

# TEXAS TECH LAWYER

The Alumni Magazine of the Texas Tech University School of Law

Spring/Summer 2006



## Lanier Center Update

PROFESSIONAL DEVELOPMENT CENTER PROGRESS

MIKIO KIMOTO



**Attorney Apprentice**

Amanda Hill '01  
Page 8



**Construction Company CEO**

Darren Woody '85  
Page 10

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## MARK & BECKY LANIER

Professional Development Center Update

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## Greetings fellow alums and friends—I'm delighted to introduce the fifth edition of *The Texas Tech Lawyer*.



It's difficult to believe that we have successfully completed another academic year. Indeed, as we put this magazine to press, we graduated the Class of 2006—an outstanding group of men and women eager to make their mark on the legal profession. The highlight of the ceremony was our commencement speaker, U.S. Senator (and former Texas Supreme Court Justice and Attorney General) John Cornyn, who honored us with his presence and some words of wisdom for our graduates.

As you have come to expect, Tech Law students continue to excel. Our July 2005 bar exam takers followed up February's first place finish by finishing a close second to Baylor with a pass rate over 90%. And while our passage rate on the February 2006 bar exam was surprisingly low (but if only six more had passed we would have had a 100% pass rate), the results did have a "silver lining": Tech Law graduate Brandon Barnett earned the highest score on the exam. We are very proud of Brandon for this exceptional achievement, and it is interesting to note that on the past six bar exams, two Texas Tech School of Law graduates have earned the highest score in the state—the most top scorers of any Texas law school. And on a bar exam side note I also found interesting, Texas Tech graduates had a 100% passage rate (3 for 3) on the Washington State Bar February exam. "Bear our Banners Far and Wide ..." as the song goes.

Our students also continue to enhance our already superb reputation in inter-school competitions. 2L Noaman Azhar captured the Best Oral Advocate trophy at the John Marshall International Moot Court Competition in Chicago, and Noaman followed up by winning a Best Oralist award at the American Bar Association National Appellate Competition in San Francisco in March. Texas Tech's legal negotiations team composed of 3Ls Brandon and Gara Hill won the American Bar Association Regional Championship, and just missed reaching the international championship.

On the faculty side, as I noted in my March letter, we sadly lost our most experienced Legal Practice (LP) professor, Ms. Kay Holloway, who passed away in December after a long bout with cancer. We dearly miss Kay, who was a truly beloved teacher and mentor. We are currently searching for a permanent replacement for Kay's position.

In the meantime, the University approved our request for a new LP professor, and we hired one of the most impressive candidates we have ever observed, Ms. Cristina Knolton. Cristina came to us from Akin & Gump, and demonstrated last year as a visiting professor that she was exactly the person we wanted for the new permanent position.

Bruce Kramer—one of my professors "back in the day"—announced that December 31, 2006, will be his retirement date. Professor Kramer is a wonderful professor and one of the nation's leading Oil & Gas Law experts. While we will certainly miss Bruce's outstanding contributions to the School, the students immediately recognized the nature of our loss: over 145 students registered (with a waiting list) for Bruce's final Oil & Gas Law class next Fall—well above the usual class of 30-40 students. The demand was so great, we almost had to schedule the class for the United Spirit Arena.

While we can never truly replace Bruce, we were fortunate to find another experienced natural resources lawyer—Professor Bill Jeffery, a Stanford Law graduate who has significant experience in natural resources law in private practice, government service, and teaching. Like Cristina, Bill has been with us as a visiting professor during the past year, so we know for certain we are getting both an effective teacher and an excellent colleague.

We were also able to fill a gap in our curriculum by bringing in a new faculty member to teach advanced corporate and securities law: Professor Christopher Bruner, currently a visiting professor at Boston University's School of Law. Chris is a Harvard Law graduate who was a corporate law specialist in private practice and has also taught at Harvard's Business School. We are very excited that this outstanding young professor decided to join our faculty.

Another faculty position recently opened when J. Hadley Edgar Professor of Law Rachel Van Cleave, who has been visiting at California law schools the past two years, accepted a permanent faculty position at the Golden Gate School of Law. We have missed Rachel's expertise and experience, but we understand her desire to relocate closer to her family home. We hope to fill the vacancy from Professor Van Cleave's departure next academic year.

On a more positive note, as many of you know, the Law School was the recipient of a \$4.1 million dollar endowment from the Killam family to establish the Judge George Killam Chair in Criminal Law, enabling us to pursue nationally-renowned criminal law experts for the Killam Chair. Our "Super Prof" committee, under the superb leadership of Professor John Kraemer, identified several potential candidates, four of whom visited Lubbock. From among those, the faculty selected Professor Arnold Loewy, the Graham Kenan Professor of Law at North Carolina Law. Professor Loewy is one of the most highly regarded academicians in the field of criminal law in the world. He is the author of seven books—including those used in criminal law and criminal proce-

ture classes at law schools throughout the nation—and for those of you who favored the Nutshell series over standard texts while at Tech; he is the author of Criminal Law in a Nutshell as well. In short, to say that Arnold Loewy is a superb addition to our faculty would be a significant understatement.

In the last issue, I described the tremendously generous and truly historic gift we received from Mark ('84) and Becky Lanier for the construction of a new professional development center at the Law School. In this issue, we reveal some design drawings and architectural renditions of the Mark and Becky Lanier Professional Development Center. As you will be able to readily discern, the professional development center will offer the finest facilities of their kind in the nation—particularly the state-of-the-art Donald M. Hunt Courtroom. Moreover, the Bill and Carolyn Lanier auditorium will afford the Law School the opportunity—for the first time in recent years—to assemble an entire class in the law building. It will also be a superb setting for guest speakers and CLEs. The building will also feature [place-your-name here] seminar rooms, a [place-your-name-here] practice courtroom, an [place-your-name-here] Academic Success Center, a new [place-your-name-here] home for the Board of Barristers, and [place-your-name-here] staff offices. As I have tried not so subtly to indicate, for those interested—and I hope that is all of you—this 32,000 square-foot multifunctional addition will have many naming opportunities for individuals, firms, and corporations.

Speaking of significant contributions to the law school, in an inspiring ceremony at the Law School on April 21, 2006, we unveiled the largest and most prestigious endowed scholarship program in the School's history: the West Texas Legal Legends Scholarships. These scholarships honor lawyers who have made a significant positive impact in West Texas, and each West Texas Legal Legend scholarship has an endowment of at least \$250,000. The first three Legal Legend Scholarships were named in honor of John F. "Buddy" Maner, Dean W. Frank Newton, and Travis D. Shelton. This scholarship program would not have been possible but for the overwhelming generosity of Wayne Reaud ('74) and his wife Dana. We thank Wayne and Dana, and we invite you to consider sponsoring scholarships to honor other "West Texas Legal Legends".

Keeping with the "legendary" theme, this year, Tech Law celebrates the 40th Anniversary of its founding (classes began 39 years ago). Please keep open Friday, September 22, 2006, for the celebratory event. The Law School together with Phi Alpha Delta fraternity will host a 40th Anniversary gala, at which our 2006 Distinguished Alumnus, Justice Phil Johnson of the Texas Supreme Court, will be honored. For those interested in remaining overnight, we can also obtain tickets for a home football game between Texas Tech and Southeastern Louisiana on Saturday. This will be a great event honoring a significant milestone in our young school's history, and I hope you will all make an effort to take part. I know, for example, that our first graduating class is going to be there in force, and I encourage other classes to follow their lead.

As we were going to press with the magazine, I learned that Bill Miller ('96) was elected President-Elect of the Texas Young

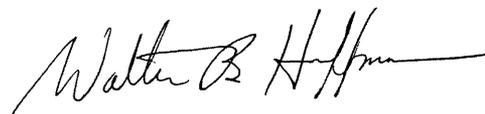
Lawyers Association (TYLA). Bill is the second Tech Law alum to be elected President of TYLA in the past three years (Lee Ann Reno ('94) is currently serving as TYLA President). We are very proud of Bill, as we are of Lee Ann, and wish him the very best of luck as he assumes his new office.

And I am also proud to inform you that for the first time in its history, Texas Tech had two programs ranked among the best in the nation by *U.S. News & World Report*. Tech's trial advocacy program was ranked 14th in the nation, and its legal writing program was ranked 23rd. Although I have previously discussed the many flaws in the *USN&WR* ranking system, this achievement still reflects very well on our school, our faculty, and our current students and alumni. And it could not have happened without the financial and moral support of our loyal and generous alumni, because it takes resources to inform the nation's academic and professional community about Tech's outstanding students, faculty, and curriculum, and to involve the Law School in state, regional, national, and international competitions and events.

In this regard, the Dean's Excellence Fund enables the Law School to sponsor nationally and internationally recognized symposia, conferences, and competitions, and to provide the resources needed to send its faculty and students to such events. The fund also allows us to continue our efforts to build our alumni network—which benefits you both personally and professionally—and which includes such well-received efforts as this alumni magazine.

I strongly encourage your support of the Excellence Fund through the class competition, which I described in my March letter. Included in this issue of the magazine are charts reflecting the current status of class giving. I thank all of you who have already given, and I challenge all classes to do better than mine—the truly exceptional class of 1977. Remember, not only the amount matters, but also your participation in this common effort. Our goal is to improve the quality of legal education at Texas Tech and to move into the *U.S. News & World Report* list of the Top 100 law schools. The achievement of these goals will benefit every Tech Law alum and every current and future student—so please support as best you can.

I look forward to seeing many of you at an alumni event either in Lubbock or in your area, and I thank you for all that you do for the Texas Tech School of Law. Because of you, it really is an honor for me to serve as the Dean of our Law School.



Walter B. Huffman  
Dean and Professor of Law  
Class of '77

# Update on Dean's Excellence Fund



Thanks to those of you that have participated in the competition. The Law School alumni giving percentage was first checked last summer and we barely registered 3%. Needless to say there was plenty of room for improvement, which led to the class competition idea. The bottom line is to get every Tech Law grad to invest in the DEAN'S EXCELLENCE FUND.

Almost halfway through the competition dates (9/1/05 thru 8/31/06) the giving percentage has doubled and the amount given to the Dean's Excellence Fund has surpassed the total for all of the previous year!

The competition runs through the summer until August 31, 2006. The Dean's Excellence Fund is a vital part of the Law School supporting alumni communications, recruiting, student competitions, internships, visiting speakers, technology, and programs of excellence. These annual funds make us strong and are a direct investment in our students. In addition, the alumni giving percentage is one of the measurements used for the *U.S. News & World Report* annual ranking of law schools.

**YOUR GIFT IS IMPORTANT AND WILL MAKE A DIFFERENCE!** If you have already made your gift, find a classmate and encourage them to join you in this year's DEAN'S EXCELLENCE FUND.

The average gift to date is \$351, but every gift is important regardless of size. Please take the time to make a gift to this year's Dean's Excellence Fund, and support your class. Send to:

Texas Tech Law School Foundation  
POB 40004  
Lubbock, TX 79409

Or give on-line: [www.law.ttu.edu](http://www.law.ttu.edu)

Thanks for your support,

Sid Walker  
sid.walker@ttu.edu  
806-787-2207

The representative for each class is listed below, and the current status of the competition is on page 39.

## YEAR CLASS REP

1969-70	Tim Evans, Ft.Worth
1971	Jerry Kolander, Lubbock
1972	Joe Hayes, Amarillo
1973	Bruce Turner, Dallas
1974	John Simpson, Lubbock
1975	Erwin Davenport, Wichita Falls
1976	David Hassler, El Paso
1977	Cecilia Morgan, Dallas
1978	Vanessa Buzzard, Pampa
1979	Neel Lemmon, Dallas
1980	Bob Black, Beaumont
1981	Mike Henry, Ft.Worth
1982	MC Carrington, Beaumont
1983	Mary Alice McLarty, Dallas
1984	Keith Novick, Dallas
1985	Doug Atnipp, Houston
1986	Bill Mateja, Dallas
1987	Kerry Haliburton, Waco
1988	Melody Wilkinson, Ft.Worth
1989	Lee Parsley, Austin
1990	Kelly Cassells, Roswell
1991	S.Pezanosky & Christi Jack, Ft.Worth
1992	Darryl Vereen, El Paso
1993	Mayfield, Crutcher & Sharpee, Amarillo
1994	Riley Shaw & Anna Alvarado, Ft.Worth
1995	Jessica Thorne, Dallas
1996	Chris Jensen, Amarillo
1997	Trace Blair, San Antonio
1998	Tanya Henderson, Dallas
1999	Mark Perrin, Dallas
2000	Jim Bearden, Beaumont
2001	Mike Cubeta, Austin
2002	Brad Davidson, Lubbock
2003	Alex Straatman, Nebraska
2004	Reagan Smith, Shreveport
2005	Kelly Gregan, Lubbock



# The Best in the West, *and Beyond*

**B**ar review began not two days after graduation. Eight weeks of intensive studying was not the way I would have preferred to celebrate my graduation from the Texas Tech University School of Law, but that was reality.

It occurred to me during a review lecture on secured transactions how truly valuable my education at Texas Tech was. While students from other law schools, preparing for the bar here in Lubbock, were trying to grapple with the concept of attachment and perfection, I was perfecting my strategy for approaching the bar exam. A sense of pride overcame me as I realized that Professor John Krahrmer's Commercial Law class proved to be extremely effective.

Would I have taken a law school course in secured transactions or commercial paper if it was not required? Probably not. The one thing out of many which sets Texas Tech apart from other law schools is the rigorous curriculum, taught by experts in their respective fields that focus on subjects appearing on the Texas Bar Examination. It was no surprise to me to confront an issue in wills. Agency, partnership, and corporation law was not something new to me. I know that my fellow classmates sitting there with me, taking that exam felt the same way.

We, as alumni, faculty, staff, and students have proven ourselves among the best in Texas, the United States, and the world, and we all should be proud to call ourselves members of the Texas Tech community. Contributing back to our Texas Tech family with what we can will help ensure that the School of Law will maintain its path to excellence.

It is with great pleasure that I bring to you the spring/summer issue of the Texas Tech Lawyer. The staff, primarily consisting of students, showcases the incredible stories of the members of our community—men and women who strive for great achievement both in and out of the courtroom. It has been my honor to serve as editor in chief of this magazine, and I wish the best of luck and continued success to my successor, Tiffany Colunga. As always, please feel free to contact us for story ideas for future issues.

Omar Villa '05  
Editor in Chief

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# Mark and Becky Lanier *Professional Development Center* Update

by Jacquelyn Wilson

Since the Law School received the  
tremendously generous donation

last year from Mark '84 and Becky

Lanier, the School of Law has

been working with architectural

firm SHW Group and Vaughn

Construction to create the Lanier

Professional Development Center

Since its humble beginnings in a wooden structure, to the completion of the current law building in 1970, the students, faculty, and staff have outgrown the current School of Law facility. Moreover, as the School increasingly hosts continuing legal education courses, symposia, and other events, its need for additional classrooms, seminar rooms, and an auditorium grows.

With these concerns in mind, architec-

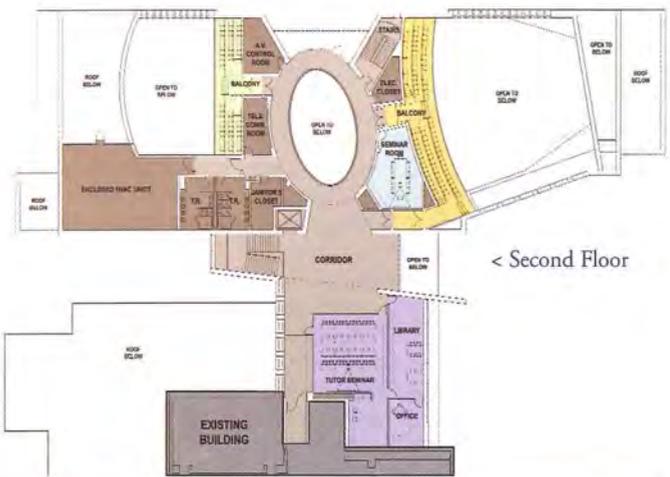
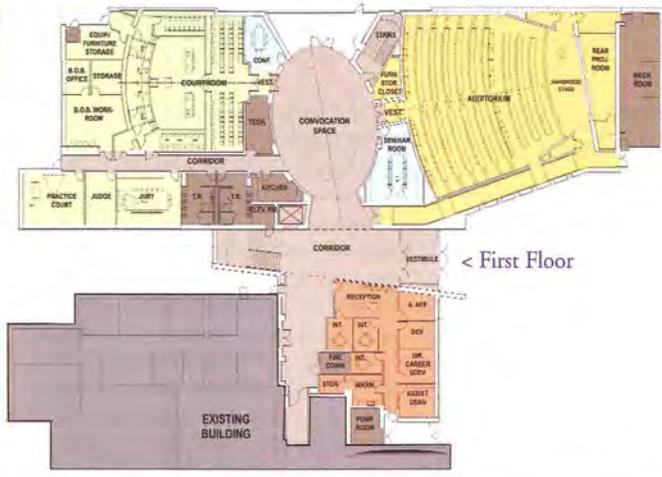
tural firm SHW designed the Lanier Professional Development Center as a 34,000 square-foot structure to the west of the current law building with a high-tech courtroom, auditorium, office space, and seminar rooms. Associate Dean for Administration and External Affairs Richard Rosen anticipates site work to commence on the \$12 million project in July of this year.

In keeping with the wishes of the Mark ('84) and Becky Lanier, the new

Capable of accommodating **300 people**, the auditorium will allow the School of Law to hold orientations for the entering classes in at the Law schoolbuilding, an event which has been traditionally held off-site.



- Auditorium
- Advocacy Center
- Office of Academic Success Programs
- Shared Seminar Rooms
- Career Services and Alumni Development
- Circulation
- Support



trial courtroom will be named in honor of moot court coach, Professor Don Hunt. The courtroom will accommodate mock trial and moot court competitions as well as Texas and federal court proceedings. When completed, it will employ the most current courtroom technology.

Dean Walter Huffman hopes to create a technology endowment to keep the new courtroom up to date with cutting-edge technology before, as Huffman notes, "the courtroom of the future becomes the courtroom of the past."

To honor his parents, Bill and Carolyn Lanier, Mark has requested that the new auditorium be named for them. Capable of accommodating 300 people, the auditorium will allow the School to hold orientations for entering classes in the law

facility, an event which has been traditionally held off-site. This space will also be used for CLEs, visiting speakers, and large classes.

Rosen regularly attends meetings with SHW, Vaughn Construction, and Texas Tech University representatives on the status of the design and construction. He envisions the inclusion of at least four new seminar rooms, which will be available as additional classrooms and for student organization meetings. The Career Services Center, the Development and Alumni Affairs office, the Academic Success Center, and the Board of Barristers will move to the Lanier Center. This shift will free up space in the current law building for additional administrative and faculty offices.

"This is the Dean's vision. Mark and

Becky's generosity made this possible," said Rosen.

Dean Huffman hopes to enhance the visibility and image of the School of Law, and he is certain that the Lanier Center will be the finest facility of its kind in the nation when it is built.

"I hope that we'll make it easier to prepare students for the practice of law," Lanier said. "I hope that it'll make it easier to continue attracting top-quality teachers."

*The Lanier Center has a number of commemorative naming opportunities for interested donors. Some of the opportunities include seminar rooms, offices, and brick pavers. Those interested in potential naming opportunities should contact Sid Walker at 806-742-3990, extension 356 or sid.walker@ttu.edu. ■*



# Attorney “Apprentice” *Takes on* Martha

by Arlene Olivar

**T**hink back to your last job interview. Did you have to describe your strengths and weaknesses? Did you have to tout yourself as the ultimate team player who fits perfectly into this firm’s profile? Well, if you are Amanda Hill ’01, you had to write a modern fairytale, set up a flower shop, design and decorate a themed hotel room, promote a newly created salad dressing, negotiate prize packages with celebrity animal lovers for a charity auction, be the emcee for an interactive advertisement on the streets of New York City, and demonstrate a product on QVC. Take a deep breath, because this is the job interview of a lifetime.

Hill was one of the ten women and six men selected to compete for the chance to be hired in the first season of *The Apprentice: Martha Stewart* on NBC. Patterned largely after *The Apprentice* made popular by Donald “The Donald” Trump, but with a spin that is all Martha, viewers of this reality show were taken into the world of Martha Stewart. Each week, the cast members took on tasks in areas in which Stewart’s name has become synonymous: product branding, book publishing, merchandizing, and creative entertainment. At the end of the thirteen-week season, Martha Stewart’s first “Apprentice” was hired to work for Martha Stewart Living Omnimedia, Inc.

On the show’s website, Martha Stewart describes her impression of the candidates.

Stewart states, “I am incredibly impressed with this cast. Their poise and creativity is balanced by a tremendous entrepreneurial spirit. Many of the candidates were as accomplished or more so than I when I started to build my business.”

While at the School of Law, Hill was on Law Review and clerked with Texas Supreme Court Justice Priscilla Owen. Currently, as a staff attorney for the United States Department of Veteran’s Affairs in Austin, Hill focuses on medical malpractice and employment law while also serving as in-house counsel for several VA hospitals.

Hill has always been an active volunteer. Since her own battle with eye cancer in 2002, she supports and is involved with charities benefiting cancer research and education. Hill also is a motivational speaker and guest lecturer on topics ranging from being an effective advocate to the dealing with the pressures young women face today.

“I enjoy speaking about things that are important to me—my struggles with cancer, my struggles with being a Christian, and the perils and joys of being a woman,” says Hill. “I think people can relate to my story and it’s my goal to keep offering messages that inspire and

motivate women to do more, reach higher, and go further.”

Hill said the “Apprentice” job at Martha Stewart Living Omnimedia would have been a very drastic job change, but that she lives for challenges.

“Certainly my battle with cancer, like all other challenges in my life, helped to motivate me to step outside my comfort zone and try new things. Why not?” said Hill. “I am very creative, full of energy, and have a very solid business sense. I’m not just an attorney; I love to entertain, cook, decorate, garden, write. Why not make a living out of the things I love?”

With a backdrop of a swanky loft, decorated in Martha’s signature clean lines and cool tones, the candidates divided themselves into teams of “creative thinkers” and “corporate thinkers.” Hill’s team, *Primarius*, consisted of lawyers, business executives and business owners, event planners, and a magazine publisher. The opposing team, *Matchstick*, had chefs, interior decorators, authors, and an ad executive.

Despite this distinction, Hill thought her fellow teammates would be able to channel their inner creativity.

“I think the majority of candidates on the “corporate” team were also very creative. I don’t think they would have applied for this job with Martha Stewart if they didn’t want to explore their creative side,” said Hill.



Left: NBC Photo/Virginia Sherwood; This photo: Hill with contestants Dawna Stone and Howie Greenspan/NBC Photo



Above: (pictured left to right) Dawna Stone, Hill, Marcela Valladolid, Fran Drescher/NBC Photo



Early on, Hill took on a leadership role and was the fourth member of Primarius to become a project manager. As project manager, her challenge was to lead her team in the task of designing and renovating a hotel suite for the Westin Hotel located in New York City's Times Square. Team Primarius decided on the theme "Westin Entertains" and turned a blank, empty suite into an elegant atmosphere complete with high-tech entertainment equipment and accented with whimsical party and gaming accessories.

The pressure was on Hill to pull off a transformation that would outshine the other team's efforts. Hill had to juggle decision making, hired contractors, tired team members, and a fast-approaching deadline. But, with Hill at the lead, her team won the challenge. When team morale was low, Hill was able to keep her team on track and their spirits up.

"I think I did my best on the Westin task to motivate and inspire my team to keep going. Everyone was exhausted and worked so hard on the past tasks - it was very difficult to keep everyone going at full capacity. But I'm a firm believer of getting your hands dirty, so I worked as hard as my teammates in all aspects of the renovation," said Hill. "I also think it's important for a leader to keep the overall picture in mind rather than getting bogged down in details, which is where I think Matchstick ran into problems. In

the end, it was a successful strategy."

For four consecutive weeks, the "creative thinkers" of Matchstick suffered losses to the "corporate thinkers" of Primarius. In each of the tasks, it seemed crucial to merge a creative idea with a strong business plan.

Hill says, "I think being an attorney has helped me not only with this show, but has helped me become a better advocate, a stronger leader, a more critical thinker, and a successful negotiator—all things you can use in any phase of life. I am very thankful for the lessons I've learned throughout my career."

As a result Primarius' winning streak, the number of the Matchstick team members dwindled. To balance out the teams, in week five, Martha decided to restructure the teams. The restructuring of the teams mixed the "creative" with the "corporate" types. And, of course, what would reality TV be without a candidate's on-camera commentary about other candidates? Hill's articulate expression about her fellow candidates often made it past the editing room - and she was also the subject of some the commentary as well. Indeed, that is the stuff that viewers of reality TV have come to know and love.

In week nine, Hill's interview came to an end following the Tassimo promotional task, where the teams had to

set up a retail shop and promote a new hot beverage machine.

"I think I was strong player throughout the entire thing and it was a great experience. Things could've always been a little different looking back, but I'm really happy with the way everything turned out," said Hill in her NBC on-line exit interview.

Back in Austin, Hill watched the episodes each week with family and friends. For the premiere episode, Hill entertained guests with a menu that would make Martha proud.

"The first show we had a huge party entitled 'Fall into the Tropics' where we had a wonderful menu of tropical fare, pulled pork with pineapple, jerk chicken tacos, mango salsa, coconut bread, and plantain chips," said Hill. "Other weeks we might just have a casual supper with a few couples over to watch the show. The week I was project manager I just watched it with my husband and one of my best friends."

Although not selected as the Apprentice, Hill has a grounded and positive outlook.

"Only God knows what's in store for me," Hill said. "I have so many goals yet unaccomplished! I just take life day by day and try to remain thankful for what I have been given thus far."

For more information, visit Amanda's website at [www.amandahill.com](http://www.amandahill.com). ■

# Construction Company Strengthens its Foundation with Alum

Twenty years ago Darren Woody '85 oversaw the building of Volume 16 of the Texas Tech Law Review as editor in chief. As President and CEO of C.F. Jordan, L.P., Woody now oversees a large volume of construction projects.

by Omar Villa

**C**.F. Jordan, headquartered in El Paso, is a major player in multi-family residential, institutional and commercial construction throughout the United States. Founded in 1969, C.F. Jordan has projects from Alaska to Hawaii to Florida and range from military housing to hotels and schools. The construction company has been recognized by *Texas Construction* as one of the top 10 contractors in Texas, and has ranked within the top third of national contractors by *Engineering News-Record*. C.F. Jordan has built such structures as the Holiday Inn-Riverwalk, student housing at Texas A&M, and UTEP, Texas Bank North-San Antonio, and the El Paso County Detention Facility.

Woody, who was a partner with Scott Hulse, then later with Krafsur, Gordon, Mott, Davis and Woody, represented El Paso area developers and builders. It was Woody's close involvement with one of his clients, C.F. Jordan, L.P., that led C.F. Jordan's leadership to select Woody for an executive position with the company in 2000.

Getting out of private legal practice originally was not in Woody's career blueprint. After graduating from the

School of Law, Woody set his sights on real estate law.

"When I got out of school in '85," Woody said, "I wanted to be in a real estate practice and it wasn't long after that before the real estate market in Texas kind of went into the toilet, so I spend a lot of my first years of as a lawyer, doing autopsies on deals that didn't work and I think that you learn more seeing what didn't work, and why

it didn't work than if you come into a market when everything is going perfect, because then you don't know what is out there that can go wrong. I think that made me a lot better real estate lawyer seeing all these mistakes and how deals could fall apart because you knew what to look for when you are putting new deals together; you say, 'I'm certainly never going to do that.'"

Taking what he learned during the downturn in the Texas real estate market, Woody was able to establish a successful law practice. Woody was at the top of his game before being approached for the CEO position at C.F. Jordan.

"I wasn't looking to get out of the law practice—I really enjoyed the law practice," Woody said. "I had a great practice, a lot of great clients, many of whom are still customers of [C.F. Jordan] because they were developers; there was a natural transition.

"[C.F. Jordan, L.P.] was a client of mine for many years, and the company had gone through growth periods and I



was doing a lot of work with them,” Woody said. “The owner of this company asked me if would come over here and run it.”

Although Woody had some experience in high school doing construction work over the summers, Woody’s expertise stemmed from his law practice and going to work for a large construction company was a perfect fit.

“In my law practice, I dealt a lot with construction law and development kind of issues,” said Woody, “and so as far as all the contracting pieces and the claims process, and all those things, I was pretty familiar with.”

The construction industry is more than concrete, steel and glass. Woody, in his experience, sees similarities between construction and the practice of law.

“The businesses are really not that dissimilar; they are both service businesses and very transaction oriented, very project oriented,” Woody commented. “The biggest challenge I think is that lawyers don’t typically have to manage a lot of people; we average between 450 and 600 employees.”

The niches that are carved out within the construction industry share similarities to those within the practice of law; C.F. Jordan operates much like any large law firm with various areas of specialization.

“We’re actually pretty specialized,” Woody said, “like in a law practice where you have your real estate group, your tax group and your litigation group—we have those different groups within our company, and within those groups they have their unique skill sets and specialties.”

Woody, although qualified for the position, does not serve as general counsel for the company. The legal experience and training Woody has received, however, is useful in his day to day operation and interaction with clients and government agencies.

“The nature of our business is that it is very litigious; its very transaction oriented,” Woody said. “Some of these deals, like our [military housing] privatization work are very complex documentation-wise. The legal training is really invaluable. You’re not intimidated when you are in these negotiations on deals and feel like you always have to be running back to your lawyer to give you advice on this and that. You can read the documents and understand what they say.”

Lending his advice to students of the



law who may be seeking careers outside of the legal practice, Woody suggests that students get some exposure to working in a law firm.

“I think that if you didn’t go into law practice, and you went just into a company, you would get really good at whatever you do in that company, and you would excel because you have great analytical skills, but you would miss the opportunity to get exposed to a wider range of things,” Woody said. “If you don’t practice for a while, I think that you really miss a lot of the training—the kind of on-the-job training that really

teaches you how to be a lawyer. And there is a lot to be said for going down in getting your butt kicked in a couple of trials that teach you some skills.”

Woody, who maintains his certification in real estate law, does not rule out returning to private practice, but from his office overlooking the scenic Franklin Mountains, Woody realizes the value of his newfound experience.

“I’m not planning on [returning to private practice]; if I ever did,” Woody said, “I would be a lot better lawyer just because you understand much more how it all works.” ■

As a former member of the Dallas Cowboys Cheerleaders, one Law Review staff member could tell you something about

# Football & Footnotes

by Charmaine Tuptue



Three hundred forty miles away from Texas Stadium in Irving, second-year law student Nory Callaway now spends much of her time on the third floor of the law library. Back in 2001, the then Dallas Cowboys Cheerleader's typical day included a four-hour workout, four hours as a physical trainer, and seven hours of dance practice. Callaway still keeps a hectic schedule as a staff member of the Texas Tech Law Review. Regardless of the task, Callaway achieves her goals with relentless perseverance and charming grace.

Growing up as the youngest of four children in the small West Texas town of Mertzon, Callaway quickly became immersed in the family love of sports. Her father, Billy Pierce, played football in high school and college, her mother Linda was a cheerleader and played basketball as a child, and her three siblings were also passionate about sports.

Before obtaining a kinesiology degree from Angelo State University, where Callaway was a cheerleader and track runner, she took a year off to live a childhood dream of cheering for the Dallas Cowboys.

As a three-year-old toddler on her father's lap watching the Dallas Cowboys in the family living room, she dreamed of becoming a Dallas Cowboys Cheerleader.

"I just loved cheerleaders," Callaway said, "There's something so flashy and fun about them, and I love to dance."

But getting to Texas Stadium was not easy. After a two-weekend try-out process, which included an interview with the director, a written test over the NFL teams, referee rules and signals, history of the Dallas Cowboys, and a talent performance, Callaway was selected as one of 33 from an applicant pool of over 600.

"Many girls walked-out and left because it was so intense and overwhelming," Callaway said.

Once on the squad, Nory moved to Dallas and worked part-time as a physical trainer.

As an organization known for fun and sex appeal, Callaway helped to dispel some of the myths and stereotypes, emphasizing that the Dallas Cowboys Cheerleaders is a professional entity, which follows strict guidelines and procedures.

"Dating the players was a big no-no. You can definitely get cut from the squad. Fraternalization is out because they want to keep it a business," Callaway said. "We did not ask the players for autographs because they did not want us being star-struck. The players are tired. They have families and they just want to go home too."

"It used to be so appearance-oriented and shallow but the stereotypes against cheerleaders have changed," she said. "It's fun but there's so much work involved in it and the reason it looks so effortless is because they work so hard at it and they're good at what they do."

Of course, fun and pageantry still represent a big part of the cheerleading tradition and being on the sidelines at every game remains the unbeatable perk.

"I was a rookie when Quincy Carter was a rookie and it was also Emmett Smith's last year and the year he broke the NFL all-time running record," Callaway said.

"Cheering for the American Bowl in Mexico City was my most memorable experience," Callaway said. "It was my first NFL game to cheer in and the crowd of over 100,000 people was screaming crazy."

After the 2001-02 season, Nory went back to Angelo State University and married her college boyfriend and Angelo State Rams football player, Joel Callaway.

Although dreaming of becoming a Dallas Cowboys Cheerleader at age three, Nory added the practice of law to her aspirations as a seven-year-old.

"I wanted to be a lawyer for the academic learning but as I got older I wanted to be one for the practice of the law," Callaway said.

As an excellent role model for any student in law school, Callaway has touched many people's lives.

"Nory always has a smile on her face," legal practice professor Cristina Knolton said. "Whether faced with the stress of law school or with a husband leaving for New Orleans to help assist victims of the hurricane, Nory has the ability to take

everything into perspective and balance everything she has going on in her life.”

“I have personally observed [Nory] go out of her way to make other [Law Review] members’ jobs easier on numerous occasions,” Corey Wehmeyer, editor-in-chief of the Law Review, said. “Nory also performs well in her classes, is active in other organizations... and despite all of her achievements and great qualities, she remains humble and unassuming.”

Callaway is constantly teased by her sister for choosing cheerleading and the practice of law, two career choices that are to some the butt of many jokes; however, she speaks out against stereotypes and explains her choices.

“As I get older, I realize how bad stereotypes can be because they can label someone as something they are really not,” Callaway said. “God works in mysterious ways. He uses things like this to show that not all lawyers are bad and not all cheerleaders are ditz. I think anything can be made into something good.”

As a member of the Law Review, Callaway shatters negative stereotypes of cheerleaders and applies what she learned on the sidelines to checking footnotes and writing comments.

“The Dallas Cowboys Cheerleaders are perfectionists,” Callaway said. “They did it over and over again until it’s perfect. Law Review is the same way. They give you parts of the article to edit to make sure that every single thing is perfect because once it gets to the publisher, it has to be perfect.”

Nevertheless, Callaway does not consider herself a perfectionist.

“One slogan says ‘Don’t strive for perfection but strive for excellence.’ Excellence is just doing your best,” she said. “When I have a goal, I will do whatever I can within reason and moral bounds to achieve it.”

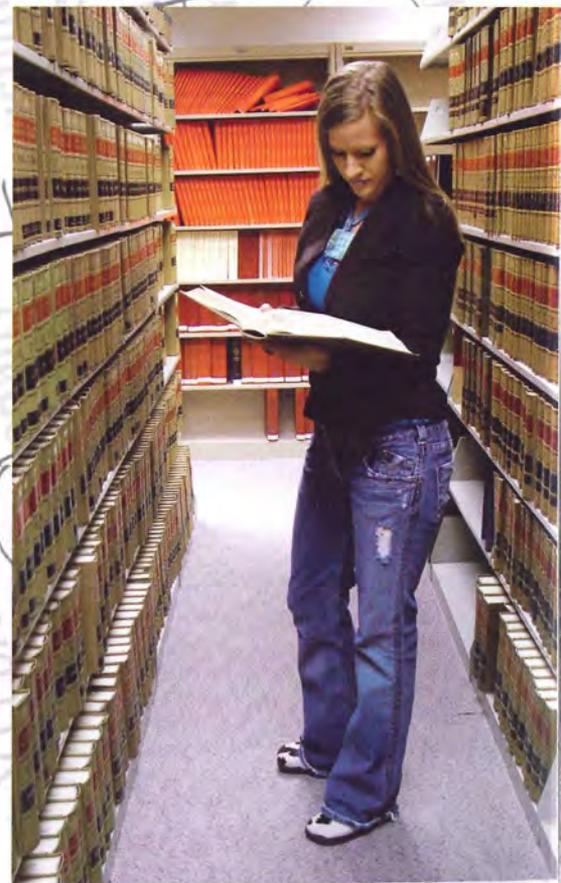
After law school, it’s no surprise that the little girl who has always loved sports wants to practice sports law.

“It’s something I have always wanted to do but it’s a really narrow field and it may not be an option in the future but now,” Callaway said. “I hope it’s something I will be able to do. To be a successful attorney is my next big goal.

“I don’t see myself as defined by money or status,” Callaway said. “I measure success as doing everything you do with what you have the ability given to you and utilize it to its utmost—it’s when you use your abilities to better those around you.” ■



Tackling shelf checks, Callaway handles her assignments with the same enthusiasm and dedication she showed on the sidelines.



# The Hardest Test



*in Law School* by Kathleen Nacozy

Kelln Zimmer was only a week into her first semester of law school, but already she was sucked in. As she sat in a doctor's office that Friday afternoon last August, she could not stop thinking about all the reading she had to complete that weekend, the cases she had to brief, and the classes she had to miss to be at this appointment. Then the doctor looked up from the x-rays of her liver. He said it all of a sudden: "It's definitely cancer."



Zimmer's perpetual law school worries came crashing into this. "But I can't have cancer now. I just started law school."

"Law school has to be put aside. You must focus on treating this, and not be bothered with that," the doctor insisted.

Less than two years earlier, Zimmer had been diagnosed with breast cancer. She had a double mastectomy and her lymph nodes removed. She endured eight

rounds of chemotherapy and 33 radiation treatments.

She was 22 years old.

Zimmer was the youngest patient ever treated in Lubbock with her type of breast cancer. Breast cancer is so uncommon to women in their twenties that statistics are not kept for this age group. According to the American Cancer Society, less than two percent of breast cancer occurs in women 34 and under.

After cancer was found in her liver, her doctors established that she would undergo chemotherapy again.

The School of Law had allowed Zimmer to defer her fall 2003 admission for two years. By August 2005, she felt she had put off law school long enough. She talked to her law professors about what she should do. All four said they would forgive any absences due to her illness or doctors' visits. With their support and understanding, she decided to continue in law school.

Fortunately, because of advances in chemotherapy, Zimmer's treatment proved to be far less disruptive than it had been before. She takes Xeloda, an oral chemotherapy introduced in the late 1990s to treat colorectal or breast cancer that has spread to other parts of the body (metastatic cancer).

Zimmer takes Xeloda pills every day, twice a day, for two weeks. She then goes a week without taking them.

On the days Zimmer does not take the



Zimmer (4th from left, bottom row) was the top fundraiser in the Lubbock Area Susan G. Komen Foundation Race for the Cure, raising over \$2,000 to benefit breast cancer research. Photo courtesy Kelln Zimmer.

pills, she has more energy and is able to study more. Although the pills make her tired, hair loss is not a side effect as with other treatments.

Zimmer is a firm believer in cancer research. The improvements she has witnessed in chemotherapy are evidence that advancements are being made. To further the cause, Zimmer was the top fundraiser for Lubbock's Susan B. Komen Foundation's Race for the Cure last October. She raised more than \$2,000.

Battling cancer while in law school may seem impossible, but an accomplished judge in El Paso is proof that it can be done.

Judge M. Sue Kurita's first year at Tech Law was also interrupted by cancer. The Friday before spring break, a doctor's visit revealed a large tumor on her lung. She underwent massive, 3-hour thoracic surgery the following Monday.

Kurita '85 alerted the law school about missing a week of class, though her doctors were not too eager to let her return. She came back to school after two weeks recovery, but was partially disabled, unable to use her right arm at all.

Her condition undoubtedly made her end-of-the-semester course load even harder — not to mention that she was a single mother, raising four-year-old Marissa at the time.

Kurita said she was able to finish her first year on time because of the support system at the School of Law.



“  
It overwhelms me  
to acknowledge  
how blessed I was  
at Tech.”

Hon. M. Sue Kurita

“I was able to be a single mom,” Kurita said, “graduate from law school in two-and-a-half years and survive major surgery because the students, faculty and staff were so wonderful to me.”

“When I was recuperating they set up a schedule to drive me, to take me to the store, to take notes for me. Someone even walked me to classes since I did not have the strength to carry my books.”

Classmates shared their notes and came by the house to help. The faculty extended the time limits on exams, and joined with car pool duty. Everyone helped; from deans Frank Newton and Joe Conboy to professors Linda Kamp and Rosa Wicker.

“In essence it was a collaborative project of human kindness and sincere family concern,” Kurita said. “It over-

whelms me to acknowledge how blessed I was at Tech.”

This experience helped Kurita put her demanding life in perspective.

“It was important to be a good parent first and to graduate,” Kurita said.

Judge Kurita is currently the Judge of County Court at Law, Number Six, a position she has held since 1998. She was named a Woman Trail Blazer by the El Paso Bar Association in April 2005, was featured in a *USA Today* review of “100 Women that Love Their Jobs,” received the City of El Paso Conquistador Award in 1997, the Supporters of Catholic Education in the El Paso Diocese Award in 2001, and El Paso Police Department Chief's Award in 2000.

“I am what I am today because of the Tech family support that was extended to me. Law school at Tech taught me more than legal matters. I learned about community, compassion, kindness and friendship as well,” Kurita said.

Judge Kurita's story gives Kelln Zimmer hope, for at times, the choices she has made seem overwhelming. Living with cancer is an amazing feat. Living with it while surviving law school, and raising a daughter or raising money for a cure, is truly an inspiration.

“Making all this work is really difficult, but at least I know it can be done,” Zimmer said. “That means I can do it.” ■

Mandi Tejada contributed to this article.

## Civil Rights and Hispanic Heritage

by Thales Castro



Texas Civil Rights Project Director James Harrington

Equality, Justicia, Diversity, Comunidad. These four words convey a truly special meaning to Texas Civil Rights Project Director James Harrington who spoke in November at the School of Law. These four words personify the essence of Harrington's professional life, which has

been dedicated to protecting civil rights and individual liberties. Harrington was invited by the Hispanic Law Student Association in conjunction with Hispanic Heritage Month.

Harrington divided the history of civil rights as before and after *In re Ricardo Rodriguez*, the 1897 landmark Texas case extending American citizenship to Texans of Mexican descent, as a symbol of the struggle for recognition of Hispanic civil rights. He also brought to light the Ninth Circuit's 1946 opinion in *Mendez v. Westminster* which outlawed the separate but equal doctrine in California schools.

Calling attention to the importance of active participation for constitutionally protected minority groups' rights and liberties, Harrington stated that despite some positive achievements, there is still a long way to reduce poverty, discrimination, and social injustice.

In a changing international scenario as a result of the fall of the Berlin Wall and the end of Apartheid in South Africa, Harrington posed a provoking question: "What do we see when we look around in terms of civil liberties in our country?"

Concluding by pointing out how individual moral courage can make a difference in preservation of civil rights, Harrington stated, "if you do not do it, nobody else is going to." ■

## Stolen Feminism?

by Becky Behl-Hill

Dr. Christina Hoff Sommers does not believe America is a male hegemony creating an oppressive society for women. This belief has garnered her many unsavory titles, but Sommers does not view herself as any-



thing but a responsible feminist. She believes feminism in America must evolve from a militant, aggressive "gender feminism" posture to a posture of "equity feminism."

Invited to speak at the School of Law by the Federalist Society, Sommers, a philosophy professor at Clark University, has published internationally, and has appeared on a variety of television shows ranging from "20/20" to "The Oprah Winfrey Show." Her 1994 book "Who Stole Feminism?" challenged the popular feminist view of American society.

"I tried to show how the fine and noble cause of feminism was being hijacked by gender war eccentrics in our universities," Sommers said.

"Equity feminism wants for women what they want for everyone, fair treatment, no discrimination," Sommers stated. "Equity feminism developed out of the European Enlightenment and it insists women should have the same rights and opportunities as men."

The gender harmony that Sommers speaks of is one of the primary differences between her outlook and that of some notable feminists. Another notable difference is her belief that masculinity is not biologically pathological. Sommers promotes the belief that the majority of males possess a healthy masculinity. These men are not pathological, but instead strive to be helpful, sublimate aggression into creativity, build rather than destroy, do not bully those who are weaker, but instead protect them. She does not deny that there are still "Neanderthal" men, but urges us to remember that women are helped by

truth and not myth. She proudly noted that women comprise 57% of college enrollment and are approaching parity with men in law schools and medical schools, indicating that these are not the numbers of a society oppressive to women.

Sommers believes there is still a place for "gender" feminists and militant activism, just not in the United States. She suggests that women searching for an active, aggressive feminist movement should turn their sights to Iran, Somalia, or Saudi Arabia where there is essentially gender apartheid and oppressive patriarchy.

Reminding the audience that it may not be a perfect world for a woman, Sommers stated that it is not a perfect world for a man either; it all depends on what you are measuring. She asked everyone to think and research before believing blindly.

"If you've got good information and moral energy, that's social progress," Sommers said. ■

## Alum Helps Students Define Their Objectives

by D. Chris Hesse

In October, the Tech Law Military Association hosted John Mitchell, a 1996 magna cum laude graduate of the School of Law.



2L Patrick Garcia and Mitchell

Mitchell, a distinguished military graduate of the Texas A&M Corps of Cadets, served as a Patriot Launcher Platoon Leader and Tactical Control Officer in Operation Desert Storm. While in law school, in addition to serving as associate editor of the Law Review, Mitchell served



Garcia, Mitchell, Dean Huffman, Professors Pawlowic and Conboy

as Vice President in the National Order of the Barristers, was a National Finalist in the National Institute of Trial Advocacy (NITA) Tournament of Champions Trial Competition, and a Regional Champion and National Quarter Finalist in the Association of Trial Lawyers of America (ATLA) Trial Advocacy Competition.

"I really had a lot of fun going out and representing Texas Tech against some of the other big dogs out there in trial competitions nationally," Mitchell said. "While going to law school, and after graduation, I knew I wanted to be a trial lawyer. I had seen 'JFK' and 'Law and Order,' and I wanted to go try cases."

Mitchell spoke specifically to students about his military service.

"If you spend some time in the military, you are going to come out of the military with a work ethic," he said. "I used to chuckle about people complaining about 8 a.m. classes. I didn't have to shave, I didn't have to go to PT, and I could sit there and have a cup of coffee and all I had to do the night before was read. I came out of the military with the ability to take responsibility."

"When you practice law, I think that is something you need to be prepared for. Someone is going to come to you and place a lot of responsibility on your table. You have to be prepared to take that and say, 'here's what we are going to do, here's what I can do, and here's what I can't do.'"

Mitchell stressed that any prior experiences a person has had, whether running a business or raising a family, can help a person be prepared to take responsibility for a client's needs. Then Mitchell emphasized three final points to the students.

"The first is, before you undertake to do anything, you have to define your objective," he said. "What do you want to come out of Texas Tech with? Do you

want to be first in your class, do you want to be the state moot court champ, do you want to be editor of the law review? It may be something as simple as you want to leave school with no debt.

"[Second], exploit your strengths, and minimize your weaknesses. I knew oral advocacy was my strength, and my written product was my weakness, and so I focused on exploiting my oral advocacy and minimizing my weakness in writing. On the moot court team, I went out and got good brief writers. [Third], take advantage of every opportunity that presents itself, and strive to maximize that opportunity. These three things will help you to become a successful lawyer." ■

## Texas State Bar President Brings Message to School of Law

by D. Chris Hesse

Texas State Bar President Eduardo Rodriguez spoke to students at the Texas Tech School of Law in October about the important responsibilities of lawyers and law students.

"Growing up, I was taught that those of us blessed with an education have a responsibility to make our communities a better place to live," Rodriguez said.

Rodriguez has given back to his community throughout his career. He served on many different committees of the American Bar Association, was president of the Hispanic Bar Association, and even worked as a youth league coach.

"He has been a person who has given

back in so many different ways," said Dean Walter Huffman. "If [lawyers] emulated him, we would be a profession that everyone would admire and emulate."

Rodriguez emphasized to law students the need to educate citizens of the community on how and why our judicial system works the way it does. He explained how human rights have been embodied in our modern law, starting with the Magna Carta, the Declaration of Independence, The Federalist Papers, and the Bill of Rights. Rodriguez also appealed to current and future Hispanic lawyers.

"Over the next several years, Hispanics will be a majority in this state," Rodriguez said. "That is why it is so important for you as young Hispanics to go out into your community and encourage Hispanics and minorities to become lawyers. It is important that the demographics of our profession come closer and closer to the demographics of our state."

He highlighted the many Texas Hispanics who were trailblazers in the legal profession. Carlos C. Cadena argued for 14th Amendment protection for Mexican-Americans in the landmark case of *Hernandez v. Texas*. Cadena joined the 4th Court of Appeals as a justice in 1965, and became the Texas' first Mexican-American chief justice 12 years later. Edna Cisneros became the first Hispanic woman licensed to practice law in Texas in 1955, and was later elected as the first female district attorney in Texas.

Rodriguez's idol growing up as a young boy in the 1950s was Reynaldo G. Garza. In 1961, Garza became the first Mexican-American appointed to a federal judgeship. He was the first Hispanic appointed to a federal court of appeals in 1979, and also the first Latino chief judge of a federal court.

"He was looked upon as a good lawyer, not because he was Hispanic, but because he happened to be a good lawyer as well," Rodriguez said.

Rodriguez closed his remarks with a quote from Sir Isaac Newton, which he then applied to the opportunities given to law students today.

"If I have seen further than others—it is because I have stood on the shoulders of giants. I am talking about your parents, your uncles and aunts, your teachers," Rodriguez said. "Your parents – by providing for your every need, encouraging you to participate in different school programs – their only wish was for you to do better than they did. These are the people on whose shoulders you stood so you can be here today, and tomorrow you can follow in the footsteps of those we talked about." ■



## Symposium Quenches Thirst for Water Policy

by Kristin Sims

The Law Review and the Center for Water Law and Policy brought together nationally and internationally renowned experts from multiple disciplines to explore important issues in water law and policy at a symposium in November entitled “Precious, Worthless, or Immeasurable: The Value and Ethic of Water.”

The Center for Water Law and Policy was created last year to help develop an interdisciplinary collaboration about the growing water problems in the world. Dean Walter Huffman stated that the Center is perfectly situated in Lubbock because of the extensive studies at Texas Tech concerning agriculture, environmental resources, engineering, and hydrology.

Texas Tech University President Jon Whitmore said that water law and policy is a complicated idea and very interdisciplinary. Currently, 63 faculty members at Texas Tech are engaged in research and or teaching water-related issues. Whitmore proclaimed that the study of water is one of the strengths of the University in terms of new research.

Texas State Senator Robert Duncan '81 concurred with the University's commendation of the Center, mainly because of Lubbock's geographic location.

“We need to earn a seat at the table of water law and policy in furtherance of our



Far Left: Gabriel Eckstein, Texas State Senator Ken Armbrister, Dean Huffman; Above Right: Texas State Senator Robert Duncan '81

arid and semi-arid interests,” Duncan said.

Duncan explained the necessity of balancing interests of small populations in the arid and semi-arid areas of the southwest United States, the fast growth populations in the big cities of Texas, private property rights of Texas citizens, and environmental issues.

School of Law professor Gabriel Eckstein, who serves as director of the Center for Water Law and Policy and is currently a consultant to the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the area of water law, pointed out some major concerns regarding water around the world. Eckstein stated that two-thirds of the states expect to suffer water shortage in the next ten years. One-fifth of the world does not have access to drinking water, and more than 5 million people die annually from water-borne illnesses.

Although there was consensus on varying issues regarding water policy, a sticking point among those present was how water was to be valued. Valuing water could be measured from a variety of standpoints, which is why the symposium presented speakers from economic, cultural, and religious backgrounds.

As director of the Dr. Andrew R. Thompson Program in Natural Resources Law and Policy and a member

of the multi-disciplinary Westwater Research Center at the University of British Columbia, Speaker Richard Kyle Paisley felt that water should “move from its allocation to the sharing of [resource] benefits.”

Although it was impossible for the water supply and sanitation issues of the world to be solved in two and a half days, the discussions led to the final plenary session in determining the common ground discovered among those present. At the final plenary session, the speakers were able to discuss any common ground achieved and how the interdisciplinary approach would be able to support change in the future of water policy.

At the closing dinner, Keynote speaker State Senator Ken Armbrister commended the Center for looking ahead. He referred to the Center as a “shining beacon” because it's the only one in the state and in this part of the nation. One of Armbrister's concerns is the difficulty in making policy because a variety of problems within the State of Texas.

“Washington D.C. and Austin are only as good as the information they have,” Armbrister said, “and it benefits nobody if it comes from closed mind.”

For more information, see <http://www.law.ttu.edu/lawWeb/center-sprograms/centers/water/index.shtm>. ■

### Keynote Speakers

Maude Barlow  
Ronald A. Kaiser

### Presenters & Panelists

James Boyd

Gerry Beyer  
Darryl Birkenfeld  
Gabriel Eckstein  
Susan Saab Fortney  
William Greenway  
Bruce Kramer  
James Huffman

Walt Huffman  
Bill Jeffery  
Russell S. Johnson  
Katosha Nakai  
Andrew P. Morriss  
Bernard D. (Skip) Newsom  
Marilyn C. O'Leary

Harry J. Ott  
Richard Paisley  
Jorge Ramirez  
John Rapier  
Martin C. Rochelle  
Richard Rosen  
Salman M. A. Salman

Suzanne Schwartz  
George William Sherk  
Lynn Sherman  
Mark Squillace  
Jim Thebaut  
D. Rick Van Schoik

## Parent, Law Student: Finding the Right Balance

by Mandi Tejada

Law school is an experience like no other. It requires a great deal of effort, commitment, and sacrifice to achieve success. Raising a child is also an indescribable experience which requires many of the same things. Imagine doing both simultaneously.

Peter Hall '05 did not have to rely on his imagination; he experienced firsthand the difficulties of raising a family and attending law school. When Hall began his law school career, his daughter Madeline was two years old. With the help of his wife Molly and daycare, Hall was able to balance both.

Hall treated school like a job. When not in class, he would head straight for his carrel to study. Hall said that his biggest challenge was reaching a point at which he could stop studying, go home, and forget about school.

For Hall, the best part about raising a family in law school was having their support and encouragement when school became too much. To other students currently raising a family, Hall recommends, "Do not get behind." He says that time management is critical. It



Maxey Scherr and her son Tryston.

can help you minimize the amount of time you spend away from home. "To prospective students who might decide they cannot juggle both—yes you can if you really want to," Hall said.

Second-year students, Micah Riddle and her husband Curtis Riddle are also raising a family while in law school. They have a five year old son, Regan, who is in kindergarten and thinks it is cool that while he is in school all day, so are mommy and daddy.

Micah says that her biggest challenge is balancing school and family time.

"Knowing what you have to give up and actually giving it up to make it all work" is also challenging. She says that she is not as involved in organizations as her peers because they take extra time that she is not willing to give up.

The best part of raising a family in law school, according to Micah, is being able to teach their son that hard work pays off and that any goal can be achieved even if there seem to be obstacles standing in the way.



Micah, Curtis and Regan Riddle

For students currently raising a family, Micah advises, "Put your family first. Don't get caught up in the competition of law school, it is only temporary and there is always someone else out there doing more work than you." Micah says that it is important to have a support system to help you out during the really tough times.

Maxey Scherr is a first-year student, beginning her journey of raising a child and attending law school. She is a single mother to two and half year old Tryston. Scherr's nearest family is six hours away, so she depends on daycare and babysitters to allow her time to study.

Since her time is limited, Scherr has been unable to get involved in any organizations. She spends her "extra" time studying in her carrel. Scherr tries to get everything done before she picks up her son at daycare so that "school stays at school, and home stays at home."

She believes that having her son has helped her performance in school. Scherr says that her son gives her immense motivation and the desire to do well.

"People always think that having a kid is a setback to one's own goals, but I think that my son, Tryston, is a reason for my goals," said Scherr.

For Scherr, she believes that being a mother in law school is a blessing and not a detriment. She feels like having a child has helped her to define the picture she has for her future and also to inspire her to do well in school.

Barbara Ellis '94 can say that she has "been there, done that." While attending law school, she was a single mother to three year old, Geoffrey, and ten and



Peter Hall, his wife Molly and Madeline.

a half year old, Lesley. Ellis raised her children with the help of daycare, babysitters, and sometimes grandparents.

Overall, Ellis said that her involvement in organizations wasn't affected and her children spent a significant amount of time around the school. Ellis says friends still talk about three year old Geoffrey sitting

on her lap during a moot court practice and shouting "objection" at her partner as she practiced her appellate argument. Another time, Ellis and her partner worked all through the night as Geoffrey shot Nerf arrows at Ellis' head while she typed their moot court brief.

Ellis had many single friends without children who helped out whenever they were needed. She said that she treated law school like a job and believes that her grades were affected for the better because she was not distracted by dating or going out.

Her children would say that they hated her being in law school; however, they appreciate the financial rewards that they have benefited from since Ellis went to law school. She said the best part of raising a family while in law school was, "They got to share in my success."

Ellis advises others raising a family to use the daytime hours efficiently and then you will have plenty of time for family. "Raising a family in law school is not as hard as doing it while trying to make partner in a big firm," said Ellis. ■

## Making Changes: One Case at Time

by Tiffany Colunga

Jeff Blackburn, Chief Counsel for the West Texas Innocence Project, challenged Tech Law students to make a difference in society during his speech at the Law School in November.

Blackburn, a trial lawyer for 25 years, told students to join a "long unbroken chain" of lawyers who have helped to make important changes, including lawyers who orchestrated the Rosa Parks bus boycott and who brought the

*Brown v. Board of Education* cases.

“Those of you with that fire in your belly; those of you who do not want to put it out just so you can get those loans paid, or so that you can be acceptable and work at an acceptable firm; those of you who want to have this kind of life are going to find a lot of opportunities opening up.” Blackburn continued, “They are not going to be about money; they are not going to be about plaques on the wall, but they are going to be people that you can befriend and people you can get to know.”

He explained that lawyers do not need to try to change the entire system, and that attempts to do so may, in fact, “demoralize” young attorneys, but it is important for lawyers to approach changing society one case at a time.

Blackburn told students to “forget about the big stuff.” He said, “You can start sticking up for the little ones, the stepped on ones, and the messed over ones in the way that only lawyers can do, and that is what I ask you all to do.”

Blackburn was counsel for the defendants in the *Tulia* cases, which led to the largest exoneration in Texas history, and for the past few years Blackburn has dedicated himself to The West Texas Innocence Project. The West Texas Innocence Project is partnered with the Innocence Clinic at Texas Tech Law School that focuses on investigating cases of prisoners’ claims of actual innocence. ■



Jeff Blackburn

## Shannon Elected to

### ALI

Associate Dean for Academic Affairs and Charles B. “Tex” Thornton Professor of Law Brian Shannon has been elected to membership in the highly prestigious American Law Institute. The Institute has an elected membership of 3,000, consisting of judges, lawyers, and law teachers from all areas of the United States as well as some foreign countries, selected on the basis of professional achievement and demonstrated interest in the improvement of the law.



Established in 1923, the Institute, in addition to recognizing extraordinary achievement in the legal profession, also works to improve justice and drafts and publishes various Restatements of the Law, Model Codes, and other proposals for law reform.

Shannon received a Bachelor of Science degree from Angelo State University in 1979 and a Juris Doctor degree from the University of Texas in 1982, having graduated first in his law school class. He joined the School of Law faculty in 1988. Shannon was appointed to the Governor’s Committee on People with Disabilities in 2003. He is also Chair of the Lubbock Regional Mental Health and Mental Retardation Center and is the Lubbock County delegate to the Dispute Resolution Center Advisory Board. He is the author of numerous award-winning articles and books including the 2005 Third Edition of *Texas Criminal Procedure* and the *Offender with Mental Illness*, co-authored with Professor Daniel Benson. Shannon also served as a captain in the Air Force.

Shannon joins Dean and Professor of Law Walter B. Huffman, Paul Whitfield Horn Professor of Law Marilyn Phelan, Alvin R. Allison Professor of Law William R. Casto, and Robert Bean Professor of Law Emeritus J. Hadley Edgar as Texas Tech School of Law faculty members of the Institute. ■

## In Memoriam

Professor Kay G. Holloway passed away Tuesday, December 20, 2005. She was 66.

Holloway was born September 3, 1939 in Lubbock to Roy and Fay Granbery. After graduating from Olton High School in 1956, she attended Texas Tech University and eventually graduated from the University of Texas in 1961. She received her J.D. from the University of Florida in 1975, was a member of the Order of The Coif and Phi Kappa Phi, where she served as District Governor. Admitted to practice in Florida, Holloway served on the Board of Governors of the Florida Bar.

Holloway married Charles Holloway in Key West, Florida and the couple was married for exactly 25 years until his passing on December 3, 1994. She



taught school for several years in Texas and Florida and also worked for the Library of Congress in Washington D.C. Holloway was a partner in the Key West firm of Horan & Finley, and later became a solo practitioner before returning to Lubbock in 1997 to be near her family. A member of the First Baptist Church choir, she also taught adult Sunday school.

Joining the faculty in 1997, Holloway taught Legal Practice and was co-author of “Interactive Citation Workbook For The Bluebook: A Uniform System Of Citation,” as well as “Interactive Citation Workbook for ALWD Citation Manual,” which are currently used in law schools throughout the nation.

Third-year law student Susan Rouse eulogized Holloway at a memorial service on December 22.

“Professor Holloway loved her law students and we loved her,” Rouse said. “Don’t get me wrong—she was no pushover. She worked us hard and she worked us long. She taught us that no shortcuts exist to ‘good lawyering’ and that patience persistence and hard work were always required. Her reputation was that of a precise, yet fair professor.”

Rouse recalled the generosity and kindness of Holloway, evident at Holloway’s last class.

“She had told us that she had something very, very special planned for that class so to be sure to attend,” Rouse said. “We thought that she was probably going to give us back our papers so we would know where we stood in her class before the final. We all showed up and she absolutely had a special class prepared—she had homemade fried chicken and sweet Southern iced tea! We were both shocked and deeply touched. Believe me, a professor who fries chicken for 100 people loves her students!”

Holloway’s humanity and personality was well known among the faculty noted Dean Walter Huffman.

“We will miss Kay Holloway both as a person and for her dedication to legal education, and I expect we all hope, when it is our turn to pass on, that our students feel about us as Kay’s students do about her,” Huffman stated. “She was a superb professor, and an even better person.”

Kay is survived by her brother, Roy B. Granbery and wife JoAnne of Lubbock; two stepsons, Jim Holloway of Greenville, South Carolina, and Terry Holloway of Eustis, Florida, and several nieces and nephews. ■

## Lanier, Holley recognized at 2nd Annual TTU Law School Gala

by Charmaine Tupue



Lanier



Renee Holley, Major Michael Holley, Anne Huffman, Dean Walt Huffman

In September, the Second Annual Texas Tech University Law School Gala was held as a homecoming for the alumni and to honor 2005 Distinguished Alumnus, W. Mark Lanier '84.

"It was the largest event the Market Alumni Center has ever held as well as its first sold-out event," said Kym Ruiz, Alumni Facilities Coordinator, Texas Tech Alumni Association.

The keynote speaker was Major Michael Holley '99, who served as the chief prosecutor of the Abu Ghraib detainee cases. In preparing for his presentation, Major Holley found some things quite challenging.

"How do you tell people enough about a set of specific criminal prosecutions in a way that the facts are interesting and compelling," Holley said, "while at the same time not saying something that might endanger future prosecutions?"

In the end, Major Holley opted for a slide-show presentation to present a story instead of a lecture.

"His presentation of photos, inspiring quotations, and stories was dynamic, inspiring, and left half the room on the verge of tears," said Dustin King, a second-year law student.

After Major Holley's presentation, Mark Lanier gave a short acceptance speech.

"Every word Mr. Lanier spoke was captivating, and I was disappointed when he wrapped up his remarks after only 30 or so minutes," said third-year law student Amy McCormick. "I was especially moved by Mr. Lanier's and Major Holley's remarks of gratitude regarding their past professors."

"At the time I was going through law school," Holley said, "I knew that I would owe these men and women a great debt of gratitude that would be difficult to fully repay. Since law school, I have become very conscious of the gift of their teaching and support and how much they have done for me and for others like me. The opportunity to see many of them again and to thank them personally was a very special event in what turned out to be a week in Lubbock that I'll never forget."

The first alumni gathering was held in 2003 with approximately 35 people in attendance. This year's gala attracted 276 alumni, students, faculty and staff.

"It was such an enormous success that we had to turn people away," Dean Richard Rosen said. "The fantastic speakers, Mark Lanier and Major Holley, were a great draw, and I credit Casey Carson and the partnership with Phi Alpha Delta for turning it into such a great event."

"The Gala and partnership with PAD allowed the students to interact with the alumni, who reminisced with each other and even the professors they had when they were here," said Casey Carson, Alumni Coordinator.

The Gala also presented everyone a chance to network and look into other career opportunities.

"I love the Army and consider my service in the JAG Corps a great honor and privilege. With 13 years of service already, I never seriously considered doing anything other than serving as a Judge Advocate. Then I met Mark Lanier and the family that is his Houston firm. Mr. Lanier and his firm are unlike anything I've

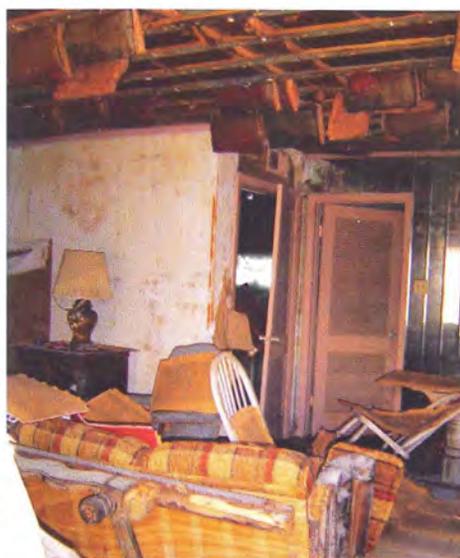
ever experienced. They seem to represent the ideal blend of faith, excellence in practice, and an enlightened work-life balance. My family is very excited about moving back to Texas, and I am extremely humbled to have been offered a position at this world-class firm," Major Holley said.

The Gala was also an opportunity for the Board of Barristers to raise additional funds for events, such as the annual Board of Barristers banquet, intra-school competitions, and other activities through a raffle drawing. Mark Lanier generously donated for the fundraising invitations and four airplane tickets to his annual Christmas Party held at his home in Houston and after his acceptance speech, he drew the winners.

The Third Annual Texas Tech University Law School Gala will be on September 22, 2006 to celebrate the 40<sup>th</sup> Anniversary of the founding of the law school and honor Phil Johnson, the 2006 Distinguished Alumnus and the first Texas Tech Law School alumni to be named to the Texas Supreme Court. The gala will be held at the McInturff Conference Center at the University Medical Center.

### List of Distinguished Alumni

1995	Robert A. Junell '77
1996	Richard C. Hile '74
1997	Walter B. Huffman '77
1998	Wayne A. Reaud '74
1999	Martin W. Dies '74
2000	Jeff Wentworth '71
2001	Mary Ellen Hicks '75
2002	Barbara K. Runge '74
2003	Robert L. Duncan '81
2004	Karen P. Tandy '77
2005	W. Mark Lanier '84
2006	Phil Johnson '75



# DISASTER ON THE GULF COAST: Tech Law Alumni Face the Devastation

by Amber Hinds

After living in New Orleans for 28 years, Robert Bieck '77 has become accustomed to the threat of hurricanes, so when news of a storm named Katrina first started circulating, he didn't think it was any big deal.

"Late Friday before the hurricane, which I think would have been the 26th of August, the track started to change," says Bieck. My wife and I got a little bit more interested in what was happening and by Saturday morning the tracks all seemed to confirm that we were going to take a dead hit with a category five."

That's when Bieck and his wife decided it was time to leave their Uptown home in the Crescent City. His wife had already purchased multiple tickets on multiple airlines, but by the time they decided to evacuate, Delta and Continental had already cancelled air service, which left them with a 7 a.m. flight on Southwest to Phoenix.

"Really I didn't think that I would be gone all that long, but out of an abundance of caution I took an extra suitcase," he says.

When Bieck and his wife settled down in Phoenix on Sunday night, it appeared as though things were looking better for South Louisiana. In fact, the storm seemed to be veering slightly away from New Orleans.

"We really sat tight until Monday morning the 29th at which point we found out that the hurricane had indeed come in at the Pass Christian, Waveland, Bay St. Louis area in Mississippi and figured okay we dodged a bullet," Bieck says.

Unfortunately, what Bieck and many other New Orleanians initially thought was a stroke of good luck turned out to be a nightmare as the city's levees began to breach leaving more than 80% of the city under water. Bieck knew that there was a possibility that his own 100 year old home was flooded; however, he soon learned that instead of being three feet above sea level his house was actually about 15 feet above sea level and safe from the flood waters.

"Although the city seems flat there are some very real changes in elevation," he says. "You can walk around in town and you get to a certain point where you can get into the flooded areas. It's really kind of subtle: you see a very faint water line a couple of inches off the ground on the buildings and a block later it's a foot off the ground and a block after that it is two feet, then three, four, five and six feet, and yet as you walk you are really not conscious of walking down an incline."

Not only was Bieck's home saved

from the flood waters, but the wind did little damage as well. He says he lost a couple of windows, some roof shingles, weather board, and several trees. Bieck says he also gained some items as well.

"There are artifacts that I found in my yard that I haven't a clue where they came from," he says. "Shutters that don't fit my house, that don't belong to my house, and I haven't the foggiest idea of whose house they blew off of."

As for his work, it didn't take Bieck long to get back to business, taking care of his clients. Thankfully, he says Jones Walker, Waechter, Poitevent, Carrère & Denègre, L.L.P., where he is a partner and works as a commercial litigator had an excellent contingency plan. Through the use of Blackberries he and the other attorneys and staff members were able to communicate effectively. Bieck says he was on a plane bound for Oklahoma City within days after the storm for a witness-prep session. His firm was also able to place attorneys and staff from the New Orleans office in the firm's other offices in Baton Rouge, Houston, Lafayette, La., Miami, and Washington, D.C.

"We all knew that that life goes on and your first duty as a lawyer is to your client, but in order to fulfill that duty you also have a duty to the business itself, and with 220 to 230 lawyers plus another

Photos courtesy of Amber Hinds



er couple hundred staff and support personnel, we had to take care of ourselves as a firm first as part of the parcel of taking care of our clients,” he says.

Jones Walker’s New Orleans office officially re-opened on Monday October 17th, and at that time nearly two months after Katrina hit the gulf coast, Bieck says they were only operating at about 50 percent. He said the other 50 percent of the firm’s attorneys and staff members were still spread out in other offices. Meanwhile, there were still repairs that had to be made to three of the firm’s six floors. Bieck says they lost a couple of windows on the 52nd floor that let in water to the 51st and 50th floors, but despite all of the damage Bieck says that something good came out of the experience.

“It’s been a real disaster in every sense of the word,” Bieck says. “On the other hand it did bring us together. We’ve always had a good strong firm culture. We all know each other. We all get along with each other. This I think brought us even closer together.”

As for the Big Easy, Bieck says loyalty may be the strongest trait of those who call New Orleans home. He says he and many others residents are trying to do everything to keep their money in the city where it is needed the most, but while money is an important part of rebuilding the issues run deeper.

“I don’t think it will ever be the same as it was”, Bieck says. “I think this is going to leave a permanent mark on the city. I think it is going to take a while to

change the public perception of the city that developed as a result of the aftermath of the storm. A lot of which I think is unwarranted. This is a city that’s worth saving; it’s worth living in. It is a good place to live for the most part. It’s not perfect—no place is, but most people have a pretty good quality of life here.”

Nearly a month after Katrina hit the gulf coast, Hurricane Rita wreaked havoc on southwestern Louisiana and southeastern Texas. Among the places in its path was a tiny island named Pleasure Island, and that’s where you’d normally find Ronnie Plessala ’74.

Plessala has been living on his sailboat for the past 18 years, and making the commute to Provost and Umphrey, L.L.P. in Beaumont, Texas where he specializes in family law. Plessala says when you live on a sailboat and you are facing a storm as large as Rita you don’t have too many options because you can’t really move your boat.

“Thursday morning when it looked like it was going to be a direct hit on Port Arthur I just got my boat as prepared as it could be, and I evacuated to Shreveport,” he says.

After a week in Shreveport and another in Houston, Plessala was finally able to return home to survey the damage.

“The place was just devastated,” he said. “Trees down everywhere, no utilities, homes messed up, and homes flooded. It just wasn’t a pleasant experience.”

Like Bieck, Plessala’s firm didn’t reopen until mid October, and since that time, things still haven’t returned to nor-

mal. He says there was water damage in his firm’s 100 year-old building. In addition, he says most of the courts have cancelled jury service for the rest of this year because so many people are trying to repair their homes, and the courthouse isn’t operating at full force either. As for his boat, Plessala says he was lucky because most of the damage was only cosmetic.

“It rode it out just fine,” he says. “It did what it was supposed to do.”

Plessala says it’s going to be a while until Southeast Texas returns to normal, but he adds what Hurricane Rita left in its path was no different from the aftermath of any other people that have gone through a hurricane.

Fortunately for Barbara Runge ’74, Hurricane Rita spared the city of Houston, where she lives and has her own family law practice, but even before Hurricane Rita hit, she spent time lending a helping hand. Runge gathered and delivered supplies for evacuees; volunteered at Reliant Center, where many of the Hurricane Katrina evacuees were temporarily housed; and she even offered office space to any displaced attorney who may have needed a place to practice. Although no one actually took her up on her offer, Runge said she was happy to do anything to help the victims of Katrina.

“It was incredible thing to see all the outpouring of love from the people in Houston,” she says. “We act like none of these things can ever happen to us, but this makes you realize they can.” ■

Photos courtesy of Amber Hinds



## Pulling Together by Brad Levy

Squalls of wind and rain, flying debris, broken levees, unsanitary water supply, and power outages wreaked havoc on South Louisiana in what forecasters called the natural disaster of the century. The aftermath of Hurricane Katrina brought out both the best and worst in people. But only the former was the case locally, because while tragedy and confusion overran much of the Gulf Coast, there's a thing or two to be said about the reactions of those far away on the South Plains.

Like all other first-year law students, Staff Sergeant Michael Kirkland of the Texas Air National Guard was busy adjusting to the rigors of law school. But before he could get too wrapped up in the semester, military duty assigned him a different task. It was one far more hostile and estranged; it was the Louisiana Superdome, post-Katrina. Kirkland and the 204th

Security Forces Squadron were assigned to regulate a crowd of tired, suffering, and ultimately devastated New Orleans residents.

"There are two things that I will never forget about walking around the Superdome," Kirkland said. "The first was the smell, and the second was that people had died in there."

Unfortunately, this was not the first time Kirkland had been called away from his family to serve. It was something that he'd grown accustomed to. Nonetheless, he conceded that catching up on his classes after a two-week hiatus would be "a daunting task."

Far away from the ravaged South, the Women's Caucus did its part by conducting a hurricane relief drive. After collecting multiple donations ranging from toiletries to pots and pans, the group delivered them to the Salvation Army, which distributed

them to those in need.

"The law school is just known for its generosity," said third-year student Teresa Hellstern, who helped with the effort. "Whenever there's a situation like this, we [at the law school] really pull together."

Still others from the law school lent a helping hand as well. Second-year student Kris Moore, a former minister turned law-student, offered crisis counseling to the hurricane evacuees temporarily living at Reese Air Force Base. Moore engaged in various activities with the visitors from welcoming each of them with a genuine embrace to guiding them in prayer.

"These people were now Lubbockites for a while," Moore said. "They were our neighbors, our guests, our friends.... We were hoping to show them why the people of Lubbock are so great." ■



Bart Medley

## One Attorney Who Knows How to Put out Fires (Real Ones)

by Carl Knickerbocker

Last summer, when 35,000 acres of range fires cropped up across southwest Texas, the people of Jeff Davis County knew whom to call upon to help put them out, their county attorney, Bart Medley '03.

"In the months of June and July, I spent a total of 16 days out on the fire line," Medley said. "When you're fighting a fire, you're not billing hours. You have to balance things so you can still pay the bills at the end of the month."

Attorneys frequently face the challenges of preventing burnout while juggling their professional and private lives. And for most, the idea of working full-time in addition to school or pursuing a second profession stops at the notion stage.

Medley is no stranger to wearing multiple hats, though. During his first two years at the School of Law, he worked as a manager at a telecommunications business and still managed to graduate summa cum laude. But for Medley it's not about

being a superman, an overachiever or glutton for punishment.

"Would I have preferred to not work full time through law school?" Medley quipped. "You bet! But when I came to law school I was 33, and I had the debts and obligations and responsibilities that come with being 33."

He said that you just do what needs to be done. If that means working, then work. If that means fighting a fire, then fight that fire. That is the way of life in Jeff Davis County.

Medley's family has been in Jeff Davis County since the 1850s. He is the sixth generation of one of the four founding families. Both his father and his uncle have served as fire chief. His grandfather, who once occupied his current office in the courthouse, also served as a firefighter and was a deputy sheriff and sheriff for 48 years. His office also happens to be right across the street from the fire department.

"When a call comes in, I'm usually the first one at the station."

Well before attending law school, Medley received training as a firefighter and volunteered his services alongside his career in the telecommunications industry. When he moved to Lubbock, he backed off some. He said that he didn't volunteer much while in law school; however, if there was a large fire, he would help.

After graduating, Medley wasn't back

in Fort Davis long before the fire chief and commissioner stopped him on the staircase in the courthouse. They handed him a pager and a radio.

"Now you have no excuse," they said. They told him that department meetings were every Wednesday evening.

"If you're from Jeff Davis County, that's what you do," Medley said. "At some point, you're part of the fire department."

"In a small town, you're involved in a little bit of everything," Medley said. "Our county is larger than several states, yet we have less than 2,000 residents. Fire protection is critical. The same people who put out the grass fires are the ones helping out putting on the livestock show for the 4-H kids. Everyone in the community understands that if something's on fire, you go put it out."

It can be difficult for Medley to balance both occupations, especially while in court.

"One day recently, I was paged at the conclusion of docket call in district court. I changed from my courtroom clothes to my fire equipment and went to a small range fire. About an hour later, I put my suit back on to go before the grand jury as county attorney."

As soon as Medley presented the first case, another fire broke out. He changed into fire gear again. When he came back, he changed into a suit and started more grand jury presentations. Five minutes after adjournment, another fire broke out.

"Obviously this is not a typical day, but I did sort of understand why Clark Kent hated phone booths before it was over."

Fortunately, the judge understands. He knows that if your neighbor's house is on fire, Jeff Davis residents help put the fire out. It also helps that the judge is a firefighter. He usually goes with the department on calls.

According to Medley, the real reason he arrives at the fire station first is not because it's so close to his office. It's because he runs faster than the judge.

As a prosecutor and first-responder, there are situations where the potential for conflict is high. He cannot be a witness and the prosecutor where alcohol was a factor in an automobile accident.

"I resolve that conflict quite simply. If there is a life in jeopardy," Medley said, "I respond as a firefighter and have a special prosecutor named for the case. If there is no such threat, I do not approach the scene. If nothing else, I can always direct traffic."

Medley's two professions work together. As much as the attorney in him informs the volunteer, the volunteer guides the attorney.

"I was a firefighter long before I became an attorney, so I really can't imagine not having that influence," Medley said. "Part of my duty as the county attorney is to protect the county from liability, so I tend to look at issues of equipment, personnel training, tactics and strategy with an eye toward eliminating liability. However, I also have a perspective that few attorneys possess. I know that you cannot restrict a fire department to the degree that it is unable to perform its basic function—protection of lives and property. This has led to some creative solutions from time to time.

"I say I volunteer because I would want someone to show up when my house is on fire. Recently I came in from a fire, and my house was on fire. There was a lightning strike, and it caught some insulation under the house. It wasn't serious. By the time I got there it was only smoldering. I called in and had a truck respond and ran some water out of the garden hose."

That is the way it is for Jeff Davis County Attorney Medley: do what needs to be done.

"Honestly, I don't know the difference," Medley said. "I don't know what it means to be an attorney that doesn't fight fires." ■

## Lanier Wins \$253 Million Judgment in Vioxx Trial

by Keli Johnson

Merck & Co., a global pharmaceutical company, suffered a blow in August when a jury awarded \$253.4 million to Carol Ernst who was represented by Mark Lanier '84. Ernst's victory opened the floodgates for the 5,000 pending cases against Merck across the United States. The Angleton, Texas, jury sought to punish Merck, who manufactured the drug, for failing to warn users of potential health risks, including heart attacks.

"I believe the actions of Merck were tantamount to criminal actions and absolutely reprehensible," Lanier stated. "Merck withheld information from the FDA and scientific community."

Lanier convinced the jury that Vioxx caused Ernst's death, despite Merck's claim that there was no link between Vioxx and the arrhythmia that led to his death. According to a September 2004 Merck news release, the company discovered that



Dean Huffman, Becky and Mark Lanier

taking the drug for more than 18 months doubled the risk of heart attack. As a result Merck pulled Vioxx off the market.

Although Ernst took Vioxx for less than 18 months, Lanier said his use of the drug three times per day for arthritis induced arrhythmia.

"A Merck pamphlet had listed seven reasons for possible heart problems, and all of those were eliminated except Vioxx," Lanier said.

This case marked the first courtroom battle over the drug; it sets the stage for all pending Vioxx trials. Lanier said his victory means that Merck should be realistic and try to settle as many cases as they can.

"Merck's philosophy is that they'll try all 5,000 cases," Lanier stated. "I think Merck is in danger of a lot of cases turning out like mine. With all of these cases pending, it becomes cheaper to settle all of them than to keep losing like this every year. If you get a strong criminal jury, they're going to really punish Merck."

The Texas cap on punitive damages limits jury awards, and will likely reduce the judgment in this case.

"Punitive damages are capped at three times the economic damages, or \$750,000," Lanier explained. "After pre-judgment interests and the cap, Mrs. Ernst's damages will be about \$30 million."

This may be news to Merck, who stated on their web site that they believe the Texas cap will limit the award to \$2 million. Merck has expressed an intention to appeal the judgment and seek to have the award overturned.

Despite the substantial award for damages, Lanier said not all cases will have guaranteed victories.

"Every case will have to stand on its own," Lanier noted. ■



Noaman Azhar

## Azhar Honored as Best Oralist in International Moot Court Championship

by Kathleen Nacozy

Second-year law student Noaman Azhar won the Best Oralist award among more than 60 speakers at the John Marshall International Moot Court Championship.

The competition, held last October in Chicago, brought together law students from all over the U.S., as well as Australian, India, and Korea.

Azhar, who was born in Pakistan and moved to the U.S. with his parents at a young age, has practiced debate for years, honing his technique.

"He has a great ability to think on his feet," moot court team coach Professor Don Hunt said. "He smiles easily and is not too impressed with himself."

Professor Hunt has been coaching the team for 32 years. Noaman is his third competitor to win the title of Best Oralist.

Law School Dean, Walter B. Huffman commends Azhar.

"It is an extraordinary achievement to be voted the best oral advocate at a major international moot court tournament, and we are extremely proud of Noaman for his hard work and exceptional talent." ■

UNITED STATES  
DEPARTMENT  
OF  
TRANSPORTATION



## Faculty Member Leaves West Texas to Aid the West Wing

by Alyssa Parrish

**R**obert H. Bean Professor of Law Dr. Victoria Sutton was appointed by President Bush as chief counsel for the newly created Research and Innovative Technology Administration (RITA), an office created by the U.S. Department of Transportation in 2004.

Focusing on improving the national transportation system, RITA's mission involves researching innovative ways to improve mobility, survey the mass transit system on a whole, and monitor a topic that has recently peaked the interest of American drivers—fuel consumption and cost.

As the first general counsel for RITA, Sutton will no doubt draw from her extensive array of previous federal experience including her role as assistant director in the Office of Science and Technology Policy, and her time as senior policy analyst to the U.S. Environmental Protection Agency. Sutton, who has been a member of the faculty since 1999, hopes to utilize her talent to help establish and further drive this new venture.

"It's always exciting to be part of the organization of a new office, and to be the first chief counsel," Sutton said to

the Lubbock Avalanche Journal. "That really means we define the scope of the agency, to a large extent."

Reaction from the School of Law on Sutton's appointment has delighted the staff and disappointed some students, especially those who were interested in registering for Sutton's Law and Bioterrorism class, which tends to be waitlisted. Elizabeth Hall, vice provost for faculty affairs, told the *Lubbock Avalanche Journal* that Sutton is a valuable Tech resource and she was not surprised the professor had received the appointment.

"Professor Sutton is extraordinarily valuable to the law school and by extension to the university because of her ideas on law and science," said Hall. "When she comes back, she'll be even more valuable and make even more valuable contributions." ■

## Students Selected for Judicial Clerkships

by Omar Villa

**S**even graduates of the 2006 class were selected to clerk with judges on the federal and Texas bench. After a rigorous selection process, Paula Moore was chosen to clerk for the Honorable Carolyn King of the Fifth Circuit Court of Appeals.

The Morton, Texas native is opti-



mistic in relocating to Houston to assume her duties this August.

"I'm looking forward to this opportunity to participate firsthand in the judicial system and learn from such an accomplished judge," Moore said.

George Hoyt, who obtained his undergraduate degree from the University of Texas, is anticipating returning to Austin to clerk in the Texas Supreme Court for a fellow alum, the Honorable Phillip Johnson '75. Hoyt feels extremely fortunate to secure such an opportunity.

"The recent explosion of Tech Law judicial clerks is a sign that the Texas Tech School of Law is coming to be seen as the go to school for motivated, practically trained students," Hoyt said. "This trend is a reflection of the great legal faculty that Tech has been able to recruit and retain."

In addition to Hoyt, W. Brad Anderson and Derek Montgomery will assume clerkships with alumni from the School of Law. Anderson was selected to clerk for the United States District Court Judge Robert Junell '76 of the Western District of Texas, Midland-Odessa Division. Montgomery will begin clerking this fall for the Honorable Sue Walker '86 of Texas' Second Court of Appeals in Fort Worth.

Also clerking for the Second Court of Appeals in Fort Worth, Chad West will assume his duties under Justice Terrie Livingston.

Although nearly 2,000 miles apart, Camisha Simmons and David Iglesias have secured clerkships with the same employer: the federal government.



Simmons was

chosen to clerk for the Honorable Mary Walrath, Chief Judge for the United States Bankruptcy Court, District of Delaware. Iglesias, after being selected for his clerkship, has chosen to remain in Lubbock to clerk for U.S. District Court Judge Sam Cummings of the Northern District of Texas. ■

## In the News & Around the World

**Professor Jennifer S. Bard** has been invited to speak at two upcoming events: the 30th Annual Health Law Teacher's Conference in Baltimore, Maryland on "Teaching Difficult and Sensitive Health Law Topics" in June, and at the International Academy of Law and Mental Health's 30th International Congress at the University of Padua, Italy in June.



Preston Smith **Professor Gerry Beyer** spoke at the March 28th meeting of the Probate, Trusts and Estates Section of the Dallas Bar Association. Beyer's presentation covered judicial developments relating to the Texas law of intestacy, wills, estate administration, trusts, and other estate planning matters.

**Professor Gabriel Eckstein** lectured at the University of Colorado at Boulder on March 21 on "The U.N. International Law Commission's Efforts to Codify the International Law of Transboundary Ground Water Resources." He will also participate on a panel addressing global water issues, international relations, and international law.

**Professor Gerry Beyer** spoke at the Elder Law Course in Dallas sponsored by the State Bar of Texas on March 10. Beyer's presentation is entitled "I Love My Dog/Cat/Bird" — New Trust Code Opportunities. The article is also available on his Web site: <http://www.professorbeyer.com>.

**Professor Charles Bubany** presented, "Warrants: Search and Arrest," at a Justice

of the Peace and Justice Clerks Training Program in Lubbock on March 9. The program, sponsored by the V.G. Young Institute of County Government and the Texas Justice Court Judges Association, emphasized the magistrate duties of justices of the peace. Among those duties is the issuing of arrest and search warrants, the practical aspects of which was the subject of Bubany's presentation.

**Dean Walter Huffman** was quoted in "Guantanamo Officer Maintains Silence on Abu Ghraib," *Financial Times*, March 8, 2006.

**Susan Saab Fortney**, George H. Mahon Professor of Law, has returned from teaching a one-week legal ethics class in Cracow, Poland. Professor Fortney co-taught the class with Professor Lisa Lerman of Catholic University School of Law. The class is part of the American Law Program offered by Catholic University School of Law in cooperation with the Law Faculty at Jagiellonian University. The Jagiellonian University, founded in the 14th Century, is one of Europe's most prestigious universities. See [http://law.cua.edu/academic/jagiellonian/jag\\_new2.cfm](http://law.cua.edu/academic/jagiellonian/jag_new2.cfm). Fortney reports that she loved the experience, especially co-teaching the class and getting to know Polish students and faculty members. In addition, The Council for the International Exchange of Scholars has selected Fortney to serve as Chair of the Balkans and Baltics Review Committee for the U.S. Fulbright Scholar Program. This peer review committee is responsible for making recommendations on applications for Fulbright Scholar research and lecture positions in a number of Balkan and Baltic countries.

Professor **Michael Dinnerstein** spoke at the Sixth Annual Rocky Mountain Regional Legal Writing Conference at the University of Arizona in Tucson on March 17.

**Alberto (Beto) Cardenas '98**, was recently selected to be General Counsel to the senior Senator from Texas, Kay Bailey Hutchinson. Prior to his selection,

Mr. Cardenas served as the Texas Tech System's Federal Liaison in Washington, DC. Dean Walter Huffman stated that "we are sorry to lose Beto as our point man in Washington, but we are extremely proud that he has been selected for such a prestigious position."

Second-year law student **Joni Ogle** co-authored an Op-Ed with John Lott entitled "Don't Blame Hunters," *New York Post*, February 16, 2006, in response to the hunting accident involving Vice President Dick Cheney.



The Texas Tech Law team of third year law students, **Brandon Hill** and **Gara Hill**, won First Place at the ABA Regional Negotiation Competition held at the Texas Tech University School of Law in November. They advanced to the national finals in Chicago in February and placed fifth overall. The team of second-year students Dawn Newell and Rachel Anthony finished in 3rd place at the regional competition and third-year students Leigh Mauer and Mike Lee finished fifth out of the 20 teams competing. Second-year students Leila Kalle and Derek Knolton finished 7th. Congratulations to the teams and to the Tech Law Coaches, Associate Dean Brian Shannon and Professor Cristina Knolton.

The International Council of Museums (ICOM), headquartered in Paris, France, has adopted a mediation plan developed by **Professor Marilyn Phelan**. Many of the world's major museums currently face ownership disputes concerning objects in museum collections

that were acquired under less strict acquisition rules than those existing today and the history of the objects was either not known or sometimes concealed or falsified by a former owner or dealer. There are special problems associated with works of art allegedly acquired by confiscation from Holocaust victims and others affected by war or occupation. As ICOM President Alissandra Cummins noted in a statement praising Phelan for her efforts, the mediation plan will allow ICOM to offer a workable alternative to the expensive and time-consuming lawsuits pending in courts in several nations. Phelan is the Paul W. Horn Professor of Law and Museum Science at Texas Tech and a member of ICOM's Legal Affairs and Properties Committee.

**Professor Gabriel Eckstein** participated at an experts meeting in Tokyo, Japan, January 16-17 to advise on the United Nation's effort to formulate a new international agreement on trans-boundary aquifers. Eckstein has been a member of this UNESCO-organized experts group since 2003 and is the only American invited to participate on this project.



On January 6, **Associate Dean Richard D. Rosen**, Director of the Center for Military Law and Policy, filed an amicus curiae brief in the United States Supreme Court in the case of Hamdan v. Rumsfeld. The Hamdan case is the first challenge to the use of military commissions to reach the Supreme Court. The brief was filed in conjunction with the

Georgetown University Law Center Appellate Litigation Program, and Professor Steven H. Goldblatt of Georgetown represents Rosen and the Appellate Litigation Program as amici. The brief addresses whether the Supreme Court should abstain from hearing the constitutional and international legal challenge to the commissions pending completion of the commission process, arguing that abstention is unwarranted and that the Supreme Court should consider the merits of the case.



**Associate Dean Nancy Soonpaa** spoke at the Association of American Law Schools Annual Meeting in Washington, DC in January. She is part of a panel of expert teachers speaking on "The How Tos and Whys: Exploring the

Consequences of Our Pedagogical Choices" for the Section on Teaching Methods. Soonpaa was also one of three legal writing professors selected to present a poster: she presented conference attendees with the results of her empirical research on law student stress.

**Adjunct Professor Jeff Blackburn** was quoted in "The Lessons Tulia Teaches" the December 19, 2005, issue of Newsweek. Meanwhile, the book "Tulia: Race, Cocaine, and Corruption in a Small Texas Town," by Nate Blakeslee, has continued to receive favorable reviews. Blackburn was a key player in the Tulia saga and has brought his expertise in defending indigent and innocent prisoners to the School of Law as Director of the Innocence Project. In addition, The Austin Chronicle featured in its October 21, 2005 edition a series of cases in Jackson County that Blackburn and his students have been investigating. The cases involve serious allegations of prosecutorial misconduct and environmental racism.

**Professor Gabriel Eckstein** spoke at Oregon State University's Institute for Water and Watersheds on November 16 on "Conflict of Cooperation: North America's Transboundary Aquifers, International



Members of the 2005 School of Law Cricket Team.

Law, and a UN Treaty Initiative.” He also spoke on November 18 at the University of British Columbia’s Thompson Program in Natural Resources Law and Policy on “Conflict or Cooperation: International Law, Ground Water Resources, and the World Water Crises.”

**Professor J. Wesley Cochran** spoke at an Information Technology Roundtable entitled “Balancing Rights & Privileges: Copyright & Intellectual Property in a Digital World” in November. The Texas Tech University Office of the Chief Information Officer is sponsored the roundtable. In addition, second-year law student Logan Brown also presented.

**Visiting Professor Dennis Olson** was a guest on KRFE 580 AM on Monday, November 14, to discuss the nomination of Judge Samuel Alito to the U.S. Supreme Court. Professor Olson has previously appeared on KJTV-34 and on Fox Talk Radio 950 to discuss the nomination process.

**Professor Ann Graham** was elected a Fellow of the Texas Bar Foundation. The mission of the Texas Bar Foundation is “Building a Stronger Justice System”. The foundation has contributed more than \$7 million to projects focusing on access to justice for the needy and law-related education. Graham has also been selected to

chair the 2006 Annual Legal Conference sponsored jointly by the Texas Savings & Community Bankers Association and the Independent Bankers Association of Texas. The Conference, held in March in Horseshoe Bay covered topics including: identity theft, home equity lending, consumer credit reports, banking beyond borders, and the impact of hurricane Katrina on financial institutions.

**Professor Vaughn James** presented at a Law and Religion conference in Siquenza, Spain, November 12 to 16. The conference, hosted by Universidad de Alcala de Henares brought together speakers from various countries including the United States, France, Spain and Switzerland. James’ presentation was entitled “The Role of Political Activity in the Mission of the African-American Church.”

Tech’s 91.01% first-time bar pass rate on the July 2005 bar examination led all Texas public law schools in passing percentage. Tech and Baylor were the only Texas law schools to exceed a pass rate of 90% on an examination producing an average first-time pass rate of 80% for the nine Texas law schools. Dean Walter Huffman stated, “These excellent results again validate the quality of the legal education at Texas Tech”, and he further noted that he was “very proud of our newly licensed graduates and the out-

standing faculty that prepared them.” The Texas Tech University administration has approved **Professor Bryan T. Camp’s** application for a one semester sabbatical to work on a book on tax administration. The sabbatical will not become official until the Board of Regents approves the application. Camp has proposed to write a book on the competing and conflicting legal theories underlying federal tax administration. The book will continue his scholarship on the nature of inquisitorial process in the modern bureaucratic state and will be a timely addition to the current debate over tax reform. While most debate on tax reform concerns what should be taxed (income, wealth, or consumption), an important part of tax reform involves how the federal government should administer the tax laws, regardless of their substantive content. That issue has not been adequately studied or thought about and this book will fill the vacuum. As one commentator has noted, “Professor Camp’s is the most theoretically sophisticated work being done today in tax procedure. I anticipate that his book will be a major resource for all working in the area of tax procedure.” Camp was invited to be on a panel of experts for the Virginia Tax Study Group to discuss the impact of the 1998 IRS Restructuring and Reform Act on IRS operations. Others on the panel include: Don Korb, the current Chief Counsel of the IRS; Mortimer Caplin, a former Commissioner of the IRS; Richard Skillman, a former Chief Counsel of the IRS; and Janet Spragens, a professor of administrative law at American University. Camp was previously a senior docket attorney at the IRS when Congress passed the 1998 legislation, led the IRS’s regulatory response to several of the enacted reforms, and has published many articles critiquing the 1998 legislation.

**Professor Gerry Beyer** was a guest on NPR’s Day to Day on the October 25, 2005 program to discuss blind trusts. The story is focused around the controversy surrounding stocks that Senate Majority Leader Bill Frist holds in a blind trust.

**Robert H. Bean Professor Victoria Sutton** is being honored as the 2005 Distinguished Alumna of the School of Business and Public Administration at Old Dominion University where she



Associate Dean Brian Shannon and Dean Walter Huffman congratulate Professor Vaughn James, who was sworn in to practice in Texas during a ceremony prior to oral arguments of the Texas Court of Appeals held at the School of Law in October.

received her MPA. Professor Sutton is currently on leave from the School of Law to a Presidential appointment. She is serving as the Chief Counsel in the Office of Research and Innovative Technology Administration, U.S. Department of Transportation.

**Professor Bruce Kramer** spoke at several events during the fall semester including at the Rocky Mountain Mineral Law Foundation and Center for American and International Law in Boulder, Colorado, the Annual Institute on Zoning, Planning & Eminent Domain sponsored by Center for American and International Law in Dallas and in San Francisco, and the Houston Bar Association, Oil and Gas Section.

**Professor Jarod Gonzalez** spoke at the South Texas School of Law in Houston, on November 3, 2005. The speaking engagement was sponsored by the State Bar of Texas Labor and Employment Law Section. The presentation and accompanying article are both entitled "Federal Employment Law Update."

At a ceremony held in the Law School Forum, the Helen Hodges Educational Charitable Trust awarded scholarships to 14 students attending Texas Tech University or the Texas Tech University Health Sciences Center and 1 student attending Wayland Baptist University. Eighty-three applications from graduate and undergraduate students at the three Lubbock Universities and the Health Sciences Center were received. We are very pleased to announce that 5 law students received these prestigious scholarships: Amanda Gundlach (2-time recipient); Mario Flores; Chelsi Keever; and William Denham. We are especially pleased that second-year student Victor Rivera received the most prestigious scholarship awarded by the Trust: the Katherine Kent Craig Memorial Scholarship.

The President of the National Conference of Commissioners on Uniform Laws has appointed **Professor Marilyn Phelan** to Chair the Drafting Committee to Amend the Unincorporated Nonprofit Association Act, and also appointed her as a member of the Committee on International Legal Developments. Phelan is now serving on four NCCUSL committees including the Study Committee on the Omnibus

Business Organization Code and the Committee to draft a Uniform Cooperative Association Act.

**Susan Saab Fortney**, George H. Mahon Professor of Law, has been selected as an Inaugural Fellow for the National Institute for Teaching Ethics and Professionalism (NIFTEP). NIFTEP is a consortium of five nationally-recognized centers on ethics and professionalism. NIFTEP is also sponsored by the ABA Standing Committee on Professionalism and the Georgia Chief Justice's Commission on Professionalism. During the First Annual NIFTEP Workshop in Atlanta on September 23-25th Fortney made a presentation on interactive ethics programs.



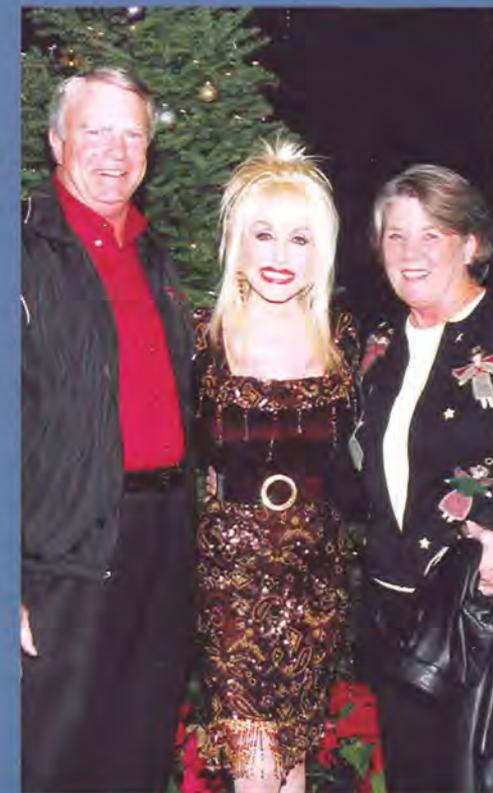
**Professor Gabriel Eckstein** spoke in England at Durham University's workshop on "River Boundaries: Practicalities and Solutions" September 19-21. Eckstein presented on the navigational and non-navigational uses of international boundary rivers and conducted a negotiation exercise.

**Professor Jennifer Bard's** op-ed piece, "Evacuees Need Sanitary Haven," appeared in the September 3, 2005 issue of the Houston Chronicle.

**Professor Victoria Sutton**, Director, Center for Biodefense, Law and Public Policy, spoke at the NIAID Conference on Biodefense Product Development in Bethesda, Maryland in July, 2005, on "Legal Aspects of Public Private Partnerships in Biodefense Product Development." Sutton also participated in a panel discussing "Deadwood: The Power of Film to Teach Foundations in Native American Treaty Law and U.S. Territorial Law" at the American

Association of Law Libraries Annual Meeting in San Antonio.

**Associate Dean Richard D. Rosen**, Director of the Texas Tech Center for Military Law & Policy, testified in Washington, D.C. on June 28, 2005 before the Independent Review Panel studying the relationship between the Military Department General Counsel and the Military Service Judge Advocates General. The Panel is co-chaired by former Secretary of the Air Force F. Whitten Peters and former Secretary of the Army John O. Marsh, Jr. Retired Judge Advocate General of the Army, Dean Walter B. Huffman, is a member of the Panel. The Panel was chartered by Congress in this year's Defense Authorization Act to study the legal elements of the military departments and to recommend statutory, regulatory, and policy changes to improve the effectiveness of the relationships between legal offices and to enhance the legal support provided to the armed forces.



Dean Walt Huffman and his wife, Anne, met Dolly Parton before her performance at Mark '84 & Becky Lanier's annual Christmas Party.

## Recent publications by Tech Law Professors and Alumni *From July 2005 – January 11, 2006*

### **Jennifer S. Bard**

“Standing Together: How Bioethics and Public Health Can Join Forces to Provide Equitable Health Care,” *American Journal of Bioethics* 5, no. 5 (September-October 2005):W20.

### **Gerry W. Beyer**

“Wills and Trusts (Annual Survey of Texas Law),” *SMU Law Review* 58 (Summer 2005): 1205-28.

### **Bryan Camp**

“Camp’s Compendium: Between a Rock and a Hard Place,” *Tax Notes*, July 18, 2005, pp. 359-70.

“Camp’s Compendium: The Unhappy Marriage of Law and Equity in Joint Return Liability,” *Tax Notes*, September 12, 2005, pp. 1307-19.

### **William R. Casto**

“Foreign Affairs Crises and the Constitution’s Case or Controversy Limitation: Notes from the Founding Era,” *American Journal of Legal History* 46 (July 2004): 237-70.

### **Larry Cunningham**

“The Use of ‘Boot Camps’ and Orientation Periods in Externships and Clinics: Lessons Learned from a Criminal Prosecution Clinic,” *Mississippi Law Journal* 74 (Spring 2005): 983-1019.

### **Gabriel Eckstein**

“A Hydrogeological Perspective of the Status of Ground Water Resources Under

the UN Watercourse Convention,” *Columbia Journal of Environmental Law* 30, no. 3 (2005): 525-64.

### **Susan Saab Fortney**

“How Legal Employers Assist Lawyers in Dealing with Work-Life Conflicts—The NALP Foundation Releases Findings of New National Study In Pursuit of Attorney Work-Life Balance: Best Practices in Management.” *NALP Bulletin*, 18, no. 11 (November 2005):1, 9-11.

In Pursuit of Attorney Work-Life Balance: Best Practices in Management. Overland Park, Kan.: NALP Foundation for Law Career Research and Education, 2005. 135 pp.

“Law Firm General Counsel as Sherpa: Challenges Facing the In-Firm Lawyer’s Lawyer,” *University of Kansas Law Review* 53, no. 4 (May 2005):835-51.

### **Angela Laughlin**

“Fifth Circuit Survey: Criminal Procedure—Sentencing, June 2003 - May 2004,” *Texas Tech Law Review* 37 (Spring 2005): 777-85.

### **Victoria Sutton**

“Harnessing Wind Is Not (by Nature) Environmentally Friendly,” *Pace Environmental Law Review* 22 (Spring 2005): 91-121.

*Compiled by Sharon Blackburn, Law Library*



Dean Walter B. Huffman and the members of the Texas Tech Law School Foundation thank the Alumni & Friends who have generously contributed to Tech Law.

*The following gifts were received July 1, 2005—January 31, 2006.*

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Paul ('89) & Brendell O'Briant  
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Brad Parker ('85)  
Judy ('85) & Scott Parker  
Randal ('75) & Willedee Patterson  
Forrest E. Penney, Jr. ('92)  
Penny Robe Phillips ('92)  
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Terry ('82) & Jenny Rhoads  
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John Rolater ('94)  
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Peter G. Smith ('76)  
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Brian ('97) & Amy Stagner  
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Jack Stoffregen ('74)  
Stancy Stribling ('81)  
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Scott ('00) & Cynthia Thornton  
Laura E. Underwood ('96)  
Shirley ('83) & Billy Warren  
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Rebecca Dale Westfall ('76)  
Larry ('75) & Connie Wharton  
Jo White ('83)  
Misty Meyer Willcox ('04)  
Robert Alwyn Williams ('70)  
Talley Williams ('01)  
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Cara C. Wood ('77)  
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Brad D. ('90) & Tracy Worthington  
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Galen ('01) & Stacy Gatten  
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Shirley Hawes  
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Tom Henry  
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Alyssa R. Jurek ('00)  
Daniel Eric Kalenak ('89)  
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Beth Kramer ('85)  
Jack Lee  
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Don & Pauline McInturff  
Alison G. Myhra  
Hillary A. Nelson ('04)  
Ruth A. Nelson  
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Martha R. Anderson  
Gary A. ('89) & Evette Orren  
Alice Parsley  
Dan ('84) & Donna ('84) Perkins  
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Mark ('76) & Suzanne Shapiro  
Collin ('05) & Sharla Shellenberger  
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Harris Finley & Bogle-Fort Worth

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Leota H. Alexander-Dallas

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Allensworth and Porter-Austin

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George Paul Andritsos, Attorney at Law-El Paso

**Douglas C. Atnipp '85**

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Centex Corp.-Dallas

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David McClure, Attorney at Law-El Paso

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**David Lynn Sargent '81**

Hermes Sargent Bates-Dallas

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**Kelly Dean Utsinger '79**

Underwood Wilson Berry Stein & Johnson-Amarillo

**Behrooz P. Vida '90**

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**Susan Vrana '77**

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**Robert B. Wagstaff '89**

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**Phillip R. Weems '82**

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**Geoffrey D. Weisbart '86**

Hance Scarborough Wright Woodard & Weisbart-Austin

**Glenn D. West '78**

Weil Gotshal & Manges-Dallas

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**Dan Allan White '80**

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**Mark D. White '82**

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**Jo Ben Whittenburg '73**

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**Gene M. Williams '78**

Shook Hardy & Bacon-Houston

**Amy K. Witherite '93**

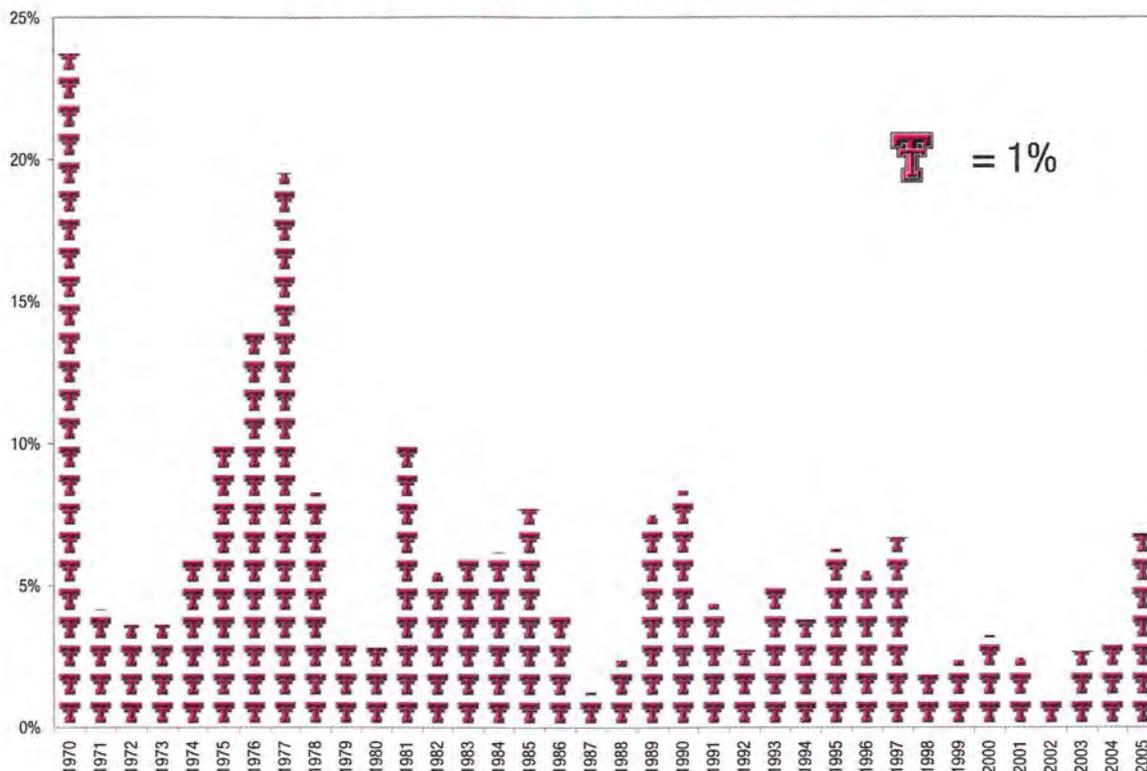
Eberstein & Witherite-Dallas

**Brian K. Yost '88**

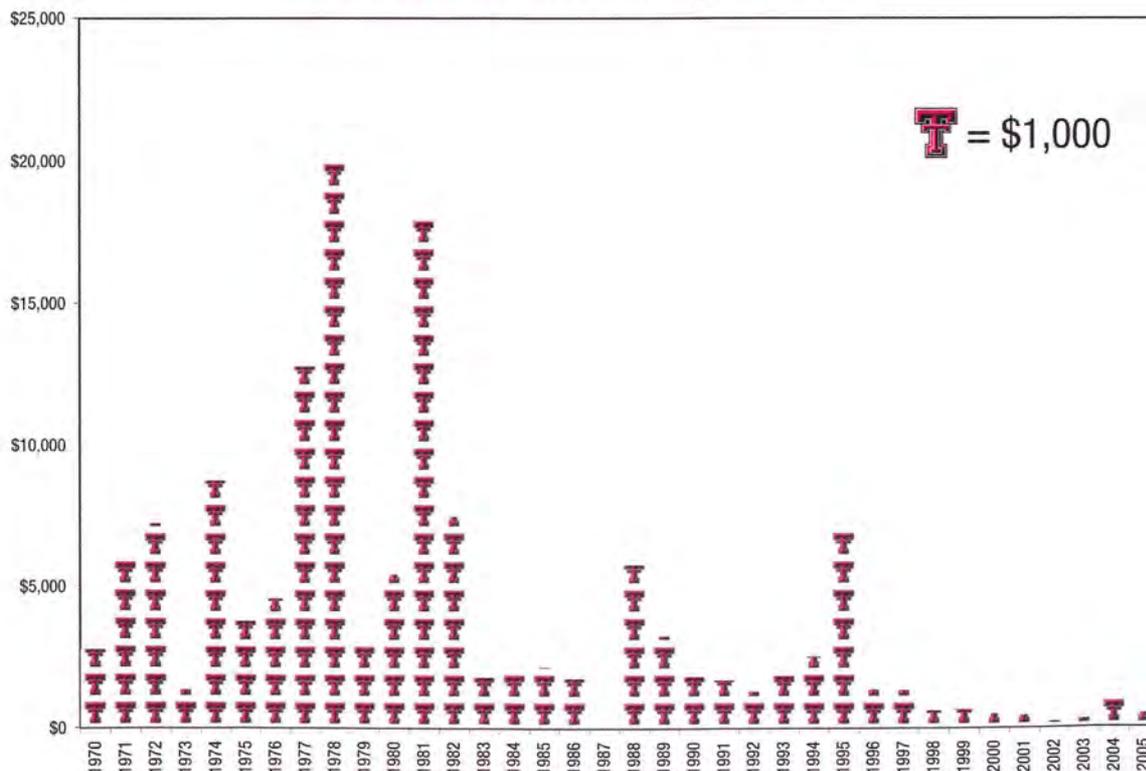
Decker Jones McMackin McClane Hall & Bates-Fort Worth

# Dean's Excellence Fund Class Competition

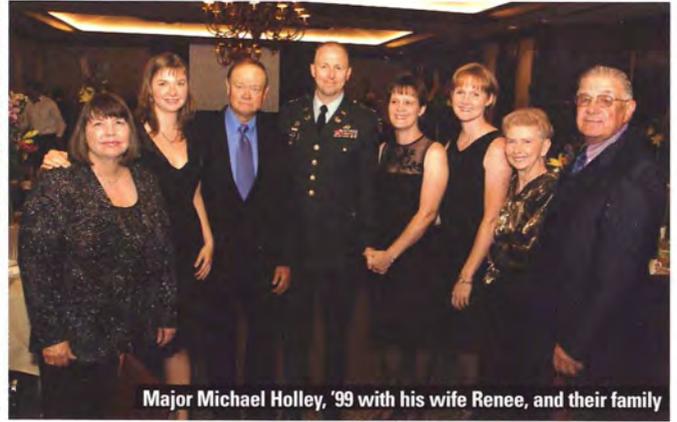
## Percentage of Class Giving



## Amount Given by Class



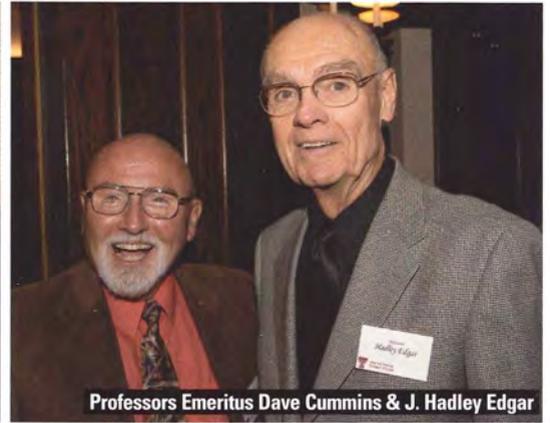
## 2<sup>nd</sup> Annual Law School Gala



Major Michael Holley, '99 with his wife Renee, and their family



Jerry Dixon '81 & Mike Henry '81



Professors Emeritus Dave Cummins & J. Hadley Edgar

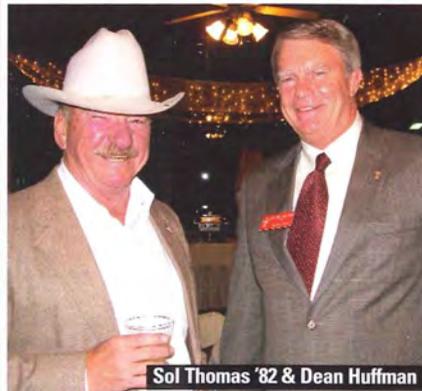
## Water Law & Policy Symposium



Senator Robert L. Duncan '81



Members of the Law Review Symposium Committee



Sol Thomas '82 & Dean Huffman



Chad West '06, Associate Dean Brian Shannon, and Cameron Krier '06

1995 Class Reunion  
organized by Chad Cowan



Top Row (L to R): Jessica Whitacre Thorne, Mito Gonzalez, Clark Butler, David Moody, Ronnie Samms

Middle Row (L to R): April Kazen, Beau Eccles with son, Deborah Young, Chad Cowan, Jim Lambeth, Julie Stillwagon Renken

Bottom Row (L to R): David Kazen, Bethann Bernstein Eccles, Matt Wade



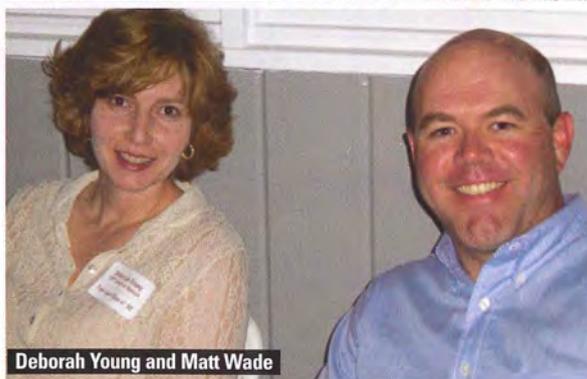
David Kazen, April Kazen, David Moody, Bethann Bernstein Eccles, and Beau Eccles



Holly and Chad Cowan



(L to R): David Kazen, David Moody, Julie Stillwagon Renken, Ronnie Samms, Mito Gonzalez, Clark Butler

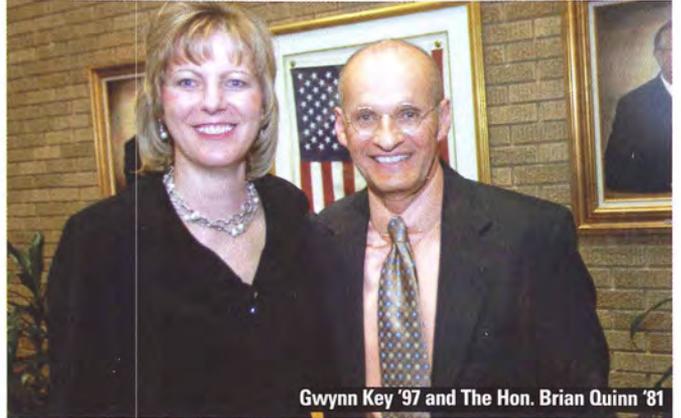


Deborah Young and Matt Wade

Reception Honoring The Hon. Brian Quinn '81, Chief Justice of the Seventh Court of Appeals  
Hosted by the School of Law and McWhorter, Cobb & Johnson, LLP



Walt Huffman '77, Tom Johnson, Bill Wade, George Nelson



Gwynn Key '97 and The Hon. Brian Quinn '81



Myrtle McDonald '72 and Tom Johnson



Quinn



Doug Welch '92 and Abby Quinn

Reception Honoring George Gilkerson & Announcing the  
George Gilkerson Endowed Scholarship



Mary Nell Strong and  
The Hon. Robert Junell '76



Junell, Louise Gilkerson, George Gilkerson, Greg Gilkerson, Pam Gilkerson,  
Ernie Gilkerson, Victoria Gilkerson, Sheridan Gilkerson '01, Huffman



Gilkerson and Junell



George and Louise Gilkerson greet  
Cleddie Edwards and Denzel Bevers



## Texas Tech University School of Law Alumni

### 1972

**Mark W. Laney** was awarded the 2005 College of the State Bar of Texas Professionalism Award. This award recognizes members of the bar who have distinguished themselves by significantly contributing to professionalism within the legal profession. Laney is a partner in the law firm of Laney & Stokes, L.L.P., in Plainview.



### 1975

**Ralph H. Brock** has become a Life Fellow of the American Bar Foundation. His article, "Perhaps the Most Incorrect of Any Land Line in the United States: Establishing the Texas-New Mexico Boundary Along the 103rd Meridian," was published in the April, 2006 issue of the Southwestern Historical Quarterly.

### 1976

**Frank L. Melton**, a retired Army Judge Advocate, and current General Counsel for San Antonio International Airport, was selected for appointment to the Steering Committee of the Airports Council International-North America Legal Committee. ACI-NA is a trade association representing the interests of local, regional, state, and national governing bodies that own and operate commercial airports throughout the United States and Canada. ACI-NA member airports emplane more than 98% of the

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domestic and virtually all of the international airline passenger and cargo traffic in North America.

## 1979

**Frank G. McDonald** has recently been promoted to Senior Vice President, General Counsel & Assistant Secretary of XTO Energy Inc. in Fort Worth.

**Carolyn F. Moore**, a hearing officer for the Texas Workers' Compensation Division, is a member of the first class to become Board Certified in Workers' Compensation Law by the Texas Board of Legal Specialization. Moore was also elected to a three-year term as a Section Representative to the State Bar Board of Directors.

## 1980

**S. Gail Robertson** has been promoted to Chief of the Europe and Asia Division of the Office of Civilian Police and Rule of Law in the U.S. State Department's Bureau for International Narcotics and Law Enforcement Affairs. The office is responsible for implementing, managing, and coordinating U.S. government programs to reform the security sector and build criminal justice capacity in post-conflict environments. Ms. Robertson's area of responsibility includes Afghanistan, Kosovo and East Timor.

## 1982

**Jay Harvey** was elected 2006 President-Elect of the Texas Trial Lawyers Association. Harvey, a principal in the Austin law firm of Winckler & Harvey,



L.L.P., is board certified in Personal Injury Trial Law by the Texas Board of Legal Specialization. He practices in the areas of medical and legal malpractice, nursing home negligence, products liability, and personal injury.

**Mark D. White** was elected President of the Amarillo Bar Association. White is a shareholder in the firm of Sprouse Shrader Smith.

## 1983

**Kem Thompson Frost** was elected as a member of the American Law Institute in May 2005. Frost serves as a Justice on the Fourteenth Court of Appeals in Houston.

**Mark Scott** has joined Vinson & Elkins as a partner in the firm's public finance section in Washington, D.C. Scott has been a lawyer at the Internal Revenue Service for many years and has been widely recognized as the federal government's leading expert on tax enforcement issues related to municipal bonds.

## 1984

The international law firm of Fulbright & Jaworski, L.L.P. announced that **Randy Glover** has joined the firm as senior counsel in the Houston office. Glover focuses his practice on tax and estate planning and the representation of tax-exempt organizations. He is Board Certified in estate planning and probate law by the Texas Board of Legal Specialization.

**Martha Harris** was selected by her peers for inclusion in The Best Lawyers in America 2006. Harris is a partner in the Dallas office of Thompson & Knight. She specializes in real estate law.

## 1985

**James R. Dennis**, a shareholder with the law firm of Scott, Hulse, Marshall, Feuille, Finger & Thurmond PC, was named to the 2005-06 Texas Association of Defense Counsel's board of directors as legislative vice president. Dennis practices in the firm's general liability and commercial litigation sections in the San Antonio office.

## 1987

**Tom Murphy** is practicing law in Gallup, New Mexico (his hometown) with the law firm of Rosenfelt & Buffington, P.A., doing civil trial and appellate work. He has recently argued cases before the Supreme Court of New Mexico, The Tenth Circuit and the Supreme Court of the Navajo Nation and is now licensed to practice law in New Mexico, Utah, Arizona and the Navajo Nation. Murphy was recently appointed to the Board of

Directors of New Mexico Legal Aid, Inc. He and his wife, Melinda, have four children, Lauren, 15, Brendan, 13, Connor, 10, and Claire, 5.

## 1988

Mayfield, Crutcher & Sharpee, L.L.P. of Amarillo announces the opening of a Lubbock office located at 1001 Texas Avenue, and the association of **Les Hatch** to staff that office. Mr. Hatch can be reached at 806.722.1616 or lhatch@mcs-law.com.



## 1989

Thompson & Knight announced that **Greg W. Curry** was selected for Thomson Elite's Marketing Partner of the Year. The Thomson Elite Excellence in Legal Marketing Awards were given out at the 2006 LegalWorks Marketing Partner Forum, the legal industry's leading conference on client development. Curry, a partner in the Firm's Dallas office, has led the Firm's marketing initiatives as Firm Marketing Partner and Chair of the firm-wide Marketing Committee since 2003.

**Charles Geilich** completed a novel called "Domestic Relations." It is available at [www.amazon.com](http://www.amazon.com).

### Pamela Cook Sirmon

was named 2006 Distinguished Alumna for the Texas Tech University College of Agricultural Sciences and Natural Resources. She received her Bachelor of Science degree in Agricultural Communications in 1983 and a Master of Arts degree in Communications in 1985. Sirmon has presided as judge of Potter County Court at Law No. 2 in Amarillo since 1998.



## 1990

Gov. Rick Perry has reappointed **Julie Caruthers Parsley** of Austin to the Public Utility Commission for a term to expire September 1, 2011. Parsley has been on the Commission since 2002.

## 1992

**Penny Robe Phillips** is working for PBS&J as staff counsel for the central region. Before moving to Dallas, Phillips spent 6 years on active duty in the United States Air Force as an officer in the Judge Advocate General Corp, and then worked for a seminar hosting company in the Orlando, Florida area. Her husband, Derek Phillips, works as claims counsel for U.S. Risk Insurance.

## 1994

**Tamie (Knoll) Hopp** is living in Black Hawk, South Dakota with her husband, Ron, and their children Josh, 7 and Sierra, 17 months. Hopp is the executive director of the nonprofit, VOR—an organization that advocates for people with mental retardation. She has been with VOR for 11 years.

### Matt Schroeder

was named one of the "Best Lawyers Under 40 in Dallas" by *D Magazine*. Schroeder is a partner at Gardere Wynne Sewell L.L.P. specializing in Trial—Commercial Litigation.



## 1995

**Bethann (Bernstein) Eccles**, formerly a partner with Brown McCarroll, LLP, announces the opening of the Eccles Law Office, PC, at 400 West 15th Street, Suite 900 in Austin. Bethann, also a CPA, specializes in estate planning, probate, trusts, and tax issues. Email is [beccles@beccleslaw.com](mailto:beccles@beccleslaw.com)

**Kimberlie K. Ryan**, founder of The Ryan Law Firm, LLC, celebrates her firm's seventh anniversary, teaches employment law adjunct at the University of Denver Sturm College of Law, and appears monthly on the Denver NBC affiliate 9News as a legal analyst. She can be reached at [kim@ryanfirm.com](mailto:kim@ryanfirm.com)

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**1996**

**Art Hall** and **Stephanie McClain Hall '97** welcomed their first child, Londyn Elyse Hall, on August 22, 2005.



**1997**

**Stephanie McClain Hall** and **Art Hall '96** welcomed their first child, Londyn Elyse Hall, on August 22, 2005.

**Sid Lange** has been elected partner at Cantey & Hanger L.L.P., the oldest and second-largest law firm in Fort Worth. Lange's primary area



of focus is litigation and bankruptcy. He handles business and consumer bankruptcies, commercial litigation work, medical malpractice defense, general insurance defense and commercial cases. He also handles toxic tort/mass tort cases and maintains a large docket of asbestos cases.

**Robert Lowell Thompson** has been appointed to serve as the Director for Region IV of the Texas Municipal Courts Association. Thompson was elected to serve as Municipal Judge in Corsicana in 2001. He has also served as Assistant Criminal District Attorney for Navarro County.

**1998**

**Chantel Crews**, a shareholder with the law firm of Scott, Hulse, Marshall, Feuille, Finger & Thurmond PC, was named to the 2005-06 Texas Association of Defense Counsel's board of directors. Crews practices in the firm's general liability and insurance litigation section in the El Paso office.

**Rosalyn R. Tippett** has joined Henry Oddo Austin & Fletcher, P.C. in Dallas. Ms. Tippett can be reached at 214.658.1923 or [rtippett@hoaf.com](mailto:rtippett@hoaf.com).

**Wesley P. Williams** has been elected partner in the law firm of Thompson &

Knight. Williams, a member of the firm's Corporate and Securities Group in Dallas, represents public and private corporate and investment banking clients in a wide range of corporate finance, mergers and acquisitions, and venture capital transactions.



## 1999

### Charles C. Boettcher

has been elected partner in the law firm of Thompson & Knight. Boettcher, a member of the firm's Corporate and Securities Group in Dallas, focuses his practice on venture capital financing; debt and equity securities offerings; business combinations, acquisitions, and dispositions; securities law compliance and reporting; formation of partnerships and limited liability companies; and corporate governance.



**Lieutenant Colonel Luciano Ortiz, USAFR**, is currently a National Security Fellow at the John F. Kennedy School of Government at Harvard University in Cambridge, Massachusetts. Prior to his fellowship, he served at the Pentagon at HQ US Air Force working policy, legislation, and Congressional interaction for the Chief of Air Force Reserve.

**Taylor L. Pope** was listed as one of 50 of the "Lone Star State's top in-house attorneys" by Texas Lawyer. Pope is with XTO Energy in Fort Worth.

### Grant Teegarden

was named one of the "Best Lawyers Under 40 in Dallas" by D Magazine. Teegarden is an associate with Gardere Wynne Sewell L.L.P., specializing in labor & employment and litigation and contracts.



## 2000

Agriculture Secretary Mike Johanns announced the appointment of **Ryan Gleason** as state director for USDA Rural Development in New Mexico. Gleason has served as a research/data manager for the Rio Rancho Economic Development Corporation and as a legislative analyst for the New Mexico House of Representatives and served as legislative assistant for United States Senator Pete Domenici.



**Lee Ann Marsh**, formerly of the Wichita County District Attorney's office, has opened a new law office in Wichita Falls. Her focus is on family law and mediation. As a former prosecutor of CPS cases, she has the experience and knowledge to handle cases involving CPS removals, interventions, grandparent's rights and termination of parental rights cases. As a parent who



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has both fostered and adopted children from CPS, her background is especially helpful for prospective adoptive parents. Marsh can be reached at 940.767.9000 or marsh\_attorney\_at\_law@yahoo.com.

**Matthew T. Taplett** has been elected a partner in the firm of Pope, Hardwicke, Christie, Harrell, Schell & Kelly, L.L.P. in Fort Worth.

## 2001

**John Danchak** and **Alisha LaRochelle Danchak** welcomed a daughter, Medleigh Nicole, on April 4, 2005. Alisha is an associate in the Employment and Litigation sections of Jackson Walker LLP in Dallas. John is an Energy Marketing Manager for Reliant Energy.

## 2002

**C. David Glass**, formerly an associate with Atchley, Russell, Waldrop & Hlavinka, has joined Smith Weber, L.L.P. as a partner at its Texarkana, Texas office.

**John K. Ross** has formed the law firm of Ross & Shoalmire, L.L.P. Visit [www.rossandshoalmire.com](http://www.rossandshoalmire.com) for more information.

**Brooke Spence** has joined the Greenberg Traurig, L.L.P., Houston office as an associate in its energy and corporate sections.

## 2003

**Jason Mathis** was married to Shon Martin in Dallas on August 27, 2005, and honeymooned in Negril, Jamaica. The wedding was attended by many Texas Tech Law School alumni. Mathis is an associate at the law firm of Cowles & Thompson, P.C. in Dallas.

## 2004

**Dina Hardwick** is working in private practice in south Texas doing criminal defense and estate planning/probate work. The office consists of three attorneys: Dina, her father and her sister. She says that it is an adventure everyday!

**Kim Reasoner**, hired as legislative counsel on the staff of Congressman Michael Burgess in June 2005, will take on additional responsibilities as legislative aide. Reasoner has performed internships for Burgess and Granger, and she has served as a law clerk for the Small Business Administration Disaster Assistance Program. She will concentrate on issues of transportation, education, law enforcement, agriculture, and issues addressed by the Energy and Commerce Subcommittee on Oversight and Investigation.

## 2005

**Nate Hummel** graduated from the Judge Advocate Officer Basic Course on December 15, 2005. **Major**



**Michael Holley '99** performed the swearing in ceremony. Hummel is assigned to Fort Drum.

**Ariya McGrew**

was sworn in to practice law by Associate Supreme Court Justice Clarence Thomas at the United States Supreme Court in November. McGrew's mother, Dola Young, a Houston attorney, joined McGrew for the private ceremony. McGrew is currently a law clerk in the Legal Honors Intern Program of the Office of General Counsel for a federal agency. She primarily does defense work in the areas of employment discrimination and labor/personnel law.



## Correction

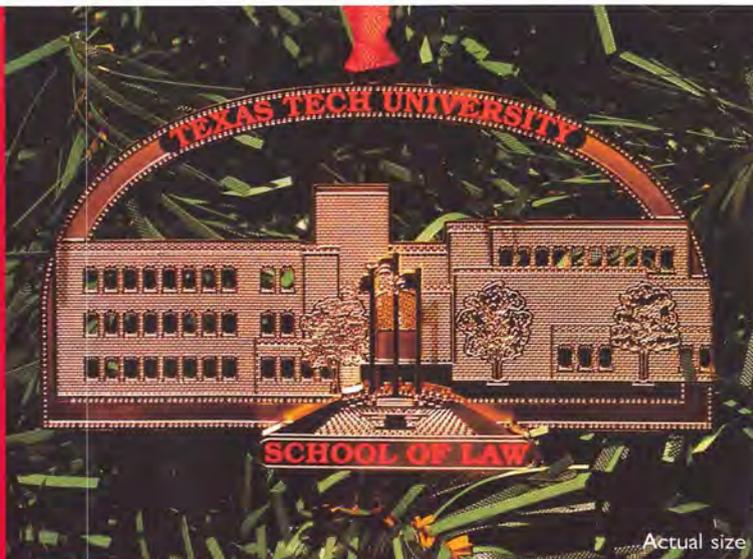
In the fall 2005 issue, '86 alumnus, Ken Braxton, Jr., was listed as an associate of the healthcare law firm of Stewart & Stimmel L.L.P. Mr. Braxton is a partner in the firm.

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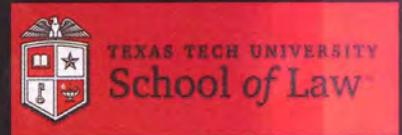
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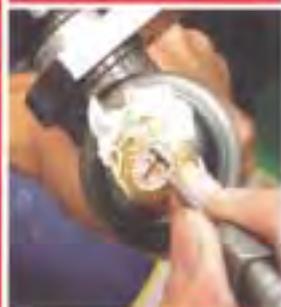
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