

★ SPECIAL INAUGURAL ISSUE ★

TEXAS TECH

# LAWYER

THE ALUMNI MAGAZINE OF THE TEXAS TECH UNIVERSITY SCHOOL OF LAW / SPRING 2004

honesty  
integrity  
intelligence  
caring  
thoroughness  
attitude  
efficiency

## WE ARE TECH LAW

### INSIDE:

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*Texas Tech Law School Alum:*

"I graduated from Texas Tech Law School in 1988. I had Professor J Hadley Edgar for Torts, and can still vividly remember my classmate fainting right in front of me while standing to recite. I spent many evenings at the law school with the Board of Barristers, in Mock Trial and Moot Court competitions. When I graduated, I couldn't wait to get into the courthouse.

In my first civil jury trial, the defense lawyers were Harvard Law School graduates with a big firm in Dallas. We won a million dollar jury verdict in a wrongful discharge case and sustained the verdict at the Supreme Court.

Over the last 15 years of practice, I have been privileged to handle a lot of serious injury and death cases from all over the State. Many of those cases have been referred by my fellow alums in Dallas, Houston, Austin and the Valley. I believe that my firm of "Tech Lawyers" prepares a case as well as any Plaintiff's firm in the State.

I congratulate the Law School on its continued success, and look forward to working with many future generations of Tech Lawyers."

*Kevin Glasheen*

Kevin Glasheen



**"Kevin Glasheen and his success epitomize the kind of stellar legal practitioners produced by Tech Law. He has also set the standard for giving back to his Law Alma Mater and supporting the next classes of great Tech Lawyers. Kevin is a superb representative of our law school in every respect."**

Walter B. Huffman  
Dean and Professor of Law  
Texas Tech University School of Law

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### TRAIN WRECK DEATH CASE

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### INDUSTRIAL BURN

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Settlement

### TRUCK WRECK BRAIN INJURY

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Settlement

### WRONGFUL DISCHARGE

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### OIL FIELD ACCIDENT

\$2.6 Million Verdict

### FINGER AMPUTATION

\$2.1 Million

Final Judgment

### EXPLOSION DEATH CASE

\$3 Million Settlement

### SHOULDER INJURY

Non-subscriber

\$875,000 Settlement

Results obtained depend on the facts of each case



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## Revitalizing Our Connections to Our Alumni and Friends



I AM DELIGHTED TO introduce Tech Law's first alumni magazine in more than seven years. Not only have we revived and revitalized this essential connection to our alumni and friends, we have renamed the magazine *Texas Tech Lawyer* to ensure that the Texas Tech University School of Law receives the recognition it deserves for its incomparable preparation of men and women

entering the legal profession over the past 36 years. This magazine will chronicle Tech Law's continuing commitment to excellence in legal education, legal scholarship, and community service.

The Texas Tech School of Law has always been renowned for high-quality graduates who are fully equipped to begin the practice of law in the State of Texas. Indeed, the School has produced many of the state's finest attorneys. In recent years, Tech Law has exploited this superb regional reputation to garner national and international recognition. Members of our faculty are recognized nationally and internationally as the experts in their fields, in areas ranging from Water Law and Oil & Gas Law to Museum Law, Taxation, and Gaming Law. We have created the nation's first Center for Biodefense Law and Public Policy, and we have laid the groundwork to establish centers of excellence in Water Law, Health Care Law, and Forensic Science. Our curriculum of legal theory and clinical courses provides students with a strong legal foundation appropriate to practice in any jurisdiction, and our graduates are outstanding members of the bench and bar throughout the country. Our alumni have increasingly become leaders at the national level, such as the first woman to head a major federal law enforcement agency

and the Army's highest-ranked military legal officer.

Understanding the growing interdependence of nations and the corresponding need for lawyers to understand other cultures and legal systems, Tech Law has branched out internationally. Through our Summer Law Institute at Mexico's renowned University of Guanajuato, where laws with equal impact in the U.S. and Mexico, such as NAFTA, are a focus, and Semester Abroad Programs in Seville, Spain, and Lyon, France, we are preparing our students to deal with the increasingly international context facing future lawyers.

The Texas Tech University School of Law is constantly seeking ways to improve its delivery of legal education. For example, we now have a wireless network throughout the School, and we are developing a state-of-the-art courtroom, to train students in the cutting-edge technologies used (and to be used) in their professions.

In short, the School on the plains of West Texas has become an institution with influence in both the national and international legal communities. The reputation of our exceptional faculty continues to grow; the accomplishments of our entering students and the diversity of our classes improve dramatically each year. As our relatively young, but extremely successful, alumni base continues to mature, the School expects an unprecedented growth in endowments for professorships and scholarships. And we are able to achieve all of this while assessing tuition and fees far below the national average. We at Texas Tech University School of Law are proud of our accomplishments, and we look forward with eager anticipation to a very bright future. Through the pages of *Texas Tech Lawyer*, we will share with you our successes and our vision for inspiring excellence in our legal education, legal scholarship, and community service.

*Texas Tech Lawyer* is a student-run enterprise, and we could not have produced this magazine without the incredibly hard work and dedication of our student volunteers. My heartfelt thanks goes out to those students who served as editors, staff writers, and photographers to make this publication a reality. These future alumni – like our current alumni – are our law school's greatest source of strength and pride.

A handwritten signature in dark ink, reading "Walter B. Huffman". The signature is fluid and cursive, with a long horizontal line extending from the end.

Walter B. Huffman  
Dean  
Class of '77

# ION THE DOCKET

## FEBRUARY

**27 - 29**

Jessup International  
Moot Court Competition, Southwest Region  
Lubbock, TX

## MARCH

**24 - 27**

National Conference of Law Reviews  
San Antonio, TX

**8 - 12**

Spring Advanced Moot Court Competition  
Lubbock, TX

## APRIL

**3**

Law Review Banquet  
Lubbock, TX

## MAY

**2 - 3**

Alumni Weekend & Law Day Golf Tournament  
Lubbock, TX

**15**

Hooding Ceremony  
Lubbock, TX

## JUNE

**TBA**

State Bar Convention  
Alumni Reception  
San Antonio, TX

## Support the Excellence



**N**OW IS THE TIME TO GIVE BACK TO YOUR LAW SCHOOL! Texas Tech University School of Law continues to achieve recognition for its rising prominence among the nation's law schools. To attain even greater levels of excellence, we need your support!

What do you remember most about your law school experience? Was it the challenging curriculum? Was it the professor who mentored you? Was it the relationships you formed with friends and colleagues that have encouraged you over the years? Was

it the opportunity to be trained effectively to excel and prosper in the practice of law?

You can help provide that same experience to a new generation of outstanding attorneys. For 36 years your law school has transformed bright individuals from all backgrounds into skillful, ethical, and in-demand lawyers. Your partnership is an indispensable part of our tradition of excellence, and your gift today will impact and challenge worthy students to follow in your footsteps. Join us in continuing our tradition of excellence!

Should you desire more information regarding planned gifts and bequests, do not hesitate to contact me.

For your convenience, a response envelope is included in this issue. Please give any gift of any amount! We appreciate your support!

Sincerely,

A handwritten signature in cursive script that reads "Russ Gibbs".

Dr. Russ Gibbs, CFRE  
College Development Officer  
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russ.gibbs@ttu.edu

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# Official Ring Commissioned for School of Law

GRADUATES OF THE TEXAS TECH LAW SCHOOL ARE NOW ABLE TO TAKE PART IN THE UNIVERSITY'S OFFICIAL RING TRADITION.

**C**ommissioned by the student government last fall, the Law School version of the Official Texas Tech University Ring is now available to alumni and to students nearing graduation.

The idea of having a consistent ring design for all graduates isn't new; however, in the 1960s, many schools abandoned the standard ring philosophy in favor of allowing students to purchase from a variety of styles. Ironically, history reveals that fewer students elect to acquire a university ring without a unified design. Because of this, an increasing number of institutions across the country have returned to their official ring roots by restoring this once-treasured tradition – common to all graduates.

The Texas Tech Alumni Association took the initiative in the spring of 1998 to restore a ring tradition that was once very strong at Tech. "We're not sure why the tradition faded," said Curt Langford, marketing director for the association at the time. "Looking back at the La Ventana from the 30s, 40s and 50s, the Texas Tech ring was a consistent symbol, commonly revered and a unifier among all graduates. It appears that strong demand for a university ring was less about individual fashion, and more about a traditional symbol that told the same story from one generation to the next. Students have consistently responded more to a ring unique to the academic community to which they belong."

The official ring tradition at Texas Tech has grown tremendously since reestablished five years ago. About 45 percent of graduates are now taking part in the tradition, compared to the 11 percent of students that elected to get a ring before the program began. During this period, an increasing number of students from Texas Tech Law School requested to take part in the tradition, although the ring was not unique to the Law School. After discussions with student government, it was agreed to commission a Law School version of the official ring – the only change

being the school seal. This same process took place earlier with Texas Tech Health Sciences Center. Special rings were allowed in both cases since both schools boast separate campuses and University seals.

While the seal is now unique to the Law School, the other symbols on the ring remain relevant to every Texas Tech graduate of the past. The most readily identifiable, time-tested symbols of the University have been incorporated into the official ring. The top boasts the unmistakable Double-T, and opposite the seal are the Administration Bell Tower and Masked Rider, depicting the school's Spanish influence. The 1923 foundation year is also prominent, along with interlocking Double Ts across the base of the ring.



According to Langford, it's the unseen portion of the ring that is especially meaningful. "Cast inside every Tech ring are the words 'STRIVE FOR HONOR,' an ongoing reminder to all graduates from the Matador Song," Langford said. "It's not until you've 'fired your guns' with these words that alumni fully appreciate its meaning." Official ring ceremonies take place every semester where students are presented with their ring by the University President. At the end of the ceremony, recipients traditionally put their rings on for the first time together, get their guns up, and sing the Matador Song. "It's an event you have to experience first hand to understand," Langford said. "The ceremony is as much a part of the ring tradition as the ring itself."

Official rings are available in 10, 14, and 18 karat yellow or white gold, with or without diamonds. Students are able to engrave their degree, class year and name on the inside of the ring. Since the ring tradition has been restored, alumni are welcome to trade in their old ring for an official ring for a nominal fee. To learn more about the Official Texas Tech School of Law Ring, contact Mandy Wiley at the Texas Tech Alumni Association at (806) 742-3641.

*By* Brian Rogers



TECH LAW HAS ONE OF ITS OWN AT THE HELM OF THE U.S. DRUG ENFORCEMENT AGENCY. KAREN TANDY — CLASS OF 1977 — WAS OFFICIALLY SWORN IN AS THE DEA'S NINTH ADMINISTRATOR BY ATTORNEY GENERAL JOHN ASHCROFT ON SEPTEMBER 16, 2003.

# Karen Tandy Class of '77 Appointed Head of the DEA

**T**HE NEWS CAME AS NO SURPRISE to Tech Law Dean Walter Huffman, who graduated from the Law School with Tandy in 1977. "In our third year, she was President of the SBA," Huffman said of Tandy. "It was indicative of the fact that, even then, she had the leadership qualities that would make her stand out."

Huffman said Tandy has always been politically astute. "She'll be a fair and effective leader," he said. "She's not a neophyte in that business." Huffman pointed out that Tandy is the first woman to be appointed as the head of a federal law enforcement agency. "It's quite a historic thing," Huffman said. "And it's a real feather in the cap of this law school."

*By* Brian Rogers

After Tandy was nominated by President George W. Bush and confirmed by unanimous consent in the U.S. Senate, Huffman said, "I'm really proud of her as the Dean of the Law School, and as her classmate."

In the September 28, 2003, edition of *The Houston Chronicle*, John Walters, the director of the Office of National Drug Control Policy, commented on Tandy: "She has been willing to take on tough jobs, to solve problems, and to push. She has shown that she believes law enforcement can be proactive, not just passively waiting for someone to poison yet another child with drugs and then arrest them."

The headline of the article reads "Tough Texan to Tackle Drug War." The article noted that Tandy will concentrate on disrupting major drug operations and targeting the more than \$65 billion in profits they take in each year.

Tandy will manage an organization with nearly 10,000 employees in offices around the country and

Departments and included more than 2,200 federal agents, 500 federal prosecutors, and various state and local law enforcement task forces around the country. Under Tandy's leadership, OCDETF refocused its efforts towards dismantling major drug trafficking and money laundering organizations.

Tandy developed the Justice Department's expedited settlement policy to reduce unnecessary litigation for mortgage holders of forfeitable property. She also authored a criminal forfeiture practice handbook relied on by federal prosecutors throughout the country.

From 1979 to 1990, Tandy was an Assistant United States Attorney in the Eastern District of Virginia and in the Western District of Washington, handling the prosecution of violent crimes, drug offenders, money laundering, and forfeiture cases. One of Tandy's OCDETF prosecutions led to the landmark U.S. Supreme Court Decision that attorneys' fees are sub-



The headline of the article reads "Tough Texan to Tackle Drug War." The article noted that Tandy will concentrate on disrupting major drug operations and targeting the more than \$65 billion in profits they take in each year.

overseas. She said the Bush administration has been generous to the DEA. The agency will add 216 agents in 2003 and another 233 in 2004. "The DEA has the resources to do the job America expects us to do," Tandy said.

Ms. Tandy first worked at Justice Department headquarters in Washington in 1990, and created the litigation office in the asset forfeiture division. In 1993, Tandy became head of the narcotics office at the Department of Justice. By January 2001, she was supervising the efforts of DEA, FBI, Customs, and state and local law enforcement officials in major investigations.

According to DEA information, the \$500 million that Organized Crime Drug Enforcement Task Force (OCDETF) program, that Tandy managed from January 2001 through July 2003, spanned three U.S.

subject to forfeiture notwithstanding the Sixth Amendment Right to Counsel.

Tandy has lectured extensively on forfeiture law and practice, conducted international training, and developed a forfeiture teaching model for the American Bar Association. Before joining the Justice Department, she clerked for the Chief Judge of the Northern District of Texas.

Among her awards and commendations, Tandy has received the Attorney General's Award for Distinguished Service, the Department of Justice Award for Extraordinary Achievement, and the United States Attorney Director's Award for Superior Service.

A native of Fort Worth, Tandy graduated from Tech before attending Tech Law. She is married and has two daughters.

# Fred Hoopes:

## A Tech Law Alumnus to Admire

**P**URSUE THE STUDY OF LAW FOR ITSELF and not for the gain of it," Attorney Fred Hoopes said as he quoted from the book "John Adams" by David McCullough. Hoopes said he believes that quote to mean,

"People who enjoy the work, the service, the intellectual exercise, the competitiveness, and the search for truth will get a great deal of joy out of the practice."

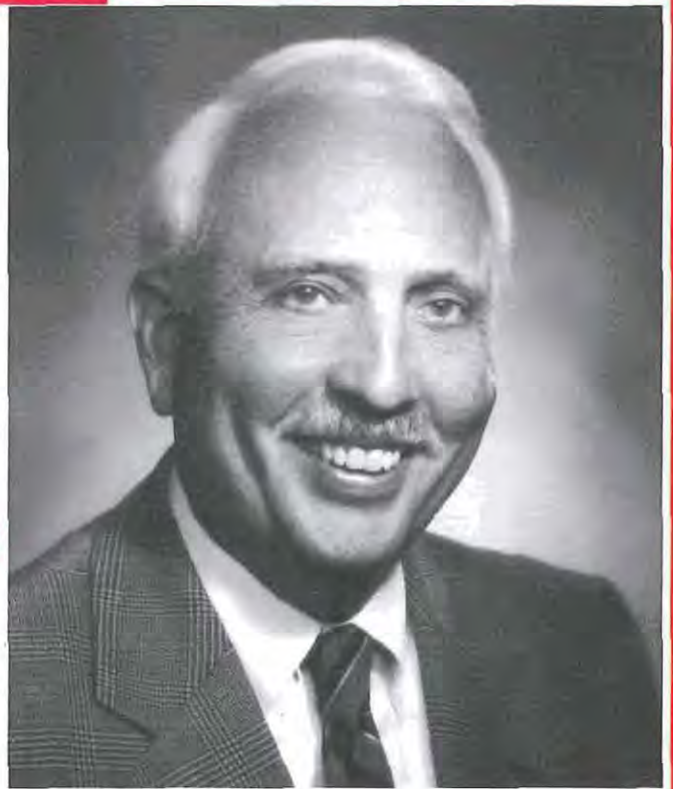
Hoopes, of Idaho Falls, Idaho, attended Brigham Young University, where he studied political science and economics. Before graduating, he moved to Washington, D.C., to work for the late Senator Frank Church of Idaho. There, Hoopes attended American University, and he met his wife, Sidney.

Hoopes graduated from Brigham Young in 1970, and he moved to Lubbock to attend Texas Tech University School of Law. "The thing that most influenced me to go to law school was my time with Senator Church," Hoopes said. "He was a lawyer, and I admired him immensely."

Hoopes' daughter, Rachel, was born right in the middle of final exams! She followed in her father's footsteps from day one, and today Rachel is married and practices law in Washington state. Hoopes has another daughter, Sarah, who attends Boise State University in Idaho.

Hoopes graduated from Tech in 1973 and returned to Idaho to practice law. "I found myself homesick for my native state," he said. For eight years, Hoopes worked as a solo practitioner, primarily in the areas of criminal law and torts. In 1982, he became a partner of Hopkins, Roden, Crockett, Hansen and Hoopes, PLLC.

Last year, the American Civil Liberties Union of Idaho awarded Hoopes the Thurgood Marshall Liberty Award for his successful representation of a man sentenced to death. In 2001, Hoopes' client was released from death row because DNA evidence showed his client had been wrongfully convicted. "[The experi-



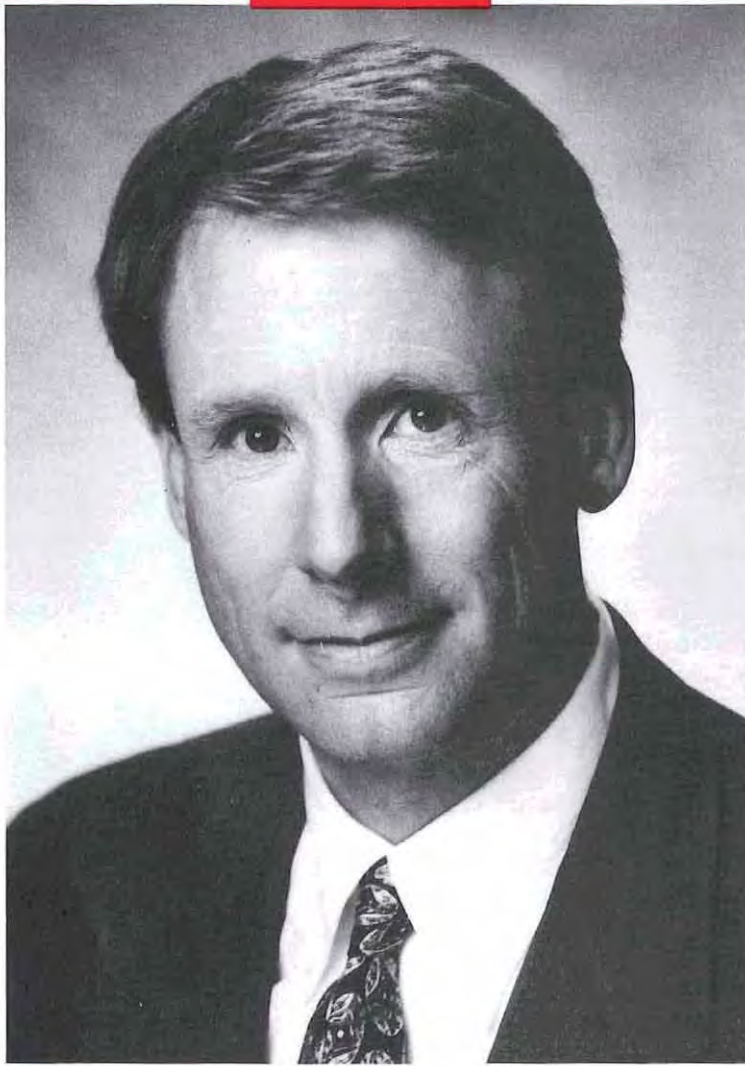
Last year, the **American Civil Liberties Union of Idaho** awarded Hoopes the **Thurgood Marshall Liberty Award** for his successful representation of a man sentenced to death.

ence] was extremely rewarding and gratifying, but it was also frustrating and discouraging as the process went on," he said.

In addition to his work with the firm, Hoopes served on the Board and as President of the Idaho Trial Lawyers Association. After that, he served on the Idaho State Bar Association Commission for three years and as President for one year.

Hoopes works as a visiting lecturer at the University of Idaho College of Law, where he teaches a trial advocacy course. He is on the Board of the Idaho Association of Criminal Defense Lawyers, and was recently inducted into the American College of Trial Lawyers as a Fellow.

By **Tiffany L. Hawkins**



# Senator Robert Duncan:

The 2003 Texas Tech University  
School of Law Distinguished Alumnus

IN RECOGNITION OF HIS OUTSTANDING LEADERSHIP IN THE TEXAS LEGISLATURE, SENATOR ROBERT DUNCAN WAS SELECTED AS THE 2003 DISTINGUISHED ALUMNUS OF THE TEXAS TECH UNIVERSITY SCHOOL OF LAW.

*By* Stephenie McCoy

**O**N FRIDAY OCTOBER 31, 2003, Texas Tech University School of Law recognized Senator Robert Duncan as its Distinguished Alumnus for 2003. The awards ceremony was held at the Merket Alumni Center, where members of the legal and academic communities gathered to honor Senator Duncan. The Law School has awarded the distinguished alumnus award to outstanding alumni for the past 10 years. As Tech Law graduates mature and attain great stature in the legal community, Texas Tech wanted a means of recognizing alumni for their achievements. Tech Law's very own Dean Huffman was once honored with this award. This year, Senator Duncan was selected in recognition of his outstanding leadership in the Texas legislature.

In 1981, Senator Duncan earned his J.D. degree from the Texas Tech University School of Law, following his Bachelor of Science degree in Agricultural Economics from Texas Tech. After graduation, Senator Duncan joined the Lubbock law firm of Crenshaw, Dupree & Milam L.L.P., where he is currently a partner. Duncan is also a distinguished alumnus of the College of Agricultural Sciences and Natural Resources and Texas Tech University at large.

Only eight years after graduation, Senator Duncan served as General Counsel to the Texas Senate State Affairs Committee in the 71st Legislature. In 1993, the constituents of District 84 elected Senator Duncan to the Texas House of Representatives, where he served with distinction. In his first year as a member of the House of Representatives, Senator Duncan received both Freshman of the Year and Republican Freshman of the Year honors. Senator Duncan later received the National Republican Legislators Association award as the 1995 National Legislator of the Year.

Senator Duncan won election to the Texas Senate in 1996, and continued to demonstrate exceptional leadership abilities. Following both the 2001 and 2003 legislative sessions, Duncan earned a spot among Texas Monthly's "Top Ten Legislators."

In 2003, the Lieutenant Governor named Duncan to the Interim Joint Committee on Higher Education. Senator Duncan is one of only 16 members charged with studying the structure and organization of higher education in Texas. Duncan said he is honored to take this duty on behalf of his West Texas constituents. Texas Tech University is one of more than 10 institutions of higher education in Duncan's Senate District. When asked how Texas Tech University affects his policy decisions, Duncan answered, "Texas Tech University is the largest and most comprehensive institution of higher education in the western half of Texas. With a law

school and medical school, combined with a general academic institution excelling in engineering, science and liberal arts, Texas Tech University is unique in the Southwestern United States for its comprehensive educational and research opportunities. State funding is essential to maintain and expand the opportunities provided by TTU; therefore, it is a number one priority."

Texas Tech University depends upon state funding to grow and improve. Senator Duncan notes, "State funding for the law school is primarily derived through formula funding principles. Therefore, fully funding the formula has been a number one priority. If the current economic slow down continues in Texas, extending the state budget crisis; it will be difficult for higher education to compete with other essential and legal budgetary requirements of the state. This could have an adverse impact on formula funding. While deregulation of tuition was an unpopular notion that might be considered a regression, in the long term, it should give Texas Tech University and the school of law the ability to provide additional revenue to provide competitive faculty salaries and educational resources. In my view, the faculty is the predominant factor in maintaining and improving the quality of higher education generally and, in particular, in our professional schools."

Senator Duncan prides himself on being a Texas Tech University School of Law alumnus, an asset he considers very valuable. "A legal education is a significant asset for serving in the legislature. The basic fundamental legal education I received at Texas Tech University was essential. Although I graduated from Texas Tech University over 20 years ago, I still recall things imparted by the law school fac-

ulty that have served as valuable guideposts in developing policy and positions for issues arising in the Texas Senate."

Senator Duncan also credits his family's support for his success. "Success in law school, a career in law and in politics does not happen without the support of family. My wife, Lynne, was there during the law school days, the lean early years of practice, and the many political campaigns. Lindsey (17) and Matthew (13) have been patient with the litigation and political schedule of their dad. I have certainly benefited from their support."

Upon being named the 2003 Distinguished Alumnus, Senator Duncan stated, "Because the Texas Tech University School of Law gave me an opportunity to succeed as a lawyer and as a state legislator, it is the highest honor a lawyer can receive and one for which I am very grateful." The Law School greatly appreciates Senator Duncan's achievements and enduring support of West Texas, Texas Tech University, and Texas Tech University School of Law.



Bob Black, Texas Tech Board of Regents, Duncan, Walter B. Huffman, Dean

# Alumnus Robert A. Junell

## Nominated and Confirmed to the U.S. District Court for the Western District of Texas

**J**UDGE ROBERT A. JUNELL graduated from Texas Tech University School of Law in 1976 while still in the Army. He served in the Army from 1969 to 1980 and, after his distinguished military service, he worked in private practice, mainly in San Angelo. He also served as a representative in the Texas House for fifteen years, during which time he chaired the Appropriations Committee for ten years.

Judge Junell is well-respected across party lines. He has served under Governors Clements, Richards, Bush, and Perry. While he campaigned for Ann Richards, when President George W. Bush was elected Governor of Texas, he began a dialog with Judge Junell that turned into what Judge Junell describes as an informal relationship, marked by mutual respect. In July 2002, President Bush nominated Judge Junell for the federal bench, and he was confirmed in February 2003.

In a jurisdiction that covers the area from Midland to the Mexico border, Judge Junell hears numerous cases. He describes his role as that of

a manager, and he is intent on keeping the cases moving. His docket consists mostly of criminal cases. In Junell's court, a criminal case is usually tried within 70 days of the indictment, barring unusual circumstances. He tries civil cases within ten months from the time answers are filed.

Judge Junell says he has learned a number of lessons during his career: the most important lesson is that "you can never be too prepared. The more time you spend preparing, the better off you'll be," he says. He also says procedure is important. Whether it is legislative or judicial, it is important that people believe they have been treated fairly and that people know they have an opportunity to be heard. "I think it's important to always treat others the way you want to be treated," he said.



Judge Junell says, "Texas Tech Law grads are solid, and they are ready to practice law." Clearly, Judge Junell thinks highly of the Texas Tech University School of Law, its administration, and its students. The law school and all of its family think equally highly of him and his decorated career as a lawyer, legislator, and judge.

**Congratulations to Judge Junell!**

*By Sonya Diane Jones*

# Going the Distance:

## Allison Overcomes Hurdles to Fulfill a Dream

**L**AST AUGUST ANOTHER CLASS OF FIRST-YEAR LAW STUDENTS began their education at Texas Tech School of Law; however, many of them know little about the 36 classes before them. In 1967, the first class entered their classrooms, surplus World War II barracks, wearing their coats and ties because, as Professor Benson puts it, "At least they wanted to look like law students." The Law School had been many years in the making, and it had taken nothing short of a small battle to create the school.

The creation of the Law School was the personal quest of Alvin R. Allison. In 1962, Allison asked the Texas Tech University Board of Directors to study the creation of a law school at Tech. At that time, there were only three public law schools in the state, and all were remote to West Texas. Despite this, many lawyers loyal to their alma maters opposed the creation of another law school in Texas. Through continued hard work, a proposal was finally drafted and presented to the Texas Commission on Higher Education in 1963, which approved it in July. Allison was pleased, but he had no idea that a bigger hurdle lay ahead.

The hurdle was convincing the state legislature to put funds in the budget to support the upstart law school. At the same time, the legislature was confronting Texas Tech's renaming controversy. Texas Tech University was still Texas Technological College, and the widely held opinion was that its name needed to be changed to include "University." Two schools of thought emerged, one supporting the name "Texas State University" and the other supporting "Texas Tech University." Renaming the school, however, had to be put on a back burner as to not divide the

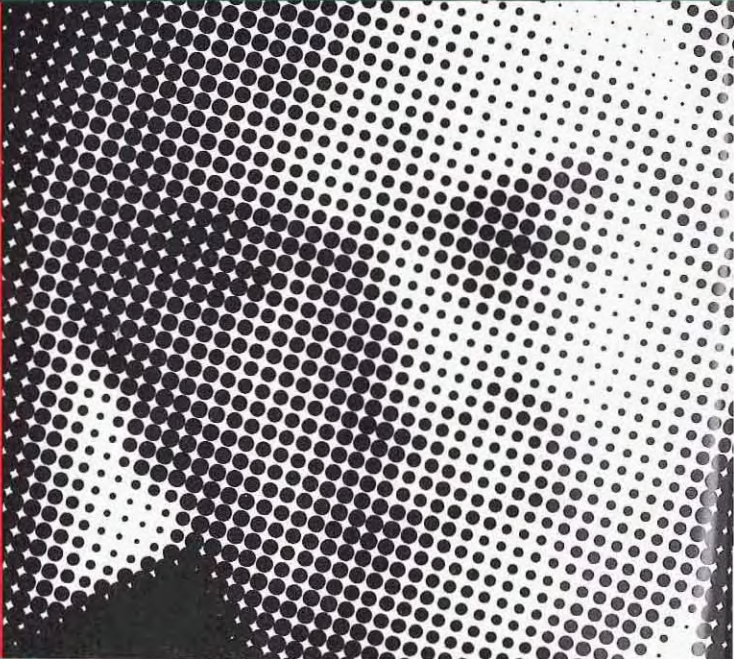
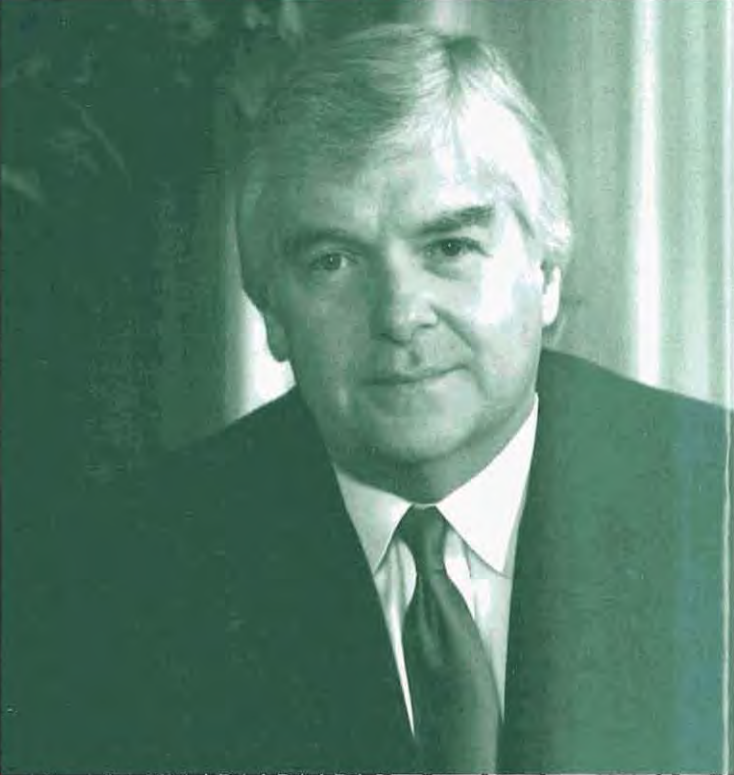
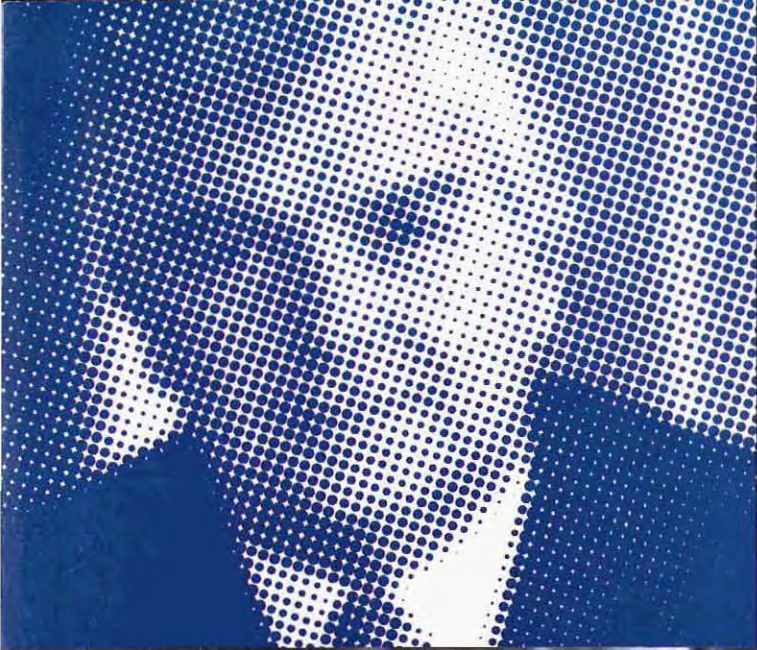
West Texas legislators. In any case, the legislature did not initially support Allison's vision for a new law school. It did not allocate funds for a law school; indeed, it passed a rider barring Texas Tech from using state funds for the creation of a law school. After some negotiating, a revised version of the bill included the funds needed.

**The hurdle was convincing the state legislature to put funds in the budget to support the upstart law school. At the same time, the legislature was confronting Texas Tech's renaming controversy.**

With funding in place, the quest for a dean began. The position ultimately went to Richard B. Amandes, Associate Dean of the University of California Hastings College of Law. Upon his confirmation in July 1966, Amandes went to work selecting the first head law librarian, U.V. Jones, who began working on the library in August 1966. With the preparations complete, the law school held its first classes in 1967.

Soon, the school's complete history will be published in a book by Professor Emeritus W. Reed Quilliam. As Texas Tech University School of Law maintains its standard of excellence and continues helping students excel in the study of law, the legacy of Alvin R. Allison continues to grow.

*By* Mark Methenitis



"COMPUTERS CAN PROVIDE NEWS AND INFORMATION, JOB SKILLS AND A SIMPLE ABILITY TO KEEP IN TOUCH. I AM HAPPY TO WORK WITH A GROUP TRYING TO BRING THOSE THINGS TO SCHOOLS, COMMUNITY GROUPS AND INDIVIDUALS ... WHO CAN'T AFFORD THEM."

— DAVE FREUDENTHAL, WYOMING GOVERNOR

# Wayne Reaud: Class Action Visionary

**W**

AYNE REAUD combined his Texas Tech Law degree and his personal passion to create a charitable foundation that will lead the way in bridging the "Digital Divide" across America. From his humble legal beginning at the Lubbock County District Attorney's Office, Reaud has made a name for

himself as one of Texas' most respected trial lawyers, pursuing asbestos manufacturers and big tobacco, and representing various corporations, including Firestone.

A few years ago, while Reaud was having dinner with former President Clinton, the President discussed with him what he believed to be one of the largest social justice issues facing America's youth, calling it the "Digital Divide." Clinton was referring to a growing problem, where children from wealthy families in prosperous school districts were receiving unprecedented access to computers and the Internet, but children from poorer families were being left behind. This divide is exacerbated later in life, when these same children, having less technological expertise, will have difficulty finding work.

*By* Thomas Feighny

This conversation had a strong effect on Reaud, and he decided he would try to make a difference. Recently, he got that opportunity.

In settling a \$2.1 billion agreement in *Shaw v. Toshiba America Information Systems, Inc.*, Wayne Reaud, along with others, including Gilbert I. "Buddy" Low, negotiated a deal whereby the unclaimed portions of the common fund would go to establish a charity designed to provide computer equipment to those who most need it and can least afford it. This was the birth of the Beaumont Foundation of America (BFA).

Reaud claimed this stipulation was a priority in the negotiations process stating, "If they (Toshiba) didn't agree to the charity provision then we would take the case to a jury . . . with potentially \$8 billion at risk, they reluctantly agreed." Those unclaimed funds, which Reaud initially estimated would be around \$80 million, turned out to be nearly \$400 million. In describing the mission of the BFA, Reaud stated, "We want every child in America to have the opportunity to become computer

the YMCA. Alliances with other charitable organizations, including the Bill & Melinda Gates Foundation, allow the BFA to expand on its ability to bridge the "Digital Divide" by providing technology training, as well as computer equipment and software. Any group that would like to receive a grant can contact the foundation at [www.bmt-foundation.com](http://www.bmt-foundation.com).

The most interesting aspect of this new charity is the impact it will have on future class action lawsuits. This is the first major class action suit to use the unclaimed portion of the common fund for a charitable purpose. In the BFA 2002 Annual Report, Newton wrote, "We hope our work will serve as an example for the creation of similar foundations that may arise from class action lawsuits. And we foresee developing and sharing operational systems that may benefit others dedicated to digital equity."

It is Reaud's hope that this trend continues, and that other large class action suits will pursue causes such as health insurance for uninsured children and educational grants for hardworking students. "This could be one hell of

It is Reaud's hope that this trend continues, and that other large class action suits will pursue causes such as health insurance for uninsured children and educational grants for hardworking students. "This could be one hell of a shot in the arm for the profession," Reaud said, "I would like to see what we have done become a common practice."

literate. Not every child has access to a computer. A child who can't use a computer in school is disadvantaged academically and in the workforce. We don't want kids to be left behind because they're poor."

The BFA has other Texas Tech ties; its President and Chief Executive Officer is the former dean of the School of Law, W. Frank Newton, who served from 1985 until 2001. The foundation is now in the process of distributing its funds. In its initial year, the BFA selected grantees representative of geographically and demographically diverse populations it ultimately hopes to serve. BFA distributed technology equipment valued at \$6 million to 120 schools and programs in six states, including Texas, New York, New Mexico, Illinois, North Dakota, and South Dakota.

In 2003, the Foundation awarded grants in 21 states, including the District of Columbia. The Foundation is also actively pursuing other groups to work with, such as the Boys and Girls Clubs of America, the Salvation Army, and

a shot in the arm for the profession," Reaud said, "I would like to see what we have done become a common practice."

This is a markedly different approach to class action lawsuits, and this redistribution of funds will help to serve those communities the class action laws are designed to protect—consumers, not corporate defendants. It also sheds a new light on legal ethics, and invites class action lawyers to design settlements that will benefit the most people.

Earlier this year, Senate Judiciary Committee Chairman Orrin Hatch introduced the "Class Action Fairness Act of 2003" (S. 274), and Reaud immediately seized the opportunity, taking his fight to Washington, D.C., where he worked behind the scenes to have a provision inserted that would require the unclaimed portion of the common fund in class action lawsuits to be used for charitable purposes. Reaud's efforts to help the less fortunate and his dedication to the profession are an inspiration for all at Texas Tech Law and elsewhere.

# Nontraditional Lawyers

## Working in Washington, D.C.

**Y**OU SPEND COUNTLESS HOURS PREPARING FOR THE LSAT, followed by the chaotic and nerve-racking process of applying for law schools. Once you finally get accepted to the law school of your choice (or your "back-up" school), you spend the next three years of your life pouring over cases and codes, just so you can be prepared when the professor decides it's your turn for the Socratic method. You finally graduate, and then its cram, cram, cram for that wonderful test called the Bar. What is the point of all this blood, sweat, and tears? So you can become an attorney-at-law and fight for justice, right? Many nontraditional

the Environmental Protection Agency, and then moved to Senator Pete Domenici's personal office. Her most recent promotion brought her to the Committee, which is chaired by Senator Domenici.

Gleason started his career as an intern for Senator Domenici, and is currently Legislative Council for the Senator. He advises the Senator on a variety of topics, including judicial, transportation, financial, and immigration matters.

Even though a law degree is not required to work on the Hill, both Gleason and Randel said that they could not imagine doing their jobs without the knowledge and skills they obtained in law school. Both said their degrees have enabled them to advance quickly amongst their peers. Their advice to others who are think-



Two Tech Law alums, **Ryan Gleason and Shelly Randel**, both Class of 2000, currently work at our nation's Capitol and **spend their days not interpreting the law, but writing and influencing it instead.**

lawyers wouldn't be so quick to agree.

In recent years, there seems to be a trend for many attorneys to enter a variety of careers instead of the courtroom. Many go into the business world, some go into teaching, and then others may happen to find themselves in the whole different world of politics. Two Tech Law alums, Ryan Gleason and Shelly Randel, both Class of 2000, currently work at our nation's Capitol and spend their days not interpreting the law, but writing and influencing it instead.

Randel is Council for the Senate Committee on Energy and Natural Resources, primarily focusing on water law and policy for the western regions of the United States. She began as a clerk for

ing about nontraditional careers in law is to think broadly about what you enjoy and always be open-minded to different careers and places. Gleason said that if someone desires to work in D.C., they have to be willing to move to D.C. and then start looking for a job...and not to be afraid to start at the bottom.

While both have been in D.C. for a few years now, they each desire to return eventually to Texas. What they remember, and miss, most about Texas and Tech Law is the people. Some of their closest friends today are from the time they spent in Lubbock, Texas. It's the people and friendships that make Texas Tech School of Law a unique, and perhaps nontraditional, community.

*By* Kim Reasoner

# PROGRAMS

## The Joint Degree Program: Allowing Law School Students to “Shape Their Practice”

**W**HEN TEXAS TECH LAW STUDENTS want to strengthen their resume or stand out in the crowd, they look to the joint degree program. The joint degree program combines a law degree with courses needed for a separate graduate degree. Which graduate school law students attend is based on which joint degree program they choose.

Currently, the law school offers six joint degree programs, the most popular of which is the J.D./Master of Business Administration (M.B.A.) program. Here, students who wish to acquire broad business knowledge to complement their law degree take core graduate business courses in addition to their work in the law school.

"I thought about pursuing business law and this would help me in that area," second-year law student Tony Fidelie says, "By coming to Tech, I did not have to choose between a J.D. and an M.B.A."

The joint degree program has had both a positive and negative effect on the students. "Upon graduation, attaining two separate degrees will open doors in the future," Fidelie says, but adds, "the extra hours are tough in addition to law school."

The J.D./M.S. Law and Life Sciences program is another popular program. Presently, Texas Tech is the only law school in the country that offers such a joint degree. This program combines the law school with multiple life sciences programs.

Graduates receive a law degree and master's degree in Environmental Toxicology, Biotechnology, or Crop Science. Degrees in Plant & Soil Science and Entomology have also been approved for the program.

**PROFESSOR VICKIE SUTTON**, joint degree advisor, says the joint degree program enables students to shape their area of practice. "All graduates are currently working in the interdisciplinary field for which they prepared. This is a pretty good record." Sutton's job as an advisor combines the roles of law and science professor. Like a science professor, Sutton works with students throughout their careers and makes certain the study of law and science are interrelated.

In addition to these two programs, the law school also offers joint degrees in Family Financial Planning, which helps students desiring to practice in the area of taxation, estate planning, or financial planning, and Master of Public Administration, which aids law students interested in administrative positions in government, public agencies, and institutions. Master of Science degrees in Agriculture and Applied Economics and the Accounting Program round out the joint degrees offered by Tech Law.

—BRENT MORGAN



Professor Vickie Sutton is the faculty advisor for the joint degree program.

## TEXAS TECH LAW CLINICS: PROVIDING STUDENTS WITH LEGAL EXPERIENCE AND THE COMMUNITY WITH SERVICE

**M**OST STUDENTS at Texas Tech University School of Law study in the classroom, in the library, or at home on the couch. Some law school students, however, not only study law, they practice law under a professor's supervision. Tech offers four clinics focusing on: Criminal Prosecution, Tax, Civil Litigation, and Family Law Counseling. Each allows participating students the opportunity to represent real clients and participate in real cases.

The Criminal Prosecution Clinic began during the Fall 2001 semester and is one of only a handful of criminal prosecution clinics in the country. Previously, students in the program served as junior prosecutors exclusively in the Lubbock County District Attorney's Office handling misdemeanor and juvenile cases. The clinic has since expanded its reach; this semester students are also serving as junior prosecutors in Dawson and Hockley Counties where they handle felony cases.

Professor Larry Cunningham, Director of the Criminal Prosecution Clinic, says, "This is a great opportunity for students to get litigation experience, not just for future prosecutors, but for all attorneys." Gary Goff, Hockley County District Attorney, echoes Cunningham's thoughts and speaks glowingly of Brandi Grossman, the student working in his office. "Brandi is picking up a lot of practical experience that is getting her ready for the real world," says Goff. "She is in the

courtroom on numerous occasions, handling pleas, arraignments, and docket calls – the nuts and bolts of the legal system."

The Tax Clinic began in September 2000 after the University received a grant from the Internal Revenue Service. The clinic provides legal assistance to low-income taxpayers involved in disputes with the IRS. The Director of the Tax Clinic, Robert H. Bean Professor of Law Marilyn Phelan, states, "From the initial meeting with the client to determining if they qualify for assistance, through the research and the handling of the actual case, for all intents and purposes, the student is the client's attorney."

Tax Clinic students contact the IRS about the client's dispute and represent the client at administrative hearings and in court. Professor Phelan stresses the fact that students in the Tax Clinic learn to handle the myriad collection disputes clients have with the IRS, including, but certainly not limited to liens, levies and seizures, summonses, payment agreements, and offers in compromise.

Rachel Clark, a third-year student in the Tax Clinic, says it has been rewarding to apply what she has learned in law school to real cases. "You sit in class and learn the tax rules," says Clark, "when you actually get to work with a client and you're helping them you get to see your knowledge put into action."

The Civil Clinic, much like the Tax Clinic, aims to help those without financial access to an attorney. Civil Clinic students undertake a limited number of cases in the hope that a small caseload will afford them the opportunity to investigate and prepare fully each client's case. Students in the Civil Clinic interview and counsel clients, draft pleadings and motions, conduct discovery, negotiate with adverse parties, and appear in court. This is the type of practical experience that simply cannot be replicated in the classroom. The Director of the Civil Clinic is Professor Larry Spain.

Tech also offers a Family Law Counseling Clinic, directed by Professor Tim Floyd. Initially, students learn about marriage and family therapy by observing marriage and family therapy sessions in the Family Therapy Clinic, a Tech clinic run by therapy doctoral students, and by engaging in follow-up sessions with the doctoral students and their clinic supervisors. Students then receive the opportunity to provide legal counseling and representation to clients referred to the Family Law Counseling Clinic.

To participate, students must apply and be accepted to a clinic. A total of 35 students are currently enrolled. Once enrolled in one of the four clinics, students must obtain a "Bar Card" from the Texas State Bar Association. The card allows them to practice law on a limited basis in the state.

In addition to what they learn in the classroom, students graduate with practical experience and knowledge of the legal system's "nuts and bolts." The clinics also provide valuable services to Lubbock and its surrounding communities.

—MATT DURHAM

## Connect with the Tech Connect Mentor Program

**T**HE CAREER SERVICES CENTER is proud to announce the launch of the Tech Connect Mentor Program. The Tech Connect Mentor Program is an e-mail directory for alumni who agree to offer some of their time to provide current law students helpful insights into their careers, geographical regions, or job prospects for specified areas. First-hand information about the job market in various regions across the state and nation will make a real difference in law students' job searches.

The Career Services Center encourages alumni to sign up for this program, which requires, at a minimum, an occasional response to electronic communications from current students. Students seeking job opportunities will be delighted to hear from alumni in the same practice area or geographic

location as they are interested. This program is a wonderful way for alumni to help the Law School and its students. Alumni mentors bear no responsibility beyond occasional correspondence with current students and are under no obligation to employ or entertain the mentored students.

Alumni no doubt recall the frantic search for employment and all of the issues associated with moving to a new area and embarking on a new career. The Tech Connect Mentor Program is designed to alleviate at least some of the stress and pressures associated with the job-search process and should, with the support of the alumni, grow into a useful tool for students. For more information or to sign up for this program, send your contact information along with your area of practice and geographic location to the following:

Dean Kay Fletcher  
Career Services Center  
1802 Hartford Ave  
Lubbock, Texas 79409-0004  
Email: kay.fletcher@ttu.edu  
(806) 742-3990 ext. 278 OFFICE  
(806) 742-3984 FAX

# Texas Tech Law Review to Host the 2004 National Conference of Law Reviews

**T**HE TEXAS TECH LAW REVIEW, in conjunction with Texas Tech School of Law, is proud to host the 2004 National Conference of Law Reviews (NCLR). The NCLR is the leading organization for law reviews and journals. It has a membership of about 145 law reviews and journals, from all fifty states, Puerto Rico, and Canada.

The NCLR is devoted to helping its members better serve the bench and the bar as well as academics. Its annual four-day conference serves as a collective clearinghouse and sounding board for ideas on law review management, scholarly legal publication, and professional legal fellowship. The conference enables law review editors to exchange ideas and experiences common to all. Texas Tech received the opportunity to host the 50th anniversary of the annual conference in San Antonio, on March 24 – 27, 2004.

Speakers at the four-day conference include student editors as well as authors and influential lawyers. Members of the Texas Tech Law Review will serve as moderators and panelists for the sessions. In addition, Dan Del'Orto, Principal Deputy General Counsel of the Department of Defense, the



Honorable Royal Ferguson of the U.S. District Court for the Western District of Texas, the Honorable Edward Prado of the Court of Appeals, Fifth Circuit, and Dean Walter Huffman are expected to be the conference's keynote speakers.

The cornerstone of the conference will be a day spent at the Knibbe Ranch, just outside of San Antonio, which will focus on team-building and leadership skills. The ranch affords attendees an exciting opportunity to experience a unique part of Texas history and tradition!

As the host for the conference, both the Texas Tech School of Law and the Texas Tech Law Review will be in the national spotlight; we will have an opportunity set the bar high for future conferences.

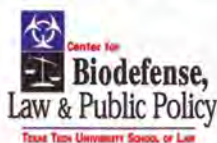
We are currently looking for contributions and sponsors to help host the conference. If you are interested in helping, have questions, or would like any additional information, please contact Jennifer Meriwether, Conference Director, at [jennifer.c.meriwether@ttu.edu](mailto:jennifer.c.meriwether@ttu.edu) or call the Law Review Office at (806) 742-3990, ext. 291.

– JENNIFER MERIWETHER,  
2004 NCLR CONFERENCE DIRECTOR

## Law and Bioterrorism: TTU's Center for Biodefense, Law and Public Policy

**T**HE WORLD IS A DIFFERENT PLACE since the events of September 11, 2001. The effects can be seen in every arena of the business world, medical world, and even our personal lives, from a weaker economy and the need for vaccinations, to losing loved ones in military service. It has also affected federal and state public policies and laws in general.

Responding to the attacks on the World Trade Center and the Pentagon, the Texas Tech University System appointed a Task Force on Anti-Terrorism and Public Security to address issues connected with



Report, on April 8, 2002, recommended the establishment of The Center for Biodefense Law and Public Policy.

The University formally created the Center in the fall of 2002, making it the first University center established at the School of Law. The Center allows the interdisciplinary community to come together to find solutions to the complex and cross-disciplinary problem of bioterrorism. The Center's academic fields include law, public policy, mass communications, political science, microbiology,

terrorism. How can the University, as a public institution, respond to the needs of the community, state, and nation through research, education, and community service? The Task Force's Final

medicine, forensic pathology, animal and food science, and plant science.

**VICTORIA SUTTON, M.P.A., PH.D., J.D.**, became the Director of the Center in September 2002. Other School of Law faculty include Dean Walter B. Huffman, J.D., Brian Shannon, J.D., and Nancy Soonpa, M.A., J.D. Faculty from throughout the campus are also associated with the Center.

In February 2003, Congressman Ralf Hall (D-TX) delivered the Center's inaugural lecture at a symposium on legal issues in Bioterrorism. The Center also co-sponsored conferences with Sandia National Laboratory, Los Alamos National Laboratory, and the University of New Mexico.

Tech Law is also addressing the need for education on these emerging issues. In September 2003, The National Jurist recognized Dr. Sutton's course on Law and Bioterrorism as one the nation's "Cool Courses." To learn more about the Center, log on to: [www.ttu.edu/biodefense](http://www.ttu.edu/biodefense).

–ELIZABETH RYAN

# INTERNATIONAL PROGRAMS

## Summer Law Institute Touted as 'Model Program' by ABA

**T**HE TEXAS TECH UNIVERSITY SCHOOL OF LAW is part of a consortium of three law schools that conduct the Summer Law Institute in Guanajuato, Mexico, on the breath-taking campus of the University of Guanajuato. The other schools are The University of New Mexico and Southwestern University in Los Angeles.

The Summer Law Institute is a four-week program in which students enroll in two courses for six credit hours. The Institute usually runs during the first summer session of regular law classes. Three courses are

offered every year: NAFTA, Overview of Mexican Business Law, and Mexican Legal Institutions. The Institute offers a fourth class that changes every year. In 2003, it was International Natural Resources, taught by Texas Tech Professor Bruce Kramer. In 2004, the expected fourth course is Comparative Constitutional Law, according to Professor Jorge Ramirez, the Director of International Programs at Texas Tech Law.

Guanajuato is one of the oldest colonial cities in Mexico. The United Nations declared it a World Heritage Site in 1988 because of its extraordinary colonial architecture, which is often compared to Toledo, Spain. Surrounded by scenic views, students have

ample opportunity for peaceful study, as well as engulfing themselves in the Mexican culture.

In the summer of 2003, the American Bar Association (ABA) inspected the Summer Law Institute, reporting: "The Guanajuato Consortium summer program is a model program. The program is well managed by experienced and capable administrators."

"The Summer Law Institute provides international law experience which is essential to practicing law in the 21st century," according to Professor Ramirez. "With the passing of NAFTA and the growing international involvement, practicing law in Texas is becoming more and more impossible without touching international law. The program provides students the opportunity to learn international law, as well as become confident in overcoming cultural barriers," he said.

—MARC CHAVEZ



Above: Students experience Mexican architecture while studying in Guanajuato, Mexico

Left: Professor Jorge Ramirez is the Director of the International programs at Texas Tech Law



## Professor Charles Bubany Retires after more than Thirty Years of Service

**D**URING HIS CAREER, **PROFESSOR BUBANY** has been a favorite in a number of courses including Family Law, Criminal Law, Criminal Procedure, and Texas Criminal Procedure. Professor Bubany has served as author, co-author, and co-editor in

numerous published works including Texas Traffic Law and Related Statutes, Environmental Protection Deskbook, and a casebook entitled Texas Criminal Procedure. Professor Bubany has also contributed articles in various legal journals in such areas as family law, client interviewing and counseling, and criminal law and procedure.

Professor Bubany has consistently been recognized for his achievements throughout his teaching career. Among his numerous awards, he has received the Faculty Ethics Award three times and the Outstanding Law Professor Award four times.

Professor Bubany has also given back to law students through an assortment of notable channels. For some time, he served as an advisor for the Board of Barristers.

In 1987, he coached the ABA

Client Counseling Team, which reached championship status on both the national and international levels. Last year, the School entered the Jessup International Law Moot Court Competition after remaining absent for several years. During the year, under the instruction of Professor Bubany, the team earned a remarkable third place standing at the regional competition.

Last year, Professor Bubany announced his retirement after more than thirty years of faithful service to the School; however, we have not lost him yet. Since retiring, Professor Bubany has agreed to continue to serve on the faculty, on a part-time basis, for at least three years. In the fall of 2003, Professor Bubany taught Criminal Procedure, and is currently teaching Texas Criminal Procedure. He has also agreed to be one of the coaches for this year's much

anticipated Jessup Moot Court Team.

As a hobby, Professor Bubany collects cases about Golf and the Law. In pursuit of this hobby, Professor Bubany also gets to indulge another passion: playing golf. When Professor Bubany and his students inadvertently meet on the golf course, neither is opposed to participate jointly in this form of "field research."

Professor Bubany has an extraordinary reputation and is much admired among his students and colleagues. Whenever he does decide to leave us permanently, he will be dearly missed both as a teacher and a mentor.

— ERICA L. WHEATLEY

## Susan Saab Fortney Appointed Associate Dean of Student Affairs

TEXAS TECH UNIVERSITY SCHOOL OF LAW recently announced the appointment of **SUSAN SAAB FORTNEY**, George H. Mahon Professor of Law, to the position of Associate Dean of Student Affairs. Before her appointment, Dean Fortney served as a professor at Texas Tech University School of Law for 11 years. The Selection Committee for the position unanimously appointed Associate Dean Fortney to her new role in the spring of 2003.

Associate Dean Fortney's responsibilities have expanded to include administrative duties; however, Dean Fortney's focus remains on the students. Her goal is to maintain "warm and supportive" relationships with students to foster open dialogue about student issues. When describing Dean Fortney, one student said, "Her student-oriented approach eases the fears of the first year law students and helps promote a comfortable learning environment."

The Law School is honored to have Dean Fortney serve in this important capacity and wishes her the very best in her endeavors as Associate Dean.

# Governor Appoints Brian Shannon to Committee on People with Disabilities

**O**N APRIL 22, 2003, Texas Governor Rick Perry appointed **BRIAN SHANNON** to the Governor's Committee on People with Disabilities. Shannon, the Associate Dean for Academic Affairs and Charles B. "Tex" Thornton Professor of Law, has been with the Law School since 1988.

Over the past several years, Dean Shannon has distinguished himself with his commitment to furthering opportunities for people with disabilities through research and advocacy. His desire to confront these issues with such intensity is fueled in part by his personal observation of the difficulties encountered by individuals close to him who have faced disabilities.

Key examples of Dean Shannon's efforts include his Amicus Brief in the United States Supreme Court in the matter of *PGA Tour, Inc. v. Martin*, 532 U.S. 661 (2001), and his extensive work with other committees and organizations devoted to addressing issues that people with disabilities often face. This includes service on the board of the Lubbock Regional Mental Health and Mental Retardation Center and his position as Vice Chair for the Disability Issues Committee of the Texas State Bar.

Originally known as the Committee on Employment of the Handicapped, the Committee has existed for over half a century. In 1991, the legislature created a statutory basis for the Committee, which is laid out in Chapter 115 of the Texas Human Resources Code. Its mission is simple: "To further opportunities for persons with disabilities to enjoy full and equal access to lives of independence, productivity, and self-determination."

Associate Dean Brian Shannon

As one of twelve members appointed to the Committee by the Governor, Dean Shannon's roles include: 1) making recommendations to the Governor on policies, programs, and funding; 2) promoting the implementation of the Americans with Disabilities Act; 3) supporting community-level committees with similar purposes; and 4) recognizing those who employ and empower people with disabilities.

The Committee meets quarterly to discuss and resolve issues. Currently, the Committee is focusing on legislation regarding transportation issues faced by people with disabilities. In addition to resolving issues, the Committee presents awards to the media for its portrayal of issues and to Texas employers who go the "extra mile" for employees with disabilities.

When asked about his appointment, Dean Shannon said, "I am honored to have been selected by the Governor to serve on this important Committee. Although my schedule is quite full and at times rather hectic, this opportunity was too significant to pass up. A substantial portion of my research, writing, and speaking efforts, as well as my service activities, has been devoted to trying to provide greater opportunities for persons with physical or mental disabilities, and the chance to influence policy at the state level through this Committee's work presents a great opportunity."

Dean Shannon's term will expire in 2005, after which he will be eligible for an additional six-year term. We are confident that he will shoulder his duties to the Committee with the same exceptional level of devotion and professionalism which has earned him this position.

— BARON T. OURSLER



## FOOTNOTES

### RECENT PUBLICATIONS BY ALUMNI & LAW PROFESSORS

Professors at Texas Tech School of Law have been busy writing and publishing case books and articles. A few recent notable publications include **Professor Cochran's** book on gaming and racing law, **Professor Phelan's** museum and art law book, and **Dean Fortney's** article on how to deal with conflicts of interests.

#### PROFESSOR WESLEY

**COCHRAN** and colleagues have written a casebook entitled *Gaming Law, Cases and Materials*. It was published in July 2003, and is currently available. Intended for class instruction, the book is also helpful for practicing attorneys since not many resources are available on the subject. The book gives a general overview of gaming law, including casino, charitable (e.g. bingo, raffles), ship-boat, and Indian casino gambling. It also covers horse and greyhound racing. The book provides a general outline of the law that may assist an attorney with clients interested in establishing and operating gaming facilities.

#### PROFESSOR MARILYN

**PHELAN** co-authored a casebook entitled *Art and Museum Law* in 2002. She also wrote a hornbook on museum law. The casebook covers such topics as copyright, tort, right of privacy, and right of publicity laws. In addition, it covers national resource and international protection of property laws.

#### DEAN SUSAN SAAB

**FORTNEY's** article, *Fortifying a Law Firm's Ethical Infrastructure: Avoiding Legal Malpractice Claims Based on Conflicts of Interest*, focuses on conflicts of interest issues between clients, between clients and third parties, and between lawyers and clients. This article can help both large and small firms avoid professional rule violations, fee forfeitures, as well as other disciplinary actions.

— GARY PRUST

## PROFESSOR GABRIEL ECKSTEIN PARTICIPATES IN A CONFERENCE OF WATER EXPERTS

**T**HE UNITED NATIONS EDUCATION, Scientific and Cultural Organization (UNESCO) recently asked Texas Tech University School of Law Professor **GABRIEL ECKSTEIN** to participate at a conference of water experts addressing global and transboundary water issues. In October, 2003, Professor Eckstein participated in a meeting on shared ground water in Paris, France. He continued his participation with UNESCO by attending an international conference in Tokyo, Japan, in December 2003. Only a handful of experts were invited to attend the meeting in Tokyo, and Professor Eckstein was one of the two legal experts and the only American. The conferences are part of UNESCO's Internationally Shared Aquifer Resources Management Programme, and represent a significant undertaking by the United Nations to address global water issues. UNESCO has made water-management issues a priority at the top of its international sustainable development agenda.



Professor John Krahmer

## New Developments in Research Tools: Electronic Advances

**T**HE TEXAS TECH School of Law is fast becoming a leader in computer-aided practice supplements.

**PROFESSOR JOHN KRAHMER**, working with Karl Vancil and Carl Morgan, has developed an innovative research tool to navigate the Uniform Commercial Code and identify the interplay of the related sections. The three produced a program that accesses the Texas version of Article 9 of the Code pertaining to secured transactions. The program is currently accessible on CD-Rom and is available as a research supplement for practicing attorneys in Texas.

The endeavor began in the summer months of 1999, and was completed in May 2000. The program's purpose is to inform business lawyers about revisions to the Code as well as aid in the interchange of the differing sections. Originally, Professor Krahmer, Professor Vancil, and Mr. Morgan traveled across the state conducting continuing legal education (CLE) courses following the most recent changes to Article 9. They used the proceeds

from the courses to create scholarship funds for Texas Bank Lawyer members. After completing thir-

ty CLE courses, the trio returned to Texas Tech to make necessary changes to accommodate the most recent revisions to the Code as adopted by the state.

Originally developed for practicing attorneys, the program is also a great research and study tool for students. Professor Krahmer indicated that this "low-tech" system could be integrated into web-based teaching devices that are currently being implemented nationally and at Texas Tech. He also noted that this type of program could be developed for many of the legal areas based on codes and rules such as Taxation and Civil Procedure. The program is user friendly and easy to update.

Professor Krahmer sees a bright future for the program since the American Legal Institute has granted him and his colleagues a license to complete another program for impending revisions to Articles 2, 3, and 4 of the U.C.C. The Texas Legislature will most likely adopt these revisions during its 2005 legislative session.

For information on obtaining a copy of the CD, contact Professor John Krahmer at [jkrahmer@krahmer.net](mailto:jkrahmer@krahmer.net).

— MARK CURNUTT

# New Faculty and Staff Spotlight

**T**HE TEXAS TECH University School of Law welcomes ten new faces to its faculty and staff for the 2003-2004 school

year. The teaching faculty, Law School Administration, and Career Services will all benefit from the help of these highly qualified individuals.

**JENNIFER BARD** is a new Associate Professor of Law. She specializes in Health Care Law. Bard will teach courses in Public Health, Medical Malpractice, Insurance Law, and Correctional Health Care. Among Professor Bard's varied publications are articles on the anthrax vaccination and the insanity defense.

**GABRIEL ECKSTEIN**, Associate Professor of Law, brings to the Tech Law School his experience on U.S. and International Water Law. He will teach Water Law, International Environmental Law, and Property Law. Professor Eckstein most recently served as In-House Counsel for CropLife America in Washington, D.C. He said the opportunity to teach full time drew him to Lubbock and Texas Tech. In the last seven years, Eckstein has had 18 articles published either alone, or in collaboration with others, regarding such subjects as ground-water resources,

International Water Law, and Environmental Law.

**CALVIN LEWIS** also joins the faculty as an Associate Professor of Law. Professor Lewis continues his teaching career after retiring from the United States Army Judge Advocate General's Corps. Lewis retired as a colonel following 25 years of distinguished service. Before his retirement, Lewis served as Deputy Commandant and Director of Academics at the Army JAG School in Charlottesville, VA. During his military career, he received numerous honors, including the Legion of Merit, Bronze Star, and Army Commendation Medal.

**LARRY CUNNINGHAM** has joined the faculty as Director of the Criminal Prosecution Clinic. Previously, Cunningham worked as an Assistant Commonwealth Attorney for the Commonwealth of Virginia. As a prosecutor in Alexandria, Virginia, Cunningham specialized in juvenile delinquency prosecution.

**KIM PHILLIPS** is joining the faculty for 2003-2004 as a visiting legal practice professor. Phillips, a native of Lubbock, returns after serving in the Navy JAG Corps. Phillips is licensed to practice law in Texas, Oklahoma, and Oregon.

**DOUG WELCH**, a practicing attorney in Lubbock, also joins the legal

practice department as an adjunct professor.

The Administration is excited about adding **RICHARD ROSEN**, who will serve as Associate Dean for Administration and External Affairs. Before accepting his new position, Rosen was the Commandant of the JAG School at Charlottesville, Virginia, where he commanded the Army's ABA-recognized law school.

**DR. RUSSELL GIBBS**, CFRE (Certified Fund Raising Executive), is the Law School's first, full-time Development Officer. Before coming to the Law School, he was Vice President of Institutional Advancement at Wayland Baptist University in Plainview, Texas.

**CASEY CARSON** is the School's new and first-ever Alumni Coordinator. She comes to the Law School from the Texas Tech University Health Sciences Center.

**JULIE SHOOP** is the new Director of Career Services. She is excited about counseling students on career options, coordinating workshops, and cultivating relationships with law firms for on and off-campus recruiting.

The Texas Tech University School of Law welcomes the new additions to our faculty and staff.

Left: Members of the Tech Law Faculty; Right: Gibbs, Carson, Rosen





Professor Daisy Hurst Floyd and Professor Timothy W. Floyd

## Professor Timothy W. Floyd's Involvement in the Louis Jones, Jr. Case

**S**INCE ITS ENACTMENT, only three people have been executed under the Federal Death Penalty Act of 1994. Experience and well-respected credentials are essential for attorneys chosen to be involved in federal death penalty cases. **TIMOTHY W.**

**FLOYD** is not only one of these attorneys, he is also a professor at Texas Tech School of Law.

Early in his career, Professor Floyd spent several years as a public defender in Georgia. It was during this time that he began to develop an interest in the death penalty, and, more specifically, gained a significant amount of experience in capital litigation. It was also during this time that his views against the death penalty began to become more developed.

Floyd says that, "The further I got into working in the criminal justice system and murder cases in particular, the more I realized how imperfect our system is. Given that, the fact that someone's life is hanging in the balance really reinforced my general notion that there are problems with the death penalty in America."

Because of his background, in May 1996, the Court of Appeals, Fifth Circuit, appointed Professor Floyd to be counsel, along with Tim Crooks, for Master Sergeant Louis Jones, Jr., in his appeal of a death sentence handed down in the U.S. District Court in Lubbock, Texas. The case involved the kidnapping, rape,

and murder of Private Tracie McBride, a 19-year-old woman stationed at Goodfellow Air Force Base in San Angelo, Texas, in 1995. The Fifth Circuit affirmed the conviction and sentence, and the United States Supreme Court granted a writ of certiorari.

The Supreme Court affirmed the case in the summer of 1999 in a five-to-four decision. Thereafter, Professor Floyd was appointed, along with Lubbock attorney and Tech Law graduate Floyd Holder, by U.S. District Judge Sam Cummings to handle the post-conviction process. After the courts denied post-conviction relief, the Department of Justice set the execution date for March 18, 2003. The only avenue left to pursue was to petition the President of the United States for clemency and reduce Mr. Jones' sentence to life in prison without the possibility of release.

Sergeant Jones was a highly decorated 22-year Army veteran who served with the Rangers, before retiring as a Master Sergeant. During the Persian Gulf War of 1991, Sergeant Jones was exposed to certain nerve agents in the destruction of an Iraqi munitions plant in Khamisiyah, Iraq, in March of 1991. After the war ended, Mr. Jones returned to America a changed man. He was more hostile, aggressive, and had a tendency to fixate irrationally. This change in personality and behavior contributed to the death of Tracie McBride.

In 2000, the Pentagon sent a letter to some soldiers who had served in the Persian Gulf War, including Sergeant Jones, telling them that they had been exposed to sarin and cyclosarin nerve agents during the war. Medical evidence indicated that this exposure caused brain damage in Sergeant Jones and likely was the cause of the uncharacteristic behavior that contributed to his heinous crime. This exposure caused a condition known as "Gulf War Syndrome," which has been found in other soldiers from the Gulf War. Information about Gulf War Syndrome was not available at the trial of Sergeant Jones because it had not yet been discovered.

Professor Floyd prepared a petition for executive clemency on behalf of Sergeant Jones, and presented the information that came out after the trial concerning the Gulf War Syndrome. Professor Floyd argued that this information should be considered when determining Sergeant Jones' fate. Many top officials including Senator Kay Bailey Hutchison of Texas, Senator Arlen Specter of Pennsylvania, and Ross Perot agreed with Professor Floyd that Sergeant Jones should have had a more complete evaluation of the possible brain damage suffered as a result of chemical exposure during his Gulf War service.

The President, however, denied clemency, and on March 18, 2003 at 7:08 a.m., Master Sergeant Louis Jones, Jr., was executed by lethal injection in Terre Haute, Indiana. Almost seven years had passed between Professor Floyd's initial appointment to the case and its end. Being a law professor allowed Professor Floyd to use resources such as the library, students, and colleagues in his work on this case. He was also surrounded by people that assisted along the way. During the clemency process Dick Burr and David Freedman, of the Death Penalty Resource Counsel Project, were tremendously helpful. Pro bono assistance in drafting came from the Washington D.C. law firm of Skadden, Arps, Slate, Meagher & Flom LLP, through Matthew Bobys, a first-year associate, and Matthew Noble, a paralegal. Laura Burstein of The Justice Project provided media help.

—JON. M. ROWAN

# PROFESSOR FRANK SKILLERN AND HIS CONTRIBUTIONS TO TEXAS ENVIRONMENTAL LAW

**O**N AUGUST 7, 2003, the Environmental & Natural Resources Law Section of the State Bar of Texas awarded Professor Frank Skillern with the "A Legend in Texas Environmental Law Award." His contributions in this area of law are extraordinary.

**PROFESSOR SKILLERN** received his J.D. degree from Denver University Law School. Upon graduating, he went to Washington, D.C. to work for the U.S. Maritime Administration. After a year in Washington, Professor Skillern decided to continue his education, and he attended the University of Michigan, where he obtained a Master of Laws degree.

Professor Skillern began his teaching career at the Ohio Northern University School of Law, teaching there for two years before coming to Tech Law in 1971. When he was hired, he was Tech Law's first faculty member to address Environmental Law. At the time, there was a dearth of materials on the subject, including only one case book, so he had little to work with. Shortly after, he also began to teach Water Law. Since that time, Professor Skillern has been the principle professor on Environmental Law and Water Law at Tech Tech.

Professor Bruce M. Kramer gives an example

typifying Professor Skillern: "Frank Skillern is a selfless, giving individual who always thought first what would be in the best interests of the Law School. We probably will not have another faculty member who will give more of themselves than Frank did for the betterment of the law school."

One of his favorite contributions at Tech Law was when he advised the Law Review from 1971 to 1978. He says he enjoyed the time he spent advising the students.

Professor Skillern made a considerable contribution to law when he wrote a treatise on Water Law, publishing it in two volumes. The first focuses on water rights and the process by which to file those particular applications. The second volume discusses the environmental title programs and issues.

Professor Skillern chaired the Environmental Law Section (later renamed Environmental and Natural Resources Law Section) of the State Bar of Texas from 1983 to 1984. The Section was relatively new at the time. His goal, while there, was to encourage attorneys from smaller practices to get involved in the committees as officers to give a broader range of participation in the Section.

Professor Skillern decided to hang up his

teaching hat and retired on August 31, 2003, after 32 years of professorship at Tech Law. He has moved back to his childhood home of Boise, Idaho, to enjoy a

slower pace and beautiful scenery with his wife, Susan. He has two grown children. His daughter, Leah, is married to Clay Walton. They just had Professor Skillern's first grandchild, Evelyn Catherine. His son, Nathan Skillern, married on June 14, 2003. Professor Skillern is looking forward to more time spent with his growing family.

Professor Skillern has not only been honored by the State Bar of Texas, but he is fondly remembered at Tech Law. His colleagues describe him best. Professor Dan Benson says, "Frank is one of the kindest people ever to serve on our faculty. He was always genuinely concerned about other people and about the welfare of the law school. His kindness and good will are the outstanding traits for which I will remember him, as well as his deep interest in and broad knowledge of the law."

Professor Charles Bubany echoed Professor Benson's praises, "He is the most caring individual I have ever known. And he possessed a characteristic that I find less and less of—loyalty to the school rather than interest in self. In my opinion, he was probably the most under-appreciated professor I have known in my over 30 years at this law school."

—ELIZABETH A. RYAN

## Dr. Phelan: Texas Super Lawyer

**T**EXAS TECH ROBERT H. BEAN PROFESSOR OF LAW **DR. MARILYN PHELAN** received a letter in the mail this summer, informing her that she had been named a Texas Super Lawyer for 2003. The process of selecting Texas Super Lawyers, undertaken jointly by *Law & Politics* and *Texas Monthly* magazines, included counting more than 43,000 ballots and a "blue ribbon" panel review. This honor speaks volumes about Dr. Phelan's work ethic, her significant achievements in the field of law, and the respect her peers hold for her.

Dr. Phelan was also recently named Chair of the International Taxation Committee to the American Bar Association, through which she hopes to educate the international law community of the tax repercussions that accompany worldwide business transactions. She says that teaching tax law at this level is interesting because it provides "a study of how tax competition affects business relationships between countries."

Dr. Phelan currently serves on the Legal Affairs Committee for the Executive Council of the International Council of Museums and the National Conference of Committees on Uniform State Laws, where she previously served a six-year appointment under Governor Richards, and is now serving an appointment by Governor Perry.

Professor Phelan previously taught accounting and tax classes in the Business School. Later, the Law School approached her for a position as a tax law professor since she also holds a Ph.D. in accounting from Texas Tech. She realizes tax law courses are not interesting to some students, as she admits that she herself does not always find parts of the tax law interesting. It was, however, an understandable match, as her accounting expertise would contribute greatly to the law school.

Dr. Phelan now teaches courses in Museum Law and Non-Profit Organizations, both of which she finds challenging and engaging. As further testament to Dr. Phelan's dedication, she recently found herself frustrated with the limited materials available for her Non-Profit Organizations class, so her solution was to write her own text book, which West published this summer. She says, "this achievement has brought me the most satisfaction this year because I am now able to structure the course in the format that I want to teach it." She has also authored a book on laws related to museums and co-authored a casebook entitled "Art and Museum Law."

The 2003 Texas Super Lawyers were published in the November 2003 issue of *Texas Monthly*.

— KELLY BERRY

## Tech Law Moot Court Team Wins the John Marshall International Moot Court Competition



Chad Edgington, Shannan Goss and Steven Anderson

**A** TEXAS TECH UNIVERSITY SCHOOL OF LAW moot court team comprised of students Chad

Edgington, Steven Anderson, and Shannan Goss, and coached by Professor Don Hunt, earned national championship honors by winning the John Marshall International Moot Court competition in Chicago on October 18, 2003. In addition, Anderson, from Lake in the Hills, Illinois, won the writing award for the Nation's best legal brief. Edgington, a native of Bedford,

**"The Marshall competition is the most prestigious of the nation's moot court competitions, and although we have won other national titles in the past, this is our first time to win the 'big prize.'"**

Texas, and Goss, of Panhandle, Texas, rounded out the team that brought home the highly-coveted National Championship Team trophy.

"The Texas Tech University School of Law's traditionally strong student

advocacy program has achieved a new high by winning this competition," Law School Dean Walter B. Huffman said. "The Marshall competition is the most prestigious of the nation's moot court competitions, and although we have won other national titles in the past, this is our first time to win the 'big prize.'"

Huffman also has high praise for the team's coach, Don Hunt, a Lubbock attorney and Texas Tech University Adjunct Professor of Law. "He is legendary for his ability to teach winning appellate court skills to law students, and it is a thrill for all of us who have benefited from his selfless service to our students and our law school to see him win the big one."

The John Marshall competition, established in 1981, is one of the largest and most highly respected of all moot court tournaments. Students from around the globe gather annually to argue challenging and unresolved issues of technology law. The John Marshall Law School's Center for Information Technology and Privacy Law hosts the competition. The event is funded by an endowment from the Estate of Carl W. Carlson a 1933 alumnus of the John Marshall Law School. The panel of jurists assembled for the Competition each year includes state supreme court justices, federal district court and appellate judges, and distinguished law professors and practitioners.

# Operation Iraqi Freedom: The Experiences of Texas Tech Law School Student Charles Dayoub

**L**IFE AS A LAW STUDENT CAN BE TOUGH. Life as a Marine is tough. So what happens when you're both? For one Tech Law student the reality of being both, simultaneously, came to call in January of 2003.

In the middle of his second year at Tech Law, Corporal Charles Dayoub, a Reservist in the United States Marine Corps, received word that he would be taking an active role in the developing situation in Iraq. At the beginning of February he was in San Diego, and by month's end he was halfway around the globe, in Kuwait. Positioned only a few hundred yards from the border, Dayoub and his fellow Marines awaited their orders to push into Southern Iraq. They would be responsible for helping spearhead the invasion from the South. In March, their orders came, but even at that time Dayoub did not know the extent of the role he would assume in Operation Iraqi Freedom.

Soon after pushing into Iraq, Dayoub

was called upon to aid in resolving a unique problem. A Bedouin tribe's herd of camels had wandered in front of his convoy, and forced the Marines to stop. Although this story initially seems amusing—a convoy of U.S. Marines, "The Few and The Proud," pushing forward into hostile territory, only to be blocked by...camels—Dayoub said the Marines were concerned about whether the Bedouins were intentionally stalling them for an ambush and whether they should be engaged as combatants.

**In the middle of his second year at Tech Law, Corporal Charles Dayoub, a Reservist in the United States Marine Corps, received word that he would be taking an active role in the developing situation in Iraq.**

Fortunately for both groups, Charles Dayoub, son to Syrian-born parents, speaks Arabic. The matter was resolved, and after that Dayoub was quickly picked up by other Marine Corps and Army detachments and, as he said, "that was the last time I saw anyone from my unit." From that day, he assumed the role of translator, and communicated with a wide array of people—Iraqi civilians and enemy prisoners (referred to as E.P.W.s) including Special Republican Guard and Fedayeen.

During his time in Iraq, Dayoub came upon and visited with individuals who were both for and against the U.S. involvement in liberating Iraq. On one day in particular, he encountered a woman who physically clung to him, begging the soldiers stay and protect her village. The woman had family members who had "disappeared" during Saddam Hussein's regime and was scared because of what she thought might happen once the Americans were gone.

Although the majority of the Iraqis he encountered were excited to see him and were grateful for his and America's presence, Dayoub says some were confused about how he, a man of apparent Middle-Eastern decent, could join the military and fight along side the Americans.

When asked about his feelings regarding his involvement in Operation Iraqi Freedom, Dayoub had this to say: "Although the operations in Iraq were difficult, I am honored to have served my country and been a part of liberating a people from such a brutal regime—giving them the opportunity for freedom and democracy."

Most law students will leave after three years of school with a sense of accomplishment and legendary tales of treacherous exams covering paradoxical topics, such as "The Rule Against Perpetuities." Corporal Charles Anthony Dayoub will leave with something more.

—BARON OURSLER

Charles Dayoub recounts his experiences during his stint in Iraq.



# I FACULTY NOTES I

## **PROFESSOR JENNIFER BARD**

Professor Jennifer Bard received her B.A. degree in English from Wellesley College and her J.D. degree from Yale Law School in 1987. After a clerkship with the Honorable Frank H. Freedman, Chief Federal District Court Judge, District of Massachusetts, Professor Bard was a litigation associate with Shearman & Sterling in New York for seven years. In 1995, she moved to the AIDS Action Council of the Government Affairs Department as a health policy analyst in Washington, D.C. Professor Bard has been an Assistant Attorney General in the Connecticut Attorney General's Office, an Assistant Professor for the Department of Preventive Medicine and Community Health and Research Director for the Program on Legal and Ethical Issues in Correctional Health for the University of Texas Medical Branch in Galveston. Other appointments include a position as scientist for Sealy Center for Vaccine Development, Adjunct Professor for the University of Houston Law Center and Associate Member of the University of Houston Health Law and Policy Institute. Her publications include articles on the insanity defense, multiple personality and forensic issues, and biolaw.

## **PROFESSOR DANIEL BENSON**

Prior to beginning his teaching at the Texas Tech School of Law in 1973, Paul Whitfield Horn Professor of Law Benson served as an Army judge advocate at military installations in the United States and Germany, was a trial

attorney with the Criminal Division of the U.S. Department of Justice in Washington, D.C., and engaged in general private practice in Texas. In 1993 he published a criminal law casebook, *Hall's Criminal Law: Cases and Materials*, Fifth Edition, with co-authors John S. Baker, Robert Force, and B.J. George. He is a co-author, with Associate Dean Brian Shannon, of *Texas Criminal Procedure and the Offender with Mental Illness: An Analysis and Guide*, Second Edition (1999). Professor Benson renders pro bono service in a variety of ways, including functioning as legal counsel to hearing committees at Texas Tech University School of Medicine, serving as co-counsel in federal criminal cases, and serving as general counsel to the Board of Directors of a charitable organization.

## **PROFESSOR CHARLES BUBANY**

Professor Bubany was a note editor for the Washington University Law Quarterly. He attended a year of graduate school at the University of Illinois College of Law, taught law at West Virginia University, was a Navy JAG officer, and practiced law in St. Louis before joining the Law School faculty. At Texas Tech, Professor Bubany coached the School of Law's 1987 National and International Champion ABA Client Counseling team. He received the Faculty Ethics Award in 1988, 1989, and 1994; the Outstanding Law Professor Award in 1994, 1997, 1998 and 2000; the Texas Tech Continuing Education Award in 1990; and the Faculty Service to the Professions Award from the National University Continuing

Education Association in 1991. Professor Bubany regularly teaches continuing education classes dealing with criminal law subjects for lawyers and nonlawyers, and is co-author of a casebook entitled *Texas Criminal Procedure*, and co-editor of *Texas Traffic Law and Related Statutes*. He also is a contributing editor of the Family Law segment in the General Practice Digest of the State Bar of Texas. An N.A.I.A. All-American golfer in college, Professor Bubany is currently engaged in research for a book on Golf and the Law.

## **PROFESSOR BRYAN CAMP**

Professor Camp has never strayed far from academia. After college, he worked as a computer programmer, but still took night classes at Georgetown University, and taught high school history during his summers in Andover, Mass. Professor Camp "rewarded" himself for getting through law school by taking an extra year to earn his M.A. in legal history. After four years of practicing law, Professor Camp attended Columbia University where he earned his LL.M. After graduating, Professor Camp spent the next eight years as a senior docket attorney for the IRS. In 2001, he returned to academia for good, here at Texas Tech. In academics, Professor Camp is fast developing a national reputation. He was one of 15 scholars selected nationally to present work at the Supreme Court Historical Society's 2003 summer seminar. His article *Tax Administration As Inquisitorial Process* has been described by one reviewer as "eye-opening" and "ground-breaking." He is a reg-

ular panelist at the ABA Tax Section Meetings, and is a regular lecturer at national bankruptcy conferences on the interplay of tax and bankruptcy provisions. His articles have appeared in top national law reviews, such as *Florida Law Review* and *Washington and Lee Law Review*.

### PROFESSOR WESLEY COCHRAN

Professor Cochran served on the faculty of University of Mississippi before moving to Texas Tech. Before that, he worked at the law schools of the University of Washington and Loyla University – New Orleans. Professor Cochran regularly speaks on intellectual property, technology, and professional development issues to library associations and professional trade groups. Professor Cochran recently co-authored a casebook in gaming and racing law.

### DEAN TERENCE COOK

Before joining the administrative staff at the School of Law, Dean Cook served as a law clerk for the Honorable Brian Quinn of the Seventh Judicial District Court of Appeals in Amarillo. Upon completing his clerkship in June 2000, he accepted a position as a felony prosecutor in the 106th Judicial District. Dean Cook continues to practice in his areas of interest representing clients on a pro bono basis. In addition to his work with the Admissions Committee, Dean Cook serves as director of the academic retention program and as the administrative liaison for the numerous student organizations at the Law School. As the dean in charge of recruitment, Dean Cook travels throughout the nation to speak to prospective students.

### PROFESSOR LARRY CUNNINGHAM

Professor Cunningham earned his J.D. from Georgetown, where he was a member of the law review, participated in moot court, and defended alleged juvenile delinquents through Georgetown's Juvenile Justice Clinic. Professor Cunningham then clerked for Chief Judge Claude M. Hilton of the U.S. District Court for the Eastern District of Virginia; there, he worked on, among other things, the Robert Hanssen espionage case. Following his clerkship, Professor Cunningham served as an Assistant Commonwealth's Attorney in Alexandria, Virginia, where he was in charge of juvenile delinquency prosecutions for Alexandria City, a suburb of Washington, D.C. He successfully prosecuted numerous armed robberies, a major shooting between rival gang members, drug distribution and possession offenses, a school shooting, sex crimes, arson, fraud, thefts, simple assaults, and other crimes. Professor Cunningham litigated several jury trials to verdict and handled cases on appeal. He also brought civil forfeiture actions to seize financial assets of drug dealers. He has published articles on legal ethics, Indian law, juvenile justice, and police procedure/ethics.

### PROFESSOR GABRIEL ECKSTEIN

Professor Eckstein has significant experience in international environmental law, especially in the area of freshwater resources. He currently serves as an expert to the U.N. Educational, Scientific, and Cultural Organization and Ambassador Chusei Yamada of the U.N. International Law Commission in the development of an international convention on transboundary

ground water resources. In 2001, he was invited as a research scholar and awarded a scholarship to attend The Hague Academy of International Law for their program on International Law and Water Resources. Professor Eckstein has also consulted for The World Bank, Organization of American States, and US Agency for International Development on various international environmental and water issues, and served as a researcher for Hungary in the World Court case – *Gabcikovo-Nagymaros Project* – on issues of international law and transboundary ground water resources. In addition, Professor Eckstein directs the International Water Law Project, an Internet-based project designed to compile and disseminate information on international water law and policy issues and related topics. Professor Eckstein also has considerable experience in U.S. environmental law. After obtaining his Master of Laws Degree in Environmental Law, he worked as a litigator in private practice on environmental, toxic tort, and asbestos cases. Thereafter, he joined CroLife America, a U.S. trade association of agricultural chemicals and biotech companies, as Senior Counsel advising on matters of U.S. and international environmental and agricultural law. Prior to joining the TTU faculty, Professor Eckstein taught as an adjunct Professor at American University Washington College of Law. In addition to his law degrees, Professor Eckstein holds a Bachelor Degree in Geology, and a Master Degree in International Affairs.

### PROFESSOR JAMES EISSINGER

Professor James Eissinger entered service in the U.S. Air Force as a member of the Judge Advocate General's Corps. He served as counsel in court-martial proceedings as

well as providing general legal assistance. Professor Eissinger later served as an attorney on the law enforcement council, a division of the Attorney General's office in North Dakota. After serving in a position on the faculty of the School of Law at the University of North Dakota, Professor Eissinger came to the Texas Tech School of Law faculty. Professor Eissinger has written and published in the area of public law. He currently serves as Chair of the Admissions Committee for the Law School where he is responsible for an admissions process that provides the maximum amount of individual review possible because of the extensive student scholarship program administered through his committee.

## PROFESSOR DAISY FLOYD

Professor Floyd practiced law with the Atlanta firm of Alston, Miller, & Gaines before entering teaching. She became a member of the faculty of the Law School in 1990. Her teaching and research interests generally involve litigation-related topics. Recent publications include articles concerning the proper role of judges and attorneys in modern civil litigation and a chapter in a series on Texas evidence law. Professor Floyd has received two University teaching awards since joining the law faculty and is a charter member of the Texas Tech University teaching Academy. She chaired the Teaching Academy during the 1999-2000 academic year. She is a member of the state bars of Georgia and Texas and the American Bar Association and was elected a Fellow of the Texas Bar Foundation in 1996. Professor Floyd is a long-time member of the Texas Association of Counties County Judges Education Committee and the PEER

Committee of the Texas Center for the Judiciary. She has worked extensively with both groups in developing bench books for Texas trial judges. She is a frequent speaker at continuing judicial education and continuing legal education programs on a variety of topics.

## PROFESSOR TIMOTHY FLOYD

Before coming to Texas Tech, J. Hadley Edgar Professor of Law Timothy Floyd served as a law clerk in the U.S. Court of Appeals for the Fifth Circuit, was legal counsel to the Lieutenant Governor of Georgia, practiced with the law firm of Sutherland, Asbill, & Brennan, and was Assistant Director and Director of the University of Georgia School of Law Legal Aid Clinic. His primary research interest is legal ethics, especially in the application of moral theology to the practice of law. He served as faculty editor of the Faith and the Law Symposium Issue of the Texas Tech Law Review. Professor Floyd also has a special interest in lawyer disciplinary procedures and was one of the drafters of the Texas Rules of Disciplinary Procedure. Floyd was recently appointed by the Supreme Court to a three-year term on the new Texas Access to Justice Commission. He has served on the Supreme Court of the Texas Grievance Oversight Committee, the State Bar of Texas Professionalism Committee, and the Board of Directors of the Texas Legal Services Center. He is currently faculty advisor to the Board of Barristers. He is an expert in capital litigation and served as defense counsel in the first case in the nation under the Federal Death Penalty Act of 1994 (the case was argued before the United States Supreme Court in February 1999).

## DEAN SUSAN SAAB FORTNEY

Before joining the faculty, Associate Dean and George Herman Mahon Professor of Law Susan Fortney practiced law in both the public and private sectors. She first served as briefing attorney for Chief Justice Carlos Cadena of the Fourth Court of Appeals of Texas. She continued her public service as an attorney with the Division of Corporation Finance and the Division of Enforcement at the U.S. Securities and Exchange Commission. Thereafter, Dean Fortney entered private practice, handling securities and corporate matters. With that background, she developed an expertise in business and coverage litigation, principally handling legal malpractice and directors and officers' liability cases. While in practice, Dean Fortney developed her love of teaching, first as an instructor in the business schools at the University of Texas at Arlington and Dallas, and later as an adjunct professor at the University of Texas School of Law. Dean Fortney's research and writing focuses on law firm governance and ethics issues. She has obtained funding for and conducted two empirical studies on law firm ethics. The last study analyzed the effect of law firm culture and billable hour expectations. Dean Fortney works with numerous state, national and international programs including the Fulbright Program, the Supreme Court of Texas Grievance Oversight Committee, and the Supreme Court of Texas Task Force on the Texas Disciplinary Rules of Professional Conduct. The Task Force will make recommendations on changes to improve the Texas ethics rules for attorneys.

## PROFESSOR FRED HARTMEISTER

Before joining the faculty at Texas Tech, Professor Hartmeister clerked for the Chief Justice of Wyoming Supreme Court from

1990 to 1992. He also served as a law clerk for two Wyoming district court judges in Laramie and Rawlins. A Colorado native, he taught school for three years and then spent four years as an elementary school principal. Professor Hartmeister has a joint appointment in the Texas Tech College of Education where he is program coordinator of Educational Leadership and helps prepare aspiring school administrators. Professor Hartmeister has written two books, several law review articles and numerous other journal articles and legal columns. He is a frequent conference speaker and an active member in the Education Law Association, the American Association of School Administrators, and the American Educational Research Association.

#### **PROFESSOR KAY HOLLOWAY**

Before joining the faculty, Kay Holloway was in private civil practice in Key West and the Lower Florida Keys. She served as circuit representative to the Florida Bar Board of Governors for two years. Since returning to her West Texas roots, she has taught at the Law School and is co-author, with Tracy McGaugh and Christine Hurt, of a publication titled Interactive Citation Workbook and web-based Interactive Citation Workstation, a self-paced instruction method for legal citation, with a Bluebook version and a version using the newer ALWD Citation Manual.

#### **DEAN WALTER HUFFMAN**

Dean Huffman joined Texas Tech School of Law after a distinguished 25-year career in public service. As The Judge Advocate General and the top military lawyer for the

U.S. Army, Dean Huffman managed and led a diverse legal workforce of more than 4,000 uniformed and civilian attorneys, paralegals and support personnel in the United States and 17 foreign countries. During that time he was the first uniformed lawyer since World War II selected to serve on the Texas State Bar Board of Directors. Dean Huffman led the first U.S. Army delegation to China to reestablish relationships with the Chinese Army and led the first Defense Department delegation to sign written cooperative agreements between military legal agencies in Russia and the United States. He was awarded the Hungarian Distinguished Service Medal for extensive work with the post-Warsaw Pact Hungarian military focusing on the role of the military in a democracy. As personal legal counsel to the Army Chief of Staff and other principal Army staff, Dean Huffman handled the legal and public relations aspects of the most high-profile cases in recent Army history.

#### **PROFESSOR VAUGHN E. JAMES**

Before attending law school, Professor Vaughn James had many other "lives" and careers. At various times, he was a professional musician and performer of calypso music (King Shakey); radio announcer and radio station manager (Ed Schaecker); New York City banker; cricket coach; minister of religion; and small business owner. Yet, even while pursuing these careers, Professor James drifted in and out of his favorite occupation – teaching. He began his teaching career in 1977 as an elementary school teacher in Dominica, West Indies. Since then, he has taught high school, adult education, college, graduate school and law school. He began his law school teaching

career at Syracuse University, and has been at Texas Tech School of Law since the summer of 2001. He teaches Wills and Trusts, Estate and Gift Taxation, Estate Planning, Elder Law, and Law and Religion. His recent publications include *Twenty-First Century Pirates of the Caribbean: How the OECD Robbed Fourteen CARICOM Countries of Their Tax and Economic Policy Sovereignty*, and *Strategies for Reaching the Welfare-to-Work Population*.

#### **PROFESSOR DALE JONES**

Following graduation from law school where he served on the staff of the Texas International Law Forum, Dale Jones spent two years as an examiner in the United States Copyright Office. Professor Jones then moved to Lubbock, and transitioned into private practice. He practiced privately for over thirty years, primarily in criminal and civil trial work in state and federal courts with an emphasis in appellate practice. He has been a participant in the Fifth Circuit's Texas Appointment Plan since 1985, representing indigent appellants in criminal cases by direct appointment from the court of appeals. In the fall of 1999 after 20 years with the firm of Shelton & Jones, Professor Jones began teaching full-time on the faculty of the law school as a Legal Practice Professor. While at the law school, Professor Jones continues to serve as legal counsel for Palo Duro Presbytery of the Presbyterian Church (U.S.A.) and also serves on the executive committee of the South Plains Council of the Boy Scouts of America.

Professional memberships for Professor Jones include the Appellate Section of the State Bar of Texas and the Bar Association of the Fifth Federal Circuit. He is admitted to practice in Texas and in the United States

District Court for the Northern District of Texas, the Fifth, Tenth and Eleventh Federal Circuit Courts of Appeal, and the United States Supreme Court.

## PROFESSOR BRUCE M. KRAMER

Bruce Kramer was named Maddox Professor of Law in 1992. He has been a visiting professor at Indiana University (Bloomington), Lewis and Clark, the University of Texas, and the University of Florida. Professor Kramer is the co-author of a four-volume treatise entitled *The Law of Pooling and Unitization*, the update co-author of *Williams and Meyers Oil and Gas Law* and a casebook entitled *Cases and Materials on Oil and Gas Law*. He served as a member of the Council of the Oil, Gas and Mineral Law Section of the State Bar of Texas. He is currently a trustee of the Rocky Mountain Mineral Law Foundation and the Eastern Mineral Law Foundation and chair of the Advisory Board of the Institute for Local Government Studies at the Center of American and International Law. Professor Kramer has published over 25 Law Review articles and has contributed chapters to several legal treatises.

## PROFESSOR JOHN KRAHMER

Foundation Professor of Commercial Law John Krahmer has taught at the University of South Carolina, the University of Texas, and Texas Tech University. He has authored numerous books and articles in his primary teaching fields of contracts, commercial law, and consumer law. Professor Krahmer is also the faculty editor of the monthly *Texas Bank Lawyer* journal published by student writers and editors through an arrangement with the Texas Association of Bank Counsel. In addition to his

interest in these legal subject matters, Professor Krahmer is actively involved in the use of computers as a tool for legal research. He has been recognized for his work by being named Foundation Professor of Commercial Law through the Texas Tech Law School Foundation and by his selection as the "Outstanding Law Professor" on several occasions by the students at Texas Tech Law School. Professor Krahmer has also received various university awards for his research and teaching activities.

## PROFESSOR ANGELA LAUGHLIN

Professor Laughlin joins the faculty following her clerkship for the Honorable Nancy M. Koenig, United States Magistrate Judge for the Northern District of Texas. Professor Laughlin also gained extensive practical experience through the unique and intensive legal cooperative education program at Northeastern University School of Law. Her experience includes clerkships with two litigation firms in Washington, D.C., as well as an internship with the Honorable Robert E. Keeton, United States District Judge for the District of Massachusetts. Professor Laughlin also actively participated in the Civil Rights Clinic at Northeastern, both as a student attorney and as a teaching assistant. Professional memberships for Professor Laughlin include the Supreme Court of Virginia, the Supreme Court of Texas, and the United States District Court for the Northern District of Texas.

## PROFESSOR CALVIN LEWIS

Professor Lewis recently retired as a colonel in the U.S. Army Judge Advocate General's Corps after 25 years of distinguished serv-

ice. Prior to retiring, he was Deputy Commandant and Director of Academics at the Judge Advocate General's School in Charlottesville, VA. Professor Lewis also served as Chief Circuit Judge, Far East Circuit, South Korea; Staff Judge Advocate, 21st Theater Support Command, Germany; Command Judge Advocate, U.S. Total Army Personnel Command, Alexandria, VA; Deputy Staff Judge Advocate, Fort Bliss, TX; Officer in Charge, Augsburg Legal Center, VII Corps, Germany; Professor of Law, Criminal Law Department, Judge Advocate General's School, Charlottesville, VA; Assistant Staff Judge, 8th U.S. Army, South Korea; Chief of Civil Law, 2nd Infantry Division, South Korea; and Assistant Staff Judge Advocate, Fort Dix, NJ. He has published articles on Army Rules of Professional Conduct, Ensuring Military Justice, and Confidentiality and the AWOL Client. Among other awards, Professor Lewis is recipient of the Legion of Merit, Bronze Star, and Army Commendation Medal.

## PROFESSOR FRANK RENE LOPEZ

Professor Lopez practiced law with the San Francisco law firm of Morrison & Foerster after graduating from law school. He taught at the Haas School of Business of the University of California at Berkeley and was the Program Manager for the Center for Law and Border Studies at the University of Texas at El Paso. Professor Lopez speaks frequently on the topics of social justice, business law and entrepreneurship, and nonprofit organizations.

**PROFESSOR  
ALLISON G. MYHRA**

Professor Myhra served as a law clerk to the Honorable Roger J. Nierengarten of the Minnesota Court of Appeals after graduating from law school. Upon finishing her clerkship, she accepted a position with the national law firm of Robins, Kaplan, Miller & Ciresi in Minneapolis. Professor Myhra practiced in the commercial law area. Since joining the faculty of the Texas Tech School of Law, Professor Myhra has taught a wide variety of courses and has conducted research in a number of areas, including the First Amendment and the rights of public school students. In addition, she regularly works with judicial groups as they update their bench reference manuals.

**PROFESSOR  
DEAN PAWLOWIC**

Professor Pawlowic was awarded a teaching fellowship at Creighton University, where he taught introductory literature courses while pursuing a master's degree in English. He began his legal career as a law clerk for the United States District Court for the District of Nebraska, and in 1981 he became an associate with the Omaha office of Kutak Rock, where he practiced in transactional matters. Professor Pawlowic was elected a partner of the firm in 1985 and chair of the banking department in 1986. His practice concentrated in the banking and bankruptcy law areas and involved primarily the structuring of public and private finance transactions. His expertise extended to multi-bank and bank-insurance company credit and liquidity facilities, as well as interest rate swaps, asset securitizations, and other derivative types of financing. Clients included regional and money center banks, both

foreign and domestic, and insurance companies. Professor Pawlowic is a frequent contributor to continuing legal education programs, and his most recent research projects have focused on banking, bankruptcy, and corporate law issues.

**PROFESSOR  
MARILYN PHELAN**

Robert H. Bean Professor of Law Marilyn Phelan is the author of several books, including *Nonprofit Organizations Law and Policy*, *Nonprofit Enterprises: Corporations, Trusts and Associations*, and *Museums and the Law*. Professor Phelan is a member of the American Law Institute, Chair of the International Tax Committee of the Section of International Law and Practice of the American Bar Association, and a Texas Commissioner to the Commission of Uniform State Laws. She is a member of the Legal Affairs and Properties Committee to the Executive Council of the International Council of Museums, and is a member of the American Institute of Certified Public Accountants, and is board-certified in tax law by the Texas Board of Legal Specializations.

**PROFESSOR  
KIMBERLY PHILLIPS**

Professor Kimberly Phillips received her J.D. from Washburn University School of Law in 1996. After graduation, Professor Phillips served as a Naval Officer in the Judge Advocate General's Corps where she received two Navy Commendation Medals, the Navy and Marine Corps Achievement Medal, and was selected as the Junior Officer of the Quarter. In 1998, Professor Phillips was defense counsel in the Naval

Legal Service Office Northwest in Bremerton, WA. In 1999, she served as Assistant Staff Attorney at Pearl Harbor where she was legal advisor to Rear Admiral J.W. Townes, III and his staff of 350 civilian and military personnel. In 2000, she became the Staff Attorney for the Patrol and Reconnaissance Force in Kanehoe Bay and was the sole legal advisor to Rear Admiral A.L. Winns and his staff of 150 civilian and military personnel throughout the Pacific region. Professor Phillips performed and supervised administrative and criminal investigations advising the team that investigated the EP-3E aircraft incident in China.

**PROFESSOR  
JORGE RAMIREZ**

After graduating from Harvard Law School, where he served as an editor of the *Harvard Law Review*, Professor Ramirez served as a law clerk to the Honorable Homer Thornberry on the United States Court of Appeals for the Fifth Circuit. After his judicial clerkship, Professor Ramirez gained experience in three areas of the legal profession: commercial litigation, poverty law, and nonprofit law. Professor Ramirez first practiced law as a commercial litigator with the firm of Susman Godfrey, L.L.P. in Houston, Texas. He represented various corporate clients injured by, among other things, breach of contract, fraud, and anti-competitive behavior. Three years later, he accepted an offer from Texas Rural Legal Aid, Inc. to become managing attorney for the Farm Worker Health and Safety Project in Weslaco, Texas. In that capacity, Professor Ramirez initiated and managed environmental and occupational safety litigation for indigent clients injured throughout the United States. In 1996, Professor Ramirez became executive director of the Texas Democratic Party and later

served as acting general counsel. Professor Ramírez has lectured and written, both in the United States and Mexico, on various topics including the North American Free Trade Agreement (NAFTA), international environmental issues, and farm worker law. He has also served as a visiting professor in a graduate program on comparative law at the Universidad Autónoma de Asunción Paraguay. Professor Ramírez administers our international study abroad programs in Spain, France, and Mexico. His responsibilities include teaching international law courses at our Summer Law Institute in Guanajuato, Mexico. Professor Ramírez received the Texas Tech Alumni Association's New Faculty Award for 2002; was nominated for the Hemphill Wells New Professor Excellence in Teaching Award; and was nominated for the Spencer A. Wells Faculty Award for Creative and Imaginative Teaching in 2003.

## DEAN RICHARD ROSEN

Dean Rosen joined the faculty after completing a distinguished career as an officer in the Judge Advocate General's Corps of the United States Army. He was a litigator for a Miami law firm for four years before joining the U.S. Army as a judge advocate. Before retiring from the military, Dean Rosen was Commandant of the Judge Advocate General's School, U.S. Army in Charlottesville, VA, where he commanded the Army's ABA-recognized law school. Other recent positions held by Dean Rosen in the Judge Advocate General's Corps include Staff Judge Advocate for III Armored Corps, Fort Hood, TX; Chief of Personnel, Plans and Training, the Pentagon, Washington, D.C.; Special Counsel to the Assistant Attorney General for the Civil Division, Department of Justice, Washington, D.C.; and Deputy Legal

Counsel to the Chairman of the Joint Chiefs of Staff, the Pentagon, Washington, D.C. He has published articles in the *Military Law Review*, *Modern Legal Systems Cyclopedia*, and *Army Lawyer*.

## DEAN BRIAN SHANNON

Brian Shannon is the Associate Dean for Academic Affairs and the Charles "Tex" Thornton Professor of Law at Texas Tech University School of Law, where he has been a member of the law faculty since 1988. He earned his J.D. in 1982 from the University of Texas, and he received a B.S. from Angelo State University in 1979. Before joining the Texas Tech law faculty, he practiced at the Office of the General Counsel to the Secretary of the Air Force at the Pentagon, and at the Hughes & Luce law firm in Austin. Shannon regularly teaches courses in Contracts, Wills & Trusts, Products Liability, and Law & Psychiatry. He is the current vice chair and a past chair of the State Bar of Texas Disability Issues Committee, vice chair of the Regional Alternative Dispute Resolution Advisory Council, a past member of the ADR Section Council, and a Texas Bar Foundation member. Shannon also serves as a board member for the Lubbock Regional Mental Health & Mental Retardation (MHMR) Center, and was appointed by former Lt. Governor Ratliff to a legislative Task Force relating to criminal competency evaluations. Governor Perry recently appointed him to the Governor's Committee on People with Disabilities. In addition to many articles and other publications, he is the co-author of two books: (1) *Rau, Sherman & Shannon's Texas ADR & Arbitration Statutes & Commentary* (2000 ed.) (West Group), and (2) *Texas Criminal Procedure & the Offender with Mental Illness: An Analysis & Guide* (2nd ed.). In 2000, Shannon filed an amicus curiae brief at the United States Supreme Court in *PGA Tour, Inc. v. Casey Martin*.

## PROFESSOR NANCY SOONPAA

Professor Soonpaa teaches in and directs the Legal Practice Program, one of few first-year programs in the nation to devote six credits to skills training. She also teaches the Negotiating Workshop, Health Law, and Family Law. After graduating from the University of North Dakota School of Law and serving as a judicial law clerk in North Dakota and Minnesota, Professor Soonpaa taught at the University of Puget Sound School of Law in its nationally recognized legal writing program. Professor Soonpaa also taught lawyering, negotiating, and advanced writing and served as associate director of Albany Law School's Lawyering Program. Professor Soonpaa is a frequent presenter at professional conferences, has written numerous articles about legal writing, and has taught CLE seminars and professional development workshops on topics such as writing, persuasion, and interviewing skills.

## PROFESSOR LARRY SPAIN

Before joining the faculty at Texas Tech, Professor Spain was the Director of Clinical Programs at the University of North Dakota School of Law for eighteen years, where he established several new clinical programs and expanded the range of clinical opportunities available to students. Before entering legal education, he worked for several legal services programs in Nebraska. In addition to teaching law and legal practice, he has also been active in the field of alternative dispute resolution, serving as Chair of the Governing Board of a university-affiliated community dispute resolution center as well as being a frequent trainer and practitioner of mediation skills. Professor Spain is actively

involved in the field of clinical legal education nationally, currently serving as editor of the newsletter of the Clinical Legal Education Association (CLEA). He was named 2002 John Crews Pro Bono Lawyer of the Year by Lubbock County Bar Association and West Texas Legal Services.

### **PROFESSOR VICKIE SUTTON**

Dr. Victoria Sutton received a J.D. magna cum laude from American University, Washington College of Law; a Ph.D. in Environmental Sciences from the University of Texas at Dallas; a Master's degree in Public Administration from Old Dominion University; and two Bachelor of Science degrees in Animal Science and Zoology cum laude from North Carolina State University. Dr. Sutton is Director of the Center for Biodefense, Law and Public Policy and associated with the Texas Institute of Environmental and Human Health, Lubbock, Texas. Dr. Sutton served in the President George H.W. Bush Administration in the U.S. Environmental Protection Agency in the Office of Policy, Planning and Evaluation. She later served as Assistant Director in the Office of Science and Technology Policy in the White House, where she was responsible for the coordination of science and technology research programs among the federal departments and agencies through administration of the Federal Coordinating Council for Science, Engineering and Technology. Dr. Sutton was also the Executive Director of the Ronald Reagan Institute for Emergency Medicine where she led the development of the Institute's research initiatives, including disaster medicine. She was also a Research Associate Professor at the Uniformed Services University for the Health Sciences in Environmental and Occupational Health, in Bethesda, Maryland. Dr. Sutton was appointed

by the Chancellor and President to Chair the Texas Tech University System Task Force on Anti-Terrorism and Public Security. She has authored articles on law and bioterrorism in the *Military Law Review* and the *Georgetown Public Policy Review*, the *Federal Lawyer*, among others. She is also the author of a casebook, *Law and Science: Cases and Materials* (2001) and winner of the Texas Tech University Book Award.

### **DEAN ARTURO TORRES**

Dean Torres previously served as Associate Professor and Director of the Law Library and Computing Department at Gonzaga University School of Law. Other assignments have included Associate Director of the Law Library and Assistant Professor of Legal Bibliography at the University of Louisville School of Law, Head of Reference at the University of Arizona School of Law, former staff attorney for Oregon Legal Services, and Ford Foundation Fellow. Dean Torres co-authored *Latin American Legal Abbreviations: A Comprehensive Spanish/Portuguese Dictionary with English Translations* and has written and published numerous articles on law librarianship and related fields.

### **PROFESSOR RACHEL VAN CLEAVE**

After law school, Professor Van Cleave clerked for Judge Sam D. Johnson of the United States Court of Appeals for the Fifth Circuit in Austin, Texas. For two years thereafter she taught legal research and writing and trusts and estates at Santa Clara University School of Law. From 1992 to 1994, she was a Teaching Fellow at Stanford Law School where she taught legal research and writing while pursuing her J.S.M. Before joining the

faculty at Texas Tech, Professor Van Cleave was a visiting professor at the University of Richmond School of Law where she taught torts, wills and trusts, fiduciary administration, and criminal law. She has published articles in the areas of comparative criminal justice, state constitutional law, habeas corpus, and domestic violence. She spent the summer and fall of 1996 studying Italy's criminal justice system as a Fulbright Scholar.

### **PROFESSOR ROBERT WENINGER**

Immediately after graduating from law school, Professor Weninger began general practice. Four years later he entered a graduate program at the University of Chicago and completed an advanced law degree. He then accepted a position as a trial attorney with the National Labor Regulations Board of the 19th Region of the United States headquartered in Seattle. Professor Weninger served as a trial attorney for five years, with his work concentrating on the National Labor Relations Act. From there he became a trial attorney for the Federal Defenders Program in San Diego, where he served as trial attorney for two years before accepting a position as professor in the School of Law at California Western University in San Diego. Since arriving at the Texas Tech School of Law, Professor Weninger has taught primarily in the areas of procedure, evidence, and litigation. He has pioneered the use of sociological data as a basis for critical analysis of the operation of the United States legal system. His publications have appeared in such national law journals as the *Virginia Law Review*, the *UCLA Law Review*, and the *Southern California Law Review*. Professor Weninger has been a visiting professor at Temple University School of Law.

# ICLASSNOTESI



1970

**HERSHELL L. BARNES, JR.**, has a labor and employment law practice in Dallas, Texas.

1971

**SUZAN E. FENNER**, an attorney with Gardere Wynne Sewell L.L.P. in Dallas, has been named one of the Best Lawyers in Dallas by *D Magazine* and one of the Best Lawyers in Texas by *Texas Monthly*. In addition, Suzan was named Volunteer of the Year by the Lone Star Council of Camp Fire USA.

1972

**ROBERT L. LOVE**, who earned his advanced degree from the University of Florida

Law School with a Master's in Estate Planning and Taxation in 1980, maintained a private practice in Hobbs, New Mexico, until retirement.

1974

**JOHN T. HUFFAKER** has recently joined the Amarillo firm of Sprouse Shrader Smith P.C. as a shareholder in the Civil Litigation section.

1975

**CHARLES E. KING** has recently joined the Amarillo firm of Sprouse Shrader Smith P.C. as a shareholder in the Wealth Management section.

1976

**H. MICHAEL BARTLEY** has been in private practice in Cooper, Texas, since 1998. Michael served in the U.S. Air Force from 1970 to 1998 and was a judge advocate in the service from 1976 to 1998. He is also an adjunct professor at Texas A&M University - Commerce.

**ROGER A. KEY**, who maintains his private practice in Lubbock at Key & Terrell, L.L.P., is on the Board of Trustees of the Law School Foundation.

**FRANK L. MELTON** currently serves as Chief Legal Counsel for the City of San Antonio Department of Aviation.

**JIM NELSON** is currently serving overseas as Senior Advisor to the Iraqi Ministry of

Education for the U.S. Department of Defense. He was a partner in the Odessa law firm of Shafer, Davis, O'Leary, and Stoker from 1979 to 1999. In 1999, he was appointed by Governor Bush as Texas Commissioner of Education and was reappointed by Governor Perry. Jim served in that capacity until 2002.

1977

**GARY R. TERRELL** serves as an adjunct professor on the Texas Tech Law School faculty teaching Texas Land Titles and Real Estate Finance, and maintains a private practice in Lubbock primarily focused on real estate and commercial matters. He is also involved in his family's ranching interests, and has been married for 26 years.

1978

**JAMES DAVID BROWN** has been practicing civil litigation for the past 25 years.

**MICK MCKAMIE** is the principal in the law offices of William M. McKamie, P.C. in San Antonio. He went on to receive his M.P.A. in 1981. His four-lawyer firm focuses on the representation of cities and local governments in major litigation.

In addition to being a closing attorney, **JAY S. TURNER** has owned and operated two closing offices for Chicago Title Insurance Company in Coppell, Texas, and Irving (Valley Ranch), Texas, since 1984.

1979

**KAREN F. BRAND** has retired after 24 years with Phillips Petroleum Company (now ConocoPhillips). Karen retired shortly after completing a project involving a major gas and gas liquids field in the disputed area of the Timor Sea. Project approvals were obtained after Australia and the new nation of Timor Leste (East Timor) signed the Timor Sea Treaty. She will continue to live in Perth, Western Australia, with her husband, Stephen, who is the country manager for ConocoPhillips.

**NEEL LEMON** is a partner in the corporate securities section of Baker Botts in Dallas.

1980

**BEN CAMPBELL** is currently the Executive Vice-President, Secretary, and General Counsel for Goodman Global Holdings, Inc., the second largest manufacturer of residential and light commercial HVAC products in the U.S. In 1982, Ben received his L.L.M. in taxation from the NYU Graduate School of Law.

**CLINTON J. DAVID** manages the seventeen-lawyer firm of David, Goodman, & Madole, P.C. in Dallas.

**S. GAIL ROBERTSON**, who lives in Alexandria, Virginia with her husband, Dr. Gene Shooter, is a Foreign Affairs Officer for the U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs. She works primarily on police and criminal justice matters in post-conflict countries.

1981

**DAVID J. ELLIS** maintains a real estate concentrated general practice law firm in El Paso. His office is affiliated with and performs services for the Sierra Title Company.

In July of 2003, **DAVID B. WEINSTEIN**, became a partner in the new Houston office of the firm Pillsbury Winthrop L.L.P., which formed in 2001 from the merger of two established national firms. His practice focuses on complex product liability and commercial litigation.



LAW SCHOOL SEAL

1982

**DAVID F. GOSSOM** is currently serving as the Director of Legal and Policy Services for the Wichita Falls Independent School District.

**TERRY GRANTHAM** was named the 2003 "Title Man of the Year" by the Texas Land Title Association, and he was also selected to serve as the Association's president for 2004-2005. In addition to being a partner at Craig, Terrell & Hale, L.L.P., Terry also works at West Texas Title in Lubbock.

As of January, 2003, **MARTY ROWLEY** has taken on the Executive Pastor position of Trinity Fellowship Association of Churches, an association of over fifty nondenominational churches in the Southwest. He spent twenty years practicing civil litigation and still maintains his law license to provide mediation services in commercial and personal injury litigation matters.

1983

**MARY ALICE MCLARTY** recently formed McLarty Roper Pope, a new partnership in Dallas. In addition, she is President of the Dallas Trial Lawyers Association.

**MELINDA WATTS SMITH** specializes in estate planning, probate, real estate, and general corporate law at Whitaker, Chalk, Swindle & Sawyer, L.L.P. in Fort Worth, where she has practiced for the last six years.

**THE HONORABLE GARY L. STEEL** recently began his second term serving as District Judge for Guadalupe, Comal, Hays, and Caldwell counties in Central Texas.

1984

**CYNTHIA F. MALONE** has worked for SBC Communications, Inc. since 1999. In May 2002, Cynthia was promoted to General Attorney of SBC.

**LEN E. MEWHINNEY** currently serves as the Vice President – Legal, Secretary, and General Counsel of the McLane Company, Inc. in Temple, Texas.

In 2001, President Bush appointed **MATTHEW D. ORWIG** as the United States Attorney for the Eastern District of Texas. The Senate confirmed the appointment in 2002. Matthew had served as the Office's lead civil enforcement attorney, where he prosecuted complex white-collar fraud cases and defended medical malpractice cases. From 1997 until his appointment as U.S. Attorney, Matthew served as legal counsel in the Executive Office for United States Attorneys in Washington, D.C.

**JERRY D. ZANT** is Board Certified in Estate Planning and Probate Law and a shareholder in the Midland firm Cotton, Bledsoe, Tighe & Dawson, P.C.



COURTROOM

1985

**ALAN J. COUTURE** maintains a practice in Gaylord, Michigan, focusing primarily on insurance defense.

1986

**MICHAEL C. PAUL** is a solo practitioner in McGregor, Texas, whose practice is restricted to representing federal employees in injury compensation and discrimination claims.

1988

**THE HONORABLE JANE E. RODEN** is currently Judge of Dallas County Criminal Court No. 8 and is married to fellow

1988 graduate, **JUDGE RUSSELL H. RODEN**.

**THE HONORABLE RUSSELL H. RODEN** is Judge of Dallas County Court-at-Law No. 1, which exercises jurisdiction concurrent with that of Dallas County District Courts. He is married to fellow 1988 graduate, **JUDGE JANE E. RODEN**.

1989

**WILLIAM MARCUS "MARC" DINGLER, IV**, rejoined Pioneer Natural Resources USA, Inc. as a Senior Attorney in January 2002. His practice is centered primarily on oil and gas law, including transactional and corporate work.

**WILLIAM N. ELLIOTT JR.** is a Regional Attorney for the Texas Department of

Human Services at the department's office in Abilene.

1990

**JAY D. BROWNING** is the Vice-President, Secretary, and Managing Attorney of Corporate Law for Valero Energy Corporation in San Antonio, where he lives with his wife, Suzan, and his two daughters.

**JAMES C. TIDWELL** overcame great personal tragedy during his final year of law school. James passed the bar to become a practicing attorney in Sherman, Texas.

**JOE D. TOLBERT** began working at the Fort Worth firm of Harris, Finley & Bogle, P.C. in 1990, where he has remained a shareholder since 1996. Joe's practice focuses on commercial litigation with an emphasis on construction

law. In 2001 and 2002, the *Fort Worth Magazine* named Joe a Top Construction Lawyer of Tarrant County, Texas.

1991

**DENISE MOEHL MCCLELLAND** currently lives in Katy, Texas, where she is an at-home mom to her four children.

**LANE ODOM** currently serves as Assistant General Counsel to CBCA, Inc. in Fort Worth.

As of October 2002, **JON SHELburnE** left active duty in the Marine Corps, although he still maintains Reserve status in Newport, RI. Jon is currently a Professor at the Roger Williams University School of Law in Bristol, RI.

1992

**STEPHEN L. AVARD, JR.** maintains a commercial and real estate litigation practice at the Avard Law Firm in San Antonio where he lives with his wife, Michelle, and their two children.

**DOUGLAS C. BRACKEN**, as a partner in the Dallas firm of Sarles & Ouimet, L.L.P., practices labor and employment law focusing primarily on employer defense.

**PENNY PHILLIPS** f/k/a Robe is currently corporate counsel for Star's Edge International in Altamonte Springs, Florida.

1993

**JON EVANS** has a criminal defense practice in Austin and is partnered with fellow 1993 graduate, **CRAIG LUSK**, who practices family and general civil law.

**JAY K. WEATHERBY**, an attorney with Jackson Walker, L.L.P., practices litigation,

## E. LEE PARSLEY, P.C. ATTORNEY



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**FORMER STAFF ATTORNEY,  
SUPREME COURT OF TEXAS**

**FELLOW, TEXAS BAR FOUNDATION**

**MEMBER, TEXAS TECH SCHOOL OF LAW  
ALUMNI BOARD OF DIRECTORS**

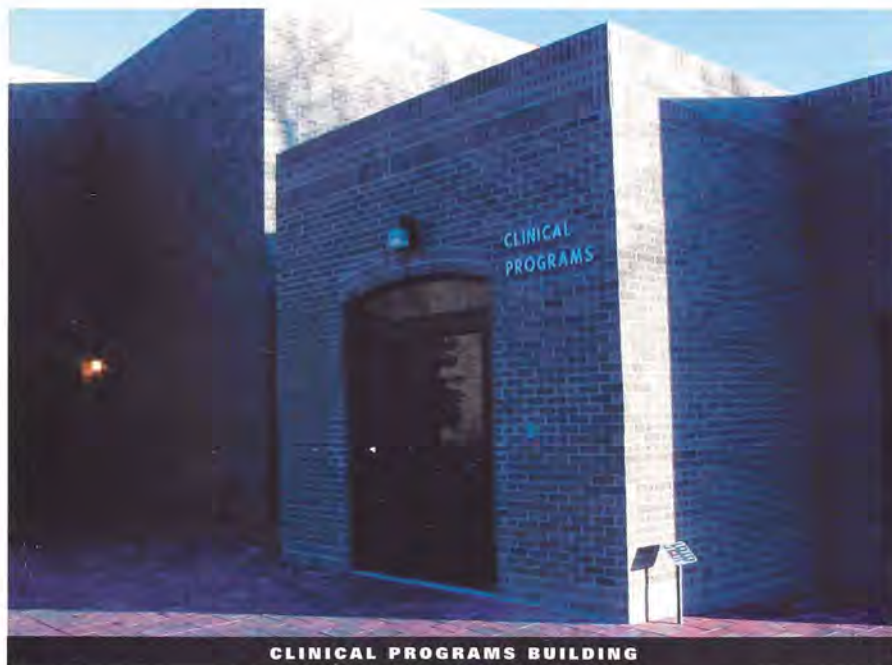
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PROPERTY RIGHTS CASES  
GENERAL COMMERCIAL LITIGATION MATTERS**

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CLINICAL PROGRAMS BUILDING

insurance defense, governmental entity defense, and personal injury in San Angelo where he lives with his wife, Jana, and their three children.

## 1994

**RANDY K. CLARK** practices in Roswell, New Mexico, and is a member of the New Mexico Trial Lawyers Association and the ATLA. In addition, Randy is a captain in the U.S. Army Reserve, Judge Advocate General's Corp.

In addition to serving as Vice-President of the Texas Young Lawyers Association, **LEE ANN RENO** is a shareholder in the Amarillo Firm Sprouse Shrader Smith P.C. where she has a general litigation practice.

**PAUL K. STAFFORD** is currently a trial attorney with Werstein, Smith & Wilson in Arlington.

**CHRIS WILLBURN** has a solo practice in Houston focused on corporate and business law.

## 1995

**JANA SCOTT BAKER** practices with the national labor and employment boutique firm of Ogletree, Deakins, Nash, Smoak, & Stewart, P.C. in Dallas.

**R. CRAIG BAKER** is in the Financial Services – Real Estate Practice Group of Gardere Wynne Sewell L.L.P. in Dallas.

In August 1, 2003, **GINGER PEARSON NELSON** opened a law firm in Amarillo, the Law Offices of Nelson & Nelson, and practices in the areas of estate planning and probate.

**KIMBERLIE K. RYAN** has operated her Denver, Colorado employment law firm, The Ryan Law Firm, L.L.C., for over five years. She recently obtained a \$1.2 million settlement on behalf of nine Hispanic workers subjected to an unlawful English-only policy and national origin discrimination. In addition, her book, *An Employer's Guide to the Essentials of Colorado Employment Law*, is set to be released in October 2003, and she is currently completing a book on Texas Employment Law. She has received fellowships and scholarships from the ABA's Labor and Employment Division and serves on the Executive Board for the Denver Bar Association's Young Lawyer's Division.

In January 2003, **APRIL TERRY** f/k/a Maurer became a partner of Locke Liddell & Sapp, L.L.P. in Dallas where she has practiced for six years following her clerkship with the Fourteenth Court of Appeals in Houston.

## 1996

In October 2002, **ALAN J. BOJORQUEZ** formed a new firm, Bovey, Akers & Bojorquez, L.L.P., in Austin with two other former Texas Municipal League attorneys.

**ART HALL** is currently a City Council Member for District 8 in San Antonio where he resides.

**KAMI L. NEDBALEK** handles Social Security disability cases as a staff attorney for the U.S. District Court, Eastern District of Texas, Tyler Division.

In August 1, 2003, **T. KEVIN NELSON** opened a new firm in Amarillo, Law Offices of Nelson & Nelson. He specializes in corporate and real estate matters.

**T. COYT "CODY" WEBB** has recently joined the Amarillo firm of Sprouse Shrader Smith P.C. as an Associate in the Business Transactional Law section.

## 1997

As an attorney with Maddox & Holloman, P.C. in Hobbs, New Mexico, **CASEY A. BARTHEL** practices business and corporate law, employment law, estate planning, oil and gas, and probate.

**LORI L. BEVERS** f/k/a Candler is a staff attorney with the Texas Department of Public Safety. She works in Fort Worth focusing on Administrative License Revocations.

**DONN M. COOLIDGE** is an attorney in the Farmers Insurance Litigation Group of Burrell & Seletos.

1999

**STEPHANIE HALL** f/k/a McClain is corporate counsel for Valero Energy Corporation in San Antonio where she lives with fellow law school graduate **ART HALL**.

As a C.P.A. and licensed attorney in both Texas and New Mexico, **LETA POWELL** performs legal and accounting strategy planning for a family real estate business in El Paso.

**DEBRA THOMAS** is an attorney with the Dallas firm of Hankinson & Whitaker, L.L.P.

As principal of the Law Office of John W. Tinder, **JOHN W. TINDER** performs criminal defense work as well as family law and other civil work.



1998

**DOUGLAS A. ALLEN** is an Assistant United States Attorney in Fort Worth.

**JESSE BUTLER** is currently employed as a civil defense attorney at the Austin office of Segal, McCambridge, Singer & Mahoney.

**VALERIE A. CARRILLO** is in-house counsel for the Dallas Independent School District. Valerie's past experience includes working in the private sector areas of medical

malpractice, civil litigation, family law, and criminal defense.

With a new son, Charlie, **ASHLEY K. COX**, serves occasionally as a special prosecutor for the rural communities surrounding Lubbock and was an Assistant Criminal District Attorney for Lubbock County until June 2002.

**KELLY THURMAN** of Dallas practices in the Labor and Employment Law section of Locke Liddell & Sapp, L.L.P. and recently had a son, Austin Michael, in January 2003.

**KRISTI ROSENOW WEAVER** practices medical malpractice defense and civil litigation at the Amarillo firm of Mayfield, Crutcher & Sharpee.

**STEVE ZAHN** of Norfolk, Virginia practices commercial litigation with the firm McGuire Woods, L.L.P.

As an attorney for Texas Rural Legal Aid, Inc., **SANDRA AVILA** manages the Children's Rights Team as well as the Farmworker Sexual Assault Project. Her organization provides free legal services to indigent clients in 68 counties across the state.

**TERENCE L. COOK** currently serves as the Assistant Dean of Admissions and Recruitment for Texas Tech University School of Law.

**GLENN DEVINO** is an Assistant Criminal District Attorney for Hidalgo County and lives in Mission, Texas.

For over two years, **HEATHER HERSH** has been employed with the Legal Aid of North West Texas in Amarillo.

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**CHRIS JOHNSON** of Shreveport, Louisiana currently practices with Pettiette, Armand, Dunkelman, Woodley, Byrd & Cromwell, L.L.P. He and his wife, Krystin, are expecting their first child in November.

## 2000

**C. ASHLEY CALLAHAN**, an Austin attorney, has practiced in the litigation section of Fulbright & Jaworski since graduation.

For the last two years, **ANA JUDITH GUZMAN** has been employed as an Assistant District Attorney for the Bronx County District Attorney's Office in New York. After law school, she clerked for Justice Bryan Quinn of the 7th District Court of Appeals in Amarillo.

Austin attorney, **GREG A. HALBROOK** is employed at Nickens, Keeton, Lawless, Farrell & Flack representing policy-holders in insurance coverage litigation.

**JOHN F. MASSOUH** has recently joined the Amarillo firm of Sprouse Shrader Smith, P.C. as an Associate in the Civil & Commercial Litigation section.

**DONNA ZIRIAX PECK** has recently joined the Amarillo firm of Sprouse Shrader Smith, P.C. as an Associate in the Wealth Management section.

**KRISTI THOMAS** practices in Dallas with the firm McKool Smith, P.C.

## 2001

**HAPPY LANE FRANKLIN** specializes in helping individuals and small businesses with their retirement, estate, and insurance planning needs as a financial consultant with A.G. Edwards in Amarillo. In addition, she is married to fellow graduate, **MICHAEL FRANKLIN**.

As an Associate with Mullin, Hoard, and Brown, L.L.P. in Amarillo, **MICHAEL FRANKLIN** focuses on corporate transactions and tax and estate planning.

**R. MARK OLIVER** currently practices in Fort Worth with the firm Brown Pruitt Peterson & Wambsganss, P.C.

**ABEL REYNA, JR.** recently joined the Lubbock firm of Byrd & Associates.

**MIKE P. SPRINGER** practices banking, bankruptcy, real estate, and transactional work in the Lubbock offices of Mullin, Hoard, and Brown, L.L.P. Mike is licensed to practice in both Texas and New Mexico.

As of September 2001, **CARMEN ARCE TILITZKY** has been practicing in the Miami, Florida law firm of Montiel Davis & Woodward Kimber, P.A. whose practice is exclusively focused on immigration law.

**TALLEY JONES WILLIAMS** is an associate with the Real Estate Law section in the Austin office of Akin Gump Strauss Hauer & Feld, L.L.P.

## 2002

**AMANDA CATLIN** works in the Trial Department in Dallas with the firm Thompson & Knight, L.L.P.

**CHRISTOPHER M. FAISON** practices in Arlington with Mayo, Mendolia & Starr, L.L.P. His practice focuses on business and commercial law as well as employment, bankruptcy, and real estate matters.

**CLAY NANCE** has recently joined the administrative section of Hance Scarborough Wright Woodward & Weisbart, L.L.P. as an associate in their Austin office. Clay is also engaged to **JILL SHERLOCK**, a Texas Tech University School of Law graduate. The couple plans to be married on April 3, 2004.

**QUINTON G. PELLEY** practices medical malpractice defense litigation in Dallas with Burford & Ryburn, L.L.P.

**DAON ROBBINS** is an associate in the Appellate Section of the Dallas firm Godwin Gruber, L.L.P.

**JACK ROBERTS** is an attorney with Austin Commercial, L.P., a commercial construction company in Dallas, where he lives with his wife, Julie.

**JILL SHERLOCK** is currently working in Austin as an Assistant Attorney General and plans to be married to **CLAY NANCE** a Texas Tech University School of Law graduate, on April 3, 2004.

**AARON A. WAGNER** is currently a prosecutor for the Army's 3rd Infantry Division in Fort Stewart, Georgia.

## 2003

**MINDY WILDE** works in the Banking Section of Thompson & Knight, L.L.P. in Dallas.

We would love to include your news and accomplishments in the next edition of the Texas Tech Lawyer! Please send information to Casey Carson, c/o Texas Tech Lawyer, 1802 Hartford Avenue, Lubbock, TX 79409, or by e-mail to [casey.carson@ttu.edu](mailto:casey.carson@ttu.edu). Please realize that because of space limitations and deadlines, the information you send us may not appear in the very next issue. Submitted photos will not be returned.



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