Law would surely benefit as well from the contributions of a third-generation advocate from the Fisher family.

An Olympic Hooding Ceremony



● Rana Dershowitz, general counsel for the United States Olympic Committee, addresses Texas Tech Law graduates in May 2013.

Rana Dershowitz, general counsel for the United States Olympic Committee, delivered the keynote address at Texas Tech Law's May 2013 Hooding Ceremony. Dershowitz spoke to more than 200 graduates about the importance of stretching themselves professionally while their careers are young and they are mentally nimble.

"When we are young, we are flexible, nimble—stretching comes easily," she said. "It may take focus and conscious effort, but it comes pretty naturally. If we are disciplined and stretch constantly, that flexibility stays with us . . . but if we don't stretch, what happens to us? We tighten up, we can't reach as far."

Dershowitz urged students to push themselves by setting long-term goals, thinking outside the box, and seizing opportunities that may not be in the path they initially envisioned.

"Push yourself until you are just a bit uncomfortable, and then hold that position. Take assignments that you are not so sure about and do the best you can at them; accept offers that may not be exactly what you thought and use them to learn and to grow and then do it again the next time something comes up," Dershowitz said. "Just like your muscles, if you do it enough, that uncomfortable feeling will start to feel more comfortable."

Dershowitz is a Phi Beta Kappa graduate of Harvard College, where she received a John Harvard Scholarship and served as captain of the ski team. She then received her J.D., *cum laude*, from Harvard Law School, where she was a staff member of the Harvard Law School *Journal on Legislation* and served as executive editor of the *Harvard Civil Rights-Civil Liberties Law Review*.

She began her legal career as an associate at the international law firm of Fried, Frank, Harris, Shriver & Jacobson, and also served as an adjunct professor of sports law at New York Law School. Dershowitz then worked as an associate for the acclaimed New York entertainment law firm of Grubman, Indursky & Schindler, P.C. and later served as Vice President and, prior to that, Director of Legal and Business affairs, at Madison Square Garden, L.P. At Madison Square Garden, L.P., Dershowitz handled a broad range of legal and business matters for the NBA's New York Knicks, the NHL's New York Rangers, and the WNBA's New York Liberty until 2007.

Dershowitz joined the Olympic Committee in April 2007 as a deputy general counsel, and the following month was named interim general counsel. From March 2008 through February 2012, she served as general counsel and chief of legal and government affairs.

A Masked Rider Alumna and Her Midnight Matador

Two things ever-present in the life of Stacy Stockard Moncibaiz ('09) have been horses and lawyers. So it is no surprise that this third-generation lawyer was not only the University's Masked Rider during her undergraduate years at Texas Tech, but that she also now owns the University's retired steed, Midnight Matador, or Amos, as he is known around the barn.

Moncibaiz is a native of Sanger, Texas. Her father is an attorney in nearby Denton, following in the footsteps of his father, who also practiced in Denton and served as the county judge in the 1940s.

At age 11 she received her first horse, an Appaloosa named Jake, who is now 23, and began showing in regional and national-level shows. In January, Moncibaiz acquired Midnight Matador, the mascot program's horse who was retired in Fall 2012 due to a leg injury. Moncibaiz was one of 11 riders who rode Midnight Matador in his 10 seasons with the program, making him the longest-serving mascot in the program's history. Once his retirement was announced, Midnight Matador's former riders who were interested in adopting him submitted application packets outlining care plans for the horse. A selection committee chose Moncibaiz's as the most suitable.

As the 43rd Masked Rider, Moncibaiz served during the 2004-2005 season, her senior year, after working on the field-safety crew on home football game days the previous year. She traveled more than 10,000 miles and made roughly 110 appearances in a calendar year. She graduated from Texas Tech in 2005 with a bachelor's in agricultural communications and minor in animal science. She earned her master's in agricultural education in 2006, and graduated from Texas Tech University School of Law in 2009.

While attending Texas Tech Law, Moncibaiz was on the Board of Barristers, where she met her husband, Aaron Moncibaiz ('10), a felony prosecutor with the Lubbock County Criminal District Attorney's Office. She also served as the *Administrative Law Journal's* executive managing editor, which led her to her career path. Moncibaiz had an epiphany late one night late in her study carrel while editing an *Administrative Law Journal* article.

"I had an overwhelming feeling that the written word is what I enjoy most," she said. "I realized I really wanted to work in communications. Law school prepared me with the ability to think through the different situations you encounter in this field: challenges, outcomes, solutions."

Moncibaiz works as the marketing coordinator for Texas Tech's Transportation & Parking Services, handling its communications, advertising, public relations, and graphic design. In her spare time, she judges horse shows and gives riding lessons at the local stable where Amos lives with many other horses. She uses Jake for the young riders who have outgrown riding ponies.

A member of the University's Masked Rider Advisory Committee since she graduated, Moncibaiz continues on the field-safety crew, and Aaron has now assisted for three seasons.

At the time she was selected to take Amos home, she said, "Midnight Matador has been the heart and soul of our Masked Rider program for more than a decade. I am honored to be selected to take care of him in his retirement. His well-being means the world to me, and I look forward to providing him with a wonderful, loving home."

She certainly has.

"It's a little surreal to have Amos here with our other horses," Moncibaiz said. "After dozens of games and hundreds of appearances, and 10 other riders, it's still amazing that he's here with me. His recovery is coming along, and his leg is about healed. I'm taking him on light rides now to build his strength back up."

Registered with the American Quarter Horse Association as A Famous Boon, Midnight Matador's bloodlines trace back to seven AQHA Hall of Fame inductees, and his sire won the 1993 reining futurity at the All American Quarter Horse Congress, the largest single-breed show in the world. He has been featured in Texas Tech's "Vision and Tradition" campaign video and the American Quarter Horse Journal and on ESPN College Gameday, ESPN Road Trip, and 60 Minutes.

Moncibaiz talked about how being the Masked Rider prepared her for law school and how law school equipped her for other professional opportunities.

"When one is the Masked Rider, it's really all you," she said. "Everything is your responsibility, from the daily care of the horse, to the driving and upkeep of the truck and trailer, to the costume—as well as keeping up with your classes and grades. I had one assistant, but I was the one responsible. That translated well into being prepared for the rigors of law school and the time management and discipline it takes to be successful there."

Meanwhile, On Mount Kilimanjaro...





You would not expect to see a Texas Tech University flag 19,346 feet above sea level, atop Tanzania's Mount Kilimanjaro. But that is precisely where U.S. District Judge Rob Junell ('76) proudly displayed his Red Raider black and red earlier this summer.

After stints with rodeo-team roping, hiking, polo, and backpacking, Judge Junell eventually settled on climbing as his primary past time. He found it to be the most fulfilling outlet for his inner sportsman, which was fueled by his three-and-a-half years of service in the U.S. Army.

His recent summit atop Mount Kilimanjaro is hardly his first quest.

The judge first climbed in 2004 while visiting his daughter in Bolivia. With her encouragement, he and his wife ascended 17,785 feet to the top of Mount Chacaltaya. He has been an avid climber since.

Judge Junell's adventures have also taken him to the top of Washington's Mount Rainier, Ecuador's Cotopaxi, and Nepal's Imja Tse (also known as Island Peak). Only the perilous weather conditions around Alaska's Mount McKinley — at 20,320 feet above sea level — proved too difficult for the judge.

Judge Junell is also the first Red Raider — and the first person anywhere — to ascend Guadalupe Peak, the highest elevation in Texas, more than one hundred times.

That is not the only first for the judge. He is also Texas Tech Law's first Article III federal judge, appointed by President George W. Bush in 2003 to serve on the United States District Court for the Western District of Texas.

Judge Junell is just one exemplary alumnus who entered Texas Tech Law in fall 1974. That class included Dean Emeritus and Professor of Law Walter Huffman, former Judge Advocate General and the top military lawyer for the U.S. Army, and former Drug Enforcement Administration head Karen Tandy, the first woman to hold that post.

Like many other alumni, Judge Junell is ever loyal to his alma mater. As he flew the Texas Tech University flag atop Mount Kilimanjaro this August, he proudly sang the Fight Song within earshot of a group of young Welsh women. That was surely a first for the women.

● U.S. District Judge Rob Junell ('76) atop Mount Kilimanjaro on August 4, 2013.

1 **Mike Henry** is president-elect for the 2013 – 2014 Tarrant County Bar Association.

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Patrick Gordon was reappointed by Governor Rick Perry to the Rio Grande Compact Commission.

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Mary Alice McLarty was named one of the “100 Most Influential Lawyers in America” by the National Law Journal.

1 **Holland O’Neil** was named chairwoman at Gardere Wynne Sewell LLP.

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Carlos Balido’s firm, Balido & Crain, was recognized in *Texas Lawyers* as a top litigation department of 2013.

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1 **Karl W. Koen** has been named managing partner in the new Dallas office of Gauntt, Earl, Binney & Koen, LLP.

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R. Craig Baker joined Magdziak Baker Lopez PLLC as Managing Shareholder.

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Rob Hofmann was appointed as judge of the 452nd Judicial District.

Kimberly Naylor will continue as Director, Place 4, for the Tarrant County Bar Association in 2013 – 2014.

1 **John Mitchell** joined Ogletree Deakins as a shareholder.

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Shelly Marshall was named “Assistant Attorney General of the Year” by Texas Attorney General Greg Abbott. Marshall represents the Child Support Division’s Lubbock region, which covers 86 counties.

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1 **Tonya Spaeth Ahlschwede** was appointed by Governor Rick Perry as district attorney of the 452nd Judicial District in Edwards, Kimble, McCulloch, Mason and Menard counties.

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Chris Nickelson, of the Law Office of Gary L. Nickelson, was selected as this year’s Dan Price Award recipient by members of the Family Law Section of the State Bar of Texas.

	Eli Columbus was named chairman of Windstead’s firm-wide business restructuring and bankruptcy practice group.	2000
2003	Cory Halliburton was named the 2013 Outstanding Young Lawyer of Tarrant County. Jeremy Kennedy joined Baker Botts L.L.P. as partner.	
	Dustin Burrows received the Young Professionals of Greater Lubbock “20 under 40” award.	2004
2005	Amanda Ellis was appointed by Governor Rick Perry to the Texas Board of Occupational Therapy Examiners. Holly Haseloff received the Young Professionals of Greater Lubbock “20 under 40” award.	
	Mike Lee was named a shareholder at Munsch Hardt Kopf & Harr.	2006
	Camisha Simmons was named one of the “Legal Leaders on the Rise” in Texas Lawyer.	
	Patrick Carlson , an associate attorney with Armbrust & Brown, PLLC, has been appointed to the Texas Appraiser Licensing and Certification Board.	
2007	Geoffrey Puryear was appointed by Governor Rick Perry as a member of the Crime Victims’ Institute Advisory Council. Corey Fickes was named a Board Member of the Tarrant County Back to School Roundup.	
	Ronn Garcia received the Young Professionals of Greater Lubbock “20 under 40” award.	2008
2009	Jonathon Conrad Clark joined the law firm of Zinda & Davis, PLLC. Chauncey Lane joined Brown McCarroll as an associate attorney.	
	Christopher DeAnda published a letter in the June 2013 edition of ABA Journal.	2012

All It's Cracked Up To Be

America may soon go from natural gas importer to exporter thanks to advancements in the use of hydraulic fracturing and horizontal drilling. The combination of these technologies and their broad application across a number of states have been met with both gratitude and invective. While recent developments in horizontal drilling have raised few hackles, the process of hydraulic fracturing—"fracking"—has ignited controversy.



Hydraulic fracturing currently requires a lot of water. The water in this pit, slated for fracking, is too briny for human consumption. Picture courtesy of RSP Permian, LLC.

First used commercially in Texas and Oklahoma, modern fracking is a process in which fluid or gel is injected into a well at very high pressures. This injected material then either widens and deepens existing cracks or creates new fractures in a target formation that otherwise would not allow gas to flow to the well. Shale is the most common of such "tight" formations, and the United States is blessed with a multitude of prospective shale formations, some covering areas larger than Greece.

About 0.5 percent of fracking fluid is made up of chemicals, and about 99.5 percent is comprised of water and proppant. "Proppant" is solid material, usually sifted sand, sometimes coated with resin, that is pumped into the induced fractures along with fracking fluid to hold open the fractures so the natural gas can flow to the well.

The pressure in the hole is closely monitored throughout the process so that any significant leakage of the fracking fluid away from the productive zone is immediately detected. If a leak is revealed, the

operation can be stopped. Leaks at or near the bottom of the well are separated by hundreds or thousands of feet of intervening rock from shallower freshwater aquifers. If the proper precautions are taken, the process is safe. State regulatory agencies agree: no freshwater aquifers have, to date, been significantly contaminated by fracking.

Still, all manner of questions and conflict surround the fracking process. Among the skirmishes, two jurisprudential questions remain undecided. First, is it actionable trespass when the fractures cross property lines onto a tract that has not been leased for development? Second, who should primarily regulate fracking, the federal government or the individual states?

As to the first question, a few years ago the Texas Supreme Court surmised that the length, direction, and extent of the induced fractures are essentially unknown and unknowable. While a correct statement when made, this is no longer true, as advances in seismic technology currently allow for mapping of the direction and length of the fractures. This information can be interposed over property lines to determine when, where, and to what extent fractures cross over a property boundary at depth. The outcome of future cases concerning trespass may take a different path once courts recognize and accept that since the length, extent, and direction of the fractures can be measured, actual entrance on the unpermitted tract can be proven. This summer, West Virginia courts went the other way.

As to the second question, despite the long expertise and experience of state regulatory agencies and their responsiveness to their own states' unique challenges, some instinctively still seek federal oversight of

fracking. State regulation among the states has been looked down upon as “uneven” and a “patchwork” by such news outlets as *The New York Times*. What is being derided as a weakness is actually a strength: each state can quickly respond to its distinctive blend of economic, political, hydrological, and geological realities to achieve optimal regulatory oversight. Another weakness alleged by those favoring federal oversight, that states are “rushing” to create law regulating fracking, is also actually a strength—necessary regulations are made in a timely manner, in response to local industry activity, by those more familiar with the challenges faced by an individual state. At the other end of the legal food chain, local laws which effectively eliminate fracking are equally perplexing, raising questions of preemption by state laws and regulation.

Given the size of the potential reserves made available by fracking, the influence and capital of the producers of natural gas, the money made by the landowners in bonus and royalty payments, and the jobs and tax revenue that fracking make possible, widespread hydraulic fracturing will continue, and the hunt for prospective shale oil and gas will proliferate. Add in the facts that natural gas burns more cleanly than coal, enjoys more public acceptance than nuclear energy, and can actually meet much more of our energy needs than speculative renewable energy sources, and America finds itself in a much better position now than even ten years ago and with a brighter future, thanks to the domestic oil and gas industry.

Assistant Professor Chris Kulander joined the faculty in the summer of 2011 and teaches oil and gas law, property, energy law, and mining law at the Texas Tech University School of Law.



☛ Fracking operations are monitored closely by engineers and geologists onsite and in real time. In the event of any irregularity in well integrity and pressure, the operation can be quickly shut down for inspection and repair. Picture courtesy of Ultra Tech Frac LLC.

The Court-Martial of Army Major Nidal Hasan

The summer of 2013 marked an unprecedented number of high-profile Army courts-martial. Specialist Bradley Manning was convicted and sentenced by a court-martial to 35 years of confinement at Fort Meade, Maryland, for causing the largest leak of classified information in U.S. history. A court-martial at Joint Base Lewis-McCord sentenced Staff Sergeant Robert Bales to a life sentence without parole for 16 specifications of premeditated murder of Afghan civilians. And a Fort Bragg court-martial panel of general officers—the first since 1951—was empaneled to try Brigadier General Jeffrey Sinclair, a former Assistant Division Commander of the 82nd Airborne Division, of various charges arising from unlawful sexual contact with subordinates.

Perhaps most infamous was the court-martial of Army psychiatrist Major Nidal Hasan, a self-professed protégé of the late American-born al-Qaeda leader Anwar Al-Aulaqi, who was convicted of the 2009 premeditated murders of 12 people and the attempted premeditated murder of 32 others in a medical-processing facility for deploying soldiers at Fort Hood, Texas. The shooting rampage ended when Hasan was wounded in a gun battle with police and rendered a paraplegic.

Controversy erupted even before the trial began when Hasan, asserting his religious beliefs, grew a beard in violation of Army regulations and refused the military judge's order to shave it off. Ultimately, the Court of Appeals for the Armed Forces (a five-judge civilian court that sits atop the military justice hierarchy) issued an extraordinary writ prohibiting the judge from having Hasan forcibly shaved. Hasan appeared at trial in his Army Combat Uniform with a full beard.

Although Hasan attempted to plead guilty, he could not do so because he was charged with capital offenses. Instead, he was tried before a panel of 13 senior officers, including one senior major and 12 colonels and lieutenant colonels—all combat veterans. Major Hasan elected to defend himself, dismissing his civilian lawyer and later the judge advocates detailed to represent him. The military judge appointed standby defense counsel to assist Major Hasan and to represent him if Hasan requested. Throughout the trial, the standby counsel openly disagreed with Hasan's defense of the case, claiming that Hasan was intentionally seeking a death sentence. In fact, Major Hasan did not offer a defense, saying little during the trial, and admitting during his opening statement that he committed the offenses charged and that he had done so because he had joined the "wrong side" in the War on Terror.

Major Hasan did attempt to proffer a defense before trial: the defense of others. Specifically, Hasan claimed he was protecting the Taliban leadership from the soldiers whom he shot. Because the court-martial members were combat veterans who had spent more than a decade fighting the Taliban, Hasan's defense was unlikely to endear him to the panel. In any event, the military judge disallowed the defense.

Led by Army Colonel Mike Mulligan (who once worked for me as Chief of Military Justice when I was the Staff Judge Advocate of III Armored Corps and Fort Hood in 1999), the trial counsel (i.e., prosecutors) dispassionately and methodically built their case, allowing the witnesses, including the shooting victims, to tell their stories. The testimony was horrific and gut-wrenching. Witnesses spoke about how Hasan entered the medical-processing building, stood near a large group of seated soldiers who were waiting to see medical personnel, shouted "Allah Akbar!," and began firing at the soldiers in the crowded room. The witnesses testified about the constant and rapid rate of gun fire; the screams of the victims (including a pregnant soldier who cried "My baby, my baby" before she died of her wounds); the multiple shots fired by Hasan at soldiers on the ground to ensure they were dead; and the resulting carnage—blood and bodies everywhere. I was deeply impressed by the courage of the soldiers: some died trying to charge Hasan, others pulled wounded soldiers from the building, and military medical personnel risked their lives to treat those wounded left in the building.

The court-martial panel unanimously convicted Major Hasan of all of the charges and specifications and imposed the death penalty. After the commanding general of Fort Hood reviews the case, the conviction will be appealed automatically to the Army Court of Criminal Appeals (an appellate panel of senior Army judge advocates), and then to the Court of Appeals for the Armed Forces. If he is dissatisfied by the decisions of the military appellate courts, Major Hasan may seek review by the United States Supreme Court. Once the judicial process is complete, only the President of the United States can approve Hasan's execution.

In the meantime, Hasan will reside on death row in the United States Disciplinary Barracks at Fort Leavenworth, Kansas, where he has—since his arrival—been forcibly shaved. Whether Hasan will ever be put to death is problematic; the military has not executed a servicemember since April 1961.

Professor Richard Rosen is director of the Center for Military Law & Policy at the Texas Tech University School of Law.

Eric Chiappinelli



Professor Chiappinelli joins the law school faculty as a tenured professor and the Frank McDonald Professor of Law. He joined campus in 2012 as a visiting professor, and teaches Corporate Law, Mergers, and Securities.

Professor Chiappinelli joined Texas Tech Law originally because he knew Dean Dickerson from his time as dean at Creighton University, and there were two additional reasons he decided to stay when he was offered a permanent position.

“The faculty members here are engaged not only in the law school, but in the local and broader legal communities,” Professor Chiappinelli said. “Also, the students are smart, sophisticated, hard-working, and don’t have ‘attitude’ or a sense of entitlement.”

He came to Texas Tech Law by way of Creighton University, where he was dean of the School of Law and also a senior university administrator. Before joining Creighton, he was a professor of law and an associate dean at Seattle University School of Law. He has been a visiting professor at Willamette University College of Law and a Distinguished Visiting Professor and Fellow of the A.A. Berle Center for Corporations, Law & Society at Seattle University.

Before entering academia, Professor Chiappinelli clerked for a U.S. District Court and the Supreme Court of California. He practiced law with Munger, Tolles, & Olson and the Los Angeles office of Jones Day.

Professor Chiappinelli has authored many law review articles and a widely used casebook, *Cases and Materials on Business Entities*. His current research interests include nonprofit governance, the economics of legal education, and Delaware corporate law. In fact, he is planning a corporate law conference on the implications of cases that are filed jointly in Delaware and outside of the state. Planned for April 25, 2014, at the Belo Center in Dallas, the conference will feature Chancellor Leo Strine, the head of the Delaware Court of Chancery, and other distinguished speakers.

Rishi Batra



Professor Batra joins the law school faculty as an assistant professor this fall. He brings expertise in alternative dispute resolution, plea bargaining, intellectual property and property law. He will be teaching Negotiation in the fall semester, and Intellectual Property and Real Property in the spring, along with other dispute resolution and property related courses in the future.

Professor Batra said he took a negotiation course in law school, and it changed his life. “It changed the way I thought about the world,” he said, “and one reason I wanted to get into teaching was to be able to give that experience back to students. I want to be able to give students skills that are useful in every facet of their life. Everyone, not just law students, needs to know about ways of dealing with conflict. This stuff really worked for me. That’s why I teach it.”

He also will help coach the school’s award-winning negotiation teams, which he said would be “a blast” because Texas Tech Law has had such great success in advocacy competitions. Professor Batra previously coached the negotiation teams at Whittier and Ohio State Law Schools, where his teams advanced to national finals and semi-finals.

He is most looking forward to working with Texas Tech Law students, who he says are really enthusiastic both in the classroom and on the negotiation teams.

Professor Batra is also the director of an exciting new program called the Academy for Leadership in the Legal Profession (ALLP). ALLP helps students develop leadership skills from effective communication with teams to understanding key financial concepts that are crucial for success in today’s legal and business environment.

Previously, Professor Batra was a Visiting Professor at Whittier Law School in Costa Mesa, California, and has also been the Langdon Fellow in Dispute Resolution at the Moritz College of Law at Ohio State University.

He graduated *cum laude* from Harvard Law School, and also holds degrees in Cognitive Science (High Honors) and Electrical Engineering and Computer Science (Honors) from the University of California at Berkeley. Before law school, he worked for the Microsoft Corporation, first designing software and then improving software engineering effectiveness. After law school, he worked as a management consultant at McKinsey & Company, where he advised executives at Fortune 500 companies on strategic business decisions.

Texas Tech Law Recognized for Departmental Excellence in Teaching



Texas Tech Law faculty have won the University's departmental excellence in teaching award in two of the past four years. Pictured: (Left to right) [Back] Professor T. Dale Jones, Adjunct Professor Shery Kime-Goodwin, Professor Wendy Humphrey ('01), Assistant Dean Dustin Benham, Professor Brie Sherwin ('01), [Front] Elizabeth Caulfield, Professor Nancy Soonpaa, Professor Cassie Christopher, Professor DeLeith Gossett, and Natalie Tarenko.

At Texas Tech Law, we seek professors who are passionate about teaching, who want to work with students both inside and outside the classroom, and who understand that our mission is to prepare students for the practice of law. Texas Tech Law's professors embrace and live this philosophy, which is reflected in the fact that law professors have won the University's departmental excellence in teaching award in two of the past four years. It's also reflected in the fact that, this year, a Texas Tech Law professor has been elected to chair the organization that sponsors that award.

Each year, the Teaching Academy, which is part of Texas Tech's Teaching, Learning & Professional Development Center (TLPDC), sponsors the Departmental Excellence in Teaching Award. The Departmental Excellence in Teaching Award recognizes a department or academic unit that "has made unique and significant contributions to the teaching mission of the university and has esprit de corps in its dedication to the education of students at the undergraduate, graduate, and/or professional level."

Applicants for the award, which carries a \$25,000 prize to enhance teaching, must demonstrate that teaching is a high priority, that the department's culture reflects a commitment to students, and that excellent teaching exists throughout the department. Only one award is given each year, and the competition can range from six to fifteen applicants.

The Criminal Clinical programs, led by Professor Pat Metze, accepted the award for 2013. The Legal Practice group, led by Professor Nancy Soonpaa, won the award

in 2010. And this year, Alvin R. Allison Professor Jennifer Bard will chair the Teaching Academy's Executive Council that sponsors the award.

2013 Award: Criminal Clinic Programs

Professor Larry Spain, director of the law school's Clinical Programs, praised Professor Pat Metze, who runs the school's criminal-clinical programs: "Pat has consistently served as an excellent role model and mentor to his students. He has been instrumental in expanding the clinical program through the development of a Capital Punishment Clinic and the Caprock Regional Public Defender Clinic, in addition to the school's Criminal Defense Clinic."

Professor Metze said the \$25,000 departmental award is being used to recruit lawyers, teachers, and activists to speak to Texas Tech Law students about the importance of upholding individual rights. The School of Law has already scheduled Kathryn Kase of Houston, executive director of the Texas Defender Service, to speak on capital punishment issues in Fall 2013.

Professor Metze also received the 2013 Spencer A. Wells Award for Creativity in Teaching. "I am particularly proud of that award, given by the Texas Tech Parents Association," Professor Metze said. "Both of the awards are a credit to the clinics staff, and in particular, to the students; without the students' desire to learn, a teacher's effectiveness and creativity can only carry education so far."



Professor Metze thanks all current and former clinical students who made the awards possible. “It is only with their success that I can measure my effectiveness,” Professor Metze said. “To have been given this opportunity in the final phase of my career to pass along what I have learned over a lifetime of law practice is truly rewarding. I go to work every day excited for my students and their bright futures.”

2010 Award: Legal Practice Program

Professor Nancy Soonpaa has taught at the law school since 2001. In addition to directing the Legal Practice Program, she teaches Health Law, Negotiations, and Family Law, and served as associate dean for Student Affairs from 2005-2007.

Since accepting the departmental award in 2010, Professor Soonpaa, with assistance from everyone in the Legal Practice department, has used the Departmental Excellence in Teaching Award funds to further enhance the Legal Practice experience. “Our goal is for the students to develop the skill of self-regulated learning; in other words, the ability to continue to learn and grow in their professions when no professors are there to guide them,” Professor Soonpaa said. “The Legal Practice professors often go ‘above and beyond’ — personalizing instruction and going beyond the assigned subject matter to counsel and mentor students.”

The funds are being used to realize these goals in a variety of ways. Legal Practice professors now use iPads during their instruction, further integrating technology into the classroom and expanding the scope of presentation beyond Microsoft PowerPoint. First-year students, who are required to write an appellate brief each spring, are now eligible to receive a \$1,000 award if their brief is selected as the best that year by a cross-section of practicing attorneys and Texas Tech Law professors. “The 1L writing competition is a great way to honor students that display excellent writing ability, a skill that will undoubtedly serve them well in their future careers,” said Professor Wendy Humphrey (’01). The funds have also been used to produce and distribute “introduction to negotiation” videos that help students learn broad-based negotiation styles and techniques.

This extra effort on behalf of the faculty — who are selected in a very judicious manner — is one of the many reasons why the Legal Practice program is so well received among students.

“The law school attracts excellent faculty because we emphasize the importance of teaching in the hiring process,” Professor Soonpaa said. “While scholarly

research and service, as well as practice experience, are important, the faculty meeting where we discuss candidates always includes an analysis of a candidate’s ability to engage students in the classroom. An otherwise strong candidate who did not display the potential to engage students would not receive a favorable vote.”

Alvin R. Allison Professor Jennifer Bard: New Chair of the Teaching Academy Executive Council

The law school’s healthy representation on the Teaching Academy has been further cemented with Professor Jennifer Bard’s new position as chair of its Executive Council. Since 1997, 22 Texas Tech Law faculty, some of whom are now retired or no longer with the law school, have served as members of the Teaching Academy.

Professor Bard is the Alvin R. Allison Professor of Law, director of the Health Law Program, and an associate professor in the Department of Psychiatry and TTUHSC School of Medicine.

“I’m honored to be chairing the executive board this year because it is an organization devoted to supporting the teaching mission of the university as a whole,” Professor Bard said. As chair, Bard will represent the Teaching Academy at university functions such as graduation, Provost’s Council, and teaching activities hosted by the TLPDC.

Faculty News



**Jennifer S. Bard,
Alvin R. Allison
Professor of Law
and Director,
Health Law**

Program and J.D./M.D. Dual-Degree Program

Professor Bard was awarded her Ph.D. in Higher Education from the Texas Tech University Graduate School in May. She also was selected as one of six public health law professors in the country to be awarded a fellowship by the Robert Wood Johnson Foundation.

During the summer, Professor Bard authored “Futility on the Border: What Should a Hospital do for an Undocumented Person in a Vegetative State Who Can No Longer Benefit from Hospital Treatment?” with Craig M. Klugman, in the Hastings Center Report (Craig M. Klugman & Jennifer S. Bard, Futility on the Border, HASTINGS CENTER REP., July-August 2013, at 11-12); Jennifer S. Bard, Putting Patients First: How the FDA Could Use Its Existing Powers to Reduce Post-Market Adverse Events, 10 IND. HEALTH L. REV. 495 (2013); Jennifer S. Bard, The Book of Woe: The DSM and the Unmaking of Psychiatry, 34 J. OF LEGAL MED. 313 (2013) (reviewing GARY GREENBERG, THE BOOK OF WOE: THE DSM AND THE UNMAKING OF PSYCHIATRY (2013)); Craig M. Klugman & Jennifer S. Bard, Medicolegal & Ethical Aspects of Prehospital Emergency Medicine, in ABC OF PREHOSPITAL EMERGENCY MEDICINE 201 (Tim Nutbeam & Matthew Boylan eds., 2013).

At the August 2013 Southeastern Association of Law Schools conference,

she presented on “Employee Benefits and Disability Rights in a Post-Affordable Care World” (discussant); “Research Deans Talk About What Works (and What Doesn’t) on Encouraging Faculty Research and Scholarship” (moderator and discussant); and “Health Care Reform Reprised: What Progress Has Been Made Since Last Year?” (discussant). She also presented the “Affordable Care Act” at Lubbock County Women Lawyers Association in February 2013.

She was recently interviewed by Public Health Newswire for an online article about her selection for the Robert Wood Johnson Foundation’s “Scholars in Residence Program” (Audrey Pernik, The Case for Public Health Law: A Q&A with Jennifer Bard, PUBLIC HEALTH NEWSWIRE (Aug. 2, 2013, 9:10 AM), <http://www.publichealthnewswire.org/?p=8217>).



**Gerry Beyer,
Governor Preston
E. Smith Regents
Professor of Law**

Professor

Beyer was invited to speak at 17 conferences, seminars, and CLE programs during the past year, from New York to California and many points in between. His presentations focused on cutting-edge legal topics such as estate planning for digital assets, weapons governed by the National Firearms Act, and pet animals, as well as more traditional topics including estate planning ethics and recent judicial and legislative developments.

Professor Beyer won a 2012 Excellence in Writing Award

for an article he co-authored for the ABA’s Probate & Property magazine as well as being named by Texas Tech University as the “Outstanding Researcher” from the School of Law. Many books and articles Professor Beyer authored were published during the past year, including a national casebook (GERRY W. BEYER, TEACHING MATERIALS ON ESTATE PLANNING (4th ed. 2012), a supplement for law students (GERRY W. BEYER, WILLS, TRUSTS, AND ESTATES, EXAMPLES AND EXPLANATIONS (5th ed. 2012), and a text co-authored with Professor Shannon to add an experiential component to Property classes (BRIAN D. SHANNON & GERRY W. BEYER, SKILLS & VALUES: PROPERTY LAW (2012)). His blog, “Wills, Trusts & Estates Prof Blog,” was included for the third consecutive year in the ABA Journal Blawg 100 and was voted “fan favorite” in the Niche Blog category. In addition, his blog remains the most popular estate planning blog in the nation. He continues to be one of the most downloaded legal authors on the Social Science Research Network, often ranking in the top 1.25 percent of all law authors.

Most recently, Professor Beyer was voted the Advanced Professor of the Year, selected as Professor of the Year by the Hispanic Law Students Association, and was chosen as one of the Hooding Professors for the December 2012 and May 2013 ceremonies.



**Bryan Camp,
George H. Mahon
Professor of Law**
Professor

Camp published "An Update on Innocent Spouse Claims" in the Spring 2013 issue of the Texas Tax Lawyer (Bryan T. Camp & Elizabeth A. Copeland, An Update on Innocent Spouse Claims, THE TEXAS TAX LAWYER, Spring 2013, at 74). He also published "'Loving' Return Preparer Regulation," in July (Bryan Camp, 'Loving' Return Preparer Regulation, 140 TAX NOTES 457 (2013)) and presented at the Indiana University Maurer School of Law Tax Policy Symposium in the spring (Bryan Camp, Workshop at the Indiana University Maurer School of Law Tax Policy Colloquium: "The Play's The Thing II: Taxation of Electronic Gaming" (Feb. 21, 2013)).

In the spring and summer, he was interviewed by several media outlets, blog sites, and radio programs following the alleged IRS "targeting" of conservative organizations seeking tax-exempt status.

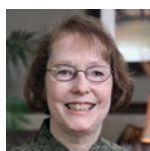
Last spring, Professor Camp taught a short course to the Texas Tech University Osher Lifelong Learning Institute on *Fischer v. University of Texas at Austin* that was then pending before the U.S. Supreme Court. During the summer, he taught "Introduction to American Law" to a group of international students at La Trobe University in Melbourne, Australia.



**DeLeith Gossett,
Associate Professor
of Legal Practice**

Professor Gossett received a Texas Tech Alumni Association New Faculty Award for 2013 based on her positive student evaluations, innovative teaching activities, initiation of research and creative activities, and her interaction with students. Her article about the Federal Adoption Tax Credit

(DeLeith Duke Gossett, If Charity Begins at Home, Why Do We Go Searching Abroad? Why the Federal Adoption Tax Credit Should Not Subsidize International Adoptions, 17 LEWIS & CLARK LAW REVIEW 839 (2013)) merited her an invitation to serve on the "Special Legal Topics Raised by Inter-country Adoption" panel at the Nootbaar Institute Conference on Inter-country Adoption at Pepperdine Law School in Malibu, California, in February.



**Amy Jarmon,
Assistant Dean for
Academic Success
Programs**

Dean Jarmon's book, "Time and Workplace Management for Lawyers," was published by the American Bar Association in April (Dr. AMY JARMON, TIME AND WORKPLACE MANAGEMENT FOR LAWYERS (2013)). The July 2013 edition of Your ABA, an e-newsletter for subscribers, featured an interview with Dean Jarmon about her book (Strategies to better manage your time and the workplace, YOUR ABA (Am. Bar Ass'n, Chicago, Ill.), July 2013, <http://www.americanbar.org/newsletter/publications/youraba/201307article01.html>). She authored articles for the March and May issues of the Student Lawyer, the ABA Student Division magazine (Amy L. Jarmon, Balancing Law School with Life, STUDENT LAWYER, March 2013, at 18; Amy L. Jarmon, Time to Recharge and Renew, STUDENT LAWYER, May 2013, at 16). She co-presented a plenary session, "ASP and the New Normal: Creating Value Added ASP Programs," at the Association of Academic Support Educators conference in Las Vegas, Nevada. At that conference, she also served as a mentor for the "Scholarship Mentoring and Development Workshop."



**John Krahmer,
Professor of Law
and Foundation
Professor of
Commercial Law**

Professor Krahmer presented a paper in February at the State Bar of Texas Program on "Suing, Defending, and Negotiating with Financial Institutions" held in Dallas (John Krahmer, Seminar at the State Bar of Texas Program on Suing, Defending, and Negotiating with Financial Institutions: Wire Transfer Issues (Feb. 6, 2013)). He was also a speaker at the 37th Annual Convention of the Texas Association of Bank Counsel (John Krahmer, Address at the 37th Annual Convention of the Texas Association of Bank Counsel: UCC Article 9 Update (Oct. 10, 2013)). Professor Krahmer has also authored the 2013-2014 edition of 12 Texas Practice, Methods of Practice: Uniform Commercial Code, to be published by Thomson/West (12 Tex. Prac., Texas Methods of Practice § 24-34), along with the 2013-2014 Supplements for Volumes 1 & 2 of Vernon's Texas Code Forms Annotated (Vernon's Tex. Code Forms Anno., UCC Forms (4th ed.)). He is currently working with Professor John F. Dolan of the Wayne State University Law School to prepare a digital version of Professor Dolan's book Commercial Law: Essential Terms and Transactions. Professor Krahmer has also continued to serve Faculty Editor of *The Texas Bank Lawyer*.



**Arnold Loewy,
George R. Killam
Jr. Chair of
Criminal Law**

Professor Loewy convened the 7th annual Criminal Law Symposium in April on "Juveniles and the Criminal Law." He hosted speakers from the University of California, Berkeley, the University of Chicago, Vanderbilt University, Tulane

University, and the University of North Carolina, among many others. Professor Loewy personally delivered the annual Lexis-Nexis Luncheon talk on the topic of “Juveniles and the Constitution.” He participated in a Federalist debate with Professor Russell Weaver, at Texas Tech University School of Law, on the constitutionality of Obamacare. He also participated in a Federalist debate in North Dakota on constitutionality of *Roe v. Wade*. Additionally, he presented a CLE on the 4th Amendment at the University of North Carolina.

Professor Loewy recently published articles in the Mississippi Law Journal and the Ohio State Journal of Criminal Law (Arnold H. Loewy, United States v. Jones: Return to Trespass—Good News or Bad, 82 MISS. L.J. 879 (2013); Arnold H. Loewy, Why I Authored a Criminal Law Casebook, 10 OHIO ST. J. CRIM. L. 655 (2013)). He has also participated in a series of bi-weekly editorials in the Lubbock Avalanche-Journal titled “It’s Debatable,” discussing issues such as same-sex marriage, religion and government, and capital punishment.



Patrick S. Metze,
Director of the
Criminal Defense
Clinic, Director
of the Capital
Punishment Clinic, and Professor
of Law

Professor Metze presented “Speaking Truth to Power: The Obligation of the Courts to Enforce the Right to Counsel at Trial,” at the annual meeting of The Law and Society Association in Boston this May (Patrick Metze, Presentation at The Law and Society Association 2013 International Meeting: Speaking Truth to Power: The Obligation of the Courts to Enforce the Right to Counsel at Trial (May 31, 2013)). In April, he was a panelist at the

Texas Tech University School of Law’s 7th Annual Criminal Law Symposium. He discussed the topic of whether juveniles should have more, less, the same, or different procedural rights than are afforded to adults.

He also spoke at the Texas Association of Counties Judicial Education Sessions, held in Galveston last year and in Lubbock this year.



Alyson Outenreath,
Assistant Professor
of Law

Professor Alyson Outenreath was elected as an officer of the State Bar of Texas Section of Taxation, in the role of secretary. Through the State Bar of Texas Section of Taxation, Outenreath co-authored a government submission comment project submitted to the Texas Comptroller of Public Accounts relating to allowable deductions under the Texas Franchise Tax Code. The project resulted in the Texas Comptroller’s office revising its proposed amendments to title 34, section 3.588 of the Texas Administrative Code. The project was published in the Texas Tax Lawyer (Lipstet et al., State Bar of Texas, Section of Taxation Comments to Texas Comptroller of Public Accounts Concerning Proposed Amendments to Comptroller Rule 3.588, April 12, 2013, THE TEXAS TAX LAWYER, Spring 2013, at 445).

Outenreath has two forthcoming articles, “Uncharitable Policy for Charities: Use of Disregarded LLCs By I.R.C. § 501(c)(3) Organizations Is A Trap For the Unwary in Certain States” in the South Texas Law Review, and “Taxation of Series LLCs in Texas: Bigger Isn’t Always Better in the Lone Star State” in St. Mary’s Law Journal.

She moderated the Tax Career Panel presented at Texas Tech University School of Law, which

hosted U.S. Tax Court Judge Juan F. Vasquez and various tax law practitioners. The event was sponsored by the State Bar of Texas Section of Taxation.

Outenreath continues to serve as a member of the Texas Comptroller of Public Accounts Taxpayer Advisory Group, which is a select group of tax practitioners who advise the Texas Comptroller on Texas tax issues.

She was recently elected to the Board of Directors of the Texas Federal Tax Institute, a non-profit entity that provides continuing legal education to tax lawyers on complex corporate and partnership tax issues.



Jorge Ramírez,
Associate Dean
for International
Programs and
Professor of Law

Dean Ramírez taught a course on Public International Law at Vytautas Magnus University (VMU) in Kaunas, Lithuania, this summer. While in Lithuania, he delivered a presentation titled “The Clash Between U.S. Rules of Professional Conduct and Morality” at an international conference on the theoretical and practical issues of morality, which was sponsored by VMU and the Research Council of Lithuania (Jorge Ramírez, Presentation at Vytautas Magnus University International Scientific Conference on Good Morals of a Lawyer: Theoretical and Practical Issues: The Clash Between U.S. Rules of Professional Conduct and Morality (May 8, 2013)). He also visited with some of Texas Tech Law’s partner universities in Germany, France, and England in an effort to expand existing international programs and market our new LL.M. program for international students. Ramírez then spent his thirteenth summer in Guanajuato, Mexico, teaching a course on NAFTA at Texas Tech Law’s Summer Law Institute.



**Wendy Tolson Ross,
Professor of Law**

Professor Ross was a panelist at the Texas Tech University Conference on the Advancement of Women in Higher Education in April. The presentation focused on women and scholarship in the academy. The panel was comprised of women faculty across several disciplines in the university.

At the National Business Institute "Estate Planning for Farmers and Ranchers" Continuing Legal Education seminar in Lubbock on July 31, Professor Ross presented her paper titled "Survivor Spouse's Rights and Homestead Exemption" (Wendy T. Ross, Presentation at National Business Institute's Estate Planning for Farmers and Ranchers: Survivor Spouse's Right and Homestead Exception (July 31, 2013)).



**Brian Shannon,
Charles "Tex"
Thornton Professor
of Law, Texas Tech
University Faculty**

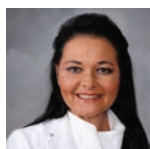
**Athletics Representative, and
Professor of Law**

Professor Shannon received two awards in April. First, the Texas Tech Parents Association honored him with the campus-wide 2013 Faculty Distinguished Leadership Award. Later that month, *Texas Tech Law Review* bestowed the Outstanding Lead Article Award for Volume 45 (2012-2013) to Professor Shannon and his co-author, Dr. Victor Scarano, for their article, "Incompetency to Be Executed: Continuing Ethical Challenges & Time for a Change in Texas," 45 *Texas Tech Law Review* 420 (Winter 2013) (Brian D. Shannon and Victor R. Scarano, Incompetency to be Executed: Continuing Ethical Challenges & Time for a Change in Texas, 45 *TEX. TECH. L. REV.* 419 (2013)).

Professor Shannon will

begin the second year of his two-year term in September as national president of 1A FAR, the organization of NCAA faculty athletics representatives for NCAA Division I FBS (Football Bowl Subdivision) institutions. In this role, Professor Shannon addressed the NCAA national convention in January on the subject of the NCAA rules revision process. He also spearheaded the 1A FAR national conference in Dallas late September, where he spoke on the subject of NCAA Governance. Other participating speakers included NCAA President Mark Emmert and ESPN commentator Jay Bilas.

Professor Shannon also spoke on "2013 Legislative Update: Revisions to the Texas Mental Health Code" at the Texas Behavioral Health Institute in Austin, in July (Brian Shannon, Presentation at Texas Behavioral Health Institute's Living and Working with Choices and Changes: 2013 Legislative Update: Revisions to the Texas Mental Health Code (July 24, 2013)). He also discussed "NCAA Governance and Compliance & the Overlap with the Practice of Law" at the June Lubbock Area Bar Association luncheon.



**Victoria Sutton,
Associate Dean
for Research
and Faculty
Development,**

**Paul Whitfield Horn Professor
of Law, Director of the Center
for Biodefense, Law and Public
Policy, Director of the Law and
Science Concentration Program,
and Director of the J.D./M.S.
Program in Life Sciences**

Dean Sutton contributed chapters for two books published by Oxford University Press and Edward Elgar Publishing: Chapter 26 "Emergencies, Disasters, Conflicts, and Human Rights" (Victoria Sutton, *Emergencies, Disasters, Conflicts, and Human*

Rights, in *ADVANCING THE HUMAN RIGHT TO HEALTH* 379 (Zuniga et al., eds., 2013)); and "Fiji: Climate Change, Tradition and Vanua" (Victoria Sutton, *Fiji: Climate Change, Tradition and Vanua*, in *CLIMATE CHANGE AND INDIGENOUS PEOPLES: THE SEARCH FOR LEGAL REMEDIES* 363 (Randall S. Abate & Elizabeth Ann Kronk, eds., 2013).

She also authored a law review article in *Health Matrix* titled "Asking the Right Questions: Body Scanners, is Salus Populi Supreme Lex the Answer?" (Victoria Sutton, *Asking the Right Questions: Body Scanners, is Salus Populi Supreme Lex the Answer?*, 22 *HEALTH MATRIX* 443 (2013)).

Dean Sutton continues to serve on the Advisory Board of the National Congress of American Indians Policy Research Center. She was awarded a \$50,000 grant from the Texas A&M Center for Innovation to work on its new Biomedical Advanced Research and Development Authority (BARDA) Vaccine Manufacturing Center.

Thank You!

Texas Tech Law is exceedingly grateful to the following individuals and organizations for their support during the 2013 fiscal year (September 1 — August 31). Your generosity has made a meaningful impact on our students, faculty and staff. It has also facilitated many of the exciting developments you have read about in this latest issue of Texas Tech Lawyer. If we have overlooked anyone, or if you would prefer that your name not be listed, please contact our Office of Development at (806) 742-3990 or suzanne.cox@ttu.edu.

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