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# Nebraska TRANSCRIPT

University of Nebraska College of Law



## Doors Open to New Student Learning Opportunity: Entrepreneurship Clinic

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Associate Dean Glenda Pierce Retires After 23 Years of Service  
Duncan: Family, Liberty Basis for Teaching Philosophy  
Schmidt Receives Tenure





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## Entrepreneurship Clinic Provides New Opportunity

Professor Brett Stohs opened the doors to the College's new Entrepreneurship Clinic in January 2013. The clinic partners students with entrepreneurs in need of legal advice.

# Nebraska Law

*University of Nebraska*

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**Faculty Profile:** Massachusetts native Duncan finds satisfying home, career in Nebraska.

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**Juvenile Justice Leader Delivers Perry Fuller Lecture:** Marsha Levick, founder of the Juvenile Justice Center, delivered the Perry Fuller Trial Skills Lecture.

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**Pierce To Retire After 23 Years of Extraordinary Service:** Associate Dean Glenda Pierce announced this summer that she will retire from her post as of December 31.

pg.60



**Alumni Council Honors Peetz:** Allyson G. Peetz was honored by the Alumni Council with the Woods & Aitken Outstanding Student Award.



Welcome to another edition of Nebraska Law's alumni magazine, *THE NEBRASKA TRANSCRIPT*. I write this during our first week of classes after welcoming 127 new first-year JD students. The building is full of energy and enthusiasm after a relatively quiet summer. These students come from 50 different undergraduate institutions and several countries; they are 64% Nebraska residents and 36% non-resident, and 52% men and 48% women. They bring many different experiences with them, among them a professional chef, a marine, a psychologist and a Nebraska football player.

This week, we also welcomed four resident LL.M. and six online LL.M. students seeking masters in Space, Cyber and Telecommunications, as well as our first J.S.D. student who will be working one-on-one with a faculty member for the next two years to get her doctorate in Space Law. Next year, we plan to have a small group of international students who will be the first class in our new LL.M. in U.S. Legal Studies.

This edition of the *TRANSCRIPT* describes many activities and people around the Law College, and it highlights our Entrepreneurship Clinic. This clinic, directed by Professor Brett Stohs, is just beginning its third semester. The growth it has experienced in that



time has been extraordinary. Eighteen months ago, we hired Professor Stohs and gave him the task of creating and then directing a new Entrepreneurship Clinic that would give third-year law students the opportunity to advise start-up businesses on legal issues. Today, that clinic has provided this experience.

The clinic is similar to some others around the country, with a few innovations. The clinic has an advisory board of prominent attorneys and business people from around the country. The board is chaired by Omaha attorney Deryl Hamann, '58. One goal of the clinic is been to promote start-up businesses by other students at the University as well as the local community. So our students

have been working with students from the Raikes School, the UNL College of Business Administration and the Engler Agribusiness Entrepreneurship Program on their start-up ideas. But working with these students has not been limited to helping with specific businesses. Law students from the Entre-

"It was very gratifying to learn last week that the uniqueness of this clinic is being recognized at a national level. The National Jurist *preLaw Magazine* has recognized Nebraska Law's Entrepreneurship Clinic as one of the 25 most innovative law programs in the country."

preneurship Clinic have also gone to classes around the University and taught their peers in other departments about the legal aspects of starting up a business. Thus, our students acquire skills that are broader and deeper than simply providing legal advice, and we create important connections with our University and community at the same time.



# Nebraska Law

## *University of Nebraska*

It was very gratifying to learn last week that the uniqueness of this clinic is being recognized at a national level. The National Jurist *preLaw Magazine* has recognized Nebraska Law's Entrepreneurship Clinic as one of the 25 most innovative law programs in the country. And the accolades did not stop there – our new required first-year International Perspectives course was recognized as another of the most innovative programs from that same list of 25.

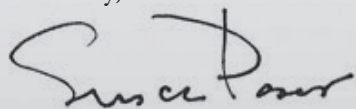
This year, we continue our curriculum review, assessing some of the changes we have made so far and looking at other innovations, like possibly offering one-credit, intensive mini courses in specialized areas of the law and practical skills. The class of 2013 graduated in May, and they are making good progress finding employment in Nebraska and beyond. This class did something extraordinary before graduating — 100% of the class made a gift to the Law College! Although most of the gifts were small, these third-year law students, many of whom did not have jobs yet, showed their dedication and loyalty to the College and their understanding that it is participation in giving, not amount, that matters most. They also moved us closer to our goal of having 15% alumni participation by 2015. So *Bravo* to the Class of 2013, and thank you!

This year we will also see some transitions that go beyond curriculum and right to the heart of the College. Professor Alan Frank will retire in May, after 42 years on the faculty. Stay tuned for more about Professor Frank in the next issue of the *TRANSCRIPT*. In December 2013, Associate Dean Glenda Pierce will retire from the Law College after 23 years of service. Glenda has influenced everything that has happened at the College during that time, from student success, to the curriculum, to teaching, to helping to create the warm and open community that is such an important part of our culture. There is more about Glenda in the pages that follow. She will be dearly missed.

So things are good at your Law College. We are dealing with change, some of which we choose, some of which we don't. One good effect of the changes in legal education and the legal profession that are swirling around us is that they are making all of us think hard about how to adapt so that we can continue to operate a first-rate law school in changing times. This is an exciting challenge, and I am grateful to have such talented faculty, administrators and students and such supportive and loyal alumni, all helping to navigate this journey.

As always, please email, write or call with your ideas, questions and concerns.

Sincerely,



Susan Poser  
Dean and Richard C. & Catherine Schmoker Professor of Law



# Duncan Brings Passions to Teaching: Family, Property, Liberty, Red Sox

By Ryan Patrick, '15

*This is another in a series of articles about longtime members of the College of Law faculty.*

Professor Rick Duncan started school as an English major doing creative writing with dreams of being a poet. He did not end up there, but few of his students could imagine the myriad stories of Grutz and his adventures in Blackacre coming from anyone but a storyteller.

Duncan grew up in Massachusetts. Coming from a working-class neighborhood, the idea of going to law school emerged after deciding that not only were there no jobs for a poetry Ph.D., but “I could get a law degree and go home and bail out all of my friends.” After receiving his B.A. from the University of Massachusetts (Amherst), he went to Cornell and made law review, graduating in 1976. That success opened up “a world of opportunities.”

The bug for teaching never left, but it shifted from English to law. During Duncan’s 2L year, he met with professor Faust Rossi to talk about careers and asked, “What about people like me?” He didn’t want to wear a suit and be the man in gray flannel.

Rossi stuttered for a second and then replied, “I guess you could consider teaching.” Duncan took every class that professor taught and ended up learning how to teach law as well. Rossi is the genesis of Grutz and Yuckel. The characters followed Duncan to Nebraska for another generation to enjoy.

After graduation, Duncan went to work for a Wall Street firm. It was fun, he said, but mundane. “It was almost proofreading in some sense – really high-paid

proofreading. For a hyperactive guy like me who gets bored easily, doing boring work is not the best job. At some point, I decided to look into teaching.”

Nebraska Law was the first and only place Duncan interviewed. “I liked the people I met. I liked the city. I took the offer, and I’ve been here since 1979.” While interviewing for the job, Duncan noticed just how different Nebraska was from New York. “The funniest thing, when I turned on the TV in the hotel, a commercial came up and it was for some kind of fertilizer for your corn and I looked at that and said, ‘Where am I?’”

Despite that introduction, Duncan maintains, “Nebraska’s pretty much perfect for me. It’s right in the middle of the color red. Massachusetts is so blue, I get the blues when I go there.”



Duncan converses with Justice Clarence Thomas during a panel discussion with the justice.

Politics play an important part of Duncan’s life and career. “I was a John Stewart Mill guy and a small government guy because without economic liberty the government controls everything you do. All other liberties rely on economic liberty.

“I teach property from a liberty perspective. Property is the liberty from which all other liberties spring.” For the same reasons, he always

wanted to teach Constitutional Law as those are the issues that are in the papers every day. “Con Law is just politics by another name,” he said. “Whoever controls the court controls the Constitution.”

Recently Duncan has been taking his knowledge on a speaking tour on behalf of the Federalist Society. He has





"I teach property from a liberty perspective. Property is the liberty from which all other liberties spring."

spoken at 28 schools and said he is surprised the most by the students who do not often get to hear his perspective. Students are more likely to open up at a dinner than to faculty.

He is also finishing an article on the Establishment Clause. He refers to complaints against religious displays as a "heckler's veto." Using the endorsement test to remove these displays allows an offended observer to censor what a willing audience sees, even though there was no harm or deprivation of liberty to the offended.

Family, he says, is the ultimate meaning of life. "That's the foundation of a successful civilization – policies that protect the family." His wife Kelly and five children would no doubt agree. He regularly travels to support his children and often goes back to New York to watch his daughter dance.

If family is the most important part of his life, base-

ball may be a close second. Duncan grew up watching the 1967 Red Sox. "It was a magical year," he recalled. He used to hitchhike from Fall River to Fenway. He was a fan before then, but "That made you a fan for life."

Without these things, he says he would probably be a beach "aficionado," working just enough to live and play at the beach. But life is about family. He says it civilized him and saved him from becoming a "Jimmy Buffett Parrothead."

After 30-plus years, he still loves teaching. "I probably won't stop teaching," he said, "because, like Bobby Dylan, my song is 'Let me die in my footsteps, before I go down under the ground.'"

"It doesn't get old. Does it get old when the Rolling Stones get out on that stage and sing 'Satisfaction'? I don't think so."



# Goodbye, Glenda

## Associate Dean Glenda Pierce Retires After 23 Years of Helping Students

*After 23 years as associate dean of student affairs and administration at the College of Law, Glenda Pierce, '82, is retiring. THE NEBRASKA TRANSCRIPT sat down with Dean Pierce to talk to her about her years of service to the Law College and her thoughts about the future, both hers and that of the College.*

**Transcript:** You came to Nebraska Law as a student in 1979. Tell us about your life prior to coming here.

**Pierce:** I grew up in Omaha. I went to the University of Nebraska at Omaha for a year and then transferred to UNL where I earned a B.A. in English.

I didn't have a plan for what I was going to do after I graduated. I thought I would try to earn some money and travel in Europe. I ended up working for the Fitzgerald Brown law firm in Omaha as an assistant to the office administrator. At that point in time, paralegals were just starting to be used, and the firm asked me if I would go to Philadelphia for paralegal training and work for them as a litigation paralegal. So that's what I did for about four years. Then I realized I had pretty much reached the pinnacle of being a paralegal and going to law school seemed to be a logical progression.

**Transcript:** What are your memories of your days as a law student?

**Pierce:** I remember feeling just as overwhelmed as every other first year student even though I was familiar with the trial process and with some legal terminology. I remember meeting wonderful, intelligent people, being challenged by my classes and having terrific professors. It was a great experience, and I made some of the best friends of my life.

**Transcript:** What are your memories of your professors?

**Pierce:** Too many to be recounted! Some of the great professors I had are still teaching here: Works, Denicola, Willborn, Kirst. A couple of memories from first year

come to mind. In Property class with Professor Larry Berger., with a yes or no question, he would say you had a 50/50 chance on the answer. If your answer was wrong, he would say, "Don't go to Vegas." Professor Tom Hazen was very straight-laced and always dressed in suit and tie for class. But when we got to the *Palsgraf* case, he removed his jacket and then his tie and then his shirt. He had a *Palsgraf*-shirt on underneath. We were not expecting that!

**Transcript:** You graduated from the Law College in 1982. What did you do after graduation?

**Pierce:** I returned to the Fitzgerald Brown firm in Omaha, as an associate attorney. I worked for them for six years, and then I was one of a group of eight lawyers that started our own firm, the firm that is now known as Lieben Whitted.

**Transcript:** How did you get involved in legal education?

**Pierce:** I was teaching as an adjunct while I was practicing law. I helped the College of St. Mary start its paralegal program and taught litigation to paralegal students. I taught legal writing to first year students at Creighton Law School. I really liked teaching and working with students, but it was difficult to do when I had a full time job as a trial attorney. I talked to one of my mentors at the Law College, Professor Roger Kirst, about opportunities in legal education, and he mentioned that Dean Harvey Perlman needed a dean of students. Harvey hired me for the position and also gave me the opportunity to teach Trial Advocacy. It was an interim position, but it was too good to pass up. I loved working with the students and everyone in the Law College community, including alumni; I loved teaching Trial Advocacy. It turned out to be a dream job, and I stayed for 23 years!







**Transcript:** So as you think back on those 23 years, what are you most proud of?

**Pierce:** I am most proud of helping students on their paths to becoming the best possible professionals they can – whether by talking to prospective students trying to make a decision about law school, teaching Trial Advocacy, working with 1Ls on study skills or counseling students with personal, academic or career questions.

**Transcript:** You must be proud when you see what former students have accomplished after they graduate.

**Pierce:** I am. It is very rewarding to get to know so many people first as law students and then as colleagues in the legal profession. I worked with many of them to help them develop their skills as trial lawyers, and now

Starting in the early 2000s, more and more students had laptops and started asking their professors about using laptops for final exams. That really changed how exams were administered. We now have software that blocks access to hard drives or allows access to class notes or even the internet, depending on what the professor wants. We have more courses, especially more skills courses. In the early '90s we didn't have courses in mediation or advocacy in mediation. We didn't have concentrations; we didn't have a Pro Bono Initiative. And we didn't have a space law LL.M. program like we have now. The Law College has continued to offer the excellent core courses that everybody needs for a well-rounded legal education while, at the same time, expanded its curriculum to meet the needs of a changing world.

“I am most proud of helping students on their paths to becoming the best possible professionals they can – whether by talking to prospective students trying to make a decision about law school, teaching Trial Advocacy, working with 1Ls on study Skills or counseling students with personal, academic or career questions.”

they are successful litigators and judges. Working with students has been the absolute best.

**Transcript:** Twenty-three years is a long time. How has the Law College changed over the years?

**Pierce:** For one, our facilities are much nicer. When I came we still had purple chairs and red carpet in the library and uncomfortable orange chairs in many of the classrooms. Now our facilities are top notch. Everything is up-to-date technology speaking, and we have many study rooms and a beautiful Reading Room. I think our students are just as hard working, but teaching and testing have changed to adapt to new generations of students. Many professors use power-points and other technology in their classes. Twenty-three years ago, if you wanted to type an exam, you brought in an old typewriter because computers with memory weren't allowed.

**Transcript:** Over those 23 years, how has your job changed?

**Pierce:** My core duties have not changed – working on all aspects of student affairs, working with faculty on scheduling and other matters, day to day administration of the Law College and whatever projects the dean needs me to do! Other aspects of my job have changed depending on the needs of the College. I handled Admissions for the first nine years, with the help of a wonderful assistant, Beki Colberg, and then coordinated Admissions for another 7 years after that. For many years, I helped with the College's continuing legal education program. In the late 1990's, I took over the College's Academic Success Program, working with first-year students to help them develop skills in legal analysis and exam writing.

**Transcript:** You've worked with a number of deans and interim deans. What was that like?

**Pierce:** Every dean has a different style and every dean brings new ideas that benefit the Law College. It's been fun and interesting to work with each of them.

**Transcript:** Surely you are asked by prospective students what the strengths of this particular law school are. How do you answer that question?

**Pierce:** I always disclose that I'm not only a proud employee but a proud alum as well! I know the quality of the legal education I received here and how it has served me and I know they will receive the same quality education. I firmly believe that their degrees from here will take them wherever they want to go. We hear that over and over from our alumni. And, because we are a reasonably-priced state school, not only will they receive a great education, but they will have a lower debt load when they graduate. That will expand their job options and choices. Another wonderful thing about us is our size; because we are a small law school, they will get to know their fellow students, the faculty and the staff and administrators. Everybody here is invested in their success, including their law-student colleagues. There is a real collegiality here among the students. Yes, law students are competitive by nature, but here it's a cooperative competitiveness. Everyone wants to succeed, but not by stepping over other people.



**Transcript:** There has been a lot of talk of late about the crisis in legal education. If you were talking today to someone who was thinking about going to law school, what would you say?

**Pierce:** I would say that a law degree will allow you to meet a changing world over the next 50 years. It is a very flexible degree that will allow you to reinvent yourself if you decide or need to choose a different path. I would not hesitate to encourage someone to go to law school.

**Transcript:** What led to your decision to retire?

**Pierce:** I have a lot of interests and want more time and flexibility in my schedule to pursue them. Traveling, amateur photography, gourmet cooking, genealogy research reading are all on my to-do list. I am involved already in volunteer work and foresee increasing that work. I will continue to be an active alum and active in the state and

local bar associations as well.

**Transcript:** As difficult as that may be, the Law College is going to hire someone to replace you. As you sit down with that person, what advice would you give?

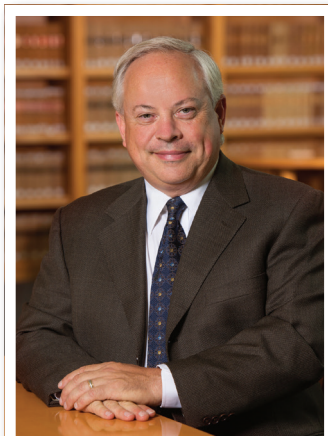
**Pierce:** I'd say be patient with yourself as you learn on the job because there is a lot to learn. You will find that you are part of a wonderful community, and you have a dedicated and hard-working staff to help you. Don't hesitate to ask them questions. Be yourself, trust your judgment and enjoy the unique opportunity to interact with students on their professional journeys.

**Transcript:** Any final thoughts?

**Pierce:** I just want to thank all the people who have made this such a wonderful job over the past 23 years: students, faculty, staff, administrators and alumni.



# Faculty



## Jack M. Beard Assistant Professor of Law

Professor Jack Beard's article, "Legal Phantoms in Cyberspace: The Ambiguous Status of Information as a Weapon and a Target under International Humanitarian Law," has been accepted for publication by the *Vanderbilt Journal of Transnational Law*. Beard will present this article on a panel of experts meeting at the International Law Weekend of the American Branch of the International Law Association (ABILA) in New York City. The panel, which Beard will chair, will explore issues related to the topic "Rethinking the Rules for Conflict and Competition in Cyberspace."

## Eric Berger Associate Professor of Law

Professor Eric Berger is on leave for the 2013-14 academic year, during which time he is a visiting scholar at the Institute for Legal Studies at the University of Wisconsin-Madison Law School. This summer, Berger presented "Teaching about the Supreme Court in Constitutional Law and Statutory Interpretation" at a discussion group at the Southeastern Association of Law Schools conference in Palm Beach, Fla. At that same conference, he also presented "Constitutional Theory's Grand Ambitions and Modest Accomplishments" on a panel entitled "Do Theories of Constitutional Interpretation Matter?" He also spoke with various media outlets following the U.S. Supreme Court's decisions this summer in *Fisher v. University of Texas* (affirmative action), *Hollingsworth v. Perry* (same-sex marriage) and *United States v. Windsor* (Defense of Marriage Act).



## Kristen M. Blankley Assistant Professor of Law

Professor Kristen Blankley's article, "Lying, Stealing, and Cheating: The Role of Arbitrators as Ethics Enforcers," has been accepted for publication by the *Louisville Law Review*. This article is the third installment of Blankley's research in the area of arbitration ethics, with this new article focusing on the role of the arbitrator in resolving ethical issues arising during arbitration. Blankley was recently elected vice president and president-elect of the Nebraska Mediation Association, and she was appointed to serve on the Nebraska Office of Dispute Resolution Parenting Act Review Group, Phase II, which is a multidisciplinary effort to study the Nebraska Parenting Act in order to better inform the Legislature and other policymakers on the effectiveness of the Act. Blankley has also been active with the ABA Section of Dispute Resolution, having recently been elected to the position of co-chair of the Subcommittee on Ethics and having presented teleconferences on issues relating to arbitration and ethics.



## C. Steven Bradford Earl Dunlap Distinguished Professor of Law

Professor Steve Bradford spoke in Seoul, Korea, on "Facilitating Small Business Capital Formation in the United States," at a program sponsored by the Korea Legislation Research Institute. Bradford also spoke in Boulder, Colo., at a program on crowdfunding spon-

# Notes



sored by the Deming Center for Entrepreneurship, Leeds School of Business, at the University of Colorado. He was on a panel on the topic, “Will Equity-Based Crowdfunding Fundamentally Change the Entrepreneurial System?”

## Eve M. Brank Assistant Professor of Psychology and Courtesy Professor of Law

Professor Eve Brank received a Research Experience for Undergraduates grant for research being conducted with Jennifer Groscup, '00. In addition, her co-edited book with Professor Richard Wiener, *Problem Solving Courts*, was published this summer.

## Beth Burkstrand-Reid Assistant Professor of Law

Professor Beth Burkstrand-Reid was featured as a national reproductive rights expert in an Associated Press story on the decline in the number of abortions in Nebraska. The article appeared in several newspapers nationwide. This semester she is teaching a course on Hot Topics in the Law to undergraduate honors students. She is also serving on the curriculum committee of the Women's and Gender Studies Program. Her article, “From Sex for Pleasure to Sex for Parenthood: How the Law Manufactures Mothers,” is forthcoming this winter in the *Hastings Law Journal*.

## Marcia Dority Baker Assistant Professor of Law Library and Access Services Librarian

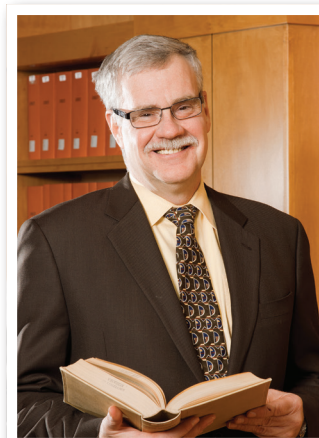
Assistant Professor of Law Library Marcia Dority Baker co-presented with Roger Skalbeck from Georgetown at CALIcon13 (Conference for Law School Computing) held at ITT Chicago-Kent College of Law. Their “Finding + Tuning Social Signals” presentation addressed how to use social software platforms to add value to organizations by using tools to find and tune important digital content for law school communities. At the 2013 American Association of Law Libraries annual meeting in Seattle, Dority Baker presented as part of a panel discussion on “Responsive Web Design: Designing One Website that Looks Great on Every Device.”

## Richard F. Duncan Sherman S. Welpton, Jr. Professor of Law

Professor Rick Duncan completed an article, provisionally-entitled “Just Another Brick in the Wall: The Establishment Clause as a Heckler's Veto.” The article takes the position that the Supreme Court's “endorsement test,” as applied to passive religious displays in public parks and buildings, amounts to a judicially-created heckler's veto that allows some citizens (the offended observers) to censor which displays other citizens (the willing audience for the censored religious displays) are allowed to view. Duncan hopes to publish this article



# Faculty



sometime in 2014. Duncan was recently interviewed for a story on religion and the “blue laws” that aired on Nebraska Public Radio. The story addresses the 100th anniversary of the vote by the Nebraska State Legislature to end the “blue law” that prohibited playing baseball on Sundays. He will also speak about constitutional law from coast to coast at many law schools this year, including Northeastern, Wisconsin, Washburn, Seattle, Drake, Colorado and Wyoming. His topics will include Originalism vs. the Living Constitution, the 17th Amendment and Federalism, School Choice and How the Gosnell Murder Conviction Has Changed the Debate about Abortion.

## Justin (Gus) Hurwitz Assistant Professor of Law

Professor Gus Hurwitz joined the faculty over the summer and is teaching Domestic Telecommunications this semester. His current research focuses on two areas: FTC regulation of high-tech industries and the relationship between lawyers and engineers. On the first topic, he presented a draft article at the Big 10 Junior Law Faculty Conference arguing that the FTC’s use of its authority to proscribe “unfair methods of competition,” used extensively in high-tech industries, is subject to *Chevron* deference. This argument stands in contrast to the longstanding view among anti-trust practitioners and scholars. He also helped write one, and advised on another, *amicus* brief challenging FTC actions relating to data security practices and advertising claims. On the second topic, he presented a discussion paper exploring the relationship between

law and engineering methodologies at a University of Pennsylvania conference on Law and Computer Science and is in the early stages of a project that will use surveys to assess engineers’ understanding of and attitude about the law. This project is supported in part by a Thomas Edison Innovation Fellowship through George Mason’s Center for the Protection of Intellectual Property. He has also joined the blog *Truth on the Market* as a contributor, is an academic affiliate or adviser to the International Center for Law and Economics and Free State Foundation and will be a contributor to the AIE’s new *TechPolicyDaily*.

## Richard A. Leiter Director of the Schmid Law Library and Professor of Law

Professor Richard Leiter was appointed to the American Association of Law Libraries Government Relations Committee for a two year term. He published an article, “Much Ado about Authentication,” for 23 *Trends in Law Library Management and Technology* 7, which discusses authentication of digital legal materials. He also published “Tools of Our Trade,” for the Sept/Oct 2013 issue of *AALL Spectrum* and published an essay, “Publication in the Digital Age,” 31:3 *The Catchline* 10. This essay was also published in the *Bulletin of the Association of Reporters of Judicial Decisions*. It was accepted by special arrangement with the board of the AJRD after Leiter’s talk at their annual meeting in Chicago in August. His occasional podcast, co-hosted by Assistant Professor Marcia Dority Baker, continues to draw large listenership with around 14,000 listens

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over 28 episodes over five years. He has also been interviewed as part of HeinOnline's "An Oral History of Law Librarianship."

## John P. Lenich Ross McCollum Professor of Law

Professor John Lenich spoke on current issues in electronic discovery at the Nebraska County Judges' 2013 Summer Education Meeting. He wrote an article on one of those issues, "Sanctions for the Failure to Preserve Electronically Stored Information in Nebraska," 16 *Nebraska Lawyer* 31 (Sept-Oct. 2013).

## Brian D. Lepard Law Alumni Professor of Law

Professor Brian Lepard delivered a paper on "The Necessity of *Opinio Juris* in the Formation of Customary International Law" at a conference on "The Role of *Opinio Juris* in Customary International Law" held at the University of Geneva. The conference was sponsored by the Duke-Geneva Institute in Transnational Law and the American Society of International Law. It brought together scholars and members of the U.N.'s International Law Commission to discuss how to identify and apply customary international legal norms. Lepard is currently working on editing a volume of essays on customary law entitled *Reexamining Customary International Law*.



## Colleen E. Medill Robert and Joanne Berkshire Family Professor of Law

Professor Colleen Medill has been invited to moderate the panel presentation on "Emerging Issues under the Affordable Care Act" at the Third Annual ERISA, Benefits, and Social Insurance Conference at Marquette Law School. The conference is intended to provide a select group of leading scholars and policy makers the opportunity to discuss current research and topics of interest involving employee benefit plans and social insurance. Medill is currently writing the fourth edition of her law school textbook, *Introduction to Employee Benefits Law: Policy and Practice*, which will be published by West in 2014.

## Richard E. Moberly Associate Dean and Professor of Law

Professor Richard Moberly spent the summer at the Law College's program in Cambridge, England, teaching a new course he created entitled The Law of Secrecy, which examined the complicated role secrecy plays across a broad swath of legal regimes, such as government transparency laws, national security, whistleblowing and employee inventions and trade secrets. He also has been blogging about secrecy at [lawofsecrecy.tumblr.com](http://lawofsecrecy.tumblr.com). He was interviewed by local, national and international media for his insights about Edward Snowden, the NSA contractor who leaked classified information about NSA surveillance programs, and he wrote a piece for the *New York Times* "Room for Debate" about the topic. Finally,



# Faculty



Moberly has been working as a co-editor on a new book to be published in 2014 entitled *The International Handbook on Whistleblowing Research*.

## Harvey S. Perlman Chancellor of the University of Nebraska-Lincoln and Harvey & Susan Perlman Professor of Law

Chancellor Harvey Perlman currently serves as one of seven members of the Founders Committee for the USAID project to create a network of water research centers across the Mideast and North Africa. He was recently appointed to the American Public and Land Grant Universities' Advisory Committee on Research.

## Sandra B. Placzek Professor of Law Library and Associate Director of the Schmid Law Library

Professor of Law Library Sandy Placzek published "The Importance of Relationships" in the July 2013 issue of *AALL Spectrum*.

## Susan Poser Dean and Richard C. & Catherine Schmoker Professor of Law

Dean Susan Poser presented a paper on the intersection of tort law and federal and state law regulating U.S. satellite operators at the Luxembourg Workshop on "Satellite Communication and Dispute Resolution." The conference was co-hosted by the University of Luxembourg and the Max Planck Institute for International, European and Regulatory Procedural Law. Last spring, Poser served as a member of the planning committee and presented at the ABA New Deans Workshop in Chicago and participated on an ABA re-accreditation site team. She also participated in the second annual meeting of the Big Ten Law, held at Northwestern University School of Law.

# Notes



## Josephine R. Potuto Richard H. Larson Professor of Constitutional Law

Professor Josephine (Jo) Potuto published “Musings from an Old FAR” in the *Mississippi Sports and Entertainment Law Review*. She also delivered a lecture at the New York City law firm Skadden Arps as part of the firm’s lecture and continuing legal education series. This past spring, Potuto visited sites in Northern Italy with two law college alumni, Judge Toni Thorson, ’77, and Randy Moody, ’91, on a tour arranged by Potuto and Thorson’s Italian instructor. Potuto continues to blog at Potuto’s Points of Sports\_Law, and tweets @PtsofSports\_Law and @Ptsof\_Law.

## Kevin L. Ruser Hevelone Professor of Law and Director of Clinical Programs

Professor Kevin Ruser returned to Kosovo in April where he helped open the Office of Clinical Studies at the University of Pristina Law Faculty. While he was there, the National Center for State Courts formally executed a MOU with Iliria University Law Faculty (a private law school in Pristina) and Ruser met with Iliria faculty members to discuss creating an Office of Clinical Studies in their law faculty. Ruser also conducted trainings for both the UPLF and Iliria law faculties on advanced clinical teaching methods. Ruser did a presentation on immigration consequences of criminal pro-



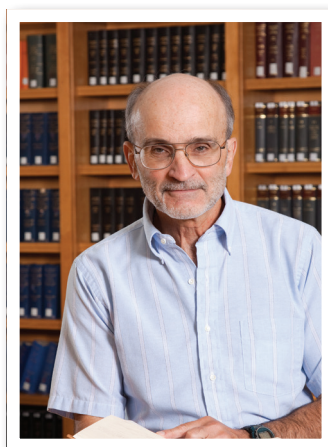
ceedings for the Nebraska Criminal Defense Attorneys Association at their day-long seminar at Mahoney State Park. He also developed materials and did a presentation at Creighton Law School called “Immigration 101.” The presentation was part of a day-long CLE developed by various providers of immigration legal services to help recruit lawyers to provide pro bono representation to detained immigrants in removal proceedings.

## Steven J. Schmidt Associate Clinical Professor of Law

Professor Steve Schmidt received tenure and was promoted to associate professor of law. He spoke at the 2013 Educating Advocates: Teaching Advocacy Skills Conference held at the Stetson University College of Law in Gulfport, Fla. The annual conference is designed to help participants develop their teaching skills, learn new techniques and network with some of the most recognized names in advocacy teaching. Schmidt was part of a panel on “Teaching Advocacy in an Overseas Environment,” where he discussed his continuing experiences teaching trial advocacy in Mexico. He also returned to Mexico City over the summer to teach advocacy skills to judges and magistrates of the Superior Court of Justice in Mexico City.



# Faculty



## Robert F. Schopp Robert J. Kutak Professor of Law and Psychology

Professor Bob Schopp published “Mental Illness, Police Power Interventions, and the Expressive Functions of Punishment” in 19 *New England Journal on Criminal and Civil Confinement* 99. This publication provided the foundation of a presentation to The International Academy of Law and Mental Health in Amsterdam, the Netherlands. He also published “Mental Health Courts: Competence, Responsibility, and Proportionality” in *Problem Solving Courts: Social Science and Legal Perspectives*, edited by Law/Psychology faculty Richard Weiner and Eve Brank.

## Anna Williams Shavers Cline Williams Professor of Citizenship

Professor Anna Shavers published “Gender Issues in Problem-Solving Courts: A Response to Family Law Proposals” in *Problem Solving Courts: Social Science and Legal Perspectives*, edited by Law/Psychology faculty Richard Weiner and Eve Brank, and “Human Trafficking, The Rule of Law, and Corporate Social Responsibility” in 9 *South Carolina Journal of International Law & Business* 39. She discussed the second article on a panel at the Society for Business Ethics Annual Meeting in Orlando, Fla. Shavers was named chair-elect of the Administrative Law and Regulatory Practice Section of the American Bar Association (ABA) and was also named



to serve as that section’s liaison to the Administrative Conference of the United States (ACUS). She also chaired the section’s annual Administrative Law Conference. Shavers continues to serve on the Governor’s Task Force on Human Trafficking and as a member of the UNL Human Trafficking Conference team.

## A. Christal Sheppard Assistant Professor of Law

Professor Christal Sheppard organized and moderated the IP Law Discussion Group: IP Law Reform - “Same as Before or a More Fundamental Transformation?” and presented “Patentable Subject Matter: What’s Patentable Today May Not Be Patentable Tomorrow” at the Southeastern Association of Law Schools 2013 Conference in West Palm Beach, Fla. She also presented her work “Rebooting Patent Law” at the Big Ten Junior Scholars Conference in Bloomington, Ind. Sheppard was quoted on national, international and local patent matters in the *Omaha World Herald*, the *Wall Street Journal*, *Law360*, 9-to-5 Mac, Politico, *China Times*, *WSJ Americas*, India and China, among others. She was also interviewed by the South Korean New Radio station “This Morning” regarding President Obama’s veto of a recent ITC ruling and US protectionist tendencies. Sheppard served as a reviewer for the NIH director’s Biomedical Research Workforce Innovation Award, Broadening Experiences in Scientific Training (BEST). BEST is a special initiative from the NIH Office of the Director and the Common Fund, with awards totaling up to 1.25

# Notes



million per applicant, intended to support only those crosscutting programs that are expected to have exceptionally high impact. She also participated in the Infinity Project's Annual Event and Summit, "Making History in 2013: Doubling the Representation of Women on the 8<sup>th</sup> Circuit," in Des Moines, Iowa. She continued her work on the Public Patent Advisory Committee as chair of the finance subcommittee with her appointment extended to December 2015 by Commerce Secretary Penny Pritzker. The advisory committee reviews the policies, goals, performance, budget and user fees of the patent operations and advises the director on these matters. Sheppard is currently completing an annual report on these matters, which will be transmitted to the secretary of commerce, the president and the Congress.

## Jessica A. Shoemaker Assistant Professor of Law

Professor Jessica Shoemaker has continued to work collaboratively within the larger University of Nebraska system to establish and implement the new Rural Futures Institute, a bold new endeavor designed to modernize the University's engagement with its land-grant mission in order to respond effectively to the current challenges facing rural places in the Great Plains and beyond. Most notably, Shoemaker was involved in a search for the Institute's founding executive director, is taking the lead on planning a portion of the Institute's annual conference and participated in designing the Nebraska State Bar Association's new Rural Practice Initiative. Shoemaker has also participated in several conferences and meetings

including the Association of Law, Property and Society's annual meeting in Minnesota, the Federal Bar Association's Indian Law Conference in New Mexico and the Rocky Mountain Mineral Law Foundation's Annual Institute in Washington. Shoemaker also has a book review forthcoming in *Great Plains Research*, and she established and taught a new seminar course at the Law College on Rural Development and Energy Law.

## Brett Stohs Assistant Clinical Professor of Law

The Entrepreneurship Legal Clinic, established and directed by Professor Brett Stohs, started its third semester of operation in August 2013. The clinic continues to represent a mix of high growth and lifestyle startups located throughout the State of Nebraska, and provides third-year students the opportunity to face real-world client issues and practice challenges under faculty supervision. Stohs also gave a presentation regarding the clinic and its services to a group of local entrepreneurs and related service providers as part of the NUtech Ventures "Thinkers & Tinkerers" series.

## Brian D. Striman Professor of Law Library and Head of Technical Services of the Schmid Law Library

Professor Brian Striman was elected chair of the American Association of Law Libraries Technical Services Special Interest Section, which has over 700 members.



# Faculty



He co-presented a program at the October 2013 Mid-America Association of Law Libraries on disaster planning, and he remains editor-in-chief of a quarterly publication, *MAALL Markings*, of the Mid-America Association of Law Libraries. He also created a Schmid Law Library exhibit on North America Native American law.

## Adam Thimmesch Assistant Professor of Law

Professor Adam Thimmesch presented a paper, *The Tax Hangover: Trailing Nexus*, at the 2013 Big Ten Junior Scholars Conference at Indiana University Law School in Bloomington. The paper analyzes the duration of states' taxing powers under the Dormant Commerce Clause and proposes a model legislative approach. He is currently working on developing a new course, State and Local Taxation, which will be offered in the spring semester.

## Frans von der Dunk Harvey & Susan Perlman Alumni/ Othmer Professor of Space Law

Dr. Frans von der Dunk worked on the new JSD-SL degree program at the College of Law, which was approved by the Board of Regents on August 1. This Doctoral Program in Space Law is a research-focused and dissertation-based program that in essence will require students to write a book about an aspect of space



law under von der Dunk's supervision. Von der Dunk spoke at various expert meetings. Firstly, he addressed the Outer Space Security Conference 2013, organized by the United Nations Institute for Disarmament Research (UNIDIR) in Geneva, on the topic of "Emerging Space Security Threats – and the Appropriate Legal Response," with a particular focus on the Russo-Chinese proposal for a treaty dewatering outer space and a proposed EU code of conduct on peaceful uses of outer space. Secondly, he was member of a panel of the ABA Section of International Law at its spring meeting in Washington, D.C., addressing the PCA Optional Rules for Arbitration of Disputes Relating to Outer Space Activities. Thirdly, he addressed the same topic in the particular context of satellite communication disputes at a workshop organized by the University of Luxembourg on Satellite Communication and Dispute Resolution. Finally, he spoke at the annual spring conference in Lincoln on "Flags of Convenience' and the Issue of U.S. Leadership in Lower Cost Access to Space." Von der Dunk also advised a team tasked by the European Space Agency to address illegal mining in Afghanistan on the potential role satellite data could play in monitoring such activities and worked with another team advising the European Space Agency on the liabilities involved in public-private partnerships in the European space environment.

# Notes



Steven L. Willborn  
Judge Harry A. Spencer  
Professor of Law

Professor Steve Willborn gave the final keynote lecture at an international labor law conference held at the Center for Comparative Labor and Social Security Law at the Université Montesquieu-Bordeaux IV in France. He also presented a paper, “Labor Law and the Race to the Bottom,” at the inaugural conference of the Labor Law Research Network in Barcelona, Spain. Willborn was appointed reporter (main drafter) for a project to draft a uniform law on wage garnishment for the Uniform Law Commission. He stepped down as chair of the board of directors of the Law School Admissions Council after serving a two-year term. He will remain on the board for one more year. Willborn has expanded his office collection of oil paintings of well-known cheeses by the world’s best known cheese portraitist. The collection now includes two cheeses: Emmental and Baley Hazen Blue. The paintings are available for free viewing by appointment.



Sandra B. Zellmer  
Robert B. Daugherty  
Professor of Law

Professor Sandi Zellmer has published “Treading Water While Congress Ignores the Environment,” 88 *Notre Dame Law Review* 2323. The article analyzes the phenomenon of environmental gridlock, considers the implications of Congress’s failure to act and explores the ways in which the agencies have stepped into the vacuum or could fill the vacuum left by congressional inaction. The article concludes that a coordinated strategy of regulation, executive orders and enforcement might take us beyond merely “treading water” while Congress ignores the environment. Zellmer also co-wrote “The Shallows Where Federal Reserved Water Rights Founder: State Court Derogation of the *Winters* Doctrine,” 16 *University of Denver Water Law Review* 261. In this article, she argues that the doctrine of implied federally reserved water rights, as established over a century ago by *Winters v. United States*, which is critical to realizing federal land management goals, has been greatly limited by several poorly reasoned and result-oriented state court decisions. She also co-wrote “Assessing Institutional Ability to Support Adaptive, Integrated Water Resources Management,” 91 *NEBRASKA LAW REVIEW* 805. This article assesses whether water resource institutions can embrace flexibility and adaptation while maintaining the stability associated with existing legal frameworks and investment-backed expectations.



## Newly-Tenured Steve Schmidt Impacts 3L Students in Criminal Clinic



Criminal clinic professor Steve Schmidt's professional accomplishments are numerous. From trying homicide cases successfully as an attorney for the Lancaster County Attorney's Office to being a national leader in the organization Inns of Court, Schmidt has always strived to be a leader within the profession. He can now add another professional milestone to his list of accomplishments: tenure. The Nebraska Law faculty voted to recommend tenure during the spring semester, and that recommendation was later approved by the Board of Regents. His tenure and promotion to associate professor went into effect September 1.

"It's an enormous relief and sense of fulfillment [to receive tenure]," said Schmidt. "At the tenure ceremony, someone said to me, 'Now, go out and do what you really want to do,' and that has really stayed with me. I am excited to do that."

"My hope is that students leave with a greater sense of appropriate behavior, ethics and professionalism, as well."

So, what is it that Schmidt "really wants to do?" The simple answer is build upon what he has created during his time as an assistant professor. The more nuanced answer is to continue to create opportunities that positively affect the legal profession through both teaching and scholarship.

In terms of teaching, it is clear that Schmidt values the opportunity to teach third-year law students. "My philosophy is that this is the last opportunity to have a direct impact on students before they begin actually practicing law. That philosophy guides my teaching."



As the director of the College's Criminal Law Clinic, Schmidt oversees third-year law students who prosecute cases through the Lancaster County Attorney's Office. But Schmidt's students learn more than just what it means to be in the courtroom. "My hope is that students leave with a greater sense of appropriate behavior, ethics and professionalism, as well."

This philosophy and his approach clearly works as former students consistently identify the criminal clinic as one of the best experiences they had in law school. "By far, my best experience in law school was the Criminal Clinic, and a huge part of that was Professor Schmidt. He was always there for us to ask advice or to give feedback. He was stern when needed, and he truly cared about our development as attorneys," said Chris Johnson, '14.

Schmidt credits mentors such as John Colburn, '79, for teaching him many of the things he now teaches to students on daily basis. "John hired me as a law clerk and had a tremendous influence on my decision to become a prosecutor."

In addition to his passion for

impacting the profession by teaching students about all aspects of the practice, Schmidt has devoted significant time and energy to helping in the reform of the criminal justice system in Mexico. The College of Law received a grant from the United States Agency for Development (USAID) to prepare faculty members at the Universidad Nacional Autonoma de Mexico (UNAM) for the country's transition from a mixed inquisitorial system to an oral adversarial system of criminal justice.

Since receiving the grant, the largest competitive grant ever awarded the College, Schmidt has spent considerable time in Mexico teaching law faculty, judges and practitioners trial advocacy courses.

"It has really opened my eyes to how global teaching and the practice of law has become," said Schmidt. "There are so many opportunities to interact globally, and I think many others view their respective law schools more globally than I did prior to this project.

"This project is incredibly rewarding and has tremendous op-

portunity for growth. Initially, the Mexican practitioners and judges were very skeptical, but by the end of the training they are always really enjoying what they are learning and doing."

Schmidt is hopeful that opportunities exist to continue making an impact on Mexican legal systems. Indeed, on his most recent trip, he taught family law judges who are anticipating change to that system as well. "The impact of the significant legal reform of the criminal system has been huge. My trip to teach the family law judges was anticipatory.

"It's incredible to be a part of such change. I view this as very important work as we help our neighbors create a better, more reliable system."

Schmidt is not alone in this belief. "Steve's expertise and interest in other cultures has made Nebraska Law a significant contributor to the important legal reforms currently happening in Mexico," said Dean Susan Poser. "I look forward to all that he will accomplish and contribute in the coming years."



# Hurwitz's Computer Science Training Helps Him Teach about Complexity

By Ryan Patrick, '15

"I had a confusing, weird pre-law life," said Professor Justin "Gus" Hurwitz. Certainly, working at Los Alamos National Lab as an undergraduate, researching high speed computing and holding an Internet2 Land Speed World Record with the *Guinness Book of World Records* is not the customary background for a law professor. But for Hurwitz, it is precisely this background that ultimately brought him to Nebraska Law.

For most, a computer science background leads to careers in technological fields. The law, known for its traditions and precedents, is not often thought of as one such field. Hurwitz, however, says that his background made a career in the law "inevitable." The driving force behind that inevitability: the legendary poor communication between the technological and legal fields. Hurwitz's knowledge and talents bridge that gap and uniquely position him to fix the communication problems that exist.

Hurwitz received his BA from what he calls a "hard-core liberal arts school," St. John's College, attending both its Annapolis, Md., and Santa Fe, N.M., campuses. He obtained his J.D. from the University of Chicago Law School and an M.A. from George Mason University, located in Fairfax, Va.

He was a trial attorney with the United States Department of Justice Antitrust Division in the Telecommunications and Media Enforcement Section when the dean at George Mason asked him to teach after an opening came up on short notice. From there, he became the inaugural research fellow at the University of Pennsylvania Law School's Center for Technology, Innovation and Competition (CTIC).

Hurwitz is excited about teaching telecommunications law as part of the College's Space, Cyber and Telecommunications Law LL.M. program. "I'm a pure telecom guy," he said. "[Nebraska Law] is the only place I can focus on teaching and doing that research." He is looking forward to teaching Cyberlaw and Law and Economics classes next spring. "Law and Economics is interesting because there isn't another class like that. This is the only chance to share that background with the students."

As Hurwitz's broad technical skills allow him to focus on getting people to understand just how complex the world really is, he approaches his work with the goal of teaching just "how complicated things are." With that in mind, he intends to include complexities in his classroom that students may not get to see otherwise.





Two cats and two birds traveled to Lincoln with Hurwitz - Katya and Manya, Biagi and Darienzo, respectively. Ask him where the animals got their names and the conversation turns to tango. It was in New Mexico, where one of Hurwitz's professors taught dance, that he developed a passion for Argentine Tango. This love for Latin dance recently took him to Buenos Aires.

The dance floor and the classroom are not the only places you will find Hurwitz, though. He considers himself an outdoorsman and is an avid rock climber, having one time helped to lead a group of six people up Seneca Rocks in West Virginia.

Hurwitz says he is optimistic about his move to Lincoln. "There's no traffic. It took me 15 minutes to get a driver's license." And somehow, he says, Lincoln has less humidity than some places he has been.

"I'm a pure telecom guy. Nebraska Law is the only place I can focus on teaching and doing that research."



# Sullivan Returns to Nebraska Law To Teach Skills in Civil Clinic

By Ryan Patrick, '15

Professor Ryan Sullivan was born in Oshkosh, Neb., and joined the military after high school. During his time at Fort Carson, he attended classes at Colorado State and finished up his last year of his undergraduate education after completing his time in the Army.

It was almost ten years later that Sullivan came to Nebraska Law as a student. In the meantime, he owned and operated businesses, including a health club in Texas. Exhausted from running the business, he sold it and spent a year volunteering at the Texas Defender Service, a nonprofit death penalty law firm in Austin.

Sullivan says he always had an interest in law, but that time in Texas opened his eyes to a need for “different niches in the law.”

“My inspiration to become an attorney came from my time in Texas while volunteering with the local United Way and the Texas Defender Service and when coming face to face with powerful issues of injustice in the world



of law enforcement,” he stated. “Those experiences opened my eyes to societal needs I never knew existed.”

Sullivan visited Nebraska Law and said he fell in love with the state again. He met with several professors, and Associate Dean Glenda Pierce showed him the facilities. He decided to attend law school at Nebraska, graduating in 2010.

While at Nebraska Law, Sullivan was an editor for the NEBRASKA LAW REVIEW and was Moot Court chair. He was on the National Trial Team and

was a member of Order of the Coif and the Order of Barristers.

Following graduation, Sullivan worked as an associate for Kinsey Rowe Becker & Kistler in Lincoln, but acknowledged that he always had a long-term goal to get into teaching. When the opportunity to teach in the Civil Clinic arose, Sullivan accepted without hesitation.

Leadership and instructional skills from the military play a part in what Sullivan brings to Nebraska Law. The

experience from not only litigation work, but also from running his own businesses and working with attorneys, brings a unique understanding of how the profession works on both sides.

“This first year I’m just absorbing and evaluating,” he

said. “I hope to learn. I hope I’m able to share with the students some life experiences that will help give them a better start going into practice so that they can hit the ground running and take on cases.”

Sullivan has been a volunteer with Big Brothers Big Sisters for four years, and he’s done woodworking and furniture restoration his “whole life.” Sullivan says he took some woodworking classes in high school, but otherwise taught himself. During law school “it was great to shut the brain off from analytical and switch to labor and math.” He’s known for making bookcases *out of* books. In a western Nebraska library you’ll find a bench he created made out of children’s books.

There is no homemade furniture in the Civil Clinic yet, but it has no doubt benefitted from Sullivan’s joining the team. “The Clinic in general is the students’ only opportunity in law school to first chair a case and experience first-hand litigation and working with real clients prior to making that big decision to go into this type of law practice.”

There is a level of education and legal theory taught in the Civil Clinic that employers are looking for and that students cannot get anywhere else, Sullivan said. With the experience and skill that Sullivan brings to the Clinic, there’s no doubt employers will find it reflected in Nebraska Law students.

“I hope to learn. I hope I’m able to share with the students some life experiences that will help give them a better start going into practice so that they can hit the ground running and take on cases.”



# The Entrepreneurship Clinic: Building New Businesses and New Lawyers

By Ryan Patrick, '15

The opportunity to gain real-world experience and earn class credit has expanded for third-year students at Nebraska Law.

Directed by Professor Brett Stohs, the Entrepreneurship Legal Clinic serves as both a class that teaches hands-on transactional law and as an opportunity for local Nebraska start-up businesses to obtain legal advice and representation.

A catalyst for the implementation of an Entrepreneurship Clinic at the Law College was a four-page memo Dean Susan Poser received in 2010 from students Omaid Zabih, '11 and David Solheim, '11. "It started out as a very general idea to supplement the clinics at the law school," said Zabih. Both students had participated in the other clinics at Nebraska Law and, after speaking with Professor Marvin Ammori, they concluded that a clinic that focused on transactions, rather than litigation, was what the Law College needed.

They noted that when many students look at potential law schools, the schools' clinics are a large part of their decision-making process. There was no business or transactional clinic at Nebraska Law, and the two students thought pushing for an Entrepreneurship Clinic would "help put us on the map."

"We felt that this would be a small way that we could create some momentum to establish a clinic that would be beneficial to all students coming after us," recalled Solheim. The two made it a priority to speak with faculty to answer any questions faculty members might have about such a clinic but, Solheim noted, "The professors were all very welcoming of the idea. Especially the ones that teach in the business line of classes."





From that point, Poser, who was a strong advocate for the clinic, and the faculty undertook the task of making Zabih and Solheim's vision a reality.

An alumnus of UNL and Duke University School of Law, Stohs practiced in Washington, D.C., for seven years before returning to Lincoln and practicing locally. It seemed like providence that he had recently moved back to Nebraska shortly before Nebraska Law opened a nationwide search for someone to create and lead the clinic. "I never would have heard of the program in Washington. It was a once in a lifetime opportunity to run a program like this," said Stohs. "It's not often that an attorney has an opportunity to create a business."

Hired in March 2012, Stohs spent the remainder of the year building the clinic's curriculum, establishing community partners, client pipelines and planning. Stohs was given a "long leash" to run with in creating the program. "Not many clinic directors are so lucky," he says. Often, directors are brought in with a short time to settle in and get started. The extra time was especially helpful in setting up the Entrepreneurship Clinic because, as Stohs noted, in taking this clinic, "The students are taking part in a start-up endeavor."

With nine months available before opening, Stohs did research on similar clinics around the country, visited clinics at Colorado, Duke and Wake Forest law schools, interviewed their directors and looked at their models to see what would make Nebraska Law's clinic a success.

"The opportunity to work directly with clients and be the first and primary individual they interact and communicate with was a huge draw. I don't envision another opportunity that could provide the same direct experience working with entrepreneurs and small business owners while in law school," said student Andrew Pease, '13.



His hard work paid off when the clinic's doors opened in January 2013. Eight students were part of the inaugural class and, throughout the semester, they had the opportunity to engage with local businesses and offer their help with everything from writing a trademark and submitting it to the U.S. Patent Office to drafting contracts. In addition to these tasks, students in the Entrepreneurship Clinic help start-up businesses identify and apply for business licenses and offer advice on intellectual property issues. Described as a "small nine-member firm, with Professor Stohs as the senior partner," the clinic's students act as associates performing many of the duties handled in a "real world" setting.


"The opportunity to work directly with clients and be the first and primary individual they interact and communicate with was a huge draw," said clinic student Andrew Pease, '13. "I don't envision another opportunity that could provide the same direct experience working with entrepreneurs and small business owners while in law school."

Identified by the National Jurist's *preLaw Magazine* as one of the year's "most innovative new programs," the clinic's outreach component sets it apart from similar programs at other law schools. The outreach program creates opportunities for students to share information with the public about legal issues involved with starting businesses. This component of the clinic has proven to be one of its most successful features with the students. At first, the idea of presenting to such broad and varied audiences was intimidating, but that changed as time went on and students immediately saw the value.

"Partners expect you to build business, and that's a skill. This is a way in which students can begin to learn that skill," said Stohs. "No matter how good you are, unless you go out and share that, you miss opportunities to create a brand for yourself. If people know you're good, it gives you choices." Stohs remarked that it was gratifying to watch students learn and become experts and to give them a chance to share that with others in the community.







One of the benefits of the clinic is that it offers proactive legal help to aspiring business owners. Clinic student Chris Cassiday, '13, stated, "Our work will hopefully help protect the clients from liability and help them avoid litigation in the future." By coming into the clinic as their businesses are starting up, business owners can obtain advice and ask questions early enough that they avoid some of the possible pitfalls involved in running a company. "The experience hopefully helped the clients see how valuable it can be to have attorneys proactively involved in their businesses, helping avoid legal problems, rather than seeking an attorney's advice when it's already too late," Cassiday noted.

For clients, there are a few requirements to utilizing the clinic. The businesses must be in Nebraska, the clients must not have received any significant funding or financing from investors and they should not be otherwise able to obtain legal advice. These requirements provide a filter, allowing the clinic to take in start-up businesses that truly need the help without allowing an established business to use resources that would better serve a new business.

The Entrepreneurship Clinic partners with local groups like Invest Nebraska, the Engler Agribusiness program, the Raikes School of Computer Science and Management and the Lincoln Chamber of Commerce, which refer potential clients to the clinic. So far there have been about 30 applicants with the clinic and they have been able to accept 15 of those. Clients are chosen by the type of legal issues they have and what will offer the best educational opportunities for the students.

"I am focused on creating lawyers by teaching the legal and the professional business aspects of a law practice," said Stohs. "That's the goal."



# Looking Beyond the Numbers: Meet Six New Nebraska Law Students

By Tracy Warren, '03,  
Assistant Dean of Admissions

Typically, I use my article in the fall issue of THE NEBRASKA TRANSCRIPT to summarize the last admissions cycle, talk about the recruitment market and provide data. While numbers are great, it doesn't give you the opportunity to "meet" any of our great students. So this time around I am introducing you to Kara, John, Nelly, Wes, Roxanna and Tyler - six of the 127 students joining the Nebraska Law family this fall. Feel free to give me a call if you want to talk numbers!



## **Kara Brostrom**

Home State: Nebraska

Undergraduate University: University of Nebraska–Lincoln

Undergraduate Major: Psychology

We first met Kara at a Career Fair hosted by UNL's Athletic Department. She also attended many other Nebraska Law recruiting events including Admitted Students Day and an individual visit during which she chatted with current students and admissions staff. Kara also had the opportunity to meet many faculty members and appreciated their genuine interest in getting to know her. "I was impressed as they were enthusiastic about their affiliation with the College of Law and the development of students into successful attorneys." After a number of conversations with faculty, admissions staff and current students, Kara "selected Nebraska Law due to the endless opportunities available and the welcoming atmosphere" and is looking forward "to becoming a part of the Nebraska Law academic community, meeting new people and experiencing new and different challenges."

Law academic community, meeting new people and experiencing new and different challenges."

## **John Duggar**

Home State: Washington

Undergraduate University: Black Hills State University

Undergraduate Major: Physical Education

John joins us after several years as a strength and conditioning coach for Minnesota State University and the United States Military. As a non-traditional student, John focused on more than academics and student organizations when choosing a law school. "In selecting Nebraska, I didn't just pick a place to study law; I selected a state and its culture. As a father of four, I want to study and practice law in an environment that is optimal for raising a family." Throughout the decision making process, John spoke with faculty and current students. "I was very fortunate to have extensive communication with both faculty and members of the student body. Professor Lepard afforded multiple occasions to discuss in-depth the study of international law. Professor Gardner was exceptional in his willingness to speak with me regarding the culture at Nebraska Law, the city of Lincoln and Nebraska in general. And, 3L Tyler Dixon was extremely helpful in every phase of selecting a school and even went so far as to organize a moving party to help my family unload our moving truck!" John was the first student to arrive for Orientation and the first day of classes – we think he was really excited to be part of the Nebraska Law family!



“In selecting Nebraska, I didn’t just pick a place to study law; I selected a state and its culture.” – John Duggar, ’16



**Nelly Greenberg**

Home State: Colorado

Undergraduate Institution: Union College

Undergraduate Major: Psychology

After obtaining her undergraduate degree from Union College, Nelly took a risk and applied to just one law school: Nebraska Law. In the fall of 2012, Nelly attended one of our Preview Days where she chatted with Admissions staff, toured the building and attended Dean Poser’s Torts class. “I left feeling like I had just fallen in love with the school as well as the faculty and staff. That autumn day solidified my decision to apply to the University of Nebraska.” As a College of Law student, Nelly is “looking forward to opportunities that will allow me to wholly experience various aspects of the law. I

want to get my feet wet and not stick only to what I like and what I am comfortable doing.” An avid runner, Nelly’s law school distraction will be training for her next half marathon and enjoying many of the great events Lincoln has to offer year-round. Nelly wasted no time incorporating both of these into her law school life and joined a group of other entering students to participate in the Nebraska Sports Council’s annual Mud Run in August.

“I am looking forward to opportunities that will allow me to wholly experience various aspects of the law. I want to get my feet wet and not stick only to what I like and what I am comfortable doing.” - Nelly Greenburg, ’16

**Tyler Parent**

Home State: Michigan

Undergraduate Institution: University of Michigan – Ann Arbor

Undergraduate Major: Communications

Tyler has wanted to be an attorney since middle school and is excited to start the journey toward accomplishing that goal at Nebraska Law. Not only was Tyler impressed by the College of Law’s facilities, a big role in his decision to attend was the size of the school. “I like the fact that the College of Law is a smaller school but is part of and has the resources of a public, Big Ten university.” Interaction with alumni also helped Tyler decide that Nebraska was the place for him. “I am appreciative of the fact that Gregory Stejskal, ’74, took the time to meet with me in Ann Arbor to discuss life in Lincoln and the many career paths a degree from Nebraska Law can lead to.” A fan of Big Ten football, Tyler will take a break from the books to catch a game or two on football Saturdays, and he is ready to try being a Husker.

“While I will always be a Michigan Man, I am eager to embrace Husker football and to attend games this fall.” The jury is still out as to what color Tyler will wear on November 9<sup>th</sup> when the Huskers take on the Wolverines!







### **Wes Kottke**

Home State: Wisconsin

Undergraduate Institution: University of Wisconsin – Green Bay

Undergraduate Major: Political Science

Wes's first glimpse at Nebraska Law was at a Law School Admissions Council law school fair in Chicago. He later braved a treacherous snowstorm to visit the College of Law in person. This is the dedication and perseverance of a man who grew up on a dairy farm in Wisconsin! Wes did his research and applied to several schools but when it came down to choosing it was a matter of value and jobs. "The cost of attending Nebraska is significantly lower than other comparable schools, and Nebraska Law beats other schools when it comes to job placement. This value that the law school creates was significant in my decision to attend." While making his decision, Wes spoke with many people from Nebraska Law but found conversations with current students on

Preview Day the most beneficial. What is Wes looking forward to the most? "I know I will probably regret saying this later but I am most looking forward to the challenge of law school!"

"The cost of attending Nebraska is significantly lower than other comparable schools, and Nebraska Law beats other schools when it comes to job placement. This value that the law school creates was significant in my decision to attend." - Wes Kottke, '16

### **Roxanna Cortes**

Home State: Nebraska

Undergraduate Institution: University of Nebraska at Omaha

Undergraduate Major: Psychology, Spanish, Latino/Latin American Studies

While attending UNO, Roxanna volunteered for legal clinics serving immigrants in the Omaha area. This sparked her interest for working in the areas of immigration and criminal law. While speaking with alumni and faculty at several Nebraska Law events, including an Open House for UNO's Goodrich Scholars and Project Achieve students, the Omaha Area Admitted Student Reception and Admitted Students Day, Roxanna learned that Nebraska Law was an excellent place for her to pursue a career in both these areas. "Professor Ruser talked to me about crimmigration and the immigration, civil and criminal clinics at Nebraska Law. Learning that I could study both criminal law and immigration at the same time and that I could do some hands-on work through the clinic(s) prior to graduation was what completely sold me on the College."

The involvement of faculty, alumni and current students also played a role in her decision. "Seeing faculty members, current student and alumni go the extra mile to meet prospective students allowed me to see how involved everyone is and how everyone is working as a team to help you succeed." New to law school and Lincoln, Roxanna is "ecstatic (and nervous) to meet the new challenges, experiences and friendships the first year is going to bring."



# Matt Ruane Hosts Dean Poser On Tour of Peterson Air Force Base



Pictured: Matt Ruane, '95, 66 ABG/JAS; Col. Dan Vadnais, deputy staff judge advocate, HQ AFSPC/JA; Dean Susan Poser; Angie Hohensee; Lt. Col. Mike Goldman, HQ AFSPC/JA; Major Brent Osgood, HQ AFSPC/JA; and Major Susan Trepczynski, HQ AFSPC/JA.

On 6 May, HQ AFSPC/JA Matt Ruane, '95, senior counsel, Air Force Space C2 & Surveillance Programs, 66 ABG/JAS, welcomed Dean Susan Poser and Angela J. Hohensee, senior director of development at University of Nebraska Foundation to Peterson Air Force Base. Ruane escorted Poser to the National Space Security Institute Space Education and Training Center, where they observed Major Susan Trepczynski, HQ AFSPC/JA, teach the Satellite Communications Advanced Course. Following that, Poser met the HQ AFSPC/JA staff and was given a mission brief by the Bureau of Public Affairs as they toured the headquarters. Poser's quick visit allowed her to see the significant impact Nebraska Law's LL.M. graduates make in space, cyberspace and telecommunications law.



# Career Services Office Responding To Time of Change in Legal Market

Tasha Everman, '02  
Assistant Dean & Director of Career Services

There are a lot of superlatives being thrown around with the “lowest” and “highest” numbers ever on record indicating that this is indeed a time of change in the legal market. In this article, I hope to give you a sense of the national employment landscape, contrast the College of Law’s employment outcomes and let you know how the Career Services Office is adjusting to better prepare our students in light of these changes. If you are interested in reading more about the status of the legal market, I highly recommend the 2013 Report on the Status of the Legal

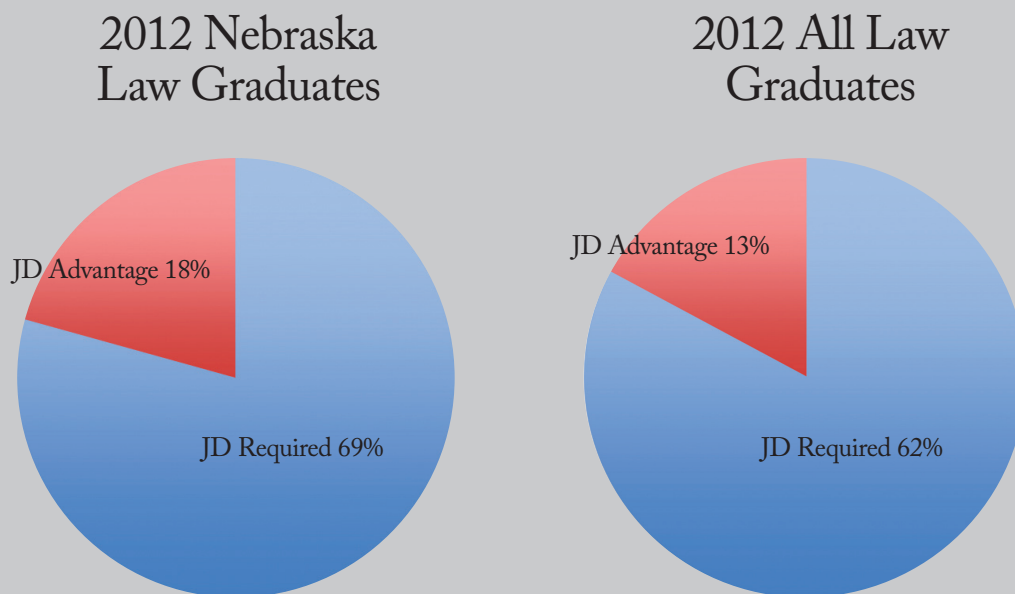


Market put out by the Georgetown Law Center for the Study of the Legal Profession. (<https://www.law.georgetown.edu/continuing-legal-education/executive-education/upload/2013-report.pdf>). The 2013 report concludes that the practice of law will be starkly different moving forward and that practitioners cannot wait for things to go “back to normal.” With lower overall demand, increased globalization and the shift from a seller’s to a buyer’s market, the report predicts that only those who are flexible and open to the new challenges will thrive. There is no question that these are interesting times!

## Employment

Without going into all the details of the underlying market forces, let's take a look at the effect of these recent changes on post-graduate legal employment. According to the Employment Report and Salary Survey for the Class of 2012 released by the National Association for Law Placement (NALP), the overall national employment rate for new law school graduates, at 84.7%, was the lowest it had been since 1994. This marked the fifth straight year of declines in employment nationally. In contrast, Nebraska Law's Class of 2012 had an overall employment rate of 90.6%. These overall employment numbers, however, both nationally and for our own graduates, include all types of employment – including non-professional positions. It is more informative to instead look at the percentage of graduates who were successful in securing the coveted JD Required and JD Advantage positions.

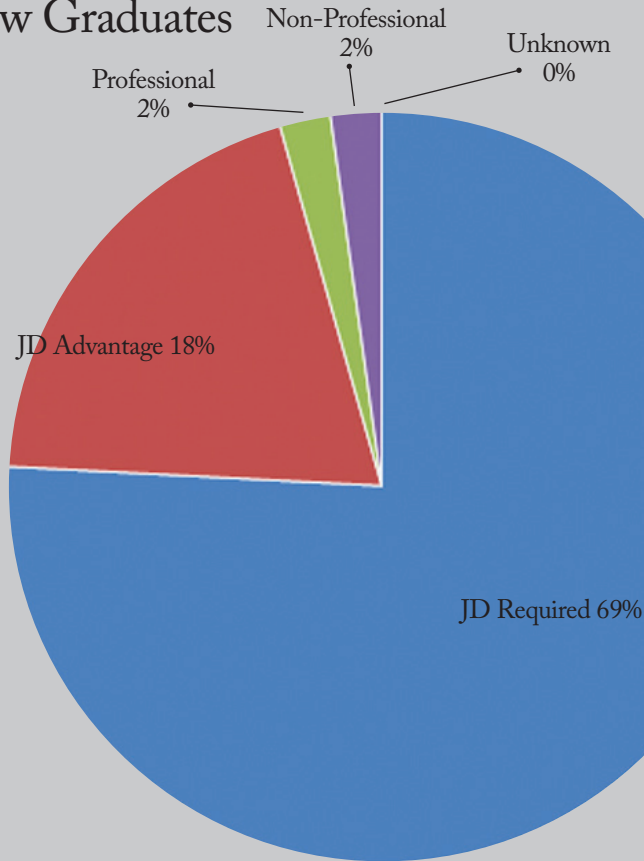
As you can see, a full 87% of Nebraska Law graduates secured employment in JD Required and JD Advantage positions as compared to only 75% of law graduates nationwide. In fact, Nebraska Law has seen a marked increase in these two categories over the last three years, growing from a combined 67% in 2010, to 79% in 2011 and then the 87% reported in 2012.



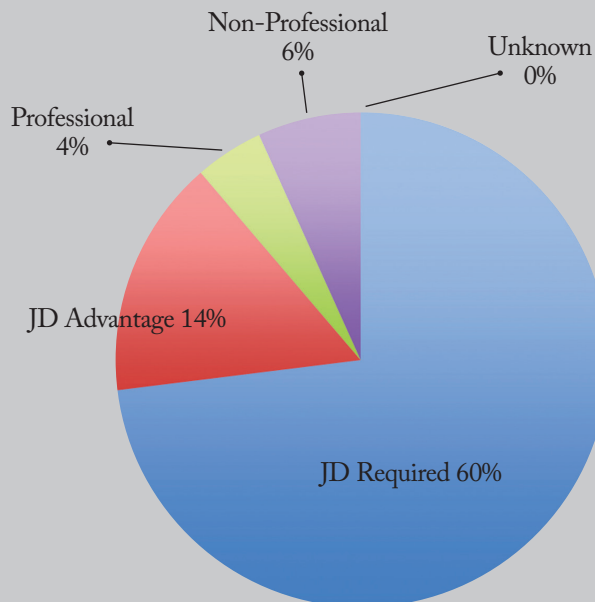
What is also notable here is that although the JD Required field has continued to grow, the growth of the JD Advantage field has outpaced it, growing a full 11% over the last three years. Some legal market commentators argue that the number of students securing JD Advantage positions is a reflection of the still weak economy and that more graduates would be in private firms if the jobs were there to support them. In my role as a career counselor, however, I have noticed of a distinct uptick in the number of law students who from their first day indicate that their end goal is to work in government, public interest or JD Advantage careers.



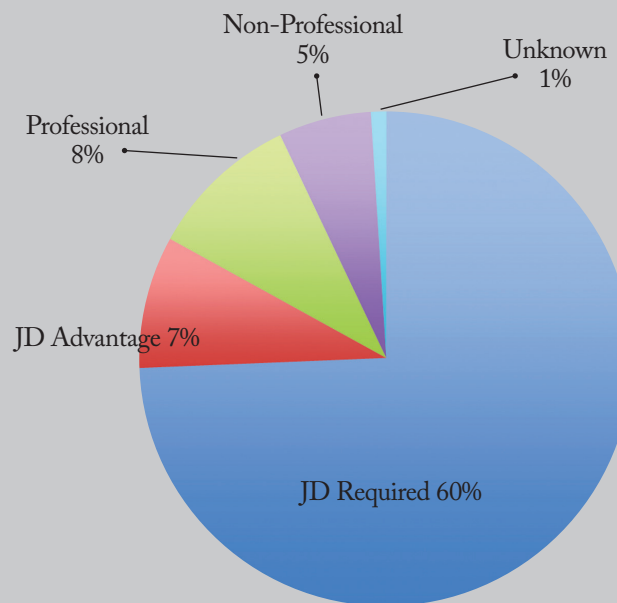
## 2012 Nebraska Law Graduates



## 2011 Nebraska Law Graduates



## 2010 Nebraska Law Graduates



### Career Programming

The Career Services Office is responding to changing demands of employers and the interests of our students with new programming and a focus that helps students not just secure jobs, but chart out career paths based on their own goals and values. I have highlighted just a couple of the changes below.

First, the CSO has begun *incorporating JD Advantage options* into our traditional programming line-up. For years we had only one week each spring semester dedicated to “alternative careers.” Now we make a point of including alumni with JD Advantage careers on our Exploring Opportunities panels whenever possible. They are too commonplace to be considered truly “alternative” anymore! This exposure to the variety of doors a law degree will open helps our students realize that they can bring their own strengths and preferences into the career decision-making process. Deciding to go to law school is not a career choice anymore. The options continue to grow and our alumni continue to prove that there are as many different paths to success as there are students.

Secondly, we are trying to meet the demand from employers to supply “practice-ready” associates. The faculty is making this job easier by continuing to adopt innovative curricular changes such as the addition of the International Perspectives course in the first year and the addition of the Entrepreneurship Clinic. Both of these recent changes mean that our students are graduating with more of the skills employers are looking for. Employers also indicate that they are looking for graduates who possess the “soft skills” needed to work effectively in a diverse workforce and with a high-degree of professionalism. The Career Services Office, as part of the Foundational Legal Skills (formerly Legal Research and Writing) curriculum, presents programming to first-year students on “soft skills” such as networking and professional communications as well as offering the opportunity for all first-year students to participate in structured self-assessments. All of these changes are helping our students be more thoughtful in their career development choices and making them more prepared for the ever-changing legal market.



### Alumni Involvement

We are always looking for alumni who are interested in helping out and getting involved. Whether it is participating in a panel discussion, allowing a student to shadow you, supervising an externship, conducting a mock interview, offering advice and suggestions on your local legal market or simply attending a networking event and making a point to introduce yourself to the students in attendance, your help is always greatly appreciated. Students learn so much by simply getting to know Nebraska Law alumni. If we haven't already asked for your assistance but you would like to get involved, please reach out to us! Call or e-mail: [lawcareer@unl.edu](mailto:lawcareer@unl.edu) or 402-472-5130.



# Levick's Perry Fuller Program Lecture Examines Fight for Children's Rights

By Joel Fulton, '13

Over the course of more than four decades, deputy director and chief counsel of the Juvenile Law Center, Marsha Levick, has helped create an environment in which the United States Supreme Court recognized that juvenile status makes a difference. The center, which Levick founded in 1975, is a national, non-profit, public interest firm located in Philadelphia. Levick discussed her journey as an advocate for children's rights when she presented the Perry L. Fuller Trial Skills Program lecture at Nebraska Law on Thursday, February 28, 2013, in the Hamann Auditorium.

Levick began her program, "The Changing Face of Constitutional Litigation on Behalf of Children: A Look Back Over Three Decades of Fighting for Children's Rights," by noting she attended law school during a key period of the Women's Rights Movement, when the law was used as a tool for social change. Levick found that the law was not the same catalyst for change for children. That motivated Levick and her colleagues to form the Juvenile Law Center to help bring about a change in the law as it pertained to the rights of juveniles.

The center started with great energy, idealism and success, Levick said. Its founding was only a few years after the U.S. Supreme Court decided

Nebraska Law  
University of Nebraska







Students in the Perry Fuller Trial Advocacy section along with Marsha Levick and Hon. William Jay Riley, chief judge of the Eighth Circuit Court of Appeals and adjunct professor.

*In re Gault* (1967), which recognized a juvenile's right to counsel. That enthusiasm lasted until the 1980s, which Levick called a "decade of retreat."

In *Schall v. Martin* (1984), the Supreme Court determined that juveniles could be detained until trial. The Court reasoned that children do not have the liberty to be roaming free because they are always in some form of custody; it made no difference whether children were at home or in jail, the Court reasoned. The result was children detained for days without due process, Levick related.

In the 1990s, the factual landscape for children changed. Crime rates rose dramatically throughout the country and a trend of mandatory sentences and juveniles being pushed into the adult criminal justice system began, Levick said. Also during that time, the Supreme Court decided the Fourth Amendment case, *Vernonia School District v. Acton* (1994), which permitted random drug testing for high school athletes. In that case, the Court determined that schools are a "special needs" environment and that during school hours students are subject to greater control. The Court had relaxed a central constitutional standard in the context of children, Levick said.

A sea change for juvenile rights began in 2005, which Levick called "the awakening." The blueprint for this change came in *Atkins v. Virginia* (2002), which determined that giving mentally retarded persons the death penalty constituted cruel and unusual punishment under the Eighth Amendment. The decision was based on the fact that mentally retarded defendants were less culpable and had a lesser ability to participate in trial, Levick said.

Essential to this finding was research conducted by the MacArthur Research Network. When the network began researching children and their culpability, it discovered that children's developmental differences matter.

"They are immature, have a lesser appreciation for consequences and are susceptible to peer pressure," Levick said.

In 2005, in *Roper v. Simmons* the Supreme Court overturned its decision in *Stanford v. Kentucky* (1989) and invalidated the death penalty for juveniles. This was a landmark decision that meant juvenile status matters under the Constitution. In 2010, the Court tracked its reasoning in *Atkins* when in *Graham v. Florida* it ruled that a life-without-parole sentence for a juvenile convicted of a non-homicidal offense was unconstitutional. Further research had confirmed that children are distinctly different based on their development, Levick said.

The following year, in *J. D. B. v. North Carolina*, based on the same research, the Court articulated a new "reasonable juvenile" standard for determining whether a juvenile is in custody for *Miranda* purposes. The Court continued this trend in *Miller v. Alabama* (2012) when it struck life-without-parole for juveniles convicted of homicide.

At the conclusion of her talk, Levick noted that over the next decade we might see movement on the issues of the minimum requirements for conditions under which juveniles are held and on the constitutionality of the mandatory transfer of juveniles to the adult system.



# Cline Williams Jurist-in-Residence Lecture Patent System That Drives Innovation, 'Not Litigation Abuse Corrector'

By Joel Fulton, '13



"The area where the Patent Act has been most cursed as a failure is as a litigation abuse mechanism. The Patent Act is not a consumer protection statute, not a competition fairness guarantor and, most important, is not a litigation abuse corrector."

The patent system drives the innovation that personifies American culture and its contribution to the world. However, while we recognize the vast importance of patent law and intellectual property law in the United States, we have placed upon it roles which it was not designed to address. Chief Judge of the U.S. Court of Appeals for the Federal Circuit Randall R. Rader discussed this phenomenon when he delivered the Cline Williams Jurist-in-Residence Lecture to the Law College on Thursday, February 14, 2013, in the Hamann Auditorium.

Rader, a Hastings native, was appointed to the court by President George H. W. Bush in 1990 and assumed chief judge duties in 2010. He has taught courses on patent law and intellectual property law at George Washington University Law School, University of Virginia School of Law, Georgetown University Law Center, the Munich Intellectual Property Law Center and at universities in Tokyo, Taipei, New Delhi and Beijing.

In his lecture “Patents, Copyrights, Trademarks – Promoting the Progress of Science or Impeding It?” Rader explained the Patent Act is meant to promote the progress of science, knowledge and technology. Every invention made over 20 years ago, whether in the field of medical research, communications or transportation, is absolutely free to everyone, Rader said.

“The patent system is all about tomorrow. Give our gift to the next generation,” Rader said. “You pay nothing, but your parents did. And on and on it goes.”

But Rader criticized entities known as “patent trolls” who abuse the patent system. These entities are established for the sole purpose of acquiring wealth from patents, which can lead to litigious blackmail.

“The area where the Patent Act has been most cursed as a failure is as a litigation abuse mechanism,” Rader said. “The Patent Act is not a consumer protection statute, not a competition fairness guarantor and, most important, is not a litigation abuse corrector.”

Rader said patent assertion firms create problems when they, for example, bring infringement claims that will cost their adversary \$3 million in discovery, but will “save them money” by settling for \$500,000.

Rader’s court is making an effort to address the problem. In 2011, Rader unveiled a Model Order Regarding E-Discovery in Patent Cases, designed to alleviate onerous discovery expenses in patent cases. One provision of the Model Order sets a limit on the request for production of emails, Rader said. Each party may request emails from up to five custodians, with a limit of five search terms per custodian. This provision forces parties to carefully consider their discovery needs and make requests for only the most relevant and necessary emails.

Rader also referenced a second solution, which requires each party to select a narrow list of issues within the first few months of the lawsuit. Judges will be able to resolve these disputes sooner if they know the specific allegations of infringement or non-infringement they are dealing with, Rader said. The purpose of these efforts is to eliminate patent trolls’ opportunity for litigation abuse.



In addition to his lecture, Rader met with civil clinic students.

In his lecture, Rader also broached the topic of American law students competing in the world labor market. In a recent trip to East China University in Beijing, Rader spoke before a group of 700 students about intricate topics of comparative IP law, competition law, and consumer protection law. Rader spoke in English, and nearly every student understood every word, Rader said. His lesson: in order to compete in the world labor market you need to know some Chinese law, German law or driving commercial principles in other international markets, Rader said.

“Our politicians talk about a jobs crisis, but they don’t tell you the source of the problem and the challenge for you here in law school. It is quite simply if you are Microsoft and you have a choice to hire a PhD who speaks three of the most important commercial languages in the world or to hire even the top student at UNL, recognizing that 90 percent of the growth in your industry will be in Asia, whom do you hire?”

“Next time you are in class, ask the professor, ‘Do they do it that way in China?’ You’ll be better prepared for that job at Microsoft.”



# Levinson Delivers Pound Lecture, Advocates for Constitutional Convention

Professor Sanford Levinson delivered the Pound Lecture, “Is Government by ‘Reflection and Choice’ a One-Time Experience?” on March 7 to an audience of more than 100. He opened his lecture by acknowledging former Law College dean Roscoe Pound, saying that he draws inspiration from what is widely considered Pound’s most famous speech - the 1906 address “The Popular Causes of Dissatisfaction of the Administration of Justice.” The address was motivated by dissatisfaction in the federal government, as is much of Levinson’s research.

After setting forth statistics measuring the current state of the American public’s levels of satisfaction with the three branches of the federal government, Levinson noted that, despite growing numbers of dissatisfaction, the public is relatively docile.

Given that docility, Levinson returned to Pound, “who believed that we had to confront inadequacies of justice.” So, how should we confront? “Because I believe at least some of our present discontents can be traced directly to the dysfunction generated by the Constitution of 1787, I strongly suggest a Constitutional Convention.”



(l-r): Professor Eric Berger, Dean Susan Poser, Professor Sandord Levinson and Professor Rick Duncan

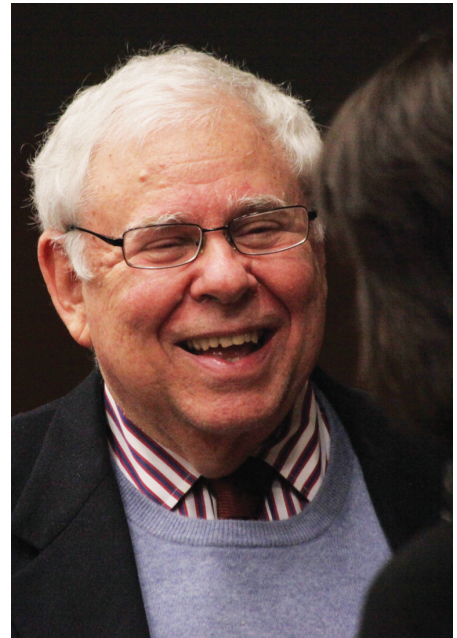
“Is our job as citizens to emulate the very best of the framers - their willingness to tackle the crises of their time and do what was necessary - or do we demonstrate our loyalty by carrying on within every one of the political structures they created for us?”

In arguing for the convention, Levinson took inspiration from the history of the states. “It is an error to focus on the single example of the U.S. Constitution and to wholly ignore the existence of the 50 other state constitutions and the lessons they teach.”

According to Levinson, Nebraska is of particular importance in any analysis as it has governed itself with a unicameral legislature for over 75 years. And, also of importance, the citizens of the state can engage “in the most solemn task of amending the state Constitution.” Yet despite these successes, other states have yet to take a similar approach.

After providing this context, Levinson then spoke about “reflection and choice,” and the ability, or lack thereof, of the American public to engage in either as it pertains to the U.S. Constitution and the structure of the federal government.

“Is the Constitution merely a historical artifact? Or, is it a cross generational conversation...telling us that as a free people we ought to engage in a continuous reflection and choice about the adequacy of our institutions? Is our job as citizens to emulate the very best of the framers - their willingness to tackle the crises of their time and do what was necessary - or do we demonstrate our loyalty by carrying on within every one of the political structures they created for us?”



Levinson went on to suggest that the way to have reflection about and choice regarding the type of government we have would be best done through a Constitutional convention. The convention would address what Levinson identified as the “Constitution of Settlement,” or those provisions that set forth governmental structure.

“There are a lot of things that we need to have conversations about that we don’t talk about because we’re so obsessed with Constitution of Conversation – those provisions that create controversy; [a convention addressing the structural provisions] would lead to wonderful conversations about what sorts of institutions in fact would best serve us in the 21st century.”

*An essay written by Professor Sanford in connection with his Pound Lecture will be published in the NEBRASKA LAW REVIEW.*



## 2012-2013 Student Accolades

### Graduation with Highest Distinction

Christopher Cassiday

Erick Reitz

Christina Usher

### Graduation with High Distinction

Asher Ball

Megan Bischoff

Nicholas Bussey

Kelli Ceraolo

Lukas Holoubek

Chad Kamler

Rhianna Needham

Jared Rector

Tyler Spahn

### Graduation with Distinction

Jason Bring

Nathan Burkman

Brian Copley

Joel Donahue

Siobhan Duffy

Brett Ebert

Cassidy Ellis

Shannon Fallon

AriAnna Goldstein

Noah Heflin

Luke Henderson

Caitlyn James

Dain Johnson

Kenji Kawa

Collin Kessner

Alexis Kramer

Christopher Labenz

Jessica Murphy

Christina Neely

Daniel Nies

Nicholas Norton

Allyson Peetz

Tyler Schubauer

Braden Sheppard

Samantha Staley

Heather Williams

Lindsey Wylie

### Order of the Coif

Megan Bischoff

Kelli Ceraolo

Asher Ball

Christopher Cassiday

Rhianna Needham

Chad Kamler

Jared Rector

Erick Reitz

Tyler Spahn

Christina Usher

Lukas Holoubek

### Order of the Barristers

Jason Bring

Nathan Burkman

Brian Craig

Cassidy Ellis

Joel Fulton

Bryson Gregory

Jessica Murphy

Michael Palmer

Allyson Peetz

### Guy Cleveland Chambers Award for Academic Excellence (Top graduating students)

Erick Reitz

Christina Usher

### Professor Richard Harnsberger Award for Outstanding Academic Achievement (Top grades in their class)

Sarah Maresh, '15

Martin Demoret, '14

Jared Rector, '13

### Professor Arthur Bruce Winter Constitutional Law Scholar Award

Emily Tunink, '14

### **David A. Ludtke-Great Plains Federal Tax Institute Scholarship**

Megan Bischoff, '13

### **Philip G. Johnson-Great Plains Federal Tax Institute Scholarship**

Jared Rector, '13

### **Woods & Aitken Outstanding Student Award**

Allyson G. Peetz, '13

### **Pat Gies Memorial Award Outstanding Civil Clinic Student**

Asher Ball, '13

### **Credit Advisors Foundation Award (Excellent lawyering skills in Civil Clinic)**

Asher Ball, '13

Megan Osler, '14

Rachel O'Toole, '14

Tyler Spahn, '13

Tanner Spracklen, '13

### **International Academy of Trial Lawyers Student Advocacy Award (Outstanding Criminal Clinic student)**

Jessica Murphy, '13

### **Robert G. Simmons Nebraska Law Practice Award**

Mark Grimes, '14

John David Beasley, '12

### **American Bankruptcy Institute Award Medal of Excellence**

Justin Knight (visiting student)

### **Silver Quill Award (Excellence in Foundational Legal Skills)**

Jessop Adams, '15

### **Gross & Welch Best Brief Award (Best brief in Foundational Legal Skills)**

Still TBD

### **McGrath North Mullin & Kratz Legal Writing Award**

Jessop Adams, '15

Titus Hattan, '15

Sarah Hindman, '15

Katie Joseph, '15

Danielle Larson, '15

Sarah Maresh, '15

Adam Odle, '15

William Straus, '15

Audrey Svane, '15

Jacquelyn Swanner, '15

### **National Moot Court Team**

Cassidy Ellis, '13

Joel Fulton, '13

Benjamin Herbers, '14

Heather Voorman, '13

Allyson Peetz, '13

Daniel Russell, '13



**Thomas Stinson Allen Moot Court Competition – 1st Place**

Zachary Petersen, '14

Kyle McGinn, '14

**Kenneth L. Noha Best Brief Award**

Zachary Petersen, '14

Kyle McGinn, '14

**Roscoe Pound Award**

**(Best oral advocate in Thomas Stinson Allen Moot Court Competition)**

Barbara Masilko, '14

**Grether Moot Court Competition – 1st Place**

Danielle Schunk, '14

Caitlin Cedfeldt, '14

**Grether Moot Court Competition Best Oral Advocate**

Caitlin Cedfeldt, '14

**Robert A. Cannon & Susan Jacobs Client Counseling Award  
(First-place team in Client Counseling Competition)**

Barbara Masilko, '14

Danielle Schunk, '14

**1L Client Counseling Competition – 1st Place**

Katie Joseph, '15

Richard Tast, '15

**National Trial Team**

Aasim Cheema, '13

Jessica Murphy, '13

Tara Parpart, '13

Austin Vos, '13

**Representation in Mediation Competition – 1st Place**

Carla Waldbaum, '13

Lia Bies, '13

**Animal Law Closing Argument Competition – 1st Place**

David Voorman, '13

**Manfred Lachs Moot Court Team**

Corey Rotschafer, '14

Adam Rouse, LL.M. '13

**Pro Bono Initiative**

Elizabeth Gasaway, '13

Caroline Keating, '13

Nolt Nicholson, '13

Nicholas Norton, '13

Austin Vos, '13

**National Association of Women Lawyers Outstanding Law Student Award**

Brett Ebert, '13

# Dean Poser Visits China's Jiaotong University

In Fall 2012, Dean Susan Poser travelled to China for talks with the dean and faculty of the School of Law at Jiaotong University in Xi'an, China. It is hoped that these talks will soon lead to collaboration between Jiaotong University Law School and the College of Law, including visits by law faculty and enrollment of graduates of Jiaotong University in the Law College's new LL.M. Program in the U.S. Legal System, which will soon begin to accept students for Fall 2014.



While in Xi'an, Poser taught a class at the law school about liability in tort for failure to rescue. She also presented two lectures with Chancellor Harvey Perlman, '68, to undergraduate students at Jiaotong University and at Xi'an Jiaotong University - City College about the imminent United States' presidential election.



Dean Susan Poser with Jin Ma, '04.





# Graduation 2013

## Ramo, ALI President, Delivers Address

Roberta Cooper Ramo, current president of the American Law Institute, addressed the Class of 2013 graduates and their friends and families at the spring commencement ceremonies held at the Lied Center for Performing Arts on Saturday, May 3. Ramo is a partner at Modrall Sperling and concentrates her practice in the areas of arbitration, mediation, business law, real estate, probate and estate planning. She also consults with large corporations, assisting with their strategic and long term business planning.

Ramo earned her bachelors degree from the University of Colorado and her juris doctor from the University of Chicago School of Law.

Also addressing the graduates were class president Kate Fitzgerald, Nebraska Supreme Court Chief Justice Michael Heavican, '75, and Marsha Fangmeyer, '79, president of the Nebraska State Bar Association.



Roberta Cooper Ramo delivers the commencement address.





Members of the Pederson family at the Family Tradition Ceremony prior to graduation. (l-r) Bill Troshynski, '09, Laura Troshynski, '09, Matthew Pederson, '13, Dean Susan Poser, Don Pederson, '54.



Graduate Asher Ball, '13, and Dean Poser.



Daniel Russell, '13, and his father, Steven Russell, '82.



LL.M. graduate Karlus Cozart, '13. receives his diploma.



Aasim Cheema, '13, receives his diploma from Dean Susan Poser.





Justin Hochstein, '13, after his hooding.



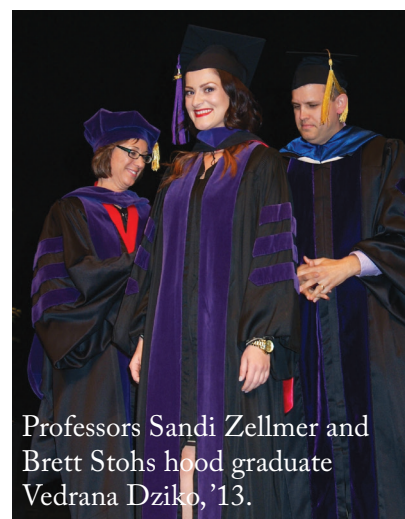
Ryan Norman, '13, with his father, Royce Norman, '79.



Joshua Johnson, '13, with his father, Christopher A. Johnson, '93.



Collin Kessner, '13



Professors Sandi Zellmer and Brett Stohs hood graduate Vedrana Dzik, '13.



(l-r): Mark Keating, '00, Olivia Guerra Keating, '75, Caroline Keating, '13, and Dean Susan Poser.



Diane Amdor, '13, and her aunt, Leslie E. Kendrick Cavanaugh, '91.

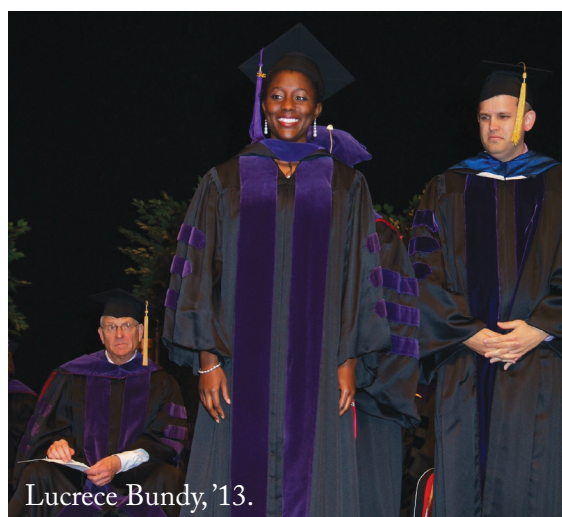




Scott Shaver, '13, with his sister, Leslie A. Shaver, '12.



Meghan Chaffee, '13, with her mother-in-law, Michelle Chaffee, '95.



Lucrece Bundy, '13.



(l-r) Theodore Kessner, '59, Michael Kessner, '80, Collin Kessner, '13, and Dean Susan Poser.



Tyler Spahn, '13, with his aunt, Susan J. Spahn, '87.



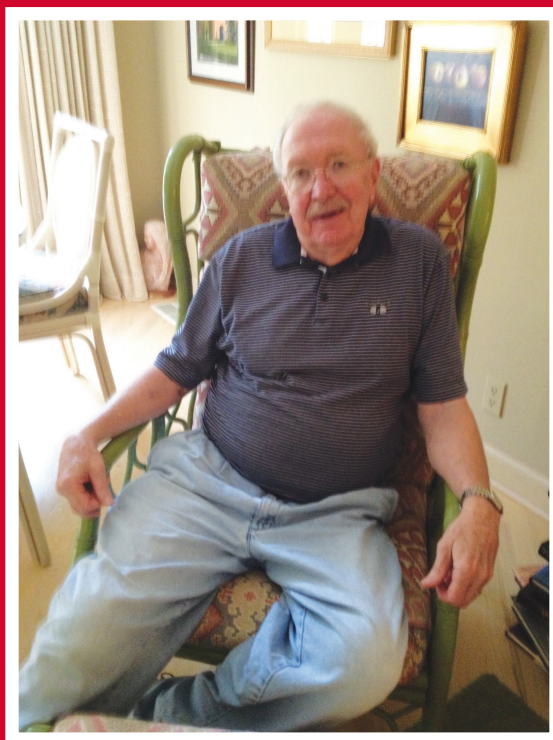
# Family, Law, Politics, History Have Shaped Jim Hewitt's Career

Jim Hewitt's, '56, first love is his family. He met his wife Marge during his first semester as an undergraduate at Hastings College, and they married in 1954. Two of their four children, John, '85, and Mary, '90, are graduates of Nebraska Law.

Next to his family, Jim Hewitt has many other passions, and three of them – law, politics and history – have shaped his career.

Hewitt came to the College of Law in the fall of 1952 under a program that allowed him to enroll in the College for four years of legal study after just two undergraduate years. That way he could finish both degrees in six years rather than the usual seven, a financial advantage for Hewitt whose father, also a lawyer, had died when he was 11 years old.

Even though he was 19 when he entered the Law College and felt that he did not have “a good grounding in economics and economic theory,” his knowledge of political science and his understanding of and enchantment with history and, of course, his innate ability helped him to make law review and be on the College's national moot court team. The national moot court problem forced him to wrestle with section 8 of the



James Hewitt, '56, at his home in Lincoln.

Clayton Act, but it was “a wonderful experience,” even though the team had to ride to St. Louis in a Volkswagen Beetle and was eliminated in the first round.

Despite his separation from Marge during his first two years, Hewitt enjoyed his law school experience. He made lifelong friends among his classmates and admired most of his professors. Allan Axelrod, who coached the moot court team, “was such a funny guy,” he remembered, as was Harry Foster. Henry Grether was very popular with the students, and David Dow “impressed us all with his encyclopedic knowledge

and great mind.” On the other hand, “everybody thought that Julius Cohen was really dry and not a very charismatic teacher.” Yet, Hewitt continued, “when I look back on what I learned and how I really learned to think like a lawyer, Julius Cohen had a lot to do with it; he did a very, very good job.”

His admiration for his professors, however, did not stop him from having some laughs at their expense. Hewitt was one of the chief instigators of the Law College's skit night held at the Student Union, during which the law students poked fun at their professors. “I still remember some of the skits,” he recalled recently.

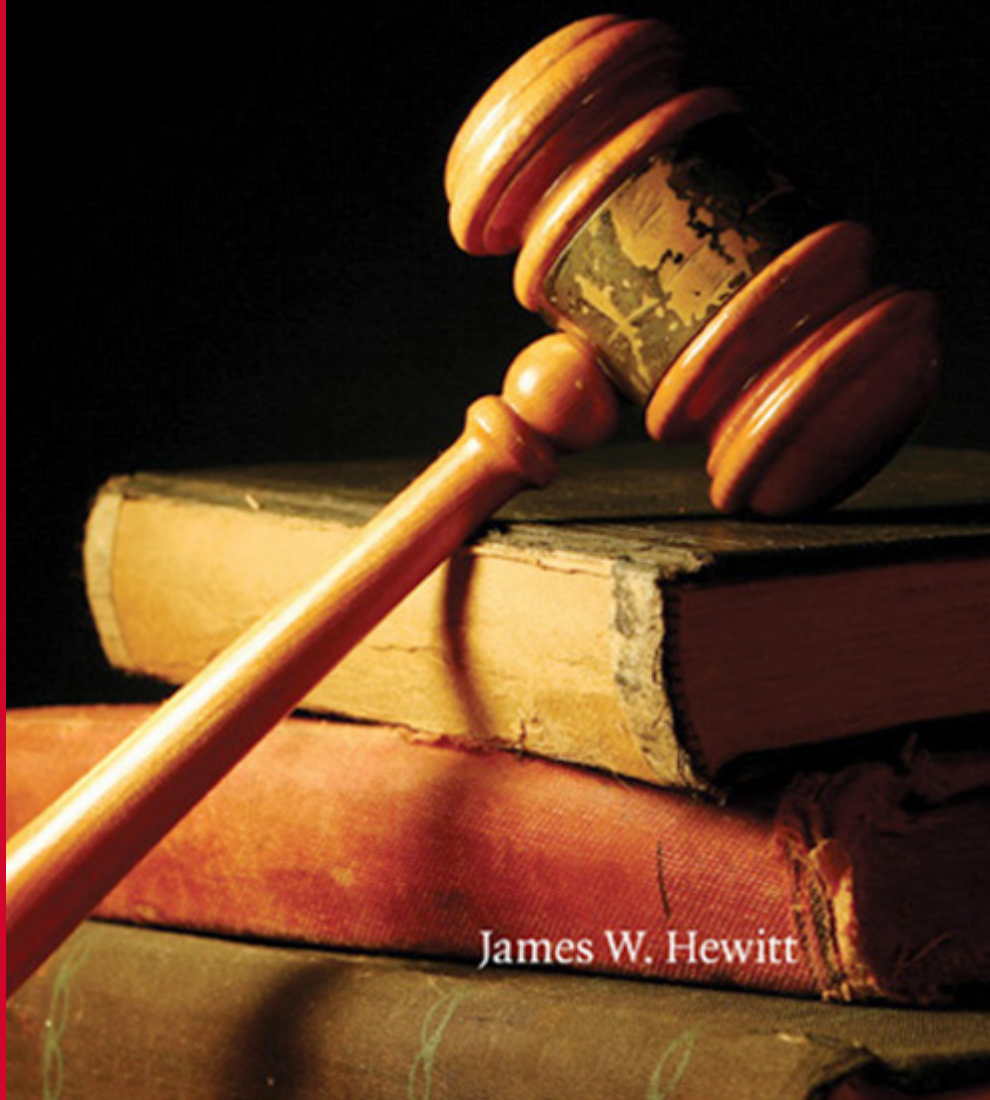
While at the Law College, Hewitt was a member of the Air Force ROTC. Upon his graduation, he went on active duty. "I had picked the Air Force because I thought I'd get a chance to go somewhere and see the world," he said. Instead, "I wound up fighting fires 150 miles from home," at Forbes Air Force Base in Topeka, Kan.

When his service was over, Hewitt returned to Lincoln where he thought employment possibilities would be more plentiful, as in central Nebraska "there were not a lot of job opportunities for young lawyers." He practiced law with a Lincoln law firm, but that association would prove to be unexpectedly brief. In 1961, he was contacted by Abel Family Enterprises and Nebco, Inc. and asked to be the company's general counsel. "I really had no knowledge of what they did and I wasn't particularly enthusiastic about getting out of the practice, but they said, 'You'll have a lot of legal work to do and we'll give you a company car and we have a profit sharing plan that we think you will appreciate,'" Hewitt remembered. The car was the biggest inducement as his growing family needed a second automobile. Hewitt was with Nebco for 42 years working on contract issues and doing corporate surety work, among other things.

Hewitt served the legal profession in other ways. He was president of the Nebraska State Bar Association, a member of the board of governors of the American Bar Association and for six years served on the ABA's Committee on the Federal Judiciary, which investigated and evaluated all federal judicial appointments. Hewitt's area of responsibility was the Eighth Circuit Court of Appeals and, like all committee members, the Supreme Court.

# Slipping Backward

*A History of the Nebraska Supreme Court*



James W. Hewitt



While at Nebco, politics summoned. He was one of a group of young lawyers who worked on Norbert Tiemann's gubernatorial campaign. When Tiemann was elected, Hewitt became his unpaid speech writer. In Hewitt's view, Tiemann was "smart, honest, far-seeing and innovative." By championing Nebraska's adoption of a state sales tax and income tax, he doomed his chances of re-election, but he "did what needed to be done."

Hewitt also was a principal at the annual Lincoln Gridiron show at the University Club in downtown Lincoln, which parodied the city's leaders, much like the student skits he helped devise that parodied faculty members in his law school days.

In 2000, Hewitt decided to run for office himself and competed for a seat in the Unicameral. He lost, a defeat he attributes in part to his support of a woman's right to an abortion. His defeat, however, gave him the time to finish his dissertation and receive his Ph.D. in history.

Hewitt had begun his postgraduate history study while still at Nebco. He studied at UNL on a part-time basis going to classes early in the morning, during the noon hour and late in the afternoon. That enabled him to earn both a Master's degree in 1994 and, in 2003 after he retired from Nebco and finished his dissertation, the Ph.D.

Having left the practice of law and politics behind,

he was able to carve out a career that took advantage of his lifelong love of history – teaching history at UNL, Nebraska Wesleyan and Southeast Community College. Among the courses he taught were American, European and Nebraska history, but his specialty was legal history with courses like Legal History, Constitutional History, the Nebraska Court System and the Death Penalty in Nebraska. He taught Labor Law at the Law College during a semester when Professor John Gradwohl was in England. He ended his teaching career in December 2012 when he turned 80. "I made up my mind," he said, "that when I was 80 years old, I really didn't have an awful lot in common with the students who would be taking history, so I gave it up."

While he was teaching, Hewitt worked to turn his Ph.D. thesis into a book. In 2007, the University of Nebraska Press published *Slipping Backward: A History of the Nebraska Supreme Court*. The book focuses on the court from 1938 to 1995 through the eras of Nebraska Supreme Court chief justices Robert G. Simmons (during which Hewitt believed modern-day Nebraska jurisprudence began), Paul W. White, Norman Krivosha and William C. Hastings. In doing so, he read 14,335 cases, every decision handed down by the court during that 57 year period. The book's central thesis is that during this era the court's status and reputation "slipped backward." He concluded that "the evidence allows only one conclu-

sion: the court did decline in both public and professional acceptance and, more importantly, in the quality of its work product.”

One reason for this slippage, Hewitt reasoned, was the court’s failure to adapt to changing conditions or new ideas. “It relied too much on the concept of legal formalism,” he wrote, “using rules and precedent that appeared to have been ordained on high and that could be mechanically applied to virtually any factual situation.” Even when the court looked beyond precedent and paid attention to the impact a decision would have on society (which happened most often during the Krivoshsha era), the judges would deny that that was what they were doing.

At the end of the book, Hewitt rated all of the chief justices and judges who sat on the court during that period of time. “There were some on the court who were not particularly pleased with that,” he admitted.

The University of Nebraska Press will soon release Hewitt’s second book, *In Cold Storage*, about Harold Milks who was convicted of murdering a husband and wife, chopping up their bodies, storing them in his freezer and then dumping them in Harry Strunk Lake near Cambridge. Milks had had an affair with the couple’s daughter, which later turned into a ménage à trois with

his wife. When the daughter backed out, Milks sought to get her back, and that, somehow, resulted in the grisly murder of her parents. Hewitt obtained the case file from former Nebraska Attorney General Paul Douglas who prosecuted the case and was able to interview Milks who has been in the penitentiary since 1974. Hewitt is the only person Milks has ever talked to about the case, and the story that he related, Hewitt said, is totally at odds with his 1974 confession.

There is no doubt that Milks committed the murders, said Hewitt, but what remains unclear is why he did it. “Milks himself says he doesn’t know why he killed them,” he continued, “and the whole story he told me is fishy. I just raise it all and let the readers decide for themselves.”

While he awaits the book’s publication, Hewitt continues to be involved in the community. He remains on the board of the Nebraska Historical Society Foundation and plans to work on the upcoming Nebraska sesquicentennial. He has amassed a large collection of books on legal history that he anticipates giving to the College of Law Library. Library director Rich Leiter calls Hewitt’s library a “treasure trove,” and looks forward to featuring it at the Law College as a special collection. Hewitt, who has given so much to the state, the legal profession and the University, keeps on giving.



# Father, Son Find Common Passion For Global Partners in Hope

By Ryan Patrick, '15

They say a good education can take a person places. In the case of Justin Swanson, '10, it took him to Bolivia and Beijing, China.

In addition to his J.D., Swanson graduated with a Master's degree in Journalism. As a student, journalism took him to Bolivia to produce a website and magazine devoted to the country. Post-graduation, the law took him to Beijing.

While a law student, Swanson pursued and completed a concentration in international law and pursued numerous opportunities to volunteer with nonprofits and other public interest organizations. A permanent position with Global Partners in Hope (GPiH) seemed a great fit for him upon his graduation. GPiH is a non-profit located in Omaha, which is dedicated to working with global communities with significant needs. The organization collaborates with U.S.

partners to address those needs abroad. For instance, in Mali, West Africa, GPiH works to bring clean water, medical clinics and financial aid to those who otherwise would have no access to these necessities. In Beijing, a time of extraordinary economic growth sometimes pushes society faster than it can keep up, requiring new training to support business in leadership, ethics and women's empowerment and training for local clergy, who are newly able to teach in the open. GPiH is there to provide that guidance.

As GPiH's director of community engagement, Swanson promotes the organization and its work, hoping to engage members of the community in some way. It was his involvement and leadership experiences while in law school with the Nebraska Fund for Clerkships in the Public Interest (NFCPI), Equal Justice Society, the International Law Students Association and the Black Law Students Association/Multicultural Legal Society that he said, "really allowed me to see the different facets of the non-profit community, and helped confirm that that was where I wanted to spend my career." His work with NFCPI

was one of his favorite experiences. "I enjoyed being able to build awareness of NFCPI at the school and in the community and to be able to help my fellow law students have the means to spend their summers doing non-profit, public interest work." It was this non-profit work that encouraged Swanson to look outside the conventional path. "As I looked for jobs, my experience with NFCPI helped me broaden my search beyond traditional legal careers."

Swanson's J.D./M.A. education enabled him to "use skills from both disciplines on a daily basis," he said, "from drafting a memorandum of understanding between organizations to negotiating with potential partners or publishing updates on our website, Facebook or Twitter."

Justin is not the only Swanson involved in GPiH, however. His father, Don, '80, is a board member for the organization. An attorney with Koley Jessen, Don Swanson primarily practices in banking, bankruptcy, creditor's rights and commercial litigation. It was this background that took Don to Beijing as





Don Swanson, '80

well, when GPiH asked him to teach a course in bankruptcy for the Chinese law firm Jincheng Tongda & Neal, one of the largest in China.

According to Don Swanson, "There is an interest in bankruptcy law because it was not necessary under Communism, but as they move toward Capitalism, they will need it."

The legal profession in China is relatively new, still growing from its days of isolation under Mao. Now, as China's markets join the rest of the world, there is a great need for lawyers. Presently, he noted, the Chinese only really have bankruptcy laws for businesses. There is no personal bankruptcy law.

Don Swanson commented on the huge difference between urban and rural culture in China as the primary reason for the involvement of GPiH there. China is moving millions of people from rural areas to the cities. There is a "loss of moorings that held society together," he said.

Through the work and connections of GPiH, Don was able to share his expertise with a growing firm in a growing nation – a global partnership that is becoming ever more necessary as the world shrinks.

Don says he would love to go back and teach again. It was a great experience "except for the travel." He noted that his time in China not only provided a broader exposure for GPiH, but helped foster discussions among the legal partners about new opportunities to work across the continents.

It is the work of Global Partners in Hope to build bridges across cultures and provide aid where needed. Sometimes, those trips can provide just as much in return to those giving the aid. Justin noted from his trip, "As cliché as it sounds, the more we learn about Chinese culture and history, the more we learn what we don't know!"

From an education in a medium-sized city in the middle of the United States, Nebraska Law alums make a difference all over the world. Justin Swanson stated, "I'm very blessed to be a part of this organization and team, and know that my education at UNL (both the law and journalism elements) made it possible for me to obtain and fill this role."

Anyone interested in learning more about GPiH can visit its website at [www.globalpartnersinhope.com](http://www.globalpartnersinhope.com), like it on Facebook, or follow it on Twitter at @GPiH.



# Schmid Law Library Serves You, Even After You Graduate!

The Schmid Law Library's primary mission is to serve the faculty and students of the Law College. But as a state funded law library that is also the largest in the state, we are also committed to serving Nebraska citizens throughout the state and our alumni. We want you to know that we are always looking for new services to provide to you as well as ways that we can improve existing services. Here are some of the services that the Schmid Law Library offers:

Community Library Cards. As an alumnus of the University of Nebraska, you are entitled to obtain a special Community Member card that is good at all UNL libraries. You can get your card at any UNL library and gain access to one of the outstanding libraries in the nation. The cards cost \$50 per year, or \$25 for three months. However, as a Law College alum, if you apply for a card directly from us, we will waive the fee! The card entitles you to borrowing privileges for those parts of our 400,000 volume collection that circulate.

Document Delivery. The library has long provided copies of various library materials to citizens, lawyers and judges across the state. For a fee, we'll provide anyone with photocopies, faxes or emailed PDFs of cases, articles, code sections, etc. We've recently simplified the pricing of this service.







Photocopies may be picked up at the law library, delivered by email, faxed or sent by U.S. mail. The cost for the service is a flat rate of \$10.00 per citation up to 50 pages and an additional \$5.00 for 51 pages and over. Invoices will accompany requested material.

Please use of the following guidelines when requesting a document:

1. A correct citation must be provided; research help is unavailable, and vague or very general requests cannot be filled.
2. There is a limit of 40 citations per order.
3. Entire issues of journals will not be photocopied.
4. Lexis, Westlaw, Bloomberg Law and Pacer searches are not available.

To use this service, email Kris Lauber at [klauber@unl.edu](mailto:klauber@unl.edu) or contact the Schmid Law Library Circulation Desk at 402-472-3547. Phone requests are taken Monday through Friday, from 8:00 a.m. to 4:00 p.m., excluding holidays and when the library is closed.

LibGuides. If you are either working in a new field or want to beef up your knowledge of the resources available in your regular area of practice, feel free to visit the Library's website and look over our growing collection of online bibliographies, called Schmid LibGuides. Compiled by our crack pool of law

librarians, these bibliographies can be invaluable sources of information on a variety of fields. The collection is new, and if you don't find a topic covered that you think would be useful, please contact us and we'll consider producing one on that topic.

The full list of LibGuides available can be found on our website at <http://schmidguides.unl.edu/>. There are useful guides for the Solo Practitioner, Mobile Apps for Law Students, Copyright Law, Tax Policy and the Law of Provider and Patient, among several other subjects.

Expertise. The law librarians at the Schmid Law Library have each gained reputations for being excellent teachers and have been called upon to present lectures for CLE's, professional meetings, fraternal organizations and classes for both graduate and undergraduate students. We've even been called upon to make presentations on the structure of our legal system and sources of the law to scouting troops of all ages.

Our law librarians are available to you if you need our help in organizing, developing or using your own library collection, or training your staff on how to use your resources. If you want any one of them for a special program, please contact the director, Richard Leiter, and we'll work with you to create one that will best suit your needs.



# Alumni Council Honors Ruser, Robak, Perlman & Peetz at Annual Lunch



The College of Law Alumni Council honored alumni Professor Kevin Ruser, '79, Chancellor Harvey Perlman, '68, and Kim Robak, '85, and 3L Allyson Peetz at its annual awards lunch on Friday, April 5 at the Lied Center for Performing Arts. The event was hosted by chair of the Alumni Council, Damon Barry, '00, and was attended by nearly 150 alumni and friends of the College. Ruser was honored with the Distinguished Faculty Award; Robak was honored with the Distinguished Alumni Award; Perlman received the Outstanding Service Award; and Peetz was the recipient of the Woods & Aitken Outstanding Student Award.



# AlumNotes

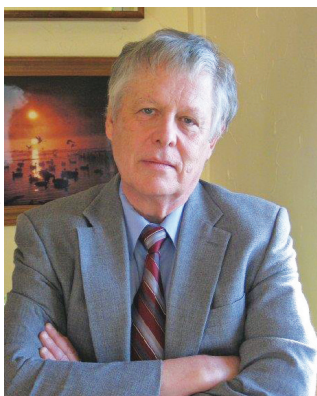
## 1960s

**Hal Daub, '66**, received a Distinguished Service Award at the Founders' Day Celebration of Washington University, St. Louis.

## 1970s

**E. Benjamin Nelson, '70**, former U.S. senator, has been awarded the Distinguished Nebraska Award by the Washington D.C.-based Nebraska Society.

**Craig Monson, '72**, and Keelan Holloway have opened a law office on Main Street in Hardington. The firm has practiced in Laurel since 1973. Monson is Laurel city attorney and holds a real estate broker's license and has operated his own real estate business for over 33 years.



**Dennis Keefe, '73**, has chosen not to run for re-election as Lancaster County public defender. When his term ends in January 2015, he will have served as public defender for more than three decades.

**Richard D. Sievers, '72**, has joined Perry, Guthery, Haase & Gessford as of counsel. Sievers recently retired from the Nebraska Court of Appeals. He will focus on mediation and arbitration of all kinds of civil litigation and on appellate writing. He is an approved parenting plan mediator.

**John McHenry, '73**, was elected president of the board of trustees of The Nebraska Masonic Home in Plattsmouth.

**Roger Miller, '73**, has been elected a fellow of the College of Labor and Employment Lawyers. Miller is an attorney at McGrath North in Omaha, Neb.,



and one of only five Nebraska attorneys who have received this distinction. The College of Labor and Employment Lawyers recognizes those who have distinguished themselves as leaders in the area of labor and employment law through long and outstanding service. Miller also serves as a mediator and arbitrator and is listed on panels of the American Arbitration Association.

**Bernie Siebert, '73** was named one of Law Dragon's Top 20 Traditional Labor & Employment attorneys in the U.S.

**Michael J. Tavlin, '73**, has been awarded the first annual Michael J. Tavlin Award for Board Leadership by the Community Health Endowment (CHE) of Lincoln. During his 15 years association with CHE, Tavlin has played a significant role in establishing and leading its efforts to create a healthier community. The Tavlin award will be given annually to an individual who has provided extraordinary board service to a local non-profit agency. In addition to the award, the



recipient will designate an agency to receive a \$1,000 stipend for board training and education.

**Matthew H. Williams, '74**, was recognized as one of 21 accomplished University of Nebraska-Lincoln alumni at the annual Alumni Awards Banquet on May 2nd at the Nebraska Champions Club.



The 2013 award winners are distinguished as those who have achieved successes in their careers and communities. Williams' recognized accomplishments include his status as a fourth-generation banker. He has been with Gothenburg State Bank, a family-owned bank, since 1973. He currently serves as chairman of the American Bankers Association and was chairman of the Nebraska Bankers Association in 2003-2004. He was selected as one of 14 bankers from across the country on the FDIC Advisory Committee on Community Banking. He also serves on the University of Nebraska Foundation Board of Trustees, the UNL Ag Builders, the NU President's Advisory Council, the UNL Finance Department Advisory Board and the board of directors of Innovation Campus.

**Robin Ann Abrams, '75**, was inducted into the York High School Hall of Fame on October 4, 2013. Now a resident of Los Altos, Calif., Abrams put together a globe-encompassing career in international business development. She served as a vice president for Norwest Trust and Investments, and has held several high-level positions at Apple and Unisys. She was the president of Palm Computing, senior vice president at 3Com Corporation and president and CEO at VeriFone, among other positions. She is currently CEO of Connection to eBay, which offers outsource solutions for large manufacturers and retailers who want to sell in volume on eBay.

**Alan Gless, '75**, district court judge in Seward, has retired after more than 30 years on the bench. Judge Gless was appointed county court judge for the Fifth Judicial District in 1980. In 1995, he became a district court judge for the Fifth Judicial District. He was instrumental in shaping Judicial Ethics Advisory committees both on a national and a state level, having served on committees for the American Judicature Society, the Center for Judicial Conduct Organizations and the National

Judicial College. Gless has authored numerous published works regarding the law including the book, *The History of Nebraska Law*. Gless began his career in private practice in Osceola and served as city attorney for Osceola and as the county attorney for Polk County.

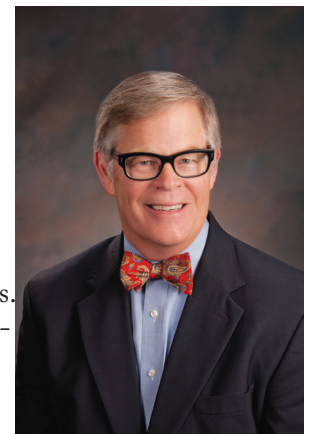
**Michael Heavican, '75**, chief justice of the Nebraska Supreme Court, has been selected as president of the Conference of Chief Justices, which is composed of the top judicial officers of each state. He has also been named chairman of the board of the National Center for State Courts, a nonprofit court organization with the goal of improving judicial administration.

**Tim J. McDermott, '75**, has had his novel, *Deadly Propensity*, published by Telemachus Press. McDermott practices civil litigation with the Akerman Senterfitt law firm in Jacksonville, Fla.

**Douglas Merz, '75**, has been appointed Richardson County attorney. When he was appointed, he was deputy county attorney and had previously served as county attorney for more than 20 years.



**Bruce Smith, '78**, has joined the Sioux City, Iowa, based Goosman Law Firm. Previously he served as senior counsel at IBP and BPI Technology, Inc., for nearly two decades. Bruce's general practice includes business and corporate law, environmental, health and safety law, administrative law and general litigation.



## 1980s

**Kenneth "Chip" DeBuse, '81**, has been named vice president for development for the Lincoln Community Foundation, an organization that promotes philanthropic support and distributes grants to local nonprofit organizations to enrich the community. DeBuse's responsibilities include helping donors and professional advisors design charitable gift plans. He is an attorney with more than 25 years of professional experience in banking and investments, serving as a trust officer with Norwest and Wells Fargo Bank for many years. He is also a certified trust and financial advisor and a certified trust specialist.

**James L. Young, '81**, and his wife Jodi Young appeared on the May 16th taping of *The Ellen DeGeneres Show*. Their unique prom outfits in 1973 drew the attention of the famous talk-show host, and they were flown out to Los Angeles, Calif., to appear on the show. James is an attorney in Minneapolis, Minn., at Westman, Champlin & Kelly.



**Greg Thomas, '81**, has joined the Omaha law firm of Taylor, High & Younes. Thomas has over 30 years of experience practicing law in Nebraska. Most recently, he spent three years as the senior claims counselor at Fidelity National Title Group.

His practice focuses on personal injury claims, but he also handles workers' compensation and employment law litigation.



**Thomas Earl Geu, '83**, has been named dean of the University of South Dakota School of Law. He was appointed interim dean in 2011, after teaching as a professor there since 1989. His areas of teaching have included organizational, transactional and capital formulation courses and business organizational law.

**Harry Moore, '83**, has been appointed chief public defender in Mohave County, Ariz. At one time, he ran the public defender's office for Madison County, Neb.

**Chad Adams, '84**, has been named chairman of the board of trustees of the Graduate School of Banking at Colorado. He is the second member of his family to hold the role of chair. Adams is a 1991 graduate of GSBC and has served as a trustee since 2008. Adams is president of Adams Bank and Trust in Ogallala. He is also president of Western Insurors, financial adviser for Raymond James Financial Services and a director of Banker's Bank of the West.

**Topher Hanson, '85**, the executive director of CenterPointe, has been elected to the board of directors for The National Council for Behavioral Health. He will represent Iowa, Nebraska, Kansas and Missouri on the council.

**Steve Nash, '85**, has been named the executive director of the Tucson, Ariz., Osteopathic Medical Foundation. Nash was executive director of the Pima County Medical Society for nearly 22 years. In his honor, the medical society created an award in his name that will be given regularly to the non-physician who has most contributed to the improvement of health care in Tucson.



**Bill Ojile, '85**, co-authored "Managing the Court of Public Opinion during a Media Crisis" for the July edition of the Association of Corporate Counsel *ACC Docket Magazine*. Ojile is senior vice president and chief legal and administrative officer at Alta Colleges, Inc. headquartered in Denver, Colo.

**Alaina Burtenshaw, '87**, has been reappointed by Nevada Gov. Brian Sandoval as chairwoman of the Public Utilities Commission of Nevada. Burtenshaw has been with the commission since 1992, serving as staff counsel and principal attorney in big rate cases. She was first appointed chairwoman in 2011.

**David L. Welch, '88**, a partner with the Omaha law firm of Pansing Hogan Ernst & Bachman, has been elected to membership in the American Board of Trial Attorneys and the Nebraska chapter of ABOTA.



## 1990s

**Riko Bishop, '92**, has been named by Gov. Dave Heineman a judge on the Nebraska Court of Appeals. She had been in the Lincoln law firm of Perry, Guthery, Hasse & Gessford. Her areas of practice included family law, school law, employment law, workers' compensation and general civil litigation.

**Chip Maxwell, '92**, has been named a trust officer at the TS Bank Solution Center in Council Bluffs, Iowa.

**Burke Smith, '92**, was recently featured in the *Omaha Daily Record*. The article, "I Knew It Was a Special Profession," was included in the "Meet the Omaha Bar Association" section and focused on his career path as an attorney. Smith worked as deputy county attorney in Dawson and Buffalo counties and then at his father's law office as a defense and private practice attorney. He has also been a trust officer for a bank and general counsel for a truck brokerage company in Lincoln. Smith now has a solo practice serving the Omaha and Lincoln areas, which focuses on bankruptcy and consumer law.

**Mark D. Spiers, '92**, has been named chief operations officer and chief compliance officer for Prairie Wealth Advisors, a fee only wealth planning firm located in Lincoln. Spiers leads the day-to-day operations of the firm and works closely with the firm's investment advisor representatives.

**Jeffrey J. Funke, '94**, has been appointed by Gov. Dave Heineman district judge for the Second Judicial District of Nebraska serving Otoe and Cass counties. He has been a county court judge since 2007.

**Rob Hotz, '94**, has been elected to serve as the chairman of the Nebraska Tax Equalization and Review Commission. He was first appointed to the commission in 2007.

**Rick Lear, '94**, has been promoted to colonel after 19 years of active duty in the U.S. Army as a judge advocate. Col. Lear, who holds an LL.M. in International Law from the Judge Advocate General's School, recently returned from a three-year tour of duty in South Korea. He is currently the director, combat developments, at the JAG School in Charlottesville, Va.

**Mark T. Smith, '94**, has been named president of Fort Hamilton Hospital in Hamilton, Ohio. It is Smith's fourth job with Kettering Health Network in almost as many years.

**Matthew Acton, '95**, has been appointed as a Lancaster County Court judge. Acton previously was a deputy Lancaster county attorney and had served as assistant Lincoln city prosecutor.



**Randy Cullers, '96**, was inducted on June 8, 2013, into the Nebraska Scholastic Wrestling Coaches Association Hall of Fame in Grand Island, Neb. In high school, he lost only one match in his final two years at Ord High School and won the Class B Championship in 1988 and 1989. Cullers practiced law in Ord for 14 years and

served as assistant wrestling coach at Ord High School for ten of those years. He currently helps with the junior wrestling program in Chadron.

**Michael P. Manly, '96**, has taken a position as senior regional counsel with the Dallas, Texas, district office of the Financial Industry Regulatory Authority (FINRA).

**Lori Reilly, '96**, has been promoted to executive vice president of policy and research for the Pharmaceutical Research and Manufacturers of America located in Washington, D.C. Reilly oversees PhRMA's policy development and research activities in a broad range of issues, public policies and regulations that affect the biopharmaceutical research sector. She has worked at PhRMA for 13 years, serving as vice president of policy and research for the last eight years.

**Bryan P. Galloway, '98**, a public defender in Cache Valley, Utah, was featured in an article in *The [Logan, Utah] Herald Journal*.



**David Partsch, '99**, has been named Nebraska City city attorney. Partsch also serves as Otoe County

attorney, an elected position he has held since 2007.

## 2000s

**Daniel J. Epstein, '00**, has been selected as a firm shareholder at Lieben, Whitted, Houghton, Slowack & Cavanaugh in Omaha. He practices in the firm's business and commercial litigation group and focuses primarily on the representation of contractors, subcontractors, design professionals, owners and developers in litigation and alternative dispute resolution matters.

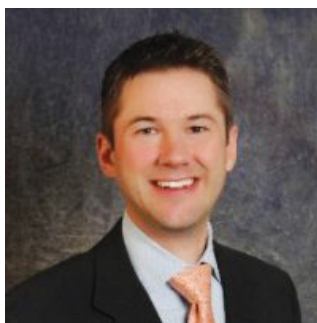


**James Hamilton, '00**, and his wife Amy, have another addition to their family. Max was born on March 24, 2013, which is exactly one year after his brother Charlie was born.

**Natalee J. Hart, '00**, and her husband, Bryan

Hart, welcomed a daughter, Madelyne Jean Hart, on April 1, 2013. She weighed 6 pounds and 8 ounces and measured 18 ½ inches long.

**Matt Ashmore, '03**, has taken ownership of Eagle Group of Lincoln, a company that provides printing, graphic design, marketing and survey reporting services to its customers.



**Timothy Langan, '03**, has been named as chief operating officer for Investors Realty in Omaha, where he manages client relations and supervises the property management portfolio's compliance and operational oversight.

**Andee Cummins Penn, '03**, and her husband David, welcomed a son, Ambrose Thatcher, on July 4, 2013. He weighed 8 pounds and 11 ounces and measured 22 inches long.



**Jerrod Jaeger, '04**, has been named Dawes County public defender. Jaeger has had his own private practice in Lincoln. Jaeger and his wife, Rossana, welcomed their first child, a son, in September.

**Kimberly J. Lanham, '04**, and her husband,

Anthony Lanham, welcomed a son, Axel Paul Lanham, on May 29, 2013. He weighed 9 pounds and 7 ounces. He joins siblings Anthony, Avery and Aiden.



**Sara Hertz Wu, '04**, and her husband, Greg Wu, welcomed daughter Beatrix Tsai Mei Wu on May 26, 2013. She weighed 6 pounds, 1 ounce and measured 18.75 inches.



**Jared W. Hill, '05**, has joined the National Grain and Feed Association in Washington, D.C., as its director of legislative affairs. He previously served as agriculture and trade counsel for Sen. Chuck Grassley, R-Iowa.



**Adam D. Pavelka, '05**, has joined Agri Affiliates to establish a branch office in Hastings. Pavelka has experience as an

attorney in south-central Nebraska as well as an agricultural producer. He provides real estate services of property management, real estate sales and ranch appraisals.

**Betsy Seeba, '05**, and Godfrey Walters were married on August 31, 2013, at the Lied Lodge & Conference Center in Nebraska City, Neb. Seeba is an attorney for All State Insurance Company in Fort Lauderdale, Fla.

**Stacey Conroy, '05**, has been named assistant staff attorney to the Nebraska Supreme Court where she works on a variety of projects for the court and probation.



**Daniel E. Dawes, '06**, and his wife, Nedeeka, welcomed a son, Edward

Nuri Dawes, on July 12, 2013. He weighed 6 pounds, 9 ounces and measured 19.5 inches.

**Nikki Flatowicz, '06**, has been named director of youth engagement at Temple Israel in Omaha. Flatowicz has a private practice in Omaha specializing in contract, employment, immigration, and corporate matters.



**Matthew A. Jenkins, '06**, has been named an associate with the Lincoln law firm of DeMars, Gordon, Olson, Zalewski & Wynner. He practices in the areas of debtor-side bankruptcy, family law, employment law, business law and general civil litigation.

**Justin Poots, '06**, married Stephanie de Souza on March 3, 2012. The couple lives in Minneapolis.

**Alan Schuller, '06**, has been assigned as the staff judge advocate for the 24th Marine Expeditionary Unit. He has been deployed to the United States-Africa Command Area of Responsibility and serves as the legal advisor for the new Special Purpose Crisis Response Force. Schuller works to ensure that employment at the Department of Defense comports with domestic and international law. In June 2013, he received the Chetwood Prize upon his graduation from the L.L.M. National Security Law Program at Georgetown University Law Center, for achieving the highest grade point average in the program field.

**Angel Velitchkov, '06**, returned to his native home of Kostenetz, Bulgaria, to work as deputy foreign minister for the Western Hemisphere, where he works to improve trade and other relations between the U.S. and Bulgaria. Velitchkov formerly served in Washington, D.C., as Congressman Jeff Fortenberry's interim chief of staff and briefly for Senator Mike Johanns, R-Neb.



**Joseph Bradley, '07**, has joined Baird Holm in Omaha in the firm's labor, employment and employee benefits practice section. He practices general labor and employment law with a focus on workers' compensation defense.

**Lindsey Buchheit, '07**, has announced the opening of her law firm, Buchheit Law, PLC, in Sergeant Bluff, Iowa. Her areas of practice include estate planning and probate, family law, debtor/creditor law and general business. Buchheit currently serves as vice president of the Siouxland Estate Planning Council and as the Third Judicial District representative for the Iowa Organization of Women Attorneys.



**Joneice S. Burnett, '07**, a deputy county attorney for the Maricopa County Attorney's Office, won the National Crime Victims' Rights Week Attorney of the Year award for the Juvenile Division of Maricopa County. The award honors attorneys and victim advocates who provide outstanding service on behalf of victims of crime. This is the third consecutive time she has won this award.

**Todd "Jake" Hinkins, '07**, and his wife, Lindsey Hinkins, welcomed a daughter, Evalyn Hinkins, in May 2013.



**Amber Nicole Shavers, '07**, has authored *The Little Book of Music Law* published by the American Bar Association. She is a

member of the New York Bar Association and is a performer and a member of the Screen Actors Guild.

**Erica Bernard, '08**, married Lucas Weedin on September 20, 2013, at the First Plymouth Church in Lincoln. Bernard is employed as a TRiO advisor with Southeast Community College-Beatrice. TRiO programs are Federal outreach and student services programs designed to identify and provide services for individuals from disadvantaged backgrounds.

**April Greene Apking, LL.M. '09**, published "A Step in the Right Direction: Colorado's First Space Legislation," 91 *Denver University Law Review Online* 199.

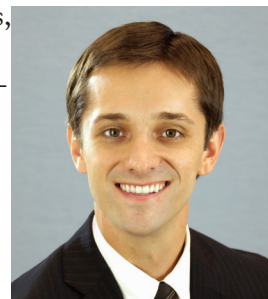


**Ryan Cooper, '09**, founder of GolfStatus in Lincoln, is adding a rewards network to his mobile software company. The application allows golfers to connect with other golfers by posting scores and discovering new courses. The company has added the new network to help golf courses and businesses market to customers through achievement and loyalty-based rewards.

**Adam R. Fulton, '09**, has joined the Las Vegas, Nev., office of Brownstein Hyatt Farber Schreck as an associate in the firm's litigation group. His practice focuses on complex litigation with special emphasis on construction-related disputes, breach of contract and landlord-tenant disputes.

**Troy Hawk, '09**, has been appointed clerk of the district court by the Lancaster County Board of Commissioners. Hawk, who has been a court administrator for the district court, replaces former College of Law assistant dean Sue Kirkland, who retired.

**Timothy Johnson, '09**, has joined Ogletree, Deakins, Smoak, & Stewart in San Diego, Calif., as an associate. He represents employers in a variety of civil matters before state and federal courts, including claims for harassment, discrimination, retaliation, wrongful termination, wage and hour violations, unfair business practices, trade secret misappropriation and class action disputes.



**Patricia L. Vannoy, '09**, has been named partner with Mattson Ricketts Law Firm in Lincoln. She has been with the firm since 2009 and practices in the areas of investor rights, water law and general civil litigation.



## 2010s

**Kurt Arganbright, '10**, and his wife Danielle welcomed Kase Dam Arganbright on May 21, 2013.

**Caitlin Bals, '10**, and Talor Wain were married September 28, 2012, at St. Joseph Catholic Church in Lincoln. Bals is a law clerk for the Nebraska Court of Appeals.

**Joshua E. Dethlefsen, '11**, has been named an associate with Mattson Ricketts Law Firm in Lincoln. His primary areas of practice include agricultural law, natural resources law and general civil litigation.

**Joseph Lang, '11**, and his wife Rachel welcomed their son, Gabriel Joseph Lang, on July 11, 2013.

**Robert Truhe, '11**, married **Christine Baughman, '12**, on August 4, 2013, at Saint Paul United Methodist Church in Lincoln.

**Erik M. Mudrinich, LL.M. '11**, published "Cyber 3.0: The Department of Defense Strategy for Operating in Cyberspace and the Attribution Problem," 68 *Air Force Law Review* 167.

**Katy A. Anderson, '12**, has joined the Scottsbluff law firm of Chaloupka Holyoke Snyder Chaloupka Longoria & Kishiyama as an associate.

**Christine E. Baughman, '12**, married **Robert Truhe, '11**, on August 4, 2013, at Saint Paul United Methodist Church in Lincoln.

**Joshua P. Berns, '12**, has joined the Hastings office of the accounting firm McDermott & Miller in the firm's Tax & Estate Planning Group.

**Nicholas Buda, '12**, has been named associate attorney at Jacobsen, Orr, Lindstrom & Holbrook in Kearney. His areas of practice include civil litigation, administrative law, landlord-tenant, water law and natural resources law.

**Richard Lurk, '12**, has joined the Kearney office of the accounting firm McDermott & Miller as a staff accountant.

**Elsbeth J. Magilton, '12**, executive director of the Space, Cyber and Telecommunications Law Program and the U.S. Law for International Attorneys LL.M. Program for the College of Law, has been selected one of Lincoln's 20 Under 40 by the *Lincoln Journal Star*.



**Ben Murray, '12**, and his wife Rachel welcomed a son on May 16, 2013, named Henry George Murray.

**Katharine Gatewood, '13**, has accepted a position with the Dawson County Attorney's Office in Lexington.



**Justin Hochstein, '13**, has accepted a position with Ameritas in Lincoln.

**April Marty, '13**, has accepted a position with Ameritas in Lincoln.

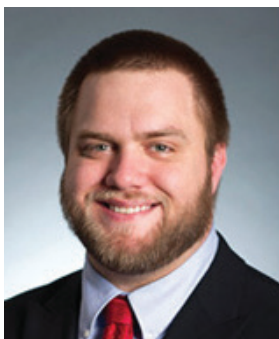




**Jessica Murphy, '13**, has accepted a position with the Lancaster County Attorney Office in Lincoln.

**Nicholas Norton, '13**, has been named an associate attorney at Jacobsen, Orr, Lindstrom & Holbrook in Kearney. His areas of practice include civil litigation, criminal law, employment, energy,

general business, insurance defense, natural resources law, regulatory agency practice and telecommunications.



**Matthew D. Pederson, '13**, practices law with his father David, '80, and sister Laura Troshynski, '09, at Pederson Law Office in North Platte. Pederson has been named to the board of trustees of the Mid-Plains United Way.



**Allyson Peetz, '13**, was accepted into the American Bar Association Young Lawyers Division (ABA/YLD) Mentor Program. She has been assigned a mentor and participates on an ABA/YLD board and writes articles for the newsletters *The Young Lawyer* and *The Affiliate*, as well as articles for *The 101 Practice Series*. She also drafts resolutions for consideration by the division.

**Braden C. Sheppard, '13**, has joined the Lincoln law firm of Wolfe, Snowden, Hurd, Luers & Ahl as an associate. He specializes in general litigation, business and estate planning, healthcare reform and agricultural and natural resource law.

**Candi (Suttie) Wooster, '13**, and her husband welcomed the birth of Julianna on August 26, 2013.



## Stay Connected!

Be sure to let the Alumni Relations Office know of your accomplishments, life changes and new opportunities. Alum Notes may be submitted by visiting the website ([http://law.unl.edu/alumni/transcript\\_note.shtml](http://law.unl.edu/alumni/transcript_note.shtml)) or emailing [molly.brummond@unl.edu](mailto:molly.brummond@unl.edu).



# *In Memoriam*

## **1930s**

**Imogene Morrison, '35**, passed away on July 29, 2013. She was 101 years old. She worked in government contract law and spent nine years teaching in Evansville, Ind., and Mt. Vernon, Ind. During World War II, she volunteered for the American Red Cross. Morrison and her husband moved to Evansville in 1958.

## **1940s**

**John Harlan Binning, '49**, passed away July 29, 2013, in Lincoln at the age of 89. He served in the United States Marine Corps during World War II and the Korean War. He served as Lincoln city prosecutor and Nebraska director of insurance and was CEO of Great West Casualty. He practiced law at Crosby, Pansing, Guenzel & Binning and served as of counsel at Rembolt Ludtke.

**Daniel D. Jewell, '49**, died May 24, 2013, at the age of 90. He was a longtime attorney in Norfolk where his practice included wills and estates, general trial practice, business litigation and workers' compensation. He served as president of the Nebraska State Bar Association in 1977-1978 and was involved in writing and administering the Nebraska Bar Examination. He was also a member of the International Association of Insurance Counsel, the Federation of Insurance Counsel and the International Society of Barristers, and he was elected as a fellow of the American College of Trial Lawyers. He was listed in the Personal Litigation section of the book, "The Best Lawyers in America" from 1987, when it was first published, until 1994. Prior to law school, he served in the Navy and took part in the invasion of Normandy on D-Day.

**Hyman Polsky, '40**, passed away on July 22, 2013, in Lincoln. He was 96 years old. He served in World War II as a soldier in the Philippines and later became a Judge Advocate General Corps attorney. He then returned to Lincoln to enter private practice. He retired from the practice of law when was 91.

## **1950s**

**Conrad C. Erickson, '50**, died December 23, 2012, in Green Valley, Ariz. He was 93 years old. Before practicing law, he served in World War II and earned the rank of captain before an honorable discharge from the Army Air Corps in 1946. He practiced law in Burwell from 1951 to 2010 and served as Burwell city attorney from 1956 to 1973. He moved to Arizona upon his retirement.

**Daniel D. Koukol, '52**, died on August 29, 2013, at the age of 86. He served in the Atlantic and Pacific during World War II as a radarman with the U.S. Navy. He practiced law primarily in South Omaha and Omaha specializing in probate and real estate. He formed the firm of McCulloch, Leigh & Koukol and later merged with the firm that became Erickson & Sederstrom with whom he practiced until his retirement in 2004.

**Donald R. Sampson, '58**, died May 27, 2013, in Central City after a lengthy battle with lung cancer. He was 80 years old. He served as a lieutenant in the U.S. Army Military Police Corps from 1954 to 1956. He began his practice of law with his father in the firm originally founded by his grandfather in Central City. He later started his own firm with three others, which became Sampson, Curry & Twiss. He retired in 1997. He was a member of the Central City Board of Education. He considered his greatest accomplishment his election as a fellow in the American College of Trust and Estate Counsel.

## 1960s

**Arthur C. Toogood, '66**, passed away on May 24, 2013, at the age of 78. He practiced law in Hastings and served as Adams County attorney and Adams County public defender.

## 1970s

**Mucho Berri Balka, '70**, died on May 19, 2013, at his home in Lincoln. He was 70 years old. Balka was active in politics, serving as state of Nebraska insurance director from 1976-1978 in the Exon Administration, as tax commissioner from 1991-1999 for Gov. E Benjamin Nelson and was serving as legislative aide to State Senator Galen Hadley when he passed away. He served in the U.S. Army and was awarded the National Defense Service Medal, Parachute Badge, Vietnam Campaign Medal, Vietnam Service Medal, Bronze Star Medal, Meritorious Unit Citation and Aircraft Crewman Badge.

**Kenneth C. Fritzler II, '70**, died July 9, 2013, in Lincoln at the age of 68. He was affiliated with the Baylor, Evnen, Baylor & Urbom law firm in Lincoln, then moved to Kearney where he practiced at Tye, Worlock, Tye & Jacobsen. In 1974, he joined the firm of Ross, Schroeder & Fritzler where he practiced until 1989. From 1989 until his retirement, he practiced on his own in Kearney and Broken Bow.

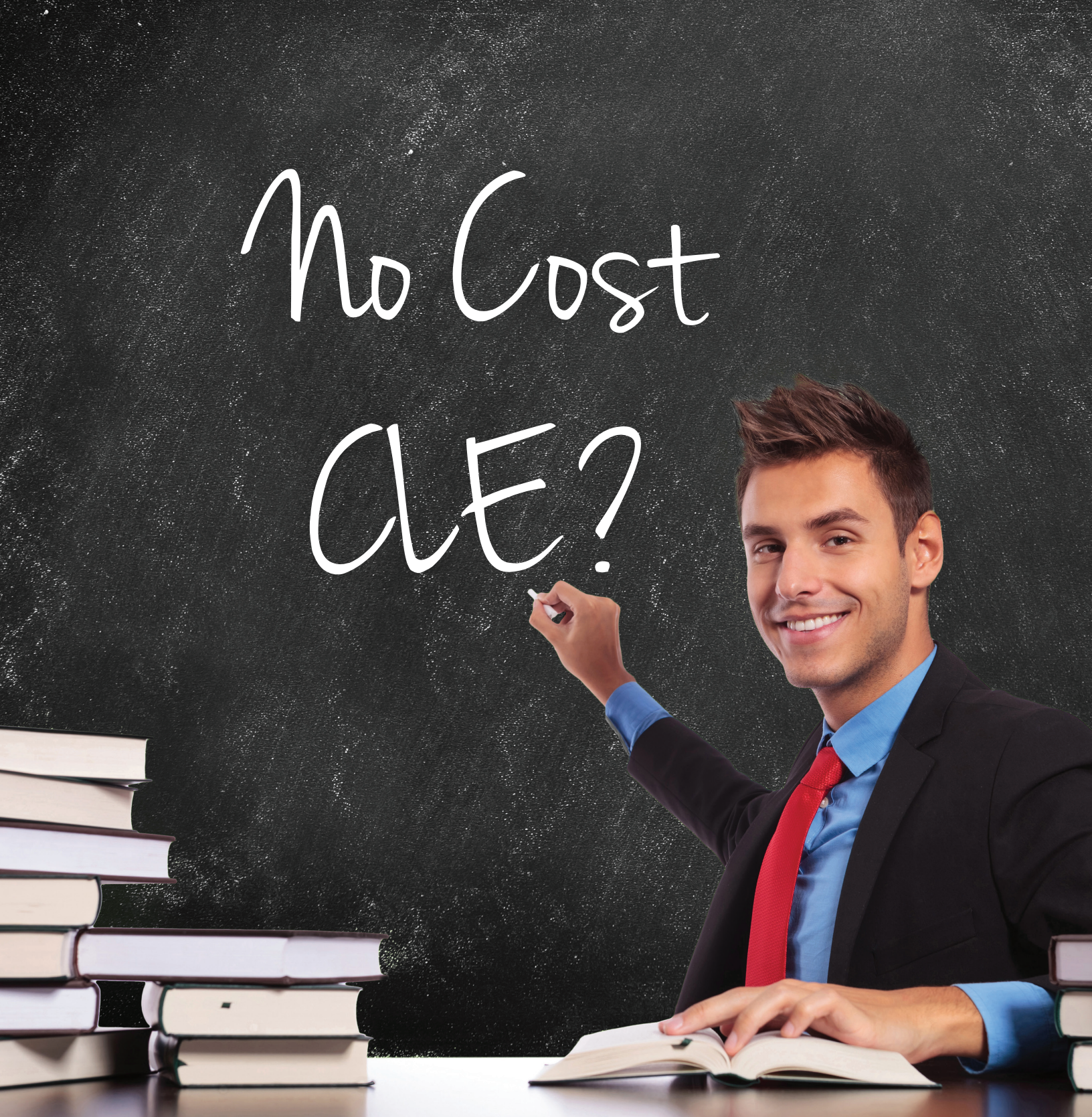
**Brian Silverman, '72**, passed away on August 17, 2013, in Loveland, Colo., of a heart attack. He was 66 years old. Silverman served as a Nebraska 12th District judge for 18 years beginning in 1992. He began his career in private practice in Mitchell, Neb., then worked for Panhandle Legal Services and the Nebraska Department of Social Services prior to being elected Scotts Bluff County attorney. He played a leading role in the founding of the Western Nebraska Intelligence and Narcotics Group (WING), which united anti-drug efforts of law enforcement agencies throughout the Panhandle. Silverman taught Criminal Law, Criminal Procedure and Constitutional Law at the Chadron State College Criminal Justice program. Silverman was president of the Scotts Bluff County Bar Association and was one of the attorneys responsible for forming the Nebraska Child Support Enforcement Association. He was nominated by the governor's office to the American College of Prosecuting Attorneys. As a district judge, he was chosen to receive the Judge of the Year Award by the Nebraska Child Support Enforcement Association. He retired from the bench in 2010.

**John J. Goc, '75**, passed away on August 7, 2013, at the age of 68. He served in the U.S. Air Force from 1964 through 1969, including a tour in Vietnam. He was a lobbyist for Nebraska businesses including MUDD, the City of Lincoln, the League of Municipalities and rural school districts. He also worked with the Nebraska Unicameral from 1974 through 1983 and served as an administrative law judge for 10 years.

## 1990s

**Jay Garrouete, '91**, died on July 5, 2013, in Des Moines, Iowa, at the age of 53. He served in the U.S. Army from 1979 to 1982 as a military police officer in Germany. Following his honorable discharge, he was deputy sheriff of the Hall County Sheriff Department. After his graduation from the Law College, he practiced with the Truell Law Firm in Grand Island before moving to Des Moines where he was employed as an investigator for the Public Defender's Office. At the time of his death, he was practicing on his own in Des Moines.



A man in a dark suit, light blue shirt, and red tie is smiling and writing on a chalkboard. He is holding a piece of chalk in his right hand, which is raised towards the text on the board. His left hand rests on an open book on a desk. To the left of the man is a tall stack of several books. The background is a dark, textured chalkboard.

# No Cost CLE?

Nebraska Law offers its alumni multiple no cost CLE opportunities each academic year. Programming and registration details can be found at <http://law.unl.edu/alumni/CLE>.



# Report on Giving

The Report on Giving recognizes all donors who made gifts to the College of Law during the 2012-2013 fiscal year that spans between July 1, 2012 and June 30, 2013. Any gift recorded before July 1, 2012, was part of the previous year's totals; any gifts recorded after June 30, 2013, will be recognized in next year's report. We are pleased to report that during the 2012-2013 fiscal year, the College of Law received \$195,941.21 in gifts to the annual fund.

Considerable care has gone into the preparation of this report. Each donor is very important and every effort has been made to ensure the accuracy of the Report on Giving. Please bring any errors to the attention of Becki Collins at 1-800-432-3216 or [bcollins@nufoundation.org](mailto:bcollins@nufoundation.org).

For this publication, the University of Nebraska Foundation has honored individual requests from donors for how they wish their names to appear on external reports. Please let us know if you would like for your name to appear other than it does in this report.



Katherine Fitzgerald, '13

## Class of 2013 Reaches Participation Goal

At the beginning of the 2012-2013 academic year, Kate Fitzgerald, class president for the Class of 2013, was charged with what some may have considered a daunting task: obtain gifts from each of her classmates to use toward a class gift and achieve a 100% participation rate. Fitzgerald diligently worked on the project throughout the entire academic year. As a result of this diligence, the Class of 2013 had 100% participation in the class gift.

"This is a tremendous gift," said Dean Susan Poser. "To have an entire class support the College in this way is an honor. It is my hope that this inspires others to make a gift to the Law College to support students and the work that is being done here."



## Dean's Club

*Dean's Club members are those individuals who contributed \$2,500 or more during the 2012-2013 fiscal year. Those listed in red made gifts greater than \$5,000.*

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## Baylor Evnen Firm Honors Former Partners with Cather Circle Gift



The Lincoln-based law firm Baylor, Evnen, Curtiss, Gritmit & Witt, LLP, partnered with the Nebraska Alumni Association to create the Cather Circle Speaker Series presented by Baylor Evnen. The partnership will support programing for the alumni association's mentoring, networking and professional development program for female students and alumnae, with an emphasis on participation from alumnae and students of Nebraska Law.

Baylor Evnen created and funded the program in honor of Robert Gritmit, '63, Donald Witt, '65, Douglas Deitchler, '70, and Walter Zink, '74, former partners of the firm, in recognition of a generation of gender-neutral mentoring and attorney development. Gritmit, Witt, Deitchler and Zink were honored at an event in September kicking off the three-year program.





# Veach Gift Renovates Classroom

Robert R. Veach, Jr. and Barbara Veach Weitz have made a generous contribution through the Bob and Evelyn Veach Foundation to update and renovate a seminar room named in their father's name nearly 20 years ago. Their father, Robert R. Veach, Sr., received his Juris Doctor in 1949 from the College of Law. He established a scholarship in 1991 for Nebraska Law students and generously contributed to the fund until his death in 2001. Because of his children's generosity, the Robert R. Veach Seminar Room is now equipped with technology and a seminar table that accommodates up to 20 students.





# Calendar of Events

## November 2013

November 1

Lane Lecture & CLE by Professor Stephen L. Carter,  
Yale Law School

November 13-15

Alumni Masters Week

November 20

Retirement Party for Associate Dean Glenda Pierce,  
5:00 p.m. at the Country Club of Lincoln

## December 2013

December 5

Lincoln Alumni Holiday Party, 5 – 7 p.m.,  
VanBrunt Visitors Center

December 20

Commencement, College of Law

## January 2014

January 13

Spring Semester Classes Begin

## March 2014

March 24-28

Spring Break Shadow Program

## April 2014

April 11

Alumni Council Awards Luncheon, Lied Center for  
Performing Arts

## May 2014

May 10

Baccalaureate Brunch  
Family Traditions Ceremony  
Commencement



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Fall 2013, Vol. 46 No. 2

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Susan Poser

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The University of Nebraska College of Law publishes the TRANSCRIPT semi-annually: in April and November. We welcome readers' comments. Contact us by phone at 402-472-8375 or by email at [molly.brummond@unl.edu](mailto:molly.brummond@unl.edu).

# **Legislation Extends IRA Tax-free Charitable Gifts through 2013**

**Take advantage of this opportunity  
to support the Nebraska Law Scholarship Fund!**

# Nebraska Law

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The long awaited legislation addressing tax reform and the “fiscal cliff” was passed by Congress and signed into law by President Obama on January 3, 2013. The law, known as the American Taxpayer Relief Act, includes key provisions that once again enable individuals to make tax-free charitable gifts from Individual Retirement Accounts (IRAs). Please consider this limited-time opportunity as a means to provide critical support to the College of Law. Charitable gifts can be intended for a specific purpose, such as scholarships, which are currently of the greatest need, or for unrestricted use as the Dean best sees fit. Your support will provide further momentum to the College of Law’s upward trajectory in this challenging environment and help ensure the College’s tradition of excellence.

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Alumni Council Awards Luncheon  
Friday, April 11, 2014  
11:00 a.m. – 1:00 p.m.  
Lied Center for Performing Arts

Accepting nominations for  
Distinguished Alumni Award & Outstanding Service Award.  
[http:// http://law.unl.edu/alumni/alumni\\_council.shtml](http://law.unl.edu/alumni/alumni_council.shtml)