

LAWYER

The Alumni Magazine of the Texas Tech University

School of Law

Spring 2005

Law School
Legacies
FIRST GENERATION
IN THE MAKING

Major
Michael
Holley
OFFICES FROM
SADDAM HUSSEIN'S
PALACE

A man with short brown hair and glasses, wearing a dark blue suit jacket, a light blue shirt, and a dark tie, is sitting on a dark blue leather bench. He is looking directly at the camera with a slight smile. The background is a wood-paneled wall.

Mark
Lanier

SIX MILLION
DOLLAR MAN



“ In order to be the best in my field. I believe I need to surround myself with people who are the best in their field.

I want to say 'thanks' to the Lawyers and Staff at my office. You all are the best. ”

- Kevin Glasheen

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1302 TEXAS

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MARK LANIER

The groundbreaking ceremony for the Mark and Becky Lanier Professional Development Center at Texas Tech School of Law was held on October 26. Lanier donated six million dollars towards the new building.

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Welcome to the third issue of the *Texas Tech Lawyer*. I am pleased to report that we have sustained the momentum we achieved over the past several years, resulting in continued success for our students, faculty, and alumni. Importantly, we could not have accomplished this without the support—both moral and financial—of alumni and friends like you.

The cover of this edition of the *Texas Tech Lawyer*, features 1984 Tech Law graduate Mark Lanier. Mark and his wife Becky boosted our momentum significantly this year with their gift of six million dollars—the largest gift to Tech Law in its history (and the second largest in Texas Tech University history).

Using the Laniers' exceptionally generous gift and matching funds from the University, Tech Law will construct the Mark and Becky Lanier Professional Development Center as a major addition to our current Law School facility. On October 26, 2004, we gathered at the law school, gave Mark and Becky a hearty handshake and a hug, respectively, and symbolically broke ground on the Center. We have now secured the services of outstanding architectural and design professionals, are currently in the programming phase of the project, and hope to begin construction within the year. When completed, the project will include a high-technology courtroom, a state-of-the-art facility unmatched in the southwestern United States; an auditorium capable of seating an entire law school class (no more forced marches to the business school); and much needed seminar rooms for our expanding elective curriculum and offices for our growing faculty, staff, and student organizations.

Mark Lanier was a member of one of our National Champion Moot Court teams while at Tech Law, and he has elected to name the new courtroom for our legendary moot court coach, Don Hunt. I think that is a great touch, and it says a lot about Mark and about Tech Law. Mark and Becky have also asked to name the auditorium for Mark's parents, Bill and Carolyn Lanier, and they have reserved naming rights to one seminar room for a person to be named later. I note here that beyond those rooms and areas named by Mark and Becky, this unprecedented project will afford ample naming opportunities for alumni and friends wishing to create a permanent place of honor at Tech Law. I will have more to say about this in the future, but if you want to be first in line, feel free to call.

“The Lanier gift is truly historic, but other great Tech Law alumni and friends have also helped us continue our ‘onward and upward’ momentum.”

The Lanier gift is truly historic, but other great Tech Law alumni and friends have also helped us continue our “onward and upward” momentum. As noted in my last Alumni letter, thanks to the tremendous and continuing support of Wayne Reaud ('74), Tech Law has established the West Texas Legal Legends Scholarships, memorializing great lawyers in West Texas. Initially endowed at \$500,000, we envision the scholarships to grow as more West Texas Legal Legends are added to the list. We intend to formally announce these significant scholarships—and thank Wayne—at a Law School event later this year.

I also earlier mentioned that the wonderful support of many alumni and friends (and matching University funds), enabled us to endow the \$517,000 Preston Smith Regents Professorship. This prestigious Professorship, named for the Governor who championed and signed the legislation establishing Tech Law, will enable us to hire an outstanding faculty member renowned in his or her field. Ms. Jan Smith Taylor, daughter of the late Governor, joined us for the official announcement of this Professorship. It was a heart-warming event that brought pride to us all.

As another part of our continuing effort to increase the national visibility of Tech Law, we have recently gained University approval for two new centers of excellence. First, based upon the recommendation of the American Bar Association's accreditation team, we established the Texas Tech School of Law Center for Military Law & Policy, to draw upon the unique talents and backgrounds of our faculty and staff, many of whom have served as judge advocates in various armed services. Associate Dean Rick Rosen, formerly Dean of the Army Judge Advocate General's School, is the Center Director. We will use the Center to contribute to the understanding, development, teaching, and study of military law. Such a Center is unprecedented outside the armed forces, and we believe it will contribute significantly as a neutral academic center to the national debate in this highly visible area. The initial funding of the Center will depend on support from interested alumni and friends, and I hope you will respond to our recent mailing announcing the center and requesting your support.

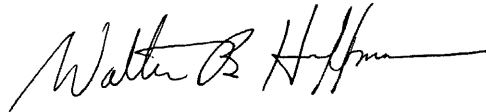
Second, the Law School is currently in the process of establishing a Center for Water Law & Policy, led by our own Professor Gabriel Eckstein, one of the world's most renowned water law experts. This center addresses the most critical issue facing our region, our nation, and our world today, and I believe we are uniquely positioned at Tech Law to be a significant part of a multidisciplinary water issues effort. Again, the University loves the concept, and is seeking legislative funding for this new initiative, but in the current fiscal environment we may need to rely upon the support of interested alumni and friends to get this important center going.

As always, our students continue to make us proud. Just as I was completing this message to you, I learned that two of our second-year students, Mandy Gundlach and Joy Gibbs, placed second in the American Bar Association's National Negotiation Competition in Salt Lake City, Utah. The team was coached by Associate Deans Nancy Soonpaa and Brian Shannon. This matches the achievements of our Mock Trial Team of Brandon Benoit, Lanisa Agnew, Forrest Beadle, Melissa Morgan, Lisa Minjarez, and Michael Whyte, coached by Adjunct Professors Murray Hensley and Dick Baker, which finished second in the William Daniel national championship matches. In addition, a Tech Law mock trial team of Brandon Benoit and Melissa Morgan, also coached by Hensley and Baker, recently won the Texas Young Lawyer's Association Mock Trial Regional Championship in Dallas and will advance to the national competition. Our Negotiation and Mock Trial teams continue Tech Law's proud tradition of outstanding performance in national and international competitions.

Speaking of proud, I must add a word in closing about our first and now former College Development Officer, Dr. Russ Gibbs. In September 2004, because of his outstanding work at Tech Law, the University promoted Russ to Associate Vice Chancellor of Institutional Advancement. Russ did an absolutely superb job for Tech Law and we will miss him;

however, with his help we have obtained the services of a new College Development Officer who we believe will be equally capable, Mr. Sid Walker. Sid has considerable development experience, including at Texas Tech, and I am delighted that he has joined our Tech Law team.

All in all, it has been an eventful and momentous six months. We have captured some of the more significant events in this issue of the alumni magazine. The Chancellor of the Texas Tech University System recently described the Law School as being on a "roll." With your continued support, I am certain that we can continue "rolling" in the right direction.



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

What Makes Texas Tech Law School so Great?



Good things continue at the Texas Tech Law School under the leadership of Dean Walt Huffman. Dr. Russ Gibbs served as director of development for the Law School but after an extremely successful year, he has been hired away. That is not all bad, however, because he took advantage of an opportunity within the Texas Tech System. So we still have Russ as an advocate on campus. His departure was my good fortune and I am glad to be part of Dean Huffman's staff.

The Law School is one of the shining stars of the Texas Tech University System. However, it is not because of the building, which is nice and soon to be even nicer with the addition of the Lanier Center. It is not because of LSAT scores or the passing rate of the state bar exam. It is not because of national championships in mock trial, moot court or any other competitions. It is not because of funding or scholarships.

What makes the Texas Tech School of Law great is the people. The students are quality individuals and most of them are excited to be here. The faculty and staff have a sincere passion for their profession. The administration portrays a true sense of purpose about taking us to greater heights. And the alumni, at least those I have met in the first months, possess a great deal of pride and dedication to this institution. Your Law School is comprised of people of character.

Thank you for returning phone calls, for answering e-mails, for sharing a cup of coffee, and for visiting over lunch. We appreciate your feedback and your help in making the Tech Law School better through your donations. And I look forward to meeting more of you in 2005.

Your financial support is an investment and is making a difference.

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My Days at Texas Tech Law School



It is easy to get excited about Tech Law when you talk to our Dean, Walter Huffman. The man knows what the law school is, and he has a vision for what this law school can be. In my role as Editor, I have talked to him about many things and he always seems to be focused on his goal, “What would be best for the school?”

As a student, I have been blessed to learn from some of the professors who have come to Tech Law, no doubt, because Dean Huffman asked them.

As a third year student, I’ve received the emails addressed to all third year students cautioning against taking the bar in February because a low passing rate reflects poorly on the school—I still signed up to take the bar in February).

As a graduating student, I am expecting Dean Huffman’s talk about giving back to the school, because alumni contributions are a factor in our national rankings.

Dean Huffman was just coming on board when I started out here. I remember at the new student’s orientation, Dean Huffman gave a brief speech (the only kind he gives) about how we were all in this together. His enthusiasm was infectious.

Through the controversies, big and small, through the celebrations, big and small, through it all, Huffman seems to keep it in perspective and, most importantly, is a straight shooter. Of course, you would expect the Army’s top lawyer to tell it like it is, but Huffman seems to do it unflinchingly.

When you realize that Huffman’s recent excitement has arisen, in part, because of a six million dollar donation, it is easy to see that his focus is paying off. Literally.

As the Editor in Chief, I was at the law school foundation board meeting when Huffman announced the enormous gift. The gasps were audible. And yet, Huffman still had a vision for

more—a vision of sponsored classrooms, and plaques decorating the new addition. He compared it to the Merket Alumni Center and the Frazier Alumni Pavilion on the main campus. He said that if you look, every room, every hallway, every doorway is decorated with a small plaque commemorating a generous gift to the main campus. The pavilion has walkways of bricks with names of donors. “Even the bathrooms are sponsored by someone,” Huffman told the foundation members. And this sponsorship, this way of commemorating donations to the law school, this is Huffman’s vision for the Mark and Becky Lanier Professional Development Center.

As I pass from these hallowed halls, it has been a long journey. There were many, many times when I did not think I would make it to seem my name etched out on a sheepskin under the words “Doctor of Jurisprudence.” But, as I write this, it seems like it is in my grasp, and I am overwhelmed with good memories from my three years in the nurturing environment of Tech Law. And so I say, “Yes, Dean Huffman. Before you even ask, I’ll give back to this law school. Despite all of our differences (i.e. my first year), I am proud to call Tech my alma mater, and I will remember her with my checkbook.”

In fact, if it is possible, I’d like to reserve a room to sponsor. I do not think I will ever be able to get close to six million dollars, or the even larger donations that I know are on their way to the school. However, I’d like to sponsor the men’s restroom on the first floor of the library. Christen it the “Brian Rogers Bathroom.” And inside, a plaque with the words I would like to leave for posterity. “If you’re reading this now, you’re probably going to graduate. I did.”

Brian Rogers
Editor in Chief



LANIER BREAKS GROUND AT TECH LAW

The Six-Million Dollar Man Comes Home to Build a Legacy

by Brian Rogers



Chancellor David Smith, Becky Lanier, Mark Lanier, President Jon Whitmore, and Dean Walter Huffman.

When W. Mark Lanier and his wife Becky visited their hometown of Lubbock on the weekend of Sept. 17, they had a busy schedule to keep. Lanier was to speak at the Phi Alpha Delta Gala Friday night and then get up early to host a continuing education seminar on Saturday morning.

They also had to make an announcement—a six-million dollar announcement.

When W. Mark Lanier and his wife Becky visited their hometown of Lubbock on the weekend of Sept. 17, they had a busy schedule to keep. Lanier was to speak at the Phi Alpha Delta Gala Friday night and then get up early to host a continuing education seminar on Saturday morning. They also had to make an announcement.

A six-million dollar announcement.

Six million dollars, which is the cornerstone of the Mark and Becky Lanier Professional Development Center, a 12 million dollar addition to Tech Law, and an integral part of the grand vision of Dean Walter Huffman.

And, before the weekend was over, the news of the six-million dollar gift rang out among the students, administrators, lawyers, and the rest of West Texas via the evening news.

Speaking at the gala, Lanier was the picture of a country lawyer, an image coveted by attorneys in Lanier's line of work. Modest, quick to laugh, quick to credit his wife with his accomplishments, Lanier's buoyant spirit came through in everything he said and did.

"We're fortunate to be here," Lanier told the crowd at the gala. "We're glad to give back." Lanier, who graduated Tech Law in 1984, now serves on the law school foundation board. He spent the evening regaling the students and attorneys with stories of "New York Lawyers" and a few "Rambo" lawyers who taught Lanier the tricks of the trade.

In the end, though, he credited Tech Law and professors like Board of Barrister's coach Don Hunt for the success he has had. "I would not trade the education I got at Texas Tech for anything," he said.

This was high praise indeed from the



Mark Lanier and wife, Becky, at the ground breaking ceremony with faculty and dignitaries at the site of the new Mark and Becky Lanier Professional Development Center on the Texas Tech University campus in October of 2004.

I would not trade the education I got at Texas Tech for anything

man forecasted by the magazine *American Lawyer* to be one of the best trial attorneys in the country. The article, titled, *Lone Star Rising: Is Mark Lanier America's Next Great Trial Lawyer?* raises the question of whether this multi-million dollar winning plaintiff's attorney can rise above his Texas fame and perform for juries anywhere in the country. In response, the Lanier Law Firm is opening an office in New York. "So much of our practice is a national practice," Lanier said. He noted that he and other attorneys spend so much time in New York that it only makes sense to lease office space in the Big Apple.

After the announcement, Lanier doled out advice and anecdotes for his listeners. "We're picking up new kung-fu everyday," Lanier told the crowd at the gala and again the next day at the CLE he hosted with his trial specialist, Dr. Bob Leone. In a theme he developed through the weekend, Lanier explained that trial lawyers have to roll with the punches

while fighting back. He gave numerous examples of noticing his opponent's intentions and then turning the desired effect around to his benefit. This "kung fu" is what wins trials, Lanier said.

In recounting the best advice he had been given about winning trials, Lanier told the crowd, "Jurors expect court to look like TV. Don't tell them this isn't like TV, make it look like TV."

Lanier founded The Lanier Law Firm in 1990, and he is the firm's lead litigation counsel. In that role, he has won verdicts and negotiated settlements in the hundreds of millions of dollars in cases around the country, including a \$115 million verdict for 21 asbestos victims in February 1998, which was a record setting asbestos verdict in the United States. His \$500 million win for a small oil company in a 1993 business fraud case was also a record setting verdict.

The trial lawyer persona is just one of the facets of Mark Lanier, however. He sleeps four hours a day, "Just think how

ABOUT MARK LANIER:

Named by the American Lawyer as one of the top 45 attorneys in the nation under the age of 45.

Named as a "2003 Texas Super Lawyer" for being chosen by his peers as being among the best in his profession.

Selected in 2002 by The Texas Lawyer as one of the top 5 "Go To" personal injury plaintiff attorneys in the state of Texas.

Named by The National Law Journal as one of the top ten trial attorneys in the United States.

much I'll be able to get done when I get older and don't have to sleep as much," Lanier said.

If he is up at four in the morning anyway, he makes fresh doughnuts for his children on special occasions. "I love cooking for them," he said, and he has been featured in the Houston Chronicle, on the Food Page.

And, on Sunday mornings, he hosts a Sunday school class that is broadcast over the radio in Houston. His qualifications include a degree in biblical languages, Hebrew and Greek, and a working knowledge of the history of the bible.

"My class has people of all ages," Lanier said. "It focuses on explaining the bible."

And, most famously, Lanier and his wife throw an annual Christmas party. They hosted 7,000 people in 2003. The party is for adults and children, Lanier said. It is always on a Sunday afternoon. There is never any alcohol served, and the Laniers rent out several carnivals "for the kids." Last year, the Lanier family rented five children's carnivals, six funnel cake vendors, more than 20 inflatable children's jumping rides, and the list goes on. There was a marching band, and, of course, Santa.

"Santa always shows up," Lanier said. "One year he was on a Harley. One year a tractor. One year he came in a corvette."

The party is famous for the acts the Laniers book. This December, Reba McEntyre was the star performer. Last year, Bill Cosby and Al Green were on stage. In the years before, Johnny Cash, the Supremes, and Crosby, Stills and Nash have played. Fifteen years ago when the tradition started, Lanier had a local Houston band play. They were called the Dixie Chicks.

In the interim, Lanier has had all sort of star power play the party. One year, the band America played and the members



Mark Lanier looks on as Dr. Robert Leone speaks to an auditorium of Law students and alumni.

We're fortunate to be here, ...and we're glad to give back

were so impressed, they asked to be invited back as guests. The Lanier family, filled with Southern hospitality to the end, said sure, as long as they bring their families.

When he talks about the party he stays out of the spotlight however. "Becky is the one who makes the party happen," Lanier said. He said his wife works year round to put the event together and keeps a calendar of all of the deadlines.

"After the party, she goes back and reviews the calendar and changes things so that it goes better next year," Lanier said.

The party is held on Lanier's 20 acre estate in Houston; however, Lanier is quick to mention, "This isn't 20 acres of scrub brush. It's all manicured."

And the biggest problem the Lanier's have is not gate crashers (they have ID checks at security checkpoints) it is parking. "We have to rent out parking lots and hire busses."

With the annual party, cooking for the kids, opening an office in New York, and, don't forget, winning trials, it's easy to see how busy Mark and Becky Lanier's day can be. After all, they have a schedule to keep. ■



Following *in their* Footsteps

Thirty years after Carter Ferguson ('76) entered Tech Law, his son, Taylor, walked into the same building, sat in several of the same classrooms and attended the same classes, which were taught by the same professors.

Twenty-nine years after Steve Krier ('78) graduated, he recognized that Tech would be a fitting place for his daughter, Cameron Krier, to begin her legal career.

Kenneth Greer ('75) sat in Professor Bubany's Criminal Law class, scribbling the very notes that would prove to be helpful to his son, Chris Greer, 30 years later.

Although relatively young to its counterparts, Tech Law is realizing a growing number of legacies. Dean Walter Huffman has not lost sight of these numerous legacy students, and he feels their presence is a direct reflection of the positive and nurturing experience of Tech Law.

Huffman is no exception. He attended Tech from 1974 to 1977 as a student and returned to assume the position as Dean in 2002. Since Tech Law first opened in 1967, the law school has undergone technological advancements and curriculum changes, but there are many things and some names that have stayed the same – a fact that impresses Huffman. Despite a 28-year absence, he still appreciates the characteristics that made his law school experience at Tech Law so positive. Huffman has always appreciated the small size of the law school that allows each student to foster personal relationships with their professors.

"Tech has a special character and a special set of characteristics that attract people to it," Huffman said. "The small size of the school and the fact that professors know who you are—and aren't just dealing with the last four digits of a social security number—makes all the difference."

Eight professors who taught Huffman as a student were still teaching at Tech

when he returned as Dean. The mutual respect between professor and student remains as it did when Huffman was a student.

"All the professors that were here when I was a student have been extremely supportive and helpful—just like when I was a student," he said.

Huffman felt the same way about Tech in 1974 as a first-year student as he did upon his return in 2002. Both as a student and as the Dean, he recognized the quali-

ties of the law school that foster long-term support and allegiance in its students and alumni.

Before computers adorned every carrel, and before legal research was predominantly done electronically, Tech Law provided its early classes of students with the legal skills they would need to propel them into successful professional careers.

Three decades earlier, Carter Ferguson, who practices commercial litigation and



Steve Krier and his daughter, Cameron.

Texas Tech Law School Legacies

by Hannah Sussman



commercial transactions in Fort Worth, was introduced to commercial law in Professor John Krahrmer's class. In the summer of 2003, while Carter Ferguson was involved in *Dallas Glen Hills v. Corfield*, 355 F.3d 853 (2004), a case of first impression that was tried in front of the 5th Circuit, his son, Taylor, sat in the very same commercial law class taught by the very same, but more experienced John Krahrmer.

Joe Moody, a second-year law student, decided to come to Tech Law on his father's recommendation. William Moody ('75), the presiding judge of the 34th District Court in El Paso, was Joe's initial tour-guide of the law school. Moody took his son into one of his first-year classrooms and remembered the very seat that he had occupied during his first-year classes. He recommended that Joe should sit in the same seat because it was in that very seat he had avoided being called during his entire first year. Joe wasn't so lucky.

When Joe came to Tech Law on his first day of law school, he was disappointed to be assigned a seat in the very center of the classroom, and even more disappointed to be called on the very first day of civil procedure by Professor Robert Weninger, who 30 years earlier failed to call on his father even once.

Steve Krier has been practicing in Lubbock for 24 years. Now a shareholder at Clifford, Krier, Wilkerson, Wright P.C., he recognized early-on that his daughter, Cameron, would be a good fit for law school.

"I always knew Cameron would be a good attorney," the elder Krier said. "She has a good analytical mind, she pays attention to detail and she wants to help people. I always raised her to be an independent thinker."

Krier, who has maintained contact with the school as well as the faculty as an adjunct professor, recognized that there

have been many positive developments to the law school, but its overall character has remained. Krier touts the smaller size of Tech Law, its continuing faculty development and its future stewardship under the capable guidance of Huffman.

Chris Greer, a third-year student, follows 30 years behind his father, Kenneth Greer ('75), who is presently practicing oil and gas and real estate law in San

notes, outlines and old tests. While looking through his father's old material, he came across Professor Charles Bubany's criminal law test from 1972. At that time, Chris was in his second semester of his first year of law school and enrolled in the very same criminal law class. He decided to show his father's test from 1972 to Professor Bubany; it was the inaugural test from his first year of teaching.

[William Moody] recommended that Joe should sit in the same seat because...he had avoided being called during his entire first year. Joe wasn't so lucky.

Angelo. Chris said that his experience was easier in light of the technological advances that were unavailable to his father. Chris said that having these advancements allowed him to make better use of his time than his father was able to during law school.

"Technological resources have made us more efficient as law students—my Dad didn't have computers or commercial outlines," Chris said. "He had to hand write everything."

Chris said that when he decided to come to law school his father showed him the old outlines and tests that he had saved from his years as a student. Chris has held onto many boxes that were overflowing with his father's handwritten

Weninger, who has been at Tech Law for 31 years, has seen and taught several of these generational legacies; he even taught Huffman as a student. Weninger remembers Huffman as an outstanding student. "Considering all that he accomplished, I guess I didn't do too much damage," Weninger said. ■

EDITOR'S NOTE: *The Editorial Board recognizes that it would be impossible to name and report on each parent and child who have walked the halls of Tech Law. If we missed you, or someone you know, we apologize.*

MAJOR MICHAEL HOLLEY:

Office With A View

by Bethany L. Brooks



Major Michael Holley has a very nice office. One might call it a palace. In fact, it is a palace - one formerly owned by Saddam Hussein, located near Baghdad, Iraq. Holley is the Chief Prosecutor for the Abu Ghraib detainee abuse cases.

So how did this 1999 Texas Tech Law School graduate find himself living in Camp Victory, Baghdad, and spending his waking hours at one of Saddam's old palaces? It came through years of hard work, legal and military training.

Holley was born in Odessa, Texas, and graduated from Permian High School. He attended Abilene Christian University on an ROTC and Theology scholarship. Holley planned to be an Army Chaplain, but learned in his second year of college that the Army scholarship would not pay for a theology degree. He changed degrees but still maintained emphasis on theology, graduating in 1993 with a 4.0 grade-point average.

Holley was commissioned a Regular Army officer in the Military Police Corps. He later served as an MP Platoon Leader for two years in the 1st Cavalry Division at Fort Hood, Texas, and then worked as the Operations Officer of the Fort Hood MP Station.

In exchange for an additional six-year

Army commitment, Holley entered the Funded Legal Education Program, which allows officers to attend law school while remaining on active duty. Holley originally planned to attend the University of Texas. Fortunately, then-Dean Frank Newton called Holley and invited him to take a look at Texas Tech Law School.

"When Dean Newton called me, I had just finished a 24-hour shift as the Military Police Duty Officer and was very tired," Holley said. "Being tired and having received this very unexpected call, I was a little confused and for most of the conversation I thought he was just some guy from the school whose name was 'Dean'."

"Humiliating for me, but Dean Newton is, fortunately, a very kind and gracious man," Holley said. "In any event, I accepted Dean Newton's invitation to visit Tech and quickly fell in love with the school and, most importantly, the people."

Holley said his experience at Tech Law was three of the best years of his life and feels that Tech prepared him well for his profession. He remains in contact with several of his law professors.

Holley graduated in 1999, *summa cum laude*. After law school, he attended "The Basic Course" in Charlottesville, Va., home of The Judge Advocate General Legal Center and School (TJAGLCS). The Basic Course is the course Judge Advocates attend when they first come into the Army or from another military career to learn the basics of military law.

Holley was then assigned to the XVIII Airborne Corps at Fort Bragg, N.C.,

where he worked as a military prosecutor. After two years at Fort Bragg, Holley took on the role of Trial Defense Counsel while stationed at Taegu, Korea. As a result, Holley traveled for a year, trying cases throughout Korea, Japan, Okinawa, and Thailand. He next moved to Seoul, Korea, where he worked as a Senior Defense Counsel, supervising four other attorneys.

Upon completion of his assignment in Seoul, Holley returned to TJAGLCS to receive advanced graduate training and received an L.L.M. in military law, which covers a wide variety of legal topics related to the military. In May 2004, he was selected to remain at TJAGLCS as a Professor of Criminal Law.

When the Army asked TJAGLCS to nominate a Major or Lieutenant Colonel with criminal law experience to prosecute the primary Abu Ghraib detainee abuse cases, Major Holley was chosen. This unexpected assignment resulted in his transfer to Iraq.

Holley admitted that when he needs to impress someone or get something for one of his cases, he uses his imposing job title, "Chief Prosecutor for the Abu Ghraib Cases." Needless to say, this tactic generally yields the desired result.

Holley works seven days a week and begins each morning with a run around the Camp Victory compound. The September day Holley gave this interview, the temperature there hovered around 109 degrees, which he considered "cool." He seems quite nonchalant about his remarkable workplace, which is surrounded by a

One of many former palaces of Saddam Hussein near Baghdad in Iraq where Major Holley and his colleagues work.





Major Michael Holley (right) stands with paralegals Sergeant Jared Kary (left) and Private First Class John Heniger (center) in front of their office, a palace of former dictator Saddam Hussein located near Baghdad, Iraq.

I view this current assignment as an important duty and my involvement is a great privilege

beautiful lake, and he simply refers to it as “the palace.” In his rare leisure time, Holley likes to read at the end of each day, most recently completing *Gates of Fire* by Steven Pressfield, *Father Joe* by Tony

Hendra, and *The Brothers Karamazov* by Fyodor Dostoevsky.

Two paralegals, Sergeant Jared Kary and PFC John Heniger (both pictured), assist Holley in case investigation and preparation. Holley wanted to see SGT Kary and PFC Heniger mentioned in this article, crediting them for excellence and dedication in such a historical undertaking. Holley’s co-counsel, CPT Christopher Graveline, works on the case from the U.S. and communicates with Holley daily regarding the complex legal issues at hand. He described his team members as “tremendous soldiers,” “intelligent,” “hard-working,” “exceptional,” and “superb.”

“The attorneys and paralegals with whom I work are true professionals motivated by a steadfast love for their country and a deep respect for the rule of law,” Holley said. “The clients they collectively represent, whether that is the commander or the individual soldier, are well and truly served.”

Due to the sensitive and highly classified nature of his assignment, Holley could not discuss specific information or his opinions about his work on a day-to-day basis.

“I view this current assignment as an important duty and my involvement is a

great privilege,” he said.

When the prosecutions are completed, possibly in the spring of 2005, Holley will return to his family in Charlottesville to continue teaching Criminal Law at TJAGLCS. Holley spoke proudly of his wife, Renee, and their four children, who anxiously await his return. Eleven-year-old Sarah was recently chosen for the starring role in a city-wide production of “Peter Pan.” Holley said his son, Christopher, who is eight, is “extremely bright, like his mother.” Holley said he suspects that his younger son, six-year-old Stephen, has a secret double-life as a Power Ranger. He described his three-year-old daughter, Lauren, as “a constant delight to Renee and me.”

Yet, Holley said that he knows others in the same difficult situation.

“There are families all across the U.S. making prolonged and deep sacrifices and they should be honored and supported to the greatest extent possible,” he said.

“There are many, many brave men and women here in Iraq who do their required duties day in and day out under the threat of very real and constant danger. These Americans should be highly honored by the rest of us and supported in every way possible.” ■



ASSISTANT UNITED STATES ATTORNEYS

SERVING A GREATER CAUSE

by D. Chris Hesse



L to R: Roger L. McRoberts, Denise Williams ('83), Tanya Pierce ('84), Ann Roberts ('01), Steven Sucsy, Dick Baker, Paulina Jacobo, Amy Burch ('01), Jeff Haag ('00). Not pictured—Scott Frost ('88).

Being an Assistant United States Attorney ("AUSA") is generally regarded as the pinnacle of a prosecutor's career. They are the cream-of-the-crop and come from a variety of backgrounds. One thing they share in common is that these attorneys are dedicated to serving a higher cause, whether it is for their nation, the community, or the advancement of justice.

AUSA Jeff Haag graduated from Tech Law in 2000, clerked for U.S. District Judge Harry Hudspeth in El Paso, Texas, for one year and went to work with Baker and McKenzie in Dallas for one year as a member of the litigation department. Before law school, Jeff served as an officer in the U.S. Army.

"I enjoyed my time serving in the Army, and I wanted to get back, in some manner, to serving my country," Haag said. "I also thought the U.S. Attorney's Office offered me a great chance to get trial and appellate experience. What I enjoyed most about the Army was the feeling that I was serving something greater than myself," he said.

Haag, who became an AUSA in 2002, said one of the best aspects of his job is the knowledge he has helped people.

"I've hopefully made them a little bit

safer, and sometimes, you get the opportunity to give defendants a chance at rehabilitation," Haag said. "On those occasions where you can have a defendant turn their life around, that is one of the best feelings."

Denise Williams, a 1983 Tech Law graduate, knew in college that she wanted to be a prosecutor. After graduation, she moved to Amarillo and represented court appointed mental commitments before going to work for the Potter County Attorney's office prosecuting juveniles and adult misdemeanors. In 1985, Williams went to work for the Lubbock County DA's office and then became an AUSA in 1991.

"The most rewarding part of my job is that it is good for the community," Williams said. "For many of our defendants, it can be their brick wall to the extent that, hopefully, they will turn their lives around."

Tanya Pierce has similar motives for being a prosecutor.

"There are a variety of favorite parts," Pierce said. "In violent crime prosecutions, I like dealing with the victims and their families. I feel that I am making a difference in their lives," she said. "We also make a difference in trying to stem the drug trafficking activity that goes on."

Pierce is a 1984 graduate of Tech Law and is assigned to the Organized Crime

Drug Enforcement Task Force. She typically conducts long-term drug and money laundering investigations that involve multiple agencies such as the FBI, DEA, ATF, IRS and local police departments.

"The only way to get these drug traffickers is to combine your efforts," Pierce said. "I get to work with many different agencies, coordinate and run the overall investigation. It is a very hands-on job."

Dick Baker's prosecutorial philosophy is, "He threatens the innocent who spares the guilty," a quote from 19th Century English Jurist Lord Coke.

"I have more personal gratification in playing a role in the criminal justice system where you are helping to protect society rather than litigating for money," said Baker, an AUSA assigned to the Anti-Terrorism Task Force.

Baker prosecutes domestic and international terrorism cases, and acts as a liaison with federal, state and local agencies in an attempt to determine if there are any planned terrorist activities. From January 2003 to November 2003, Baker worked almost exclusively on the Dr. Thomas Butler trial.

"The night that Butler reported [the plague bacteria] missing and presumed stolen, we were dispatching investigative teams to talk to anybody and everybody within the Texas Tech Health Center community who might have any knowledge of the whereabouts of the plague bacteria," Baker said. "It was such a serious event that the FBI activated the command post, which brings together local, federal, and state law enforcement, as well as scientific and emergency preparedness personnel."

Baker subsequently prosecuted Butler, and the court convicted him of 47 felony counts, including making false statements, illegal exportation of the plague bacteria, mail and wire fraud, and financial fraud counts. An appeal is pending.

The work at the U.S. Attorney's Office is not confined to criminal prosecution. Civil division lawyers represent the U.S. anytime the federal government is sued. Common cases include medical malpractice with the Veteran's Administration; sexual harassment; and race, gender, or religious discrimination cases within the various U.S. agencies. The attorneys also bring affirmative actions on behalf of the government, such as bankruptcy if the government has an interest in someone's bankrupt estate, actions on Department of Education student loans and Department of Agriculture farm loans, to name a few. One of the civil attorneys is 2001 Tech Law graduate Ann Roberts.

"It is overwhelming to know that you represent the U.S. and their interests," Roberts said. "I consider it an honor and a privilege."

Her last three trials involved a slip-and-fall on an Air Force base, a sexual discrimination case, and an affirmative case seeking back taxes.

"The most stimulating thing about the job is that we work with so many federal agencies doing so many different aspects of law that everyday is something new," Scott Frost said. Frost is the other civil attorney working in the office and a 1988 Tech Law graduate.

The attorneys in the office have many humorous courtroom experiences. Steven Sucsy became an AUSA in 1987 and has been a prosecutor for more than 25 years.

"When I was trying a case in Dallas, I was prosecuting one of many defendants for coupon counterfeiting," he said. "The defense attorney had a witness on the stand. The attorney asked him a question, and immediately after asking the question, he objected to his own question," Sucsy said. "The whole courtroom was stupe-

fied. Everyone hesitated and then started laughing," he said.

Sucsy also spoke about a time that one of his key witnesses almost became a turncoat.

"A witness had told me that the defendant had admitted to him that he had burglarized a business," Sucsy said. "That was basically my whole case, so I called that witness to the stand and I asked him if he could identify if the person who admitted to burglarizing the business was in the courtroom. Well, the witness said he could not see him, even though the defendant was at the counsel table," he said. "That was a sinking feeling. I then asked the witness if he could get a closer look, and he got up and as he was walking past the defendant's table, he

“ It is overwhelming to know that you represent the U.S. and their interests. I consider it an honor and a privilege. ”

—Ann Roberts, AUSA

looked over at the defendant and said 'Oh, there he is – I forgot to bring my glasses.'"

Very early in her career, Williams tried a defendant in state court for unlawfully carrying a weapon.

"Every time I presented evidence, the defendant made noises," she said. "I couldn't think of the proper objection, so I objected that the defendant was 'snorting at the evidence,'" Williams said. "It turns out that the proper objection should have been 'improper sidebar.'"

"An officer I had been working with set up a pole camera in front of the residence of a defendant," Haag said. "A pole camera is a camera set on a telephone poll that takes pictures of a house. Like most cameras, it shoots only during the daylight," she said. "On re-direct of the officer, who was my very first witness on my very first trial, I asked him why the camera did not take pictures at night, expecting him to answer that the camera did not have infrared or heat-detection capabilities. Instead, he answered, 'It was dark.'" Haag said. "The judge snickered and the jury broke out in laughter."

The AUSAs enjoy their jobs and the people they work with. "My favorite part of the job is the people," Roger McRoberts, the branch manager, said. "We have a very strong office and work with some very good people, too."

"I like the people that I work with," Roberts said. "I couldn't ask for better colleagues." ■

Twins Work Together

as Prosecutors

by Brad Anderson

Most twins strive their entire lives to separate themselves from one another. Perhaps one was better at sports and the other was interested in music, and so it was easy.

Kevin and Keith Harris are not like most twins; they never have tried to separate themselves from one another. Instead, they rely on each other, and that bond of unity is what separates them from the rest.

Just like everything else in life, the Harris brothers work together at the Dallas District Attorney's Office.


The Harris brothers' journey through life began in the small town of Paris, Texas, where they were born three days before Christmas in 1977. Keith was born 60 seconds before Kevin, representing one of the few times the brothers did not do something exactly the same. Both of the brothers were involved in similar activities throughout their childhood, and they both chose to attend Abilene Christian University for college. As they entered undergrad it looked as though the brother's would begin to separate. Keith chose to get an undergraduate degree in business while Kevin decided to take the pre-physical therapy route.

"I always knew I wanted to be a lawyer," said Keith, "it was Kevin that wasn't sure at first."



Kevin and Keith on graduation day.





But Kevin finally came around to the law.

"I thought I wanted to pursue sports medicine, but once I really got into it I realized it wasn't for me," Kevin said. "I had always been intrigued by debate, and I decided it would be stupid not to do what I wanted to do just because my brother was going to do it."

And so, as graduation drew near, they both began applying to law schools. The brothers had a mutual friend whose older brother, Kacy Jones (2000), attended Tech Law.

"We talked, and he highly recommended Tech Law School," Keith said. "Plus it was just a perfect fit."

"It was the right size, had a great location, the atmosphere was really congenial, so we chose Tech."

After settling in, both of the Harris brothers became very involved with the school. They were members of the Board of Barristers, the Christian Legal Society, Texas Tech Bank Lawyer, Black Law Students Association, and Volunteer Law Students Association, as well as being involved in the Lubbock community. They took all of the same classes together, which at times caused problems.

"We had all of our classes together and we always tried to sit by each other," Kevin said. "In Weninger's Civil Procedure class, we sat right beside each other."

"So one day in class Professor Weninger was laying out a question, and then in a way that only he could, he asked, 'What about that Mr. Harris,'" Kevin said. "We replied in unison 'Which brother,' and then, Weninger, in his monotone delivery, said, 'It doesn't matter.'"

Keith has his own law school war stories to tell. One day in Bruce Kramer's Property class he was called on to give an answer. As may be the case in Kramer's class, Keith did not understand the question, so he simply replied with an empathetic "yes." There was a sharp pause, Kramer leaned up off the chalkboard, and said, "Yes to what, Mr. Harris, it wasn't a yes or no question."

That said, both of the Harris brothers really enjoyed the professors at Tech Law.

"[Charles] Bubany and John Krahmer were probably our favorites," they said. "They both just knew their subjects so well, and they would always go out of their way to help."

"Really, all of our professors were that way," they said. "Overall, Tech Law really prepared us for the practice of law."

Tech Law may have prepared the

brothers for the practice of law, but it was marathon study sessions in the Board of Barristers office that prepared them for the bar, and led them to where they are today.

"We studied for the bar in the BoB office with Becky Dodds (2003) who was interning at the Dallas County District Attorneys office," Keith said. "She just made it sound like it would be fun, and we would have an opportunity to get some hands-on experience."

While the brothers were awaiting their bar results they had several conversations with an old family friend, Paris Police Chief Karl Louis, who also encouraged them to begin their legal careers as prosecutors.

And so they did, together.

The brothers contacted the Dallas County District Attorney's office and were

begin to sound the same, the defendants are always different.

"We get people who you really want to help, and we get people who you really want to send to back to jail for as long as you can," Kevin said.

"We have both spent some time prosecuting in the family violence court, and you really see some things over there that will open your eyes," Keith said.

They both love being prosecutors for the same reason, the ability to be in front of the jury.

"Being in front of the jury really brings out what I think is the best characteristic of a good lawyer and that is honesty," Kevin said. "A jury can always tell a fake."

"I just really enjoy being in trial and being able to talk to the jury as a representative of the people of Dallas and the state of Texas," Keith said.

When I found out that I would be trying a case on my third day, I said lets do it. I mean, this exposure is one of the main reasons I chose the District Attorney's office

—Kevin Harris

eventually offered jobs—on the same day.

Once they arrived, they were assigned to the misdemeanor court, thrown into the deep end and told to swim. On day two, Kevin was informed that he would be trying his first case the following day. Keith had to wait a little longer; he tried his first case his sixth day on the job.

"It really is a trial by fire," Kevin said. "When I found out that I would be trying a case on my third day, I said 'lets do it'. I mean, this exposure is one of the main reasons I chose the District Attorney's office," he said.

And the cases are always interesting.

"We are always having our friends, who practice with civil firms, call us up and want to hear the details of all our cases," said Keith.

While not all their cases are that juicy and after 10 months many fact patterns

Both of the brothers have tried over 35 cases in their first year on the job, but they have yet to try one together.

"We generally try cases in teams of two, but we haven't tried one together yet," Keith said. "We've had a judge that said he would like to see us try one together, but we want to win on the strength of our case, not on the novelty of being a twin."

Both brothers say that they are content to stay at the District Attorneys office for as long as they can, and both of them are ready to make the jump up to felony prosecutor.

"As a prosecutor, that's where you want to be," Kevin said. There is somewhere else the brothers want to be—on the road. They began running extensively while waiting for their bar results and are now looking to run in marathons. n

Sworn In

Tech Law Student Becomes American Citizen

By Christie Hobbs



Most students don't stand before a federal judge in their first week of law school. But then again, Goran Knjajic is not most students.

At first glance, Knjajic looks like any other Tech student — wearing blue jeans, boots, and two-day-old stubble on his chin. His backpack is full of case books and class notes. His confident walk and warm, easy handshake are a perfect fit for West Texas.

While his classmates were preparing their first case briefs, Knjajic was taking his final steps in becoming an American citizen. On August 26, 2004, he was sworn in at the Tarrant County Courthouse in Fort Worth, Texas.

Ten years had passed since his family fled Yugoslavia in 1994. He is reluctant to discuss his childhood in Yugoslavia or the following three years in Germany.

"To be 100% Americanized, you have to disconnect from where you're from — to become who you want to be," Knjajic said.

Texas Tech Law Professor Calvin Lewis, who teaches immigration law, said Knjajic is unique, not because he is a foreign law student, but for other reasons.

"Knjajic is unique [at Tech Law] in that he's the newest citizen," Lewis said. "He is not unique in being from a foreign city and studying here. We are all immigrants. The connection is a lot stronger than any of us want to appreciate on any given day. In that respect, Knjajic is like all of us, except he's first-generation."

Knjajic's earliest lessons in Americanization were taught by the

flickering light of the television set. He was a fan of Bart Simpson, MTV, and MC Hammer long before he set foot in the United States.

"I was obsessed," he explains. "I watched MTV all the time."

He watched so much American television that his friends called him "Foreigner."

Then, strict immigration laws motivated his family to leave Germany in 1997.

"There's a limit to what you can do there," he said. "It's hard to get into a university. Immigrants could work, but there were exceptions to getting a work visa."

At 15, Knjajic enrolled at Southwest High School in Fort Worth. Having decided to be 100 percent American, he worked to learn English and struggled to keep up in his classes. It was fitting that government was the first class where he excelled. "I decided to be 100% American on the first day."

Knjajic graduated from Texas Christian University in 2004 with a degree in Political Science. His grandparents still live in Sarajevo. "They can't believe I could come to this country and go so far."

His goals after law school include working in international law and business immigration. "I don't want to represent immigrants now," he adds. "I have no interest in being pulled back in." ■

Wicked Wickets, Lawyers and Cricket

By Meredith Dinkins

Whether the practice of law and the game of cricket share similarities is up for debate; Tech Law Professor Jorge Ramirez would argue that they do.

"Like the preamble to our own Rules of Professional Responsibility, the preamble to the Law of Cricket provides that the spirit of the game involves respect for your opponents, respect for your own captain and team, respect for the role of the umpires, and respect for the game's traditional values," Ramirez said. "The preamble further teaches that the game should not only be played within its laws, but also within the spirit of the game."

Professor Vaughn James began the cricket league in 2001 during his first year at Tech Law. James, a native of Dominica, has been playing cricket since he was in elementary school. He played through college and coached high school cricket while in the Caribbean.

"It brings people together and is a unifying force," he said. "It gives every-



one an opportunity to get to know each other and to better understand different cultures.”

When James arrived at Tech Law, he was urged by a student to begin a cricket team, and he sought out to do so. An officer of the International Cultural Center approached James and asked him to give an informal speech about cricket. His speech was printed, and the word spread about the new team. Several experienced cricket players in the Lubbock community contacted James about playing with his teams.

This year's cricketers were divided into four teams of law students, law faculty, and other people from the community. The community players are from all parts of the world, like Jamaica, India, and Guyana.

Law student Nate Hummel is a returning player from last season and said that he enjoys playing cricket. “We don't get many opportunities to drop our law books and meet on a different field of competition,” Hummel said.

Peter Hall, a law student returning from last season, values cricket as one of his favorite extracurricular activities. “It gives students and faculty an opportunity to get to know each other in a setting other than the class room,” Hall said.

What James likes best about cricket is the camaraderie and the discipline.

“It is a sport unlike many American sports in that there is no yelling at the umpire and no fighting between the players,” James said. Win or lose, cricket has provided students with exercise, fun, new friendships, and most importantly, an escape from the day-to-day law school stress. ■



Judge Garza Speaks to Texas Tech School of Law

by Gary Prust

Bringing a message of independent consciousness, Fifth Circuit Court of Appeals Judge Emilio Garza was invited by the Texas Tech Chapter of the Federalist Society to speak to the Texas Tech School of Law. On September 24, 2004, Garza delivered his speech, “Conscience: Highlighting Points in Western Intellectual and Spiritual History.”

“I agreed with what he said because he spoke about where society was, where it is, and where we are going,” said second year Casey Blair.

Tech Law Federalist Society President Sonya Jones said that Garza was personable with the students, and that she was pleased to have Garza visit the school.

“He's on the short list [of possible nominees for the Supreme Court]. This is a big deal,” Jones said. “It's not com-

mon for us to have a speaker of this caliber at our law school.”

Reading an excerpt from “A Man for All Seasons,” a play about Sir Thomas Moore, written by Robert Bolt, Garza highlighted Moore's courage in standing up for what he thought was right. He said that it shows the importance of “private conscience for the sake of public duty.”

Garza outlined major western philosophical paradigms and related each to conscience. Touching on post-modern thought, western philosophy, and Judeo-Christian thought, Garza noted that moral obligation assumes duty and responsibility. He also covered Nietzsche and Greek thought, relating each to belief in a central human nature and to belief in the divine.

Garza emphasized the importance of having a national morality. To drive this point, he selected George Washington's farewell address. He said that Washington focused on the importance of national unity that can be gained through religious belief.

“You, individually, can make the society great, not the other way around. The government can never make you a good person,” Garza said. “There are

many presuppositions to foundations which we study in law. You have the right to make up your own minds, and you should." ■

Former Death Row Inmate Crusades to Abolish Death Penalty

by Omar Villa

Juan Melendez is no longer certain what his fate will be, but for nearly 18 years, Melendez lived everyday believing that his death would come at the hands of the State of Florida for a murder and armed robbery that he did not commit.

Sentenced to death in 1984, Melendez was exonerated of his crime in 2002 due to prosecutorial misconduct that failed to disclose a taped confession by the real killer.

Bringing to life his experiences in facing death and the events that led to his eventual exoneration, the Puerto Rican native who learned English in prison spoke to students at the law school in November. And more than 20 years after being placed on death row, Melendez pleaded his case for the abolition of the death penalty. The event was sponsored by the Equal Justice Society, the Hispanic Law Students Association, the Multicultural Law Students Association, and the Texas Tech Psychology Department.

"The problem we have with the death penalty today is this: people don't have all the details," Melendez said. "Just like we got rid of segregation, just like we got rid of slavery, we also can get rid of this law that does so much collateral damage that does so much harm."

Melendez challenged the attendees to work to become great defenders, prosecutors, and lawmakers, and to use their education and positions to abolish state-sponsored executions.

Being the 99th death row inmate exonerated in the United States since 1973, Melendez, who was known to his death-row friends, including the notorious Ted Bundy, as "Puerto Rican Johnny" described the conditions which



faced him while a prisoner at Union Correctional Institute in Raiford, Florida.

"I thought we Puerto Ricans were real macho mans. I was scared. Very scared to die for a crime I did not commit," Melendez said. "The place was dark. It was cold. It was horrifying."

Considering suicide and being faced with the almost certain prospect of execution, Melendez continued life, learning English and strengthening his faith, praying for a miracle.

"The condemned mans that don't grab something spiritual will either go crazy or commit suicide," Melendez said. "Some of them become Muslims. Some of them become Buddhists. Some of them turn to Christianity—I did that."

Upon release, Melendez could not completely comprehend his new-found freedom.

"I don't know if you watch cartoons, and you see this cartoon hit another one with a hammer in the head, and a big knot comes straight up, and he got a crown of stars going around him. He's in a state of shock, but he's smiling," Melendez stated. "That's how I was— in a state of shock, but smiling, and I'm still smiling today." ■

Texas Tech Law Professor Quoted:

William A. Casto Cited by United States Supreme Court Decision

by Steven R. Burzinski

The U.S. Supreme Court recently cited two works of Professor William A. Casto in *Sosa v. Alvarez-Machain*, 124 S.Ct. 2739 (2004).

Sosa held that the Alien Tort Claims Act, an arbitrary statute enacted in 1789, does not grant aliens a cause of action for actions by U.S. parties committed outside the U.S., but merely provides federal courts with jurisdiction to hear such matters if they arise.

Although the court mentioned Casto's work, *The Supreme Court in the Early Republic* (University of South Carolina Press, 1995), the court primarily emphasized his work in *The Federal Courts' Protective Jurisdiction Over Torts Committed in Violation of the Law of Nations*, 18 Conn. L. Rev. 467 (1986).

Casto said that, "The article is pretty well known. I knew it had worth because it was the first to look at the

statute seriously.

"It covered about 90% of all the evidence available," he said.

The Alien Tort Claims Act was enacted in response to concerns over foreign diplomats being attacked while visiting the United States. Because attacks on ambassadors violated the law of nations, the Act allowed federal courts to maintain jurisdiction over such cases. Since the actions could be brought in state courts, the Act served as a basis for the removal of the cases to federal court.

Casto added that "Congress has not changed the original statute, but they have enacted statutes to deal specifically with torture."

The Sosa case dealt with the response of the U.S. government after a Drug Enforcement Administration agent was captured and tortured to death in Mexico. The U.S. believed Dr. Humberto Alvarez-Machain participated in the torture by assisting in keeping the agent alive during the torture. When the Mexican government would not extradite Dr. Alvarez-Machain, the U.S. hired a bounty hunter to bring Dr. Alvarez-Machain to the U.S. for trial. After the federal trial court failed to find evidence justifying the conviction, Dr. Alvarez-Machain sued under the Alien Tort Claims Act.

In holding that the Act grants a federal court jurisdiction, the Supreme Court, at the same time, dismissed the contention that the Act also granted a cause of action to alien plaintiffs.

Casto is no stranger to being cited in court decisions. While other courts have cited to Casto's work, Casto considers the Sosa citations to be "the very best, given the subject matter of the case and the unanimous adaptation of my work."

As a co-writer of an amicus brief in the Sosa case, Casto believes the court referenced his work "because I took a clear position on the statute – that it is frivolous to believe the Act creates a cause of action for alien parties."

Casto viewed the Sosa decision to be as significant for the future, especially given the current situation of the U.S. war on terror.

"Consider, for instance, Osama bin Laden in the role of plaintiff – the Sosa decision implies that he would not have a cause of action in the event he might be kidnapped by the U.S.," he said.

Professor Casto is the Alvin R. Allison Professor of Law and teaches in the areas of Federal Courts, Conflicts of Law, and National Security. He holds B.A. and

J.D. degrees from the University of Tennessee at Knoxville, and a J.S.D. from Columbia University. ■

Tech Law Begins Student Mentor Program

by Arlene Olivar

It's true. Second and third-year law students have the inside information about the Hub City, classes, study aids, professors, and most of all, what it is like to be a "1L." This year, incoming students could sign up for a law student mentor thanks to the new program: TechLAP.

Eager to get "in the know" about law school, more than 195 first-year students responded to the law school's new outreach program.

TechLAP is modeled after the Texas Lawyers Assistance Program but is tailored to meet Texas Tech law students' needs. In addition to the mentor/protégé program, TechLAP brings information about health and stress manage-

ment from the Texas Tech Student Health Services' Raider Assistance Program to the law school.

For protégés, the benefit comes from the mentor's "been there ... done that" advice. Mentors make the commitment to contact their protégés each week and meet with them face-to-face at least twice a month. Third-year student, Bria Smith, president of TechLAP, and the seven member TechLAP Committee, handpicked mentor/protégé matches out of the hundreds of applications.

"The committee focused on trying to match mentors and protégés by common interests in the law, hobbies, and honoring special requests," Smith said.

Successful mentor/protégé matches, like that of third-year student, Nickie Burkhart, and first-year student, Victor Rivera, were the result. Rivera said that being matched up with another non-traditional student was helpful.

"My experience so far has been excellent," Rivera said. "My mentor has made my transition from a full-time career to a full-time student an easy one and I am very thankful. I can only hope that some of my fellow classmates are as fortunate as I am," he said. "Anything that my mentor could provide me regarding her experience so far at law school has helped me to evaluate how to



really approach law school.”

Most of the almost 100 mentors have more than one protégé because of the high-volume response from the incoming students. Popular questions for mentors include how to study for class and how to balance extracurricular activities with a demanding academic schedule. Burkhart first advised her protégés to get a feel for their schedules and to avoid the temptation to join everything.

“I’m in contact with my protégés at least two to three times a week and try to answer any questions they may have,” Burkhart said. “I remember coming to school and not knowing anybody. So, I loved the idea of assigning someone to a new student to help them,” she said. ■

Nontraditional Students Enhance Tech Law

by Brad Johnson

I vividly remember sitting in Torts during one of my first few weeks of law school when our professor asked who in the class could help explain a biology term that appeared in one of our cases. What I specifically remember is the gust of wind I felt as a majority of the students’ heads turned directly towards Charles Detweiler. Detweiler, 34, is a first-year law student whose field of expertise is science, in particular, biology.

Detweiler is one of many “non-traditional” law students attending Tech Law.

He received his B.S. in Biology in 1994 from Texas A&M University and his M.A. in Marine Science in 1997 from the University of Texas. He has eight years of experience in biochemistry, toxicology, cell biology, and immunology. He spent five years working at the National Institute of Environmental Health Sciences in North Carolina.

“I had used up my promotion potential for a Master’s degree,” Detweiler says. “I thought I would have too much difficulty finding a job with a Ph. D., and the pay for Ph. D. scientists doesn’t justify the effort.”

He intends to study patent law, with a goal to help scientists by first helping himself. Detweiler would like to work in an area of patent law that pushes the edge of technology.

“It will be interesting to see how biology, genetics, and recombinant DNA technology will be integrated into computer science over the next few decades,” he said.

Inda Crawford, 40, is another first-year law student, who has 20 years of legal experience in a variety of fields. In 1983, at the age of 19, Crawford began working as a secretary in a five-attorney law firm in Borger, Texas. Since 1986, Crawford has worked as a paralegal for a number of firms. She worked in fields ranging from oil and gas litigation and complex civil litigation to medical malpractice and personal injury cases. Crawford also worked as an instructor in and an advisor to the Amarillo College Paralegal Program.

Crawford graduated from Texas Woman’s University in May 2004 with a B.S. in Government (Legal Studies). She decided to attend law school so that she could have choices in the direction of her career. Crawford said that her legal experience has helped her to understand her classes, but it has not alleviated any of the workload.

“My experience mainly helps because I know the language, and it helps in understanding the concepts,” she said. “I am familiar with the end result, but I need to learn why rules apply or why a cause of action is available.”

Susan Rouse, 43, is a second-year law student who was the president of a privately-owned building materials company in Dallas before entering law school. She received her B.B.A. in Accounting and Mathematics in 1982 from SMU and her M.B.A. in Finance and Organizational Change from SMU in 1991. Rouse became a Certified Public Accountant in 1986 and also holds a Texas Real Estate Salesperson License. Rouse’s experience as president of a conglomerate led to her decision to pursue a degree in law.

“Every decision you make as president of a company has legal implications,” she said. “By earning a law degree, I will be able to better understand the legal implications of the decisions I will make and, therefore, make more informed business decisions which will not only better protect the owners but also translate into larger profits.”

Rouse’s thoughts on her law school experience match those of many non-traditional law students.

“Texas Tech is very open to non-traditional students,” Rouse said. “The professors actually like having students with ‘real world’ experience in their classes, instead of just having to teach in

a vacuum of theory.”

Professor Bruce Kramer, who has been at the law school since 1974, believes that the student body, as a whole, benefits from having non-traditional law students in class.

“As with anybody who comes with different perspectives, it adds to the range of ideas that students are opened to,” Kramer said. “People that come out of reasonably homogeneous backgrounds don’t understand that there are different ways of looking at things, different perspectives, and different approaches to the same issue. Whenever you have a diverse student body, [as] where they’re coming from work experience, that they are not coming right out of school, it adds something to the flavor and the richness of the law school experience.” ■



Professor John Krahmer Honored

Tech Law Professor John Krahmer received the Chancellor’s Teaching Award for 2004 on December 10. The award recognizes members of the Texas Tech University faculty for teaching excellence, as evidenced by their attainment of distinction both within and beyond the institution for outstanding teaching and outstanding contributions related to excellence in teaching. This award is presented to no more than one recipient per academic year and is bestowed only when merited; thus, there may be years when the award is not given. ■

Recent publications by Tech Law Professors and Alumni

From June 2004 – February 2, 2005

Daniel Benson

Texas Criminal Procedure & the Offender with Mental Illness: An Analysis and Guide. 3rd ed. Austin, TX: National Alliance for the Mentally Ill -Texas, 2005.

Mental Illness, Your Client and the Criminal Law: A Handbook for Attorneys Who Represent Persons with Mental Illness. 2nd ed. Austin, TX: Created and Distributed by Texas Applesseed and Texas Tech University School of Law, 2004.

Bryan Camp

The Cost of CDP. Tax Notes 105 (December 6, 2004): 1445-1453.

Point: CDP Should Be Repealed. News Quarterly of the ABA Section on Taxation 24 (Fall 2004): 11-13.

Failure of Collection Due Process, Pt. 1: The Collection Context. Tax Notes 104 (August 30, 2004): 969-976.

The Failure of CDP, Pt. 2: Why It Adds No Value. Tax Notes 104 (September 27, 2004): 1567-1572.

The Evil That Men Do Lives After Them. Tax Notes 104 (July 26, 2004): 439-443.

The Inquisitorial Process of Tax Administration. Tax Notes 103 (June 21, 2004): 1549-1556.

Larry Cunningham

The Case against Dog Breed Discrimination by Homeowners' Insurance Companies. Connecticut Insurance Law Journal 11 (2004-2005): 1-68.

Substantive Limitations on the Power of Family Courts to Commit

Delinquent Juveniles to State Custody: Analysis and Critique. Syracuse Law Review 55 (2004): 87-131.

Susan Saab Fortney

Law Student Admissions and Ethics - Rethinking Character and Fitness Inquiries. (South Texas Law Review Symposium Issue on Law Student Ethics) South Texas Law Review 45 (Fall 2004): 983-996.

Legal Malpractice Insurance: Surviving the Perfect Storm. The Journal of the Legal Profession 28 (2003-2004): 41-64.

A Jurisprudential Analysis of Government Intervention and Prenatal Drug Abuse. Journal of Law and Health 17 (2002-03): 11-35.

Vaughn E. James

Reaping Where They Have Not Sowed: Have American Churches Failed to Satisfy the Requirements for the Religious Tax Exemption? The Catholic Lawyer 43 (Spring 2004): 29-79.

John Krahmer

Article 1 and Article 2A: Changes in the Uniform Commercial Code Regarding General Provisions of Sales and Leases. (Symposium: Emerging Trends in Commercial Law: Surviving Tomorrow's Challenges) DePaul Business & Commercial Law Journal 2 (Summer 2004): 691-705.

Bruce M. Kramer

Williams & Meyers Oil and Gas Law. Abridged 2nd ed. Newark, NJ: LexisNexis, 2004.

Drilling in the Cities and Towns: Rights and Obligations of Lessees, Royalty Owners, and Surface Owners in an Urban Environment. Petroleum Accounting and Financial Management Journal 23 (Summer 2004): 39-71.

Brian D. Shannon

Texas Criminal Procedure & the Offender with Mental Illness: An Analysis and Guide. 3rd ed. Austin, TX: National Alliance for the Mentally Ill -Texas, 2005.

Mental Illness, Your Client and the Criminal Law: A Handbook for Attorneys Who Represent Persons with Mental Illness. 2nd ed. Austin, TX: Created and Distributed by Texas Applesseed and Texas Tech University School of Law, 2004.

Larry R. Spain

The Unfinished Agenda for Law Schools in Nurturing a Commitment to Pro Bono Legal Services by Law Students. (Symposium on Innovations in Pro Bono Practice) UMKC Law Review 72 (Winter 2003): 477-492.

Vickie Sutton

Madden v. LifeCord, Inc.: Case File. Notre Dame, IN: National Institute for Trial Advocacy, Inc., 2004-2005.

Law and Science Drive Technology in the War against Bioterrorism. Technology in Society: An International Journal 26 (April/August 2004): 281-301.

Rachel Van Cleave

Is Driving Under the Influence and Causing Serious Injury an Aggravated Felony under the INA? Preview of United States Supreme Court Cases 1 (October 4, 2004): 13-16.

Ms. Mims Goes to Washington

By Casey Mims

Like a fantastic vision of power, the great white dome of the United States Capitol rose above the trees at the end of converging avenues in Washington, D.C. Upon my morning arrival, the mighty structure was come-out against azure skies, and at the end of the workday the floodlit structure beamed passersby. It is proof in stone, marble, and partisan debate of the capacity of citizens to join in the adventures and satisfactions of governing themselves. I was flushed with excitement when I learned that I would partake in a small way in this great process.

After spending three months in our nation's Capitol, working for Randy Neugebauer, the Congressman from the 19th district of Texas, I must say, "What an experience!" During my time in Washington, I observed government at work, met prominent politicians, made new contacts and friends, explored the city, and gained valuable experience.

One of the most memorable days was when Neugebauer invited Laci Stone, a Texas Tech intern from Shallowater, and me, to join him for lunch. We were served duck and scallops on gold plated china in the Member's Dining Room, where only members of Congress and



their guests are allowed. Conversation ranged from politics to home life, and Neugebauer spoke candidly about the entire spread.

When questioned about his duty of representing the 19th District of Texas, his reply was upbeat, but he mentioned the grueling demands of the schedule. He had contracted pink eye the day before, while visiting Rush Elementary on its 100th year birthday celebration.

Laughing as he wiped his eyes, he said, "Shaking many little hands can lead to real problems."

After the meal, we toured other corridors, which are privileged to only the members and their guests. Most notably were the offices of the Senate and House majority leaders as well as the historical beauty of the House and Senate floors. While we walked through the working museum of America's history, the Congressman talked about the joy of being a part of it all.

My projects in the Congressman's office included correspondence; writing



inserts to the Congressional Record and press releases; attending and reporting on committee meetings, press conferences, and other legislative briefings.

One of my most enjoyable tasks was to give constituent tours to all the visitors who flock from West Texas to see the great sight. To the sightseers (who annually trudge the Capitol's distance) the whole effect is one of kaleidoscopic variety, and it was my privilege to guide them through the colossal masterpiece. Children were full of questions and other first-time visitors would gaze in disbelief.

Through the internship, I learned about politics, history, civics, and legislation. I feel blessed to have been invited to participate in such a monumental program, and I am proud of all the great leaders of our nation that work daily to make it a better place. ■



Congressman Randy Neugebauer (from the 19th district of Texas) with Casey Mims.

Municipal Law: A Broad Specialty

By Kristin Sims

Although the services of Shotts, Hurd & Ziegler, LLP, rarely make the news, the firm's work is an integral part of the lives of South Plains' citizens. The relatively new firm of three years holds a prominent place in the field of municipal law in which no other firm in this area specializes.

Municipal law in Lubbock entails administrative law, real estate, contract law, corporate law, environmental law and business law.

"You're focusing on a specialty that is really too big to be a specialty," said Jean Shotts ('82), who established the firm. "It could be called a specialty in generality."

Nathan Ziegler explained that disputes about extra-territorial jurisdiction,

among surrounding cities and Lubbock were frequent, but generally resolved amicably.

"Lubbock City Council attempts to take a regional approach," Ziegler said. "They know that what is good for Slaton or Shallowater is also good for Lubbock."

He said that a significant amount of work with a new client is bringing the client up to speed on the many facets of municipal law. "A lot of times when we bring on a new client, we spend a lot of time fixing problems that occur because of lack of good representation," he said.

Ziegler's experience includes serving as a county commissioner and working for the State Representative Carl Isett.

Shotts said that after 23 years of practicing law, he decided to do exactly what he wanted to do, which was municipal work. He began in Big Spring doing municipal work part-time and said he loved it so much that he approached the City of Lubbock, who hired him full-time.

The firm now represents 23 cities.

With three partners, Todd Hurd, Nate Ziegler ('98), and Lina Trevino, and one associate, Ziegler said that he expects the firm to double in size in the next five years.

Shotts said municipal law can be for all types of lawyers because this specialty is so broad. There is a fair amount of litigation, code enforcement, contract cases and lease termination. It also includes the "mundane cases" that are part of the day-to-day operations of any city, such as automobile accidents.

Municipal law is such a broad combination of legal work that there is no end to interesting possibilities for specialization within the specialization. "If a municipal lawyer goes to work for a larger city, he could notch out a career just writing ordinances," Shotts said. "If people say it's too boring, they don't know anything about it." ■

A Summer Filled With Law, Liberty and the Pursuit of Hiking

By Suzanna Henderson Cooper ('01)

Law Clerk to the Honorable Robert Junell ('76); Special to the Texas Tech Lawyer



United States District Judge Robert Junell and his wife, Beverly, with three interns and three law clerks at Guadalupe Peak this past summer.

When four law students accepted internships in the chambers of United States District Judge Robert Junell ('76) for the summer of 2004, they were unaware of what the experience would hold.

In reflecting on his summer, Richard Mitchell, now a third-year student at Tech Law said, "Judge Junell and his staff made me feel like a valued part of the court family. After two years of law school, the internship helped me obtain a valuable insider's view of the practice of law."

Junell presides over the Midland-Odessa and Pecos Divisions of the Western District of Texas. The internship program was a pilot program created in conjunction with Texas Tech School of Law and the State Bar of Texas Diversity Office with the purpose of introducing law students to the federal court system. During their internships, the students, who are currently studying at Texas Tech University, the University of Houston, and Pepperdine University, were partnered with Junell's law clerks. Over the course of the summer, each intern and clerk worked closely together on research and writing projects arising from a wide variety of civil and criminal cases.

While the interns were in Midland, Junell presided over a three-week trial involving ten defendants who were convicted of manufacturing and distributing methamphetamine for the Aryan Circle. Each intern spent a significant amount of time observing the trial and researching issues that developed during the course of the proceeding. The time spent in the courtroom allowed each intern an opportunity to see the "real life" practice of law in a federal court. Additionally, each intern spent time with Junell, who assigned the students work that correlated with their interests.

The "highlight" of the summer was a hiking trip in Guadalupe National Park, which is located in the Pecos Division and boasts the highest point in the State of Texas. Junell and his wife, Beverly, were joined by three interns and three law clerks for the hike to Guadalupe Peak. The group met at the federal courthouse in Midland at 4 a.m. to drive to the park. After arriving at 7 a.m., the hike began and the summit was reached in about 3 hours. All agreed the experience was a great exercise in teamwork.

Junell said he looks forward to hosting interns in the summers to come and



The Wentworth family photograph was taken on the grounds of the Governor's Mansion in Austin, Texas, commemorating the occasion of Senate Preside Pro Tem Jeff Wentworth's inauguration as "Governor of Texas for a Day" on November 20, 2004.

providing them with similar exposure to the federal court system...along with hiking trips to the highest point in Texas. ■

State Senator Tech Law Alum named Governor for the Day

By Kelly Berry

On November 20, 2004, Texas Senator and Distinguished Alumnus of Texas Tech University School of Law, Jeff



Wentworth, was sworn in as Texas' Governor for a Day.

The Texas tradition of "Governor for a Day" is more than fifty years old, and bestows the privilege upon the President Pro Tem of the Texas Senate for one day, when the Governor and Lieutenant Governor are out of the state. Senator Wentworth's colleagues unanimously elected him to serve as President Pro Tem in April 2004.

The "Governor for a Day" celebration is an opportunity to honor the senator and his constituents. Wentworth took time to thank his District 25 constituents in San Antonio and those who have supported him in his political career.

Wentworth said one thing he would change if he were governor for more than a day, is the state legislature's responsibility to redistrict congressional and legislative lines. He said he continues to fight for a resolution that would follow a handful of other states in transferring redistricting responsibility to an independent, bipartisan commission of citizens.

Wentworth has had a long and distinguished career in public service, which began in the third grade, passing out campaign literature, and continued throughout his years of formal education. He was president of the Texas Tech University School of Law

student body and served as national president of the American Bar Association Law Student Division, which afforded him opportunities to represent the ABA on an international level during his 3L year.

Wentworth said he feared his classmates resented his class absences because he was, "flying to different countries, while they had to endure the Socratic Method in class."

"You have to be willing to serve ... motivated by a desire to serve," Wentworth said of his idea of the core value of a successful politician. He noted that his time at Texas Tech University School of Law prepared him to represent people in the hopes of fulfilling those objectives that are most important to them. Senator Wentworth also knows his constituents. He knows that citizens are intelligent and that they want the truth from him. "They don't want [the truth] to be sugar-coated," he said. Wentworth keeps his constituents informed with a news column, so that they are not surprised by any decisions coming from the state Senate.

In all, Wentworth's day as Governor Wentworth was a triumph, with more than 2,000 friends and supporters in attendance. Many suggested that Senator Wentworth consider spending more time in the Governor's Mansion with a run for Governor in 2006. He responded that he might consider a run—on condition that he wins a major lottery first. The *Texas Tech Lawyer* wishes good luck on both pursuits to Senator Wentworth. ■

Small Firm Thrives on Big Problems

By Kristin Sims

For Randal Mathis, class of '80, it is the appeal of the impossible case that brings him to work each day. In fact, many of his friends joke Mathis should adopt the slogan "solving the unsolvable problem."

That is because Mathis's firm specializes, not in any specific area of law, but in civil litigation that others find too cumbersome — whether due to conflicts of interest, controversy, or just plain old difficulty.

"Most of our referrals come from the larger firms who send us things when they have conflicts or cases that involve controversial issues," Mathis said. "What we look for—the ideal cases—are cases that involve constitutional issues that have a public relations problem."

Located in Dallas, Mathis is probably best known for his work in representing the Catholic Diocese of Dallas during the 1990s priest-abuse scandal.

"It is hard to describe the practice—it's a real hodgepodge of things," Mathis said. "It is very diverse."

By dealing with high profile, controversial cases, Mathis has acquired considerable experience dealing with the media throughout his 25 years in practice. Mathis takes an honest, no-nonsense approach when dealing with the press.

"We try to work with the press in an open and honest fashion—in other words—cut out the B.S. and be frank to the extent that can be done in the best interest of the client," Mathis said. "That has been a guiding rule we try to follow with dealing with the press in all of our cases. We try to be cooperative subject to the professional responsibility aspects."

Mathis' first experience with the media was in 1984 in *Clancy v. Zale*, a firearms case where Mathis represented a gun manufacturer. The issue of the case was, of course, a controversial one—whether a gun manufacturer could automatically be held liable by someone who was shot by one of the manufacturer's guns.

"When the case began, I thought it was going to be an unusual products liability case, but I never thought it would receive the news attention that it did," he said. "The case started in 1984, I believe, roughly the time CNN started; I do remember that when CNN showed up I had never heard of them."

By the time the trial ended, not only did Mathis learn who CNN was, 43 news cameras had made the courtroom hallways home, and Mathis had made a special appearance on *The Today Show*.

"I didn't realize how wide spread the attention was until I arrived back to my office after appearing on *The Today Show* and read a message, 'Saw you on the *Today Show*—get a haircut.'"

Despite the extensive media coverage, Mathis did not believe the press affected the outcome of the case.

"The news coverage had a lot of effect on me and the client, but I don't think it had an effect on the jury at all.

Nathan Hecht was the trial judge. He is now on the Texas Supreme Court, and he ran a tough courtroom you can quote me on that!"

The media's influence is not always so unobtrusive. While representing the Catholic Diocese in the 1990s, Mathis experienced an overcrowded courtroom and faulty security.

"The whole process was very unruly. There were all sorts of security problems because a lot of people showed up. The trial went on for a long time," Mathis said. "I don't think the publicity affected the jury at all, but at the same time the massive number of media clearly affected the overall conduct of the trial. Whether it affected for better or worse for either side, I don't know, but

it certainly impacted everything," Mathis said.

On top of the distractions in the courtroom, Mathis also had to deal with harassing phone calls to his home.

"By the end of the Catholic Church case in [1997], the D.A.'s office had one of their investigator's staying with my wife at home because things really were getting to an alarming stage," he said

Despite such phone calls, Mathis continues his work. He likes representing both plaintiffs and defendants, and one thing is sure, Mathis will continue to look for the tough problems.

"These are the types of things we look for," Mathis said. "As a small firm, we have an ability to be flexible in handling those sorts of things." ■

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Tech Law Alums Stay on Campus to Help

by Leigh Mauer



In the 1970's, Texas Tech University decided that all students should have access to free legal aid. The Board of Regents approved, and the Student Affairs Division created, Student Legal Services ("SLS").

At first, SLS hosted an attorney that ran the office and a secretary that served as the legal assistant. Today, SLS has joined with Student Judicial Programs, which handles student disciplinary action, to employ three attorneys, all Tech Law grads; two legal clerks, both Tech Law students; a legal assistant; and an office manager. The office serves about 450 clients a month with an average of 50 new cases each month.

"The service was created to enhance student services, but now has grown in order to help in not distracting students from their learning experience in the event that a legal problem should arise." Jill Taylor-McCall ('00), the director of SLS, said. "Students do pay a fee that aids in funding the service, but it is no where near the amount that they would pay if they were visiting a private practice."

Taylor-McCall began working at the office in January 2000 while she was still attending Tech Law. She said that she took the internship class with former Professor Tim Floyd. After graduating, SLS offered her a job because she of her experience in the office. Taylor-

McCall has handled family law, consumer law and landlord/tenant issues as well as advising and referring criminal law issues.

"I see it as the entire student body of Texas Tech has me on retainer," she said.

The office then handles student cases, even taking them to court if necessary. In the future, the office wants to develop a mediation center. For now, ethical issues preclude the use of mediation. Because all students could potentially be her clients, one student cannot be represented against another.

"Mediation would definitely help with student versus student issues," Taylor-McCall said. "I am certified as a mediator and want to use this to help Tech students deal with issues concerning other Tech students."

Taylor-McCall also shared some advice for a law student trying to choose a path for the future.

"Leave your options open," she said. "Some things you might not have expected will come up, that just might be the best opportunity for you." ■

Wills Clinic Benefits Students and the Community

by Greer Ackley

In addition to his teaching duties at Tech Law, Professor Vaughn James manages the highly successful Wills Clinic, which provides services to underprivileged members of the community. "The more people we help, the better," James said.

James joined the Texas Tech Law faculty in 2001. Before that, he worked as a radio DJ, a preacher, a calypso band member, a banker, and a lawyer. Born in Dominica, West Indies, he lived all around the Caribbean as a child. He attended Andrews Seminary in Michigan, earned an MBA from Albany University, and graduated from Syracuse Law School.

He was highly recruited by several of the country's best law schools, but James said the faculty and students won him over when he visited Tech Law. Ultimately, Professor Jorge Ramirez convinced James to come to Tech Law.

"[Ramirez] claimed Lubbock was close to Albuquerque, and I believed him," James said.

James, Professor Tim Floyd, Professor Larry Spain, Nancy Mojica, and Elma Moreno began the Wills Clinic in Fall 2002. The Clinic gained the respect of the academic community, and James said there have been "lots of inquiries as to how we do it." "In the near future, my plan is to help other member schools set up a similar program," James said. James believes the Clinic is of great benefit to the community.

Clients come from the local community. In fact, James goes to local churches and talks about the importance of having a will.

James said that people who are underprivileged think they do not need a will because they do not have anything to pass on. To combat this line of thinking, he said that he explains to them that a will is a "just in case" document that can prevent fighting among survivors, a common theme in James' Wills and Trust class.

Participation in the clinic is required for students in the James' Wills and Trust class. Each year his students divide into groups and write "real" wills. Groups of three students will work with 30 to 40 clients this year.

"The Wills project gave me intriguing insight into the actual practice of estate planning from the perspective of in person contact with the clients," Ariya McGrew, a third-year law student, said. "As opposed to the theoretical insight we learned in class, the project enabled me to understand some of the subtle nuances of will drafting."

"The students learn what it is like to practice law," James said. "Our school benefits from the community; this is our chance to give something back."

"It is a win-win for everyone," he said.

Monica Barnard, a third-year student who participated in the program, said that the Clinic has positively affected her and her plans for the future.

"The Wills Clinic was very helpful because we got to see how the process worked first hand," Barnard said. "We were able to help real clients with interesting issues. I learned that helping those who need it is something I really want to do with my career."

The community response has been exceptional. The Clinic has never experienced a lack of clients – all of whom must first qualify for help from the legal aid society of North West Texas. No one is turned away, even when there are



ABOVE: Student group meets in the Wills Clinic.

more clients than student groups. Professor Larry Spain's Civil Litigation Clinic handles the overflow. ■

Tech Law Graduates, Students Work to Help Those in Need

by Brooke Little

There are many citizens around this region who are in dire need of legal help, but simply cannot afford it. Lubbock has two noteworthy legal service organizations that assist the indigent with their legal problems: Legal Aid of Northwest Texas and Legal Aid Society of Lubbock.

Legal Aid of Northwest Texas ("LANWT") has more than 1,000 cases pending in local courts. The Lubbock division of LANWT was created when West Texas Legal Services and North Texas Legal Services merged. LANWT is staffed by six attorneys, with one Tech Law student clerk each, 12 person-

nel and one managing attorney serve Lubbock and 10 surrounding counties. All seven practicing attorneys are Tech Law graduates.

"It's very rewarding working for low-income families," said Clarence Walker, a staff attorney for LANWT said.

The clinic's primary focus is assisting low-income families with various legal problems, including family law, landlord/tenant housing situations, and wills, but does not accept income-generating cases such as personal injury. There is an Equal Justice Volunteer Program in place where cases are distributed to local attorneys who do the work pro bono. The cases farmed out are primarily specialty areas such as bankruptcy.

There are two separate ways of obtaining the services of LANWT. The first is through its many clinics held throughout the month at local churches. These clinics are manned by staff, volunteers, and law students. The second process is to apply through the office.

On Monday mornings phone calls are accepted to set up an appointment with the intake specialist to determine the client's financial eligibility. If the household income meets the required standard, then the legal problem is assessed and the client becomes one of the many citizens assisted by this office.

The Legal Aid Society of Lubbock ("LASL") is another significant public interest law office. In 1945, the

Lubbock County Bar Association appointed a coordinator who handed out cases to local attorneys. In 1965, LASL was incorporated and hired an attorney to become the Executive Director. For 20 years, the office was staffed by only the Director and a secretary, but now LASL houses one executive director, two attorneys, five staff members and three Tech Law student clerks.

The operation of the LASL office is similar to that of the LANWT; however, LASL practices solely in the area of family law. The present Executive Director, C. Kay Caballero, a Tech Law graduate, is also the managing attorney and has more than 80 general family law cases pending.

"[The LASL office] stresses the needs of indigent women and children," Caballero said. "We strive to give them the support they need, but cannot afford," she added.

Kara Garcia is the Domestic Violence Division attorney who handles all of the office's Protective Orders. These clients are mainly referrals from the Women's Protective Services.

The third attorney, recent Tech Law graduate Laura Burke, was hired to head the newest division of LASL, the Parent-Child Relationship Division. The new division will provide services in original suits affecting the parent/child relationship of unmarried parents.

Ms. Burke explained that, "By establishing conservatorship, child support, visitation, and paternity, the SAPCR program will diminish the parents' need for assistance from sources such as TANF, Medicaid, and other welfare programs. I am excited about my new position as the SAPCR attorney for Legal Aid because I became a lawyer to help other people and make a difference in society. I admire the work Legal Aid does, and I feel privileged to be a part of their organization."

Both offices are funded mainly through the United Way, IOLTA & VOWA, as well as other grants; however, the office is always looking for alternative sources of income to assist those in need. The goal of Legal Aid is to offer quality, professional legal services to people often left behind due to economic circumstances. These professionals believe that all persons are entitled to have a voice in our legal system. Legal Aid of Northwest Texas and the Legal Aid Society of Lubbock are offices that often do not receive the recognition they deserve for all of the good that they do. ■

Tom Hall, '81 and Chester Grudzinski, '81

hosted a Tech Law Reception on February 8th at the City Club in Fort Worth.



The Fall Alumni Weekend was held September 17-18. Events included the 1st Annual Law School Gala co-sponsored by Phi Alpha Delta and the Office of Alumni Relations and a CLE featuring **Mark Lanier, '84** and Dr. Bob Leone.



The El Paso alumni reception was January 11th at Jaxon's. **Oscar Ornelas, '01** and **David Nichols, '80** helped to organize the event.



On November 5th, Washington D.C. area alumni gathered at the Wardman Marriott for a Tech Law reception in conjunction with the AALS Faculty Recruiting Conference.





TEXAS TECH
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Texas Tech University School of Law Alumni

1969

Tim Evans was selected for the second consecutive year as one of the “Top 100 Texas Super Lawyers” by *Texas Monthly* magazine. Evans was also included in the White Collar Criminal Defense Super Lawyers list.

1973

Charles W. Hurd has been named one of the “Best Lawyers in America”. The Best Lawyers in America annual directory is compiled from thousands of peer-review surveys from the nation’s top lawyers. Hurd practices Personal Injury Litigation in the Houston office of Fulbright & Jaworski L.L.P.

1974

Richard C. Hile is a partner at Dies & Hile in Austin. He was the recipient of the State Bar of Texas Presidents’ Award in 2004 and was named a Super Lawyer by *Texas Monthly* magazine.

1975

Ken Greer, Jr. has been elected Irion County Attorney. He will maintain his full time civil practice in San Angelo, Tom Green County, Texas, as well. Greer has been named a Super Lawyer for the second consecutive year by *Texas Monthly* Magazine. He and wife, Jan, live in San Angelo. They have three children: Chris is attending the Texas Tech School of Law, Hunter served in the U.S. Army in Iraq during Operation Iraqi Freedom and now attends Angelo State University, and Katie attends Howard Payne University.

Douglas R. Woodburn was named one of *Texas Monthly*’s Super Lawyers for

the second consecutive year. Woodburn is Board Certified in Family Law by the Texas Board of Legal Specialization. He is a Council Member of the Family Law Section of the State Bar of Texas and currently serves as Vice President of the Texas Academy of Family Law Specialists. He is also a Fellow of the American Academy of Matrimonial Lawyers. Woodburn is a partner in the Amarillo firm of Woodburn, Watkins & Jackson, L.L.P.

1976

Lt Col, USAF, JAG (Ret.) **H. Michael Bartley** has been elected to his second term as county attorney in Delta County, Texas.

Randy J. Hall has been named a Super Lawyer by *Texas Monthly* for the second consecutive year. He was also named one of *Fort Worth Magazine*’s Top Lawyers of Tarrant County and was honored as the *Fort Worth Business Press*’ Attorney of Excellence. Hall is the Chairman of the Litigation

Practice Group at Decker, Jones, McMackin, McClane, Hall & Bates, P.C. in Fort Worth.

1977

JAMS, the largest private ADR company, honored **Cecilia Hufstедler Morgan** for ten years as an ADR Professional Mediator and Arbitrator in September, 2004.

1978

Rick J. Harris' son, Taylor, is graduating from Texas Tech University and plans to apply for admission to Tech Law. Harris practices law in Pampa.

Daniel W. Hurley was elected as President of the Texas Criminal Defense Lawyer's Association in June 2004. TCDLA is an association of more than 2500 criminal defense practitioners and is the largest association of criminal defense attorneys in the United States. Hurley was named a Super Lawyer by *Texas Monthly* magazine in 2004.

Russell F. Nelms was selected as a United States Bankruptcy Judge by the U.S. Bankruptcy Court in the Northern District of Texas.

1979

Carolyn F. Moore passed the examination in October 2004 to be board certified in Workers' Compensation Law. This is the first year that this certification was offered, and only 76 people passed the exam.

1980

In 2000, after a 20 year career with the law firm of Thompson & Knight in Dallas, **Paul M. Johnston** joined Centex Corporation, a NYSE company based in Dallas. Johnston serves as house counsel responsible for corporate finance.

Currently he is Vice President and Corporate Counsel with Centex. Johnston was named one of *Texas Monthly's* Super Lawyers in 2004. His wife, **Kathryn**, is also a 1980 Tech law graduate. She has retired from the practice of law and is a full time wife and mother of four children. Their oldest child, Sarah, born during law school finals in the spring of 1980, will graduate from the University of Houston Law Center in the spring of 2005.

Larriet E. Thomas has been named of counsel to the firm of David Goodman & Madole in Dallas. She practices in the area of litigation.

“

*Without law and order
our nation cannot
survive.*

”

1981

Barry Beer announces the formation of Beer & Martinez, L.L.P. in San Antonio. This firm concentrates on all areas of personal injury litigation. Both Beer and Hector Martinez are adjunct professors at St. Mary's School of Law.

Barry W. Sheridan has retired due to disability. He is working as a part-time tax attorney, writing briefs and consulting with other attorneys and CPAs.

1982

George Parker Young argued a landmark case on HMO liability to the U.S. Supreme Court in March 2004: *Aetna Health Inc. v. Davila* 124 S.Ct. 2488. *Texas Monthly* magazine named Young a Super Lawyer in 2003 and 2004.

1984

W. Stacy Trotter was appointed as the District Judge of the 244th Judicial District Court by Governor Rick Perry on September 24, 2004. Trotter defeated his democratic opponent in the November general election and will serve the remainder of an unexpired term until 2006.

1985

Doug Atnipp was named a Super Lawyer and was listed as one of the Top 100 Lawyers in Houston for the second consecutive year by *Texas Monthly* Magazine. Atnipp is with the firm Porter & Hedges in Houston.

M. Sue Kurita has been elected Vice President of the National Association of Women Judges. Kurita is the presiding judge of El Paso County Court at Law Number Six. Kurita also teaches criminal justice classes at Park University.

1987

Stephen W. "Steve" Mooney, who chairs the labor law and employment litigation section of Weinberg, Wheeler, Hudgins, Gunn & Dial in Atlanta, Georgia, was named by *Atlanta Magazine* as a 2004 Georgia Super Lawyer in employment litigation. Steve can be contacted at smooney@wwhgd.com.

Brian T. Cartwright is a shareholder of Alagood & Cartwright, P.C. He practices in the areas of Personal Injury, Federal and State Court Civil Litigation, and Consumer/Insurance Law.

1992

R. Scott Alagood has been a Shareholder of Alagood & Cartwright, P.C., in Denton since October 2003. The firm handles the following matters: State and Federal Civil Litigation; Commercial & Residential

Real Estate; Small Business Formation and Consulting, Commercial Litigation; Personal Injury, Medical Malpractice; Wills, Trusts, and Probate. Alagood has been Board Certified in Commercial and Residential Real Estate since December 31, 2001. He was named a Super Lawyer by *Texas Monthly* magazine in 2003 and 2004. He and wife, Dawn, have two sons: Ryan Scott (born December 10, 2001) and Jack Landry (born December 30, 2002.)

John Barr was named a Texas Rising Star for 2004 by *Texas Monthly* Magazine. Barr practices in the area of Business Litigation with Bracewell & Patterson in Houston.



Michael Santa Maria was named to The International Who's Who of Business Lawyers. Santa Maria is with Piper Rudnick, L.L.P. and primarily represents U.S. based companies in transactions outside of the United States with an emphasis on representing franchisors in international development transactions. He resides in Plano with his wife, Allison.

W.J. "Dub" Wade, Jr. has been named Shareholder of the firm Field, Manning, Stone, Hawthorne & Aycock, P.C. in Lubbock.

“
*The price of liberty
is eternal vigilance.*
”

1993

On January 1, 2005, **Jay K. Weatherby** was sworn in as Judge of the 340th District Court of Tom Green County. Jay and his wife, Jana, have three children: Allie (12), Ben (8), and Caroline (4).

1995

Heather L. King of Fort Worth was named one of the Top Fifty Female Attorneys in Texas as well as a Super Lawyer by *Texas Monthly* magazine. King is a Council Member of the State Bar of Texas' Family Law Council and a Director of the Texas Academy of Family Law Specialists. She is actively involved with the Tarrant County Bar Association, and has penned numerous publications relating to Family Law.

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1996

Brian Chavez was featured as a main character in the movie, "Friday Night Lights" played by actor Jay Hernandez. Chavez was also on the cover of the November 1, 2004, issue of Texas Lawyer.

Samuel J. Hawthorne has become Board Certified in Tax Law by the Texas Board of Legal Specialization. Hawthorne is with Field, Manning, Stone, Hawthorne & Aycock, P.C.

Julian Rivera has been named partner in the firm of Brown McCarroll in Austin. Rivera's expertise is in product liability litigation, health care litigation, medical malpractice litigation and administrative law.

Kristy Wright and her husband, Sean Paul Wright, of Amarillo announce the birth of their second child, Caden Layne, on April 12, 2004.

“
The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.
”

1997

Jay Akers has been named Partner in the Charlotte, North Carolina, office of Moore & Ban Allen. Akers practices in the area of financial services, representing agent banks in syndicated credit facilities in acquisition financing and asset-based lending transactions.

Sandra Ramos White

has been named a Texas Rising Star for 2004. She practices Labor and Employment Law in the San Antonio office of Bracewell & Patterson.



1998

Annette Coats is a volunteer lawyer at a Bradenton, Florida legal aid office, Gulfcoast Legal Services. She primarily serves children and the elderly with disabilities or healthcare benefit issues.

Chantel Crews has become a Shareholder in the firm of Scott, Hulse, Marshall, Feuille, Finger & Thurmond PC, in El Paso. She practices in the firm's general liability and insurance litigation section. Crews was selected as one of the 2004



THE WILLIAM DANIEL MOCK TRIAL TEAM FINISHED SECOND in the nation in the fall mock trial competition held in Atlanta, Georgia. This team consisted of Lanisa Agnew, Forrest Beadle, Brandon Benoit, Melissa Morgan, Lisa Minjarez, Michael Whyte, Franklin McDonough, and Coaches: Adjunct Professors Murray Hensley and Dick Baker.

Texas Rising Stars by *Texas Monthly* magazine.

1999

Walker Crowson was named partner in the firm of Kemp Smith LLP. In December 2004, Crowson became Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization.

Molly Forsyth Manning and her husband, J. Paul Manning, announce the birth of their first child, Samantha, on July 6, 2004.

Sheridan Ryan and her husband, Mark, recently welcomed a son, Bryce. Ryan currently works from home for a Chicago-Loop Law Firm in personal injury.

Yong L. Wood married Leslie Leistriz on November 20, 2004.

“
*Where there are laws,
he who has not broken
them need not tremble.*
”

2001

Tanya L. Boucher began practicing full-time in Lubbock in late 2004. She maintains a solo practice with emphasis on Business Law & Real Estate Law. Boucher continues to maintain a general practice.

Sheridan L. Gilkerson is an associate with Jackson, Sjoberg, McCarthy & Wilson, L.L.P. in Austin. Gilkerson practices in all areas of Natural Resources Law, including related permitting, rulemaking and litigation matters.

2002

Kimberly Smith has served as the Misdemeanor Chief for the Collin County District Attorney from December 2004 to the present. As of January 10, 2005, Smith is licensed in Washington, D.C.

Mike Springer has joined the Strasburger & Price, L.L.P., Houston office as an associate in its real estate practice unit.

Lisa (Trevino) Story married Brandon Story on August 20, 2004.

Cailen Wevodau welcomed her second child, Anzley Grace, in November. The Wevodau family relocated to Washington state in June, and Cailen plans to open a practice in Yelm, Washington, within a year.

2003

Danielle E. Needham

is an associate in the Labor and Employment section of Jackson Walker in Fort Worth. Before joining Jackson Walker, Needham served as a judicial law clerk for Justice Sue Walker at the Court of Appeals for the Second District of Texas.



2004

Sarah E. Dobson is an associate in the Labor and Employment section of the Dallas office of Jackson Walker.



Todd Keagle has joined the Harris County District Attorney's Office.

Allen Reaves has joined the offices of Robert D. Bennet & Associates, P.C., in Gilmer. Reaves was sworn in by County Judge Dean Fowler in November.



Brent Sykora is an associate attorney with The Gilbreath Firm, PLLC, in San Antonio.

Diana Valdez has joined the El Paso firm of Scott, Hulse, Marshall, Feuille, Finger & Thurmond, PC, as an associate.

“
*A law is valuable not
because it is law, but
because there is right in it.*
”

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Sincerely, Walt Huffman, Dean



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