Dedman Family Gives $20 Million to Name School
CAMPAIGN NEARS $50 MILLION
Nancy and Robert H. Dedman, Sr. (center) stand with their family to be recognized after the February 14 announcement that the law school would be named in their honor. Standing on the platform for the ceremony, held in front of Storey Hall, are (L-R) Mark Dietz and Patricia Dedman Dietz, Nancy Dedman, Robert Dedman, Sr. ’53, Rachel Redeker Dedman and Robert Dedman, Jr. ’84.
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Highlighting the celebration of its 75th year, Southern Methodist University School of Law has been named the Dedman School of Law. The naming honors the Dedman family who has pledged $20 million in endowment for scholarships, chairs and research funds at the law school. The gift was announced at a ceremony at the Law School on February 14. Present at the announcement were Robert H. Dedman, Sr. ‘53, his wife Nancy Dedman, Robert Dedman, Jr. ‘84, his wife, Rachael Redeker Dedman; and Patricia Dedman Dietz and her husband, Mark Dietz. Robert Dedman, Sr. is founder and chairman of Dallas-based ClubCorp, which owns over 210 private clubs and resorts around the world. Robert Dedman, Jr. is CEO and president of ClubCorp.

"Nearly all of the major business centers of America have one of the top 10 law schools in the country. Quite frankly that gives them an edge over us for headquarters, companies and keeping businesses here. So, we need to really work as hard as we can to get SMU, not into the top 25—that would be good—but first into the top 10, because New York, Boston, Chicago, and San Francisco all have one or more top 10 law schools. That is what we need here to give us a chance to compete in the business community."

Robert Dedman, Sr.
A Day of Celebration

News of the naming had remained a secret until the day of the ceremony. Guests had received a letter from SMU President R. Gerald Turner several weeks earlier inviting them to attend a “momentous announcement that will help define the future of our University and the SMU School of Law.” The buzz of excitement grew as a large crowd of faculty, students, alumni and prominent guests converged on the Law Quad to the music of a student brass quintet from the Meadows School of the Arts. The site for the celebration had remained in doubt until the last moment as the law school staff consulted Internet weather reports trying to divine the chances for precipitation within the hour. The decision to go with the preferred outdoor location proved clairvoyant as the rain held off until the last words of the ceremony were uttered.

The announcement of the Dedman naming was an “historic” day for the School of Law, said President Turner, as he initiated the noon ceremony on the steps of Storey Hall. “Today marks the union of two very distinguished names: the School of Law and the Dedman family. We are honored to say the School of Law at SMU is to be named the Dedman School of Law in honor of the Dedman family.”

The Dedman family and Dedman Foundation have pledged $20 million to endow the school, which includes a new $5 million challenge grant to be matched by

“It is important that SMU continue the tradition of producing some of the most effective business leaders and top quality lawyers in Dallas, the nation and the world. I want to thank the faculty and my fellow students for the quality of the education and friendships that I have established through the law school.”

Robert Dedman, Jr.
other new gifts to the School of Law. The goal to provide a $25 million endowment is an “unprecedented act of generosity” to the law school, Dean John B. Attanasio said. Symbolic of the family’s commitment to learning, at least 70 percent of the gift will benefit endowed scholarships for students; the remaining 30 percent of the contribution will go toward faculty chairs and faculty research grants. These are financial designations designed to accelerate the Law School’s rank among its academic peers and ensure the continued economic success in Dallas-Fort Worth, Robert H. Dedman, Sr. told the crowd.

“We need to really work as hard as we can to get SMU, not into the top 25—that would be good—but first into the top 10, because New York, Boston, Chicago, and San Francisco all have one or more top 10 law schools. That is what we need here to give us a chance to compete in the business community.”

In celebrating the gift, Robert Dedman, Jr. ’84 thanked faculty members and acknowledged their importance to the school, and personally, to his own family’s success. “The study of law I believe is a very noble profession,” said Robert Dedman, Jr. “The practice of law is a noble profession and certainly, most importantly, the teaching of law is a noble profession. What you do every day is incredibly important because you impact everyone’s lives. It’s not just going to SMU Law School, it’s not just about making a living—it’s about making a life. And I think that is what everyone here has been able to do, is make a much better life because of what they have learned through the study of law.”

“Today we stand positioned bet-
ter than all but a few schools—NYU, Harvard and Columbia—to become one of the first global law schools in the world,” said Dean Attanasio. “That is, a school that shapes the legal infrastructure of the global marketplace and that trains the leadership of that marketplace. This magnificent gift celebrates an opportunity, rather than an achievement. It thrusts upon all of us associated with the institution a challenge to lead—to lead locally, nationally and internationally. It carries with it an awesome responsibility of constructing one of the great global law schools in the world, which will benefit not only the people of this community, but hopefully people who aspire to freedom, prosperity, equality and peace all around the world.”

The day was filled with symbolism. The Valentine’s Day event, sandwiched in between the February 13 birthday of Nancy Dedman, and Robert Dedman, Sr.’s 75th birthday on February 15, coincided with this year’s 75th birthday of the School of Law. At a luncheon following the ceremony, guests sang “Happy Birthday” to Robert and Nancy as they cut a cake shaped in the form of Storey Hall. As a memorial of the day’s events, the Dedmans were presented with an artist’s rendering of the Tempietto.

Students and faculty are excited about the opportunities the Dedman gift will offer to the school. Professor Roy R. Anderson, the Vinson & Elkins Distinguished Teaching Fellow and professor of law said, “It would be hard to imagine a family name that this law school could bear more proudly than that of the Dedmans. Because of the respect in which they are held in the Dallas community and their superb record of philanthropy in our community, their name adds not only prestige to our school but will undoubtedly aid us in future fund raising efforts. Named chairs and professorships will enable us to attract and keep high quality faculty and will properly signal to the academic community the high caliber of faculty that we do have.” Professor Joseph Norton, the James L. Walsh
The University’s strategic goal is to enhance the academic competitiveness of the university. I can’t think of a better way of realizing this goal than by building the law school in the way that the Dedman gift will make possible.

SMU Provost Ross C. Murfin

“Today marks the union of two very distinguished names: the School of Law and the Dedman family. We are honored to say the School of Law at SMU is to be named the Dedman School of Law in honor of the Dedman family.”

SMU President R. Gerald Turner

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John B. Attanasio, Dean of the Dedman School of Law and William Haueney Atwell Professor of Constitutional Law
"I've had many conversations with Robert Dedman about the law school, participated in with Dean Attanasio, whose great vision and leadership is largely, in many respects, responsible for capturing Bob's imagination and the rest of the family's imagination. I can only say on behalf of the future and present alumni: thank you Dedmans, very much."

Alan Feld '60, member SMU Board of Trustees, Law School Executive Board; co-chair, law school capital campaign

"The Dedmans have modeled again and again throughout this community, and this state, and certainly this university the importance of generosity and of giving back to those who have been so related to them and important to them."

Mike Boone '67, member SMU Board of Trustees, Law School Executive Board; co-chair, law school capital campaign

Distinguished Faculty Fellow in Financial Institutions Law, stated, "The Dedman family gift comes at a most opportune time as our law school has now positioned itself to move upward to our rightful place in the law school ratings, and as we try to turn into reality our vision for a Global Law Center. The gift should provide the extra momentum and capital base needed to achieve these institutional goals."

Gabe Vazquez, a second year Sarah T. Hughes scholarship recipient, spoke at the ceremony: "[Mr. Dedman] your commitment to education transcends all boundaries and is a reminder to all of us of our own responsibilities as professionals one day to fulfill our civic duties." Jeff Jones 2000-2001, SMU Law Review Association president, told the audience, "Every facet of the law school will feel the benefits of their tremendous generosity... garnering the attention and interest of so many distinguished authors and speakers (to the campus), simply put, cannot be possible without the continued support and commitment of families such as the Dedmans."

February 14 was not only a day to celebrate the Dedmans' generous financial gift but, as important, the family's commitment of time to SMU. Robert Dedman, Sr., who received his Master of Laws degree in 1953, has been a member of SMU's Board of Trustees since 1976 and has served as board chair from 1992 to 1996. He also serves as one of five co-chairs of SMU's five-year $400 million capital campaign, appropriately called "A Time to Lead" and is

A History of Generosity
"I think that the Dedman gift opens a generational window of opportunity for us. It makes it possible for this law school, which is already a fine institution, to become one of the very best. That will not happen overnight—it will take a generation. It will not happen solely because of the gift and the affiliation—we have a whole lot of work to do. But without the Dedman gift, the future that now seems within our institutional reach would not have been possible."

John S. Lowe, George W. Hutchison Professor of Energy Law

"The gift represents both great support and a great challenge. I say support because such a generous gift represents some level of belief in the work we have thus far accomplished at the law school. And, still more importantly, I say challenge because this gift challenges us to reach even harder for excellence in research and teaching. On a personal note, I appreciate this gift because, as a life-long Dallasite, I have long admired the Dedmans' business and civic successes."

Ellen Smith Pryor, Professor of Law
"The Dedman gift may be the most important gift in the history of the law school. Under the far-thinking leadership of Dean Attanasio, I expect this gift to propel the law school to the highest levels. The portion of the gift earmarked for faculty chairs and research grants is of tremendous importance. Such chairs and grants will allow the school to retain outstanding professors and attract excellent faculty from other schools. In so doing, the gift will solidify our academic standing and insure that the school is ranked among the most elite law schools."

George Martinez, Professor of Law

"The Underwood Law Library, one of the 25 top academic law libraries in the country, will provide the resources to complement the Dedman family's support of faculty scholarship and student achievement. This is an outstanding partnership."

Gail Daly, Associate Dean for library and technology, Director of the Underwood Law Library and Associate Professor of Law
a member of the executive boards of Dedman College and the School of Law.

Nancy Dedman, who received a bachelor's degree in political science with Phi Beta Kappa honors, is a current member of the Dedman College Executive Board, Dedman Capital Campaign Committee and the board of the Willis M. Tate Distinguished Lecture Series. She has served on boards for the Godbey Lecture Series in Dedman College and the G. William Jones Collection of films and videotapes in Meadows School of the Arts.

Robert Dedman, Jr. who earned both JD and MBA degrees from SMU, is chair elect of SMU's 21st Century Council and has served on the executive boards of the Law School and the John Goodwin Tower Center for Political Studies in Dedman College. His wife, Rachael, received a Master of Liberal Arts degree from SMU and serves on the board of Meadows School of the Arts. Patricia Dedman Dietz, earned a master's degree in psychology from SMU.

In addition to the Dedmans' gifts of time, their financial resources have helped to shape SMU and its mission of excellence in higher education. The law school is the second of SMU's six degree-granting schools to bear the Dedman name. Dedman College of Humanities and Sciences was named in honor of the Dedmans following their 1981 pledge of $25 million to endow the school.

A pledge of $30 million from Robert H. Dedman, Sr., Nancy Dedman and the Dedman Foundation, the largest single gift in SMU history, was announced at the kickoff of The Campaign for SMU in April 1997. At that time, the donors designated $12 million of the gift toward construction of the new Dedman Life Sciences Building, to open in spring 2002. Later they established a $2.5 million endowed scholarship at

"Today's generous gift from the Dedman family is so much more than the dollar figure. It's the gift of opportunity. Opportunity for each student who walks the halls of this law school. Opportunity for each student who walks the halls in the future. Opportunity to take an active role in the shaping of this law school, this university, this community and beyond—and an opportunity to lead."

Chad Copeland '01, Student Bar Association President, 2000-2001

Front row (L-R) Students Jeff Jones, Gabriel Vazquez and Chad Copeland stand with SMU President R. Gerald Turner and others following the official announcement of the school's new name. The three student leaders along with Michelle Hartmann were among the guest speakers who addressed the February 14 audience.
SMU School of Law celebrates its 75th birthday this year. Its gift, wrapped in the dedication package, is a promise of future scholarship and educational opportunities that has the potential to catapult this school forward in rank."

Michelle Hartmann ’01, valedictorian and Chief Justice of the Barristers, 2000-2001

SMU for students from North Dallas High School, Robert Dedman, Sr.’s alma mater. Fifteen million of the 1997 pledge is now being designated for Law School endowment. With the addition of the $5 million challenge grant for the School of Law, the Dedmans’ cumulative gifts and pledges to SMU are in excess of $77 million.

SMU has honored Robert Dedman, Sr. with the Entrepreneur of the Year Award from the Cox School of Business in 1976, the University’s Distinguished Alumni Award in 1980, and the Law School’s Robert G. Storey Award for Distinguished Achievement in 2000, the highest award that the Law School bestows. Both the school and Robert Dedman Sr.’s lives have been characterized by “academic prowess, excellence, love of learning, and fun,” remarked Dean Attanasio. Robert and Nancy Dedman received SMU’s Mustang Award for longtime service and philanthropy in 1995.

Starting with Brookhaven Country Club in the late 1950s, Robert Dedman, Sr. developed ClubCorp, the world’s largest operator of golf courses, private business clubs and golf resorts. ClubCorp now spans the globe with more than 210 properties and more than 500,000 members in the United States, Australia, Asia, Mexico, and Europe. Robert Dedman, Sr. is now chairman of ClubCorp, and Robert Dedman, Jr. is ClubCorp’s president and CEO. Mr. Dedman, Sr. turned the day-to-day management over to his son as chief executive in 1998, but he remains active in ClubCorp’s operation.

The Dedmans stand as one of the preeminent families of philanthropy in the United States. Their gift to the Law School continues the family’s commitment to higher learning and dedication to excellence in legal education. “I also want some people to realize the thrill of giving while living,” said Robert Dedman, Sr. “That is one reason we have this challenge grant is so people will get in the habit of giving while living and experience the thrill of seeing the product of their gifts in these students and professors as they grow.”
United States Supreme Court

Justice Antonin Scalia registered at least two “firsts” on his visit to campus on February 14 and 15, 2001. Arriving less than four hours after the conclusion of the ceremony announcing the naming of the Law School, Justice Scalia became the first guest lecturer to speak at the "Dedman" School of Law. The following day he taught the first class in the new Hillcrest Foundation Courtroom.

For a time, however, there was serious doubt as to whether either one of those pioneering events would occur as planned. The Justice’s flight from Washington Reagan Airport to Dallas was canceled due to fog, as was his later departing back-up flight from the same airport. His willingness to make the trek to Dulles Airport saved this year’s Alfred P. Murrah Lecture from last minute cancellation, but not from a short delay. Arriving 30 minutes late to an overflow crowd at the Caruth Auditorium, he was greeted by a standing ovation immediately upon entering the room. After an introduction by Dean John B. Attanasio, the William Hawley Atwell Professor of Constitutional Law, Justice Scalia received another thunderous ovation.

"Thank you very much ladies and gentlemen. I really apologize for being half an hour late, although from the reception I have received I ought to keep all my audi-
He began his remarks about Constitutional interpretation by observing that, "You would think after 200 and some odd years of doing this, we would be agreed upon what we think we're doing." But, he said, it is still the subject of some debate.

He described his view as follows: "I am one of a small, but hearty band called textualists or originalists. My view of the Constitution is that it is a text, like a statute, and like any other text, the meaning that is to be given is the meaning that it was understood to have when it was enacted. That meaning does not change from year to year. What was permitted when it was adopted is permitted today and what was forbidden then is forbidden now. This, as I say, is called originalism." Explaining the rarity of his view today, he said "People sometimes come up to me with sort of a strange look in their eye and they say, 'Justice Scalia, when did you first become an originalist?' as though, When did you start eating human flesh?"

Those who don't subscribe to originalism take the approach that "if something is really bad, really stupid, why it must be unconstitutional, and if it's really wonderful, it must be required by the Constitution," he said.

He cited the passage of the Nineteenth Amendment in 1920, giving women the right to vote, as proof that originalism was Constitutional orthodoxy up until about 40 years ago. "At that time the equal protection clause was never understood to mean that you could not discriminate in the franchise on the basis of sex." Hence, the only way that women could be granted the right to vote was by Constitutional amendment. However, he said, "It would not play out that way today because we have an evolving Constitution. And it doesn't matter what it meant; it means what it ought to mean. That is, it means what we want it to mean and that is the only criterion." Accordingly, today denial of the right to vote for women would surely be held to violate the equal protection clause, eliminating the need for a Constitutional Amendment.

Justice Scalia then turned to explain the three fallacies in the debate between originalism and non-originalism. First, he said, the "fault line between originalism and whatever else the other view is, is not based on a difference in liberalism versus conservatism. It has nothing to do with that. Conservatives are willing to twist the Constitution for their favorite purposes just as readily as liberals are." Second is the claim that "the virtue of an evolutionary system of interpretation is
flexibility." According to him, "You don’t need a constitution to be flexible—all you need is a legislature and a ballot box. The people who want an evolving Constitution want the whole country to do it their way—on abortion, on right to die; on one issue after another." Third is the argument that "there is no harm done because it (the evolving Constitution) will result in more and more freedom." To the contrary, he declared, "It won’t do that. It will simply produce a Constitution that the current society happens to like. Sometimes that will be a Constitution with more freedom, but in some cases that will be a Constitution with less freedom.”

He then reminded the audience that “there is nothing in the text of the Constitution that says the Supreme Court of the United States shall be its authoritative interpreter.” However, *Marbury v. Madison* established that it is lawyers' work to interpret statutes. But, “if it’s not law really, if it’s philosophy—if it’s determining what are the evolving standards of decency of our maturing society—why in the world would you want five out of nine lawyers in Washington to be the last word on that? It makes no sense at all.”

Justice Scalia concluded his prepared remarks with the assertion that “we won’t last as the society we are for another 200 years if we continue down this new road because, in the last analysis, if the Constitution means what it ought to mean—it will mean what the majority thinks it ought to mean. The people will be willing to leave the Constitution to the interpretation of lawyers when they think it’s lawyers’ work. But once they have become persuaded—as they have—that it’s not lawyers’ work, that it means what it ought to mean—that whatever I care passionately about is all that matters—that everything that is wonderful is in the Constitution—once they have come to believe that—they are not going to be looking for good lawyers when they appoint people to the Supreme Court—and they should not be. They will and should be looking for people that agree with them as to what the evolving standards of decency that we have evolved happen to be today. And you
have seen that begin to happen. You have Senate confirmation hearings in which the senators representing the people quiz the nominee... It's like having a mini-constitutional convention before the Senate Judiciary Committee whenever you select a new nominee. What is happening is the people are making their will felt. They are saying how the Constitution will be interpreted. And you realize when we have arrived there, we have made a nullity of the Bill of Rights, which is meant to protect you from—who do you think? The people. My most important function, as a judge, is to tell the people to take a walk. To tell them they cannot do what they want to do. And once you have arrived at a theory of constitutional interpretation that produces a system in which it will be the people who decide what the Constitution means, the game is over.”

Following his speech, Justice Scalia took numerous audience questions ranging from the role of stare decisis in his decisions to the existence of “penumbras.” As the Question and Answer session drew to a close, someone finally had the courage to ask him about the presidential election decision made in favor of George W. Bush approximately two months earlier: “As an originalist, how did you apply your theories to the recent decision in the presidential election?” Justice Scalia replied: “Not a problem there. This was no penumbra. There were two grounds that the decision was based on. One was the equal protection clause; and one was the provision that said the time, place and manner of choosing electors shall be determined by the legislature of the state. And we had had a prior decision that the legislature meant just that—the legislature—and could not be overridden by plebiscite even; the legislature had to be given effect. And that’s all I have to say about it. But there were two texts—very clear—and a case that said when it said legislature, it meant legislature, not a plebiscite and not the courts.”

Following the lecture, Justice Scalia joined the audience at a reception in Taubman Atrium, where he graciously discussed issues, signed autographs and posed for pictures.

The Alfred P. Murrah Lecture on the Administration of Justice was established through the Hatton W. Sumners Foundation to commemorate Judge Murrah’s lifework.
SMU's Dedman School of Law paid tribute to the achievements of its 2000-2001 Distinguished Alumni on February 24 at the Adolphus Hotel in Dallas.

L-R: SMU President R. Gerald Turner, James A. Baker '58, Clark J. Matthews II '61, Gordon R. Carpenter '48, Dean Emeritus Charles O. Galvin, Helmet Sohmen '66, Hector A. Maira '63, John R. Howie '76, Antonio O. Garza, Jr. '83, and Dean John B. Attanasio
judge on the state’s highest court, an international businessman with an overseas fleet of shipping vessels, and a Texas Railroad Commissioner are among the seven attorneys who received this year’s Distinguished Law Alumni Award from Southern Methodist University’s Dedman School of Law. Each year the law school recognizes graduates who have distinguished themselves with their professional achievements, philanthropy, and public service or by rendering outstanding service to SMU’s Dedman School of Law. This year there was a particular buzz of excitement in the air throughout the Grand Ballroom of the Adolphus Hotel as the event came just days after the Dedman naming gift, described by Dean John B. Attanasio as a “watershed moment for the School of Law.” Robert and Nancy Dedman, other fellow alumni, former distinguished alumni recipients, faculty, students, and friends of the law school gathered for the February 24 dinner and reception to recognize the honorees. “The highest rating we have is the quality of our alumni,” SMU President R. Gerald Turner told the evening’s recipients. “The opportunity to honor you is an opportunity to celebrate the school and we take great relish in having those opportunities.” The Brief proudly presents the 2000-2001 Distinguished Alumni and highlights this year’s awards ceremony:
Since 1986, Helmet Sohmen has served as chairman and president of World-Wide Shipping Group Ltd., a service company for his family-owned private tanker and bulk carrier fleet. The fleet is a leader in the global bulk trades business with a total carrying capacity of some 11 million tons. The vessels are managed from affiliated offices in Bermuda, London, Toronto, Singapore, Hong Kong and Tokyo.

Born in 1939 in Linz, Austria, Dr. Sohmen came to the United States on a Fulbright scholarship and studied at Wesleyan University in Connecticut. He subsequently obtained a JD degree from the University of Vienna, a Master of Comparative Law degree from the SMU School of Law, and a Master of Law degree from Northwestern University in Chicago.

At SMU, Sohmen discovered an invigorating environment for international law students.

"SMU has given me a chance to learn and get a formal education in American law," Sohmen said. "But I also got an education about what one can do and I think I got my first inkling of what one should do—it's been a wonderful experience to face different challenges."

Sohmen was the first Legal Advisor in the International Division of the Royal Bank of Canada, prior to joining the shipping business in Hong Kong in 1970. In the years since, he has held company positions in Hong Kong, Bermuda and England. He has been a chairman of the Hong Kong Shipowners Association and a member of the Hong Kong Legislative Council, the Hong Kong General Chamber of Commerce and the Hong Kong Academy for the Performing Arts. Currently, Sohmen is deputy chairman of the Hong Kong and Shanghai Banking Corp., Honorary Chairman of the Austro-Chinese Friendship in Vienna, a member of the Court of the Hong Kong University of Science and Technology, and chairman-designate of the International Tanker Owners Oil Pollution Federation in London.

He has established and presided over a number of foundations supporting economic research, education and bilateral relations, including the annual funding of legal scholars from China through a Dedman School of Law scholarship named in his honor.

Sohmen is the first international trustee on the board of trustees of SMU. For his public service he has been honored by a number of national and local governments and academic institutions. He won the Overseas Austrian-of-the-Year Award in 1995 and The Schumpeter Award in 1998.

"I'm grateful to the university and the law school for giving me the opportunity to study here and to create the platform of my life that has probably been more important than any education I received before I came to Dallas or after," said Sohmen.
After graduation, he joined the Federal Bureau of Investigation where he served as a Special Agent assigned to offices in Washington D.C., New York City, Boston, Buffalo and as Resident Agent in Rochester, New York. In 1946, he entered the SMU School of Law where he was an editor of the Southern Law Journal, and president and a charter member of the Barristers.

Carpenter began work with the Southwestern Legal Foundation in 1947, serving as its executive secretary and later executive director. In 1958, he joined the First National Bank in Dallas where he was vice president and senior financial planning officer in the bank's trust department for over 25 years.

From 1985 to 1995 Carpenter was executive director of the Hatton W. Sumners Foundation. He continues to serve as a trustee of the foundation, a position he has held since 1959 with fellow trustees that have been like "a second family to me," he said.

Carpenter has served the State Bar of Texas in numerous volunteer capacities for over 50 years. As a result of his extraordinary efforts, he received the President's Award for Outstanding Service to the Legal Profession in 1963, the Board of Director's Citation for Service to Continuing Legal Education in 1971, the Honorary Leon Jaworski Award for Excellence in Teaching in 1993, the Nancy Garms Memorial Award for Support of Law Focused Education in 1994, and the Gene Gavin Award for Excellence in Continuing Legal Education in 1998. He is a life fellow of both the Texas Bar Foundation and the Dallas Bar Foundation.

His civic service also includes alumni outreach for SMU and the University of North Texas. He was former chair of the trust division of the Texas Bankers Association and the Metrocrest Medical Center Foundation, and holds a seat on the advisory board of the YMCA of the USA. Since his graduation from SMU in 1948, Carpenter has served the school as a leader, teacher, mentor, advocate and friend.

"Gordon has been a role model for emulation by any and every person entering the legal profession, for he has contributed every day a generous amount of time, talent and ability, which has been of invaluable benefit to all of us," said Dean Charles O. Galvin, who presented to Mr. Carpenter the award named in his honor.

Texas Supreme Court Justice James A. Baker is a big believer that "our lives are directed and shaped by other people and events." That is just one reason his experience at SMU was so important. Justice Baker earned his bachelor of business administration degree from SMU in 1953 and his JD from the SMU School of Law in 1958.

"My three years at the SMU Law School were a very tremendous experience for me in many ways," said Baker. "I was motivated particularly by professors that we had... Arthur Harding, Moss Wimbish, Clyde Emery, Roy Ray, A.J. Thomas, Dean Galvin, Joe McKnight and others. The education I got from those professors caused me to change my career when I finished law school from being an accountant to being a lawyer and practicing law—and I have never regretted that choice."


Before assuming the bench of the Texas Supreme Court in 1995, Baker was a judge on the Fifth District Court of
Appeals. Governor George W. Bush appointed him to the state’s highest court in October 1995. In 1996, he was elected to a six-year term. While on the court he has served as the Supreme Court Liaison to the Home Equity Loan Foreclosure Rules Task Force, the Reverse Mortgage Loan Foreclosure Task Force, the Chapter 33-Parental Notification Rules Task Force, and the Texas Association for Court Administration.

Baker is a fellow in the Dallas and Texas Bar Foundations and was honored by the American Board of Trial Advocates, Dallas Chapter, in 1993, as an outstanding jurist. He is a member of the American Law Institute, the College of the State Bar of Texas, the American Judicature Society, the Institute of Judicial Administration, and the Robert W. Calvert American Inn of Court. He has also served on the Dallas Bar Association’s board of directors.

Justice Baker has been a guest lecturer at the Dallas Bar Association, El Centro Dallas Community College, and State Bar of Texas Professional Development Programs.

In addition, Howie sits on the advisory board of the SMU Journal of Air Law and Commerce and on the SMU School of Law Executive Board. He is a Fellow in the International Academy of Trial Lawyers, the International Society of Barristers and a Director of the Texas Trial Lawyers Association. He has served as president of the Dallas chapters of the American Board of Trial Advocates and the Dallas Trial Lawyers Association.

Last year UNT honored him with a Distinguished Alumni Award. He also received the Merrill Hartman Award from the Legal Services of North Texas, Inc.

Howie said he is “humbled and honored” to be designated as a distinguished alumnus and believes the school is poised for greatness.

“Southern Methodist University, and particularly the School of Law, is probably one of the most undervalued assets that we have in this community,” Howie said.

A personal injury trial law specialist with Howie & Sweeney, L.L.P. in Dallas, John Howie is an expert in aviation law.

He graduated from the University of North Texas and began Navy pilot training in 1968. He was recognized as a Distinguished Naval graduate and designated a naval aviator, serving on active duty until 1973. Howie earned his law degree from SMU in 1976 and launched the firm that bears his name in 1988.

His commitment to his craft is vast. Howie has served as lead counsel and steering committee chair in aviation multi-district litigation cases nationwide. He has chaired the Texas Trial Lawyers Association Products Liability Committee, American Bar Associations (TIPS) section and the aviation section of the Association of Trial Lawyers of America. He also frequently lectures and writes articles on aviation and trial advocacy.
A Brownsville, Texas native, Tony Garza is the state's 41st railroad commissioner and serves on the three-member Texas Railroad Commission.

He received his bachelor of business administration degree from the University of Texas at Austin in 1980 and his law degree from the SMU School of Law in 1983. In 1988, Garza was elected Cameron County Judge, and was reelected to the position in 1990 with nearly 60 percent of the vote. As judge, he guided the passage of the first countywide bond issue in more than a decade and worked to improve economic opportunity for South Texans.

Just four years later, Governor George Bush came calling. Garza was named Secretary of State and a Senior Advisor. During his three-year tenure as the state's chief election officer, he worked with the Legislature to reform Texas election law and decrease voter fraud. As a Senior Advisor to Gov. Bush, Garza served as the lead liaison on border and Mexican affairs, working on issues as diverse as free trade and the environment.

He joined the law firm of Bracewell & Patterson, L.L.P, as a partner in 1997, and was elected to the Railroad Commission of Texas the following year. Commissioner Garza is the immediate past Chairman of the Texas Railroad Commission. As Chairman, Garza was committed to the environment, increasing technology, and improving agency efficiency. His term as Commissioner continues through 2004.

Commissioner Garza serves on Governor Rick Perry's Special Commission on 21st Century Colleges and Universities, which focuses on ways to prepare and enhance the higher education system in Texas. He is also on the advisory board for the Bush School of Government & Public Service at Texas A&M University.

In 1990 the Texas Jaycees honored him with the Outstanding Young Texan award and the Rio Grande Council Boy Scouts of America recognized him as a Distinguished Citizen of the Year in 1996.

He was named by the University of Texas as one of five Outstanding Young Texas Exes in 1989, and one of the "top 100 most influential Hispanics" by Hispanic Business Magazine in October 1995 and October 1999.

"It is pretty intimidating and awfully humbling to be recognized with the group this evening, who in all walks of life and all around the world have made quite a contribution to their communities," Garza told the audience. "Certainly, I take a great deal of pride in now knowing I am an alum of the Dedman School of Law."
"I never imagined when I arrived in Dallas 40 years ago that I would be honored this way 40 years afterwards," remarked Hector Maira!, after receiving his award. Maira! received his law degree and Ph.D. in law from the National University of Buenos Aires. He attended SMU as a Fulbright Scholar and obtained his M.C.L. degree, cum laude, in 1963. Maira! is a partner and management committee member of one of Latin America's largest law firms, Marval, O'Farrell & Mairal in Buenos Aires. Throughout his professional career, he has combined an active private practice with the teaching of law and legal writing.

In the 1990s Maira! was the lead attorney assisting the Argentine government in privatizing its telephone, gas and oil companies and is now helping that country draft legislation to finance public works. He and his firm also advise the World Bank, IFC, and major multinational banks and corporations.

Maira! is a tenured professor of administrative law at the University of Buenos Aires and has been a visiting professor at SMU and the University of Illinois at Urbana. During two sabbatical leaves, he was a visiting scholar at Harvard University and the University of Cambridge. The research he carried out there led to the publication of books on judicial control of the administration and on estoppel against the government.

For his work as chairman of the Anglo-Argentine Chamber of Commerce, he was made an Honorary Member of the Order of the British Empire. He is a member of SMU's Dedman School of Law Executive Board, as well as a trustee for several Argentine educational institutions. Maira! has been included in the list of "100 Global Lawyers" by the Chambers Director of the World's Leading Lawyers.

Maira! said his time on campus created lifelong ties with his fellow distinguished international classmates from places like Japan, Argentina, Nepal and Chile.

"SMU has a true global alumni network, we are all proud of our SMU degree," said Maira!. "We all remember our year at SMU as one of our main events in our legal education and I hope we have done SMU proud with our work."

Clark Matthews is co-vice chairman of Dallas-based 7-Eleven Inc., the world's largest operator, franchiser and licensor of convenience stores.

He grew up in Midland, Texas and attended SMU where he earned a bachelor of arts degree in 1959, and a JD from the SMU School of Law in 1961. Immediately after law school, he served as a trial attorney with the SEC and a law clerk to the Honorable Joe E. Estes, then chief judge of the U.S. District Court for the Northern District of Texas.
Matthews joined 7-Eleven in 1965 and served as corporate attorney until 1973, when he was named vice president and general counsel. He was promoted to executive vice president and chief financial officer in 1979 and assumed the role of president and chief executive officer in 1991. He retired last April after 35 years with the company. While CEO, Matthews led 7-Eleven through a successful, complex, and innovative reformation and financial restructuring that included the divestiture of non-core businesses in order to focus the company on 7-Eleven's revitalization and growth.

Matthews actively supports a wide range of civic and philanthropic organizations, particularly those that promote equal opportunity for all people. Under his leadership, 7-Eleven emphasized minority business development, ethnic merchandising, and multi-cultural understanding campaigns.

His contributions to minority business development and human rights have not gone unnoticed. In 1998, he received the Aztec Award for Corporate Global Leadership and Commitment to the Hispanic Community, and the National Human Relations Award from the American Jewish Committee.

At SMU, he has served as a member of the SMU School of Law Executive Board since 1998, and has been active in the law school's capital campaign. Matthews has been involved in a mentoring program for MBA students, and was a member of the Associate Board of the Cox School of Business from 1979 through 1985. In addition, he has supported SMU libraries and athletic programs, in particular the Rolex Tennis Tournament.

"Southern Methodist University and particularly the law school have meant a great deal to me as the quality of education that I received opened the doors that gave me the opportunity to have some extraordinary experiences both in my professional life and in my personal life," said Matthews. "I'm most grateful for those wonderful experiences."

The Honorable Ron Kirk, Mayor of City of Dallas Honorary Alumnus

The first recipient of the evening, Dallas Mayor Ron Kirk was designated as an honorary alumnus for his contributions to the law school and the Dallas community.

Mayor Kirk, in his second term, is the city's first African-American mayor. He has successfully passed six city budgets and the 1998 Capital Bond Program, which will lead to improvements in the Trinity River Corridor. Under Mayor Kirk's leadership, Dallas citizens voted to support and build a new downtown sports arena. He also worked to ensure that the Nasher Collection of sculpture remains in the city in a soon-to-be-built sculpture garden. His economic development efforts have helped secure 40,000 jobs and investment of more than $3 billion in Dallas.

Mayor Kirk is a partner with Gardere Wynne Sewell LLP. He earned a B.A. degree in political science and sociology from Austin College, where he was named a Distinguished Alumnus. Mayor Kirk received his law degree from the University of Texas at Austin. At SMU, he serves as chairman of the board of the Hart Global Leaders Forum. Before Kirk graciously accepted the award, Dean Attanasio praised the mayor for his help in recruiting faculty and his service over the past three years as a role model to law school students.

"I want to thank the committee, especially tonight, when I am honored with so many friends," said Mayor Kirk.

Mayor Kirk also used his acceptance remarks as a chance to thank the Dedman family for their recent gift to the law school and for "your incredible philanthropy and love, not just of Southern Methodist University, but of this city," he said.
Alternative Minimum Tax

Part I. Adjustments and Preferences
1. If you itemized deductions on Schedule A (Form 1040), go to line 2. Otherwise, go to line 6.
2. Medical and dental. Enter the amount from Schedule A (Form 1040), line 2.

Part II. Alternative Minimum Taxable Income
16. Enter the amount from Form 1040, line 37, if less than zero, enter zero.
17. Net operating loss deduction, if any, from Form 1040, line 21.
18. If line 17 is greater than zero, subtract line 17 from line 16.
19. Add line 18 and line 16.
20. Enter the smaller of line 19 or line 16.

Part III. Exemption Amount and Alternative Minimum Tax
22. Exemption Amount. (If this form is for a child under age 14, see page 7 of the instructions.)
   If your filing status is...
   Single or head of household...
   Married filing jointly or qualifying widowed...
   Married filing separately...
   AND line 21 is...
   less than $112,500...
   $112,500...
   180,000...
   75,000...
   If line 21 is greater than zero, enter zero here and at line 25.
Repeal of the Death Tax...and Estate Planning: Thinking Aloud

BY PROFESSOR REGIS W. CAMPFIELD

In this article Professor Campfield reflects on common estate planning arrangements and how those arrangements are affected by the 2001 tax legislation. He suggests that, despite widespread interest in simplification and lower professional fees, expensive complex arrangements will continue to be required if client wishes and tax minimization is to be effected, thus insuring the need for continued specialization. Clearly existing will and trust arrangements must be reviewed. For the same reasons, despite claims that the “death tax has been repealed,” courses on estate and gift tax and those involving estate planning will continue to be necessary parts of the law school curriculum. A chart detailing the rate and exemption changes accompanies this article.

It’s true. Congress repealed the death tax...effective in 2010! But repeal is limited to 2010. The repeal legislation “sunset,” i.e., it expires, at the end of 2010 and the estate tax as we know it today returns fully for persons dying in 2011 and thereafter—unless Congress acts to change this outcome. Meanwhile, the estate tax exemption will gradually increase, rising to $3.5 million in 2009. Among the complicating factors is the introduction in 2010 of carry over basis as to appreciated or depreciated property (replacing the new-basis-at-death rule currently in place).

Practically speaking, the tax legislation Congress gave us in 2001 should be a welcome windfall for many taxpayers. Certainly, the estate tax and gift tax changes will provide a business opportunity for professionals engaged in the wealth transfer business. Literally every existing will or trust containing any kind of tax planning will need to be reviewed and probably revised. And, except for a few cases, the revisions will not be in the direction of simplification. Instead wills and trusts will suffer increasing complexity and require more hours of professional time from increasingly sophisticated practitioners to complete the required work.

THE GOOD NEWS

Is there any good news here? The good news is the increase in the estate tax exemption to $1 million beginning in 2002 and upward in stages, reaching $3.5 million in 2009. (The
estate tax exemption is presently $675,000.) In the case of persons married to each other, together, beginning in 2002, they can shelter $2 million from the estate tax and pass it on to their loved ones. More importantly, the increase in the exemption to $1 million in 2002 means that even more taxpayers are freed of the burdensome, almost nightmarishly complicated, planning that is the heart and soul of every day estate planning for those with taxable estates. For that benefit alone, Congress and President Bush should be saluted.

WHAT CONGRESS DID NOT DO

Complicated trust arrangements will continue to be the norm for married couples with property aggregating more than $1 million. Consider Mom and Dad whose property has an aggregate value of slightly less than $2 million. They are obviously pleased to learn that Congress provided each of them a $1 million estate tax exemption beginning in 2002 and had concluded from this development that their children would receive their inheritance estate tax free. What they learned, however, from visiting their lawyer, is that to take advantage of the $1 million exemption that becomes available when the first parent dies—let’s assume that’s Dad—his 50 percent of the property must be placed in trust if Mom is to benefit from it during the remainder of her life. Otherwise the property will have to be given outright to the children and Mom will be denied its benefits in her remaining lifetime.

A simple will whereby Dad gives everything to Mom would mean that Mom and Dad are denied the opportunity to transfer the $2 million estate tax free to the children. Use of a simple will means that Dad will have foregone the use of his estate tax exemption. While Dad’s estate will pay no estate tax at his death, it will be attributable, not to the $1 million estate tax exemption, but to the tax free interspousal transfer rule commonly referred to as the marital deduction. This rule permits transfers between spouses to be free of estate taxes.6 If the simple will in favor of Mom is utilized, at Mom’s later death, her estate will include the full $2 million but she will only have a $1 million estate tax exemption available to her. The result is that the full $1 million will be subject to tax. That would not happen if Dad places his $1 million in trust for Mom. Creation of the trust—commonly referred to as a bypass trust—would allow Dad to use his estate tax exemption to shelter fully $1 million in the trust, money that will pass tax free to the children when Mom dies.

Congress could have given taxpayers the option to transfer to loved ones, at death, any unused estate tax exemption. This change would have been remarkably simplifying, but it was not to be. That said, lawmakers are still to be congratulated for raising the estate tax exemption because the result is that those people with estates of less than $1 million will be excused from the death tax—and from all the expense and complexity associated with tax planning to minimize the death tax.

POSTMORTEM DISCLAIMERS

An alternative might be for married persons to execute a simple will that is “disclaimer-ready.” Dad could do a will giving everything to Mom but provide that if Mom disclaims,7 i.e., refuses to accept some, part, or all of his gift, the disclaimed portion would fall back into a bypass trust (likely one that provides benefits to Mom while she lives*). In that way, Mom decides whether to take advantage of the tax-sheltering effect of Dad’s estate tax exemption if circumstances and Mom’s comfort level with trusts permits.

Disclaimer-ready wills might have particular appeal in an environment where the estate tax exemption increases in fits and starts (until the estate tax finally phases out in 2010). The attitude might be, “let the surviving spouse decide” on the tax plan based on the facts and circumstances that prevail in the year that the first spouse dies.

While the disclaimer-ready will might be called a “poor man’s” alternative, it has costs that are not readily apparent, a fact that argues, in many cases, for the more sophisticated plan described above. But it is a sorting out process that can only be orchestrated by professionals with experience.
Gift Taxes

The gift tax exemption like the estate tax exemption increases to $1 million in 2002—but unlike the estate tax, the gift tax remains at $1 million. This warrants emphasis. The gift tax exemption does not increase beyond $1 million at any time under the new law. More importantly, the gift tax is not repealed in 2010—or ever under the new law—unlike the estate tax, which is repealed for calendar year 2010.

Certainly the short-term impact is positive. The gift tax exemption in 2001 is $675,000. It will be $1 million beginning in 2002. Given Congress' fickleness about tax rates and exemptions (and the unpredictability of election outcomes) taxpayers thinking of making gifts should not delay.

Should taxpayers make gifts of more than $1 million?

Conventional wisdom would probably suggest “going slow,” but viable strategies calling for gifts in excess of $1 million (and payment of the resulting gift tax) may be appropriate in some cases.

Life Support

Estate planning has always been about more than the estate tax. It has always been, in a significant fashion, about the income tax. And so it will continue to be. (The gift tax was put in place to discourage tax-free shifts of income producing property to lower income tax bracket of loved ones.) For example, consider a comparison of strategies affecting the advantages and disadvantages of death in 2009 when the estate tax exemption is scheduled to reach $3.5 million versus death in 2010 when the estate tax is set for repeal. While most don't have much choice in these matters, the
point is to demonstrate that for some, under the rules Congress has put in place, it will be more advantageous, from a tax point of view, to die in 2009 rather than 2010.

Income tax considerations are the key here. Currently, for income tax purposes in the hands of the beneficiary, property received from a decedent is valued at its fair market value on the date of the decedent's death. To illustrate, suppose that many years ago Dad paid $1 per share for some General Micro stock. At his death the stock has a value of $101 per share. If Dad sells the stock the day before he dies, he will pay a capital gains tax of 20 percent on $100 ($101-$1) or $20 per share. But if the sale is postponed until after Dad’s death, the stock can be sold free of capital gains tax by the beneficiaries because the stock will have, as its basis for determining gain or loss on the sale, a stepped up basis of $101. Hence, a sale for $101 per share after Dad’s death will not result in any gain or loss to the beneficiaries. These so-called “tax free basis step-up rules” remain in place through 2009 as things presently stand.

Beginning in 2010—when the estate tax is scheduled to be repealed—“carry-over basis at death” comes into effect. “Carry-over basis” means that the beneficiary takes the income tax basis of the decedent in the property received from the decedent. That could mean that, in the foregoing example, whether Dad or the beneficiaries sell the General Micro stock in 2010, $100 will be subject to the 20 percent capital gains tax.

The situation is not as grim as it would appear. Technically speaking, tax-free basis step up will be available to every decedent to the extent of the first $1.3 million. In addition, where the beneficiary is a surviving spouse, an additional $3 million (for a total of $4.3 million) of the deceased spouse’s appreciated property is entitled to a tax-free basis step up. Carry-over basis at death only applies to property received from a decedent that exceeds these thresholds.

Thinking aloud, though, one could easily conclude that for some wealthy taxpayers, death in 2009 would be vastly preferable to death in 2010. Certainly someone with $3.5 million or less of property, some of which is highly appreciated General Micro stock, would be better off financially if they died in 2009. (The full $3.5 million will escape the estate tax and the gain realized on the sale of the General Micro stock will be free of the capital gains tax because of the tax-free basis step up rule.) On the other hand, someone with more than $3.5 million might well conclude that “the numbers” require his or her survival until 2010 when the estate tax is repealed—even if it does mean that carry-over basis will apply to some of his or her appreciated property.

**Texas Inheritance Tax Impact**

Under present rules the Texas Inheritance Tax is quite simple. The Internal Revenue Service effectively sends to Texas a portion of the Federal estate tax the IRS collects. (Technically, the decedent’s executor writes the check to Texas and then claims credit on the decedent’s federal estate tax return for the amount sent to Texas “as the Texas share.”) This revenue sharing rule came into the law in 1926. Texas, for its part, has a statute that says that it imposes an inheritance tax equal to the Federal credit. It is all very simple. Everybody wins. Texas gets its money with minimum collection costs and taxpayers can easily and inexpensively comply with Texas reporting requirements.

Now for the bad news—at least for Texas and states with similar statutory schemes, of which there are many. Congress has decided to phase out this revenue sharing scheme, effective in 2005. The phase out is gradual and begins in 2002 with a reduction in the state rebate of 25 percent that year. Hence, Texas (and other states with similar so-called “pick up” inheritance taxes) will experience a significant revenue loss and will be forced to find alternative sources of revenue. That may well lead to adoption of an independent inheritance tax that will be stacked on top of the Federal estate tax. Whether Texas (and other states) would have the political will and muscle to pass an inheritance tax after Congress claims to have repealed “the death tax” is uncertain. (There are states that have inheritance taxes that are independent of the Federal estate tax and that are not tied to the Federal revenue sharing scheme. These states may well be under political pressure to repeal their state “death tax.”)
their revenue stream will be unaffected.) It is likely that some states will invigorate their state inheritance taxes and others will not.

**TAX-FREE MONEY**

Section 529 Qualified State Tuition Programs ("QSTP") will surely be the rage. There was a time when a Crummey trust for children or grandchildren was the vogue. Now the plan of choice promises to be a § 529 plan. Transfers to a § 529 QSTP qualify for the $10,000 per donor per annum gift tax exclusion (and the donor can prepay up to $50,000 in the first year and claim the gift tax exclusion over the next 4 years). Income earned by a QSTP is free of income tax. And, beginning in 2002, distributions for qualified higher education expenses from QSTPs are income (and gift) tax free to the beneficiary.

What is a "§ 529 program"? In its simplest and most common form, it is a tax-qualified program established by a state, usually with a mutual fund company, to satisfy the requirements of § 529 of the Internal Revenue Code. Many states have such programs in place. You need not be a resident of a state to use its § 529 plan.

**SUNSET**

It must be remembered that the entire tax legislative initiative that Congress passed and President Bush signed in June, 2001, expires, i.e., sunsets, at the end of 2010. At that time, the rules that are operative in 2001 will again become operative—unless Congress takes some action in the meantime. In that period there will be Presidential elections in 2004 and 2008, and five Congressional elections. All that can be said, is that will and trust documents drafted today must be carefully prepared to anticipate, at a minimum, not only the rules scheduled for implementation over the next 10 years but also the rules currently in effect in the event the 2001 tax legislation "sunsets" as scheduled and the rules existing at the time of its passage in 2001 came back into effect. Why not wait until the shape of the law is more settled? The planner must anticipate that a client could be rendered legally incompetent and unable to change his or her documents to reflect whatever law changes are later produced.

**CONCLUDING THOUGHTS**

The opportunities and pitfalls in the new legislation are great and many. Certainly the complexity, resulting from the phase-ins and phase-outs of various benefits and burdens, will provide employment opportunities for many persons schooled in the planning required by the intricacies of the new law. As for the repeal of the estate tax provided for in the 2001 legislation, the estate tax was replaced by carry-over basis at death that has the effect of subjecting gain on appreciated property beyond a certain threshold to capital gains when sold. But they continue to say that the death tax was repealed—and it was, technically, sort of.

*Regis W. Campfield is a professor of law and the Marilyn Jeanne Johnson Distinguished Faculty Fellow at the Dedman School of Law.*

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1 IRC § 2210
2 Economic Growth and Tax Relief Reconciliation Act of 2001, Pub L. 107-16, § 901,115
3 IRC § 2010(c)
4 IRC § 1022
5 IRC § 2010(c)
6 IRC § 2056
7 IRC § 2518
8 IRC § 2518(b)(4)(A)
9 IRC § 2505(a)
10 IRC § 1014(a)(1)
11 IRC § 1(b)
12 IRC § 1022(a)
13 IRC § 1022(b)(2)(b)
14 IRC § 1022(b)(2)(b)
15 IRC § 2211
16 IRC § 2211(b)(2). The more technically inclined will want to note that beginning in 2005, Congress will permit an unlimited estate tax deduction—rather than a limited credit as under present law—for state death taxes paid. IRC § 2058. So far as the inheritance tax laws of Texas and many other states are concerned, a deduction is not the same as a credit and revenue sharing, as it has been known and enjoyed by the states since 1926, will be no more after 2004.
17 IRC § 529
18 IRC § (c)(2)
19 IRC § (c)(3)(b)
The Alternative Minimum Tax:
The Ticking Time Bomb in the Income Tax System

BY PROFESSOR CHRISTOPHER H. HANNA

Introduction

After President-elect George W. Bush was sworn in as the 43rd president of the United States on January 20, 2001, one of the first items on his agenda was passage of the tax cut plan that he unveiled during the campaign. The estimated cost of the plan was approximately $1.6 trillion over 10 years. The House of Representatives supported President Bush's plan almost in its entirety while the Senate passed a scaled back version of the plan, generally reflecting the Senate Democrats' desire to enact a much smaller tax cut.

Leading House and Senate members met to agree on a compromise version of President Bush's tax plan. The conferees agreed on a $1.35 trillion tax cut. In attempting to adhere to this figure, the conferees had to agree on a number of different effective dates as well as phase-ins and phase-outs of various provisions. On May 26, 2001, the House voted 240-154 to approve the compromise tax plan, known as the Economic Growth and Tax Relief Reconciliation Act of 2001 (the "Act"). On the same day, the Senate voted 58-33 to approve the Act. The Congress sent the Act to President Bush, which he signed into law on June 7, 2001.

Generally, the Act reduces income tax rates across the board, repeals the personal exemption phase-out ("PEP") and the itemized deduction limitation ("PEASE"), provides tax benefits relating to children, provides marriage penalty relief, provides a number of educational incentives, repeals the estate tax and the generation skipping transfer ("GST") tax, but retains the gift tax, and contains a number of provisions affecting retirement plans. Almost all of the provisions have delayed effective dates, which greatly increase the complexity of the Act. For example, repeal of PEP and PEASE is phased in beginning in 2006 and is not complete until 2010. Similarly, repeal of the estate tax and GST tax does not occur until 2010, although the estate and gift tax rates are decreased in the interim, while the exemption amounts are increased.

Probably the most important aspect of the Act is that its provisions terminate ("sunset") after December 31, 2010. This means that, barring any further action by Congress, the law in effect before enactment of the Act will be restored beginning on January 1, 2011. Two reasons have been given as to why Congress chose to terminate the Act after 2010. First, the Republicans maintained that they were forced to do so by the so-called "Byrd Rule" (named after Senator Robert Byrd of West Virginia) that applies in the U.S. Senate. Under this rule, which applies to reconciliation bills, 60 votes are required in the Senate to pass legislation that reduces revenue beyond the 10-year budgetary period. Because the Republicans felt they did not have the necessary 60 votes in the Senate, they were forced to sunset the Act after 2010. Second, the Democrats have countered that the sunset provision was included to hide the real cost of the tax plan, which they argue significantly exceeds $1.35 trillion. In any event, it is almost certain that Congress will revisit many or all of the provisions of the Act before it sunsets after 2010.

Under the Act, income tax rates are generally reduced across the board. Prior to the Act, five income tax rates existed in the Internal Revenue Code: 39.6 percent, 36 percent, 31 percent, 28 percent, and 15 percent. When the rate reductions under the Act are fully phased-in, beginning in 2006, there will be six rates: 35 percent, 33 percent, 28 per-
cent, 25 percent, 15 percent and 10 percent. The lowest rate of 10 percent was retroactively effective on January 1, 2001. As a result of the retroactive implementation of the 10 percent rate, Congress provided for payments (by check), ranging from $300 for individual taxpayers to $600 for married couples filing jointly, to be sent by the United States Treasury Department to taxpayers in July, August, and September of this year. While generally referred to as “refund” or “rebate” checks, the checks actually represent an advance payment for amounts that taxpayers would normally be credited when filing their 2001 tax returns.

Unfortunately, the reduction in the income tax rates will not benefit all taxpayers. Those taxpayers who are currently subject to the alternative minimum tax ("AMT") will generally receive no benefit from the reduced income tax rates because the AMT rates were not correspondingly reduced in the Act. In addition, millions of taxpayers not previously subject to the AMT will become subject to it and will receive a much smaller benefit under the Act than originally thought. Although, the AMT has been described by a well-known economist as an “arcane provision found in an obscure area of the tax laws,” it is just as appropriately described as a “ticking time bomb in the income tax system” because of the tremendous impact it will have on taxpayers in future years.

The AMT

Historical Overview—In 1969, Treasury Secretary Joseph Barr publicly announced that, in 1967, 155 taxpayers had adjusted gross income ("AGI") of $200,000 or more but no taxable income, including 21 taxpayers with AGI above $1 million. These taxpayers utilized a number of preference items, which are certain exclusions and deductions that reduce taxable income without reducing economic income. The Senate Finance Committee wrote:

The fact that present law permits a small minority of high-income individuals to escape tax on a large proportion of their income has seriously undermined the belief of taxpayers that others are paying their fair share of the tax burden. It is essential that tax reform be obtained not only as a matter of justice but also as a matter of taxpayer morale. Our individual and corporate income taxes, which are the mainstays of our tax system, depend upon self-assessment and the cooperation of taxpayers. The loss of confidence on their part in the fairness of the tax system could result in a breakdown of taxpayer morale and make it far more difficult to collect the necessary revenues.

In order to address these concerns, Congress in December 1969 enacted a “minimum tax.” Under the minimum tax, a taxpayer’s preference items above an exemption amount were subject to a separate 10 percent tax, which was an addition to the taxpayer’s regular income taxes. A few years later, Treasury released another report showing that, in 1974, 244 taxpayers had AGI of $200,000 or more but no taxable income. Partly in response to this report, in 1976, Congress made a number of changes to the minimum tax. In 1978, Congress enacted the alternative minimum tax ("AMT") and, four years later, expanded the AMT (and correspondingly repealed the minimum tax). Under the AMT, a taxpayer would pay the greater of his regular income tax liability or his AMT liability. Congress made a number of further changes to the AMT as part of the Tax Reform Act of 1986 and subsequent tax acts in the 1990s.
Mechanics of the AMT—Generally, the AMT is a parallel tax system found in the Internal Revenue Code. A taxpayer must compute her taxes first under the regular income tax system and then under the AMT system. The taxpayer is then liable for the greater of the two amounts. For example, if a taxpayer computes her taxes to be $5,300 under the regular income tax system and $6,200 under the AMT system, the taxpayer must pay $6,200 to the U.S. government. As is well known today, the computation under the AMT can be quite complex.

In computing a taxpayer's AMT liability, the starting point is the taxpayer's taxable income as computed for regular tax purposes. A number of modifications are made to taxable income in arriving at alternative minimum taxable income ("AMTI"). These modifications usually increase taxable income but in a few cases decrease taxable income in arriving at AMTI. Some common examples of modifications include:

- no deduction for miscellaneous itemized deductions;
- deduction for medical expenses only to the extent they exceed 10 percent of adjusted gross income;
- no deduction for home equity indebtedness unless the proceeds are used to substantially improve the residence;
- no standard deduction and no deduction for personal exemptions;
- no deduction for personal property, real property, and state and local income taxes;
- inclusion in income of certain tax-exempt interest;
- inclusion in income on stock exercised pursuant to incentive stock options; and
- 150 percent declining balance method of depreciation used for tangible personal property.

As a result of the modifications, the income base under the AMT is generally broader than the income base under the regular tax system.

Once the adjustments and preferences are made in arriving at AMTI, the exemption amount must be considered. The exemption amount is $45,000 for married couples ($49,000 for years 2001 through 2004) and $33,750 for single taxpayers ($35,750 for years 2001 through 2004). The exemption amount is subtracted from AMTI in arriving at taxable excess. For example, if a married couple has taxable income of $60,000 and adjustments and preferences of $40,000, their AMTI would be $100,000 ($60,000 taxable income plus $40,000 adjustments and preferences). In year 2000, the taxable excess for this couple would be $55,000 ($100,000 AMTI minus $45,000 exemption amount). Once the taxable excess is determined, it is multiplied by the AMT rates, which are currently 26 percent and 28 percent. The 26 percent rate applies to taxable excess up to $175,000. Any taxable excess above $175,000 is taxed at 28 percent. As a result, the AMT is (ever so slightly) progressive. This couple would have an AMT liability of $14,300 ($55,000 taxable excess multiplied by 26 percent rate). The couple would pay the greater of their regular tax liability or their AMT liability. Using the year 2000 tax rate tables, this couple has an $11,100 regular tax liability. Because their AMT liability is greater, they must pay the $14,300 AMT liability.

The AMT Prior to the Act—Over the years, most experts have agreed that the single largest flaw in the AMT system was the lack of indexing for inflation of the AMT parameters. For example, under the regular income tax system, the standard deduction, personal exemptions, and rate brackets are all indexed for inflation each year. Thus, for example, nominal dollar increases in income that merely keeps pace with inflation do not push a taxpayer into higher rate brackets under the regular income tax. Under the AMT system, however, the exemption amounts and the rate brackets are not indexed for inflation. As a result, even prior to the Act, more taxpayers each year were becoming subject to the AMT purely as a result of normal, predictable inflation and the AMT's lack of a mechanism to account for it.

In early 2000, Treasury estimated that 1.3 million taxpayers were currently subject to the AMT and that by the year 2010, 17 million taxpayers would be subject to the AMT, if changes were not made to the existing AMT structure. Treasury noted that the AMT increasingly would apply to middle-income taxpayers, particularly those with children, due to the disallowance of all personal exemptions in computing the AMT. The AMT also created disparate treatment of taxpayers depending on where they lived. Taxpayers who lived in states with high state income taxes were more likely to be subject to the AMT than taxpayers living in states with low or no state income taxes. This was due to the disallowance of
all state and local income taxes in computing the AMT.

The Act and Its Impact on the AMT—The Bush Administration and Congress provided taxpayers with some relief from the AMT as part of the Act. Unfortunately, this relief is only minor and, in some cases, only temporary. First, the Act raises the exemption amounts under the AMT by $2,000 for individuals (to $35,750) and $4,000 for married couples (to $49,000). However, this increase in the exemption amounts only applies for the years 2001 through 2004. Beginning in 2005, the exemption amounts are restored to their pre-Act levels ($33,750 for individuals and $45,000 for married couples). Second, the Act makes permanent the provision allowing the child credit to be used against both the regular income tax and the AMT (it was to expire in 2001); makes permanent the provision allowing the adoption credit against the AMT (for years beginning after 2002); and provides that the refundable child credit is not reduced by the AMT (for years beginning after 2000).

In 2001, the Joint Committee on Taxation (“Joint Tax Committee”) estimated that 1.4 million taxpayers were currently subject to the AMT. That number would increase to 5.3 million in 2004, 19.6 million in 2006, and 35.5 million in 2010.10 The lack of indexing of the AMT parameters, coupled with the reduction of the regular income tax rates in the Act without a corresponding reduction in the AMT rates, were the primary reasons for the projected explosive growth in the number of taxpayers subject to the AMT. Clearly, when Congress originally enacted the minimum tax in 1969, it did not intend for it to apply to middle-income taxpayers, but rather to high-income taxpayers who utilized a number of preferences in the tax laws to greatly reduce or eliminate their tax liability.

Conclusion
It is clear that unless the Bush Administration and Congress act in the next few years, particularly by the year 2005, when the exemption amounts are restored to their pre-Act levels, millions of middle-income taxpayers will become subject to the AMT. Those advocating a flat-rate, broad-based income tax system may get their wish as more taxpayers become subject to the (almost) flat-rate, broad-based AMT system. The Joint Tax Committee, in its three-volume simplification study released on April 27, 2001, proposed total repeal of both the individual and corporate AMT. The Joint Tax Committee noted that the individual AMT: (1) no longer serves the purpose for which it was intended; (2) treats large families unfairly; and (3) leads to disparate treatment of taxpayers depending on their state of residence. Prior to the Act, the estimated cost of repealing the individual AMT was about $2.1 trillion over 10 years. Unfortunately, the longer the Bush Administration and Congress wait to fix or repeal the AMT, the greater the cost will be, as millions more taxpayers become subject to the AMT each year, increasing the revenue it brings into the government.

Christopher Hanna is a professor of law at the Dedman School of Law.

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1. The itemized deduction limitation is generally referred to as the “PEASE” limitation, a reference to former Representative Donald Pease of Ohio, who was one of the sponsors of the provision.
3. Many of these taxpayers reduced their taxable income by excluding one-half of their long-term capital gains from income and using their itemized deductions against any remaining income. S. Rep. No. 91-552, reprinted in 1969-3 C.B. 423, 431.
6. Technically, under the Internal Revenue Code, the taxpayer, in this example, would pay $5,300 of regular income taxes and $900 of AMT, resulting in a total tax liability of $6,200.
7. The exemption amount is phased out for upper income taxpayers. Generally, the exemption amount is reduced by an amount equal to 25% of the excess of AMTI over a set amount—$150,000 for married filing jointly and $125,000 for single taxpayers. Because of the phase-out of the exemption amount, the marginal AMT tax rate is raised by 25% multiplied by the tax rate. In other words, if a taxpayer is in the phase-out range, the marginal AMT tax rates are 32.5% and 35%. Once the taxpayer has cleared the phase-out range, the marginal AMT rate again becomes 28%. This bubble effect partially explains why the very upper income taxpayers are generally not subject to the AMT. Under the regular income tax system, these very upper income taxpayers are subject to a marginal tax rate of 39.6% (gradually being reduced to 35% under the Act) as compared to 28% under the AMT.
8. Net capital gain is generally taxed at its regular tax rates so that the AMT accommodates the preferential rates for capital gains. I.R.C. § 55(b)(3).
Law School Participates in Ground-Breaking Jury Study

As Thomas Jefferson said, "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." Over three years ago, reporters Mark Curriden and Allen Pusey of The Dallas Morning News began developing a study to evaluate how judges perceive and relate to this essential institution—the jury.

After creating a preliminary questionnaire, Curriden and Pusey approached Dean John B. Attanasio about SMU Law School's participation in this groundbreaking study. Dean Attanasio offered the opportunity to the SMU Law Review, and soon a partnership between The Dallas Morning News and the Law Review began, with continual guidance and assistance from the dean. This partnership created a study, not only of practical and historical import, but also a study that would bring increased national attention to the Law School.

The first questionnaire went out to all Texas trial judges with the support of Chief Justice Thomas Phillips of the Texas Supreme Court. Chief Justice Phillips encouraged the judges to participate, helping to secure an overwhelming response of approximately 70 percent of the Texas trial judges. Following this initial success, the jury study partnership decided to increase the prominence and importance of the review by expanding it to the entire federal judiciary. Much like the Texas study, the federal study soon gained the support of leading federal judges such as Judge Patrick E. Higginbotham of the United States Court of Appeals for the Fifth Circuit, Judge Morris Arnold of the United States Court of Appeals for the Eighth Circuit, and Chief Judge Jerry Buchmeyer of the United States District Court for the Northern District of Texas. Judge Higginbotham sent letters to all federal trial judges encouraging them to respond. Once again an overwhelming number of judges responded: a total of 594 federal trial judges answered the questionnaire, approximately 65 percent of the federal trial judges.

This historic study of federal and Texas judges provided numerous insights into the jury and judicial perceptions. The study probed judicial views on critical issues such as: whether the right to a jury trial should be expanded, reduced, or eliminated, whether juries are biased in favor of the prosecution in a criminal case, and what jurors should or should not be able to do during a trial. The combination of pertinent questions and the impressive response rates resulted in a study with an even greater impact than initially anticipated. The Dallas Morning News published a series of 17 articles based on the jury study, including several on the front page of the Sunday edition. The study has already won a number of awards including the ABA's Golden Gavel Award. In addition to the article series, the study and the Law School have already been featured on a front-page article in the New York Times and in two articles in the ABA journal.

As the next step in the process, the SMU Law Review will publish a special issue dedicated entirely to the jury study. The issue, containing five student articles interpreting data from the study, also includes contributions from Judge Higginbotham, Mark Curriden, Allen Pusey, Dean Attanasio, and Professor William Dorsaneo. Dean Attanasio's helpful introduction summarizes the responses to a number of the questions. Several of the student pieces begin the process of plumbing the mountains of data by running statistical analysis of selected responses. Professor Dorsaneo's article and other student pieces go beyond the questionnaire to examine other developments that affect the right to trial by jury. Based on the interest already expressed by practitioners and scholars nationwide, the Law Review issue promises to bring even more national attention to both the study and the Law School.

The jury study's expansive possibilities and historical importance are only just beginning to be realized. As the
study's scope and impact increase, the Dedman School of Law's reputation and national prominence rises with it. With the support of leading federal and state judges, and the interest of scholars and practitioners nationwide, the study will help establish the Law School as a premier institution for innovative and practical legal scholarship.

To request a copy of the special jury study issue of the SMU Law Review please contact Sharon Johnson at 214-768-2594 or sharonj@mail.smu.edu.

Misty Redfield is editor in chief of the SMU Law Review.
Dedman Dedicates Sir Joseph Gold Library Collection—Conference Salutes International Legal Scholar

On March 6 and 7, 2001, the SMU Dedman School of Law held a conference on International Monetary and Financial Law in the New Millennium. The gathering dedicated the Sir Joseph Gold Library Collection at the Underwood Law Library in memory of Sir Joseph's outstanding reputation as an international legal scholar and international civil servant.

Sir Joseph died on February 22, 2000 at the age of 87. Present at the dedication were Sir Joseph's daughter, Joan Gold, son, Richard Gold, and other family members.

Sir Joseph Gold (1912-2000), former general counsel and director of the legal department of the International Monetary Fund (IMF), was a noted legal scholar in the affairs of international monetary law. Colleagues and legal academicians refer to him as one of the central pillars of the Fund from its earliest days and the key legal architect of the IMF's post-war development.

Sir Joseph published more than 20 volumes on the interpretation of the articles of the Fund and on other aspects of the International Monetary legal system. He was the chief draftsman of the First and Second Amendments to the Articles of Agreement and contributed in excess of 100 articles to a long list of legal journals and other publications in his 50-plus years in the field.

London-born and educated, Sir Joseph received his Bachelors and Masters (LL.B., LL.M.) degrees from the University of London. He received his SJD at Harvard in 1942 and in 1985 he was awarded an honorary doctorate of law degree from SMU, where he was a frequent lecturer.

Sir Joseph became involved with the law school over two decades ago through his former student, SMU Law Professor Joseph J. Norton, the James L. Walsh Distinguished Faculty Fellow in Financial Institutions, and Beverly M. Carl, professor emerita of law.

Sir Joseph's professional library, donated to the Dedman School of Law, comprises over 4,400 personal papers, books, monographs, pamphlets and reports. Of particular value is Sir Joseph's personal papers concerning the evolvement of the internal decision-making processes of the IMF and the creation and development of the supplemental international reserve, the SDR. A special reading room in the Underwood Law Library provides researchers a quiet place to use these many materials.

"This collection will comprise one of the leading repositories of knowledge, not only concerning international monetary law, but also concerning the legal and organizational development of the IMF over the past 50 plus years," says Dean John B. Attanasio.

"This repository will be a particularly important source for scholars and students in understanding the foundations of the Fund, as the Fund faces dramatic challenges and changes in the coming years ahead."

The two-day event included an infor-
City, spoke on "Recent Sovereign Debt Litigation and its Adverse Impact on Payments Systems and Central Banks." Other speakers included, Marc I. Steinberg, senior associate dean for academics and the Rupert and Lillian Radford Professor of Law; and Bernhard Grossfeld, distinguished visiting professor of law, SMU Dedman School of Law and professor of law, University of Muenster, Germany.

The afternoon session, chaired by Ndiva Kofele-Kale, professor of law at the SMU Dedman School of Law, included Christian Okeke, visiting associate professor of law at Golden Gate Law School; and former faculty member Werner Ebke, of University of Konstanz, Germany.

"Sir Joseph was a pathfinding legal scholar of the postwar era," said Professor Norton, who moderated the day's final discussion entitled "Soft Law Issues Regarding IFI's and Law Reform."

"He saw international law as a means for helping to establish a better, more stable and more peaceful world order, and he worked to achieve these ends through his contributions to the IMF and the development of international monetary law."

Presentations from this conference will be published in an upcoming issue of The International Lawyer.
Justice is Served: Federal Judge William Wayne Justice Receives Honorary Degree

On Saturday, May 19, 2001, Southern Methodist University conferred an honorary Doctor of Laws degree upon Senior U.S. District Judge William Wayne Justice during its 86th Annual Commencement Ceremony. Prior to commencement, the Dedman School of Law held a colloquium to discuss the judicial work of Judge Justice.

Dedman School of Law Professor Linda S. Eads, organizer for the colloquium, introduced the session and briefly summarized the life of Judge William Wayne Justice. He was born on February 25, 1920 in Athens, Texas. His father, Will Justice, a legendary trial lawyer, named his firm Justice & Justice when Wayne Justice was still in elementary school. He graduated from the University of Texas Law School in 1942 and served in the U.S. Army during World War II. He served as the United States Attorney for the Eastern District of Texas for seven years. In 1968, he was appointed a United States district judge by President Lyndon Johnson.

"The question of activism as I say, is just a term, it doesn't mean anything. It depends on whether or not a bad situation is presented to a judge which reveals a constitutional violation," said Judge Justice in a videotaped presentation shown at the conference. "If it's a bad violation, his order is likely to be very extensive. If the state indicates that it's going to comply with any order of the court, the order is likely to be very mild with just a general sense of direction to the state. If, on the other hand, the state adopts an attitude of recalcitrance saying that they are not guilty of anything, when it's obvious that they are, then it's likely that any judge, liberal, conservative or whatever those terms mean, and I disapprove of..."
them... any judge is likely to adopt a very detailed remedy.

Over the years, many law clerks have passed through the chambers of Judge Justice. Several of them were present for the colloquium, took part in a panel discussion, or provided written comments on the judge's judicial contributions.

"My brief year with Judge Justice literally changed my outlook on the world, but even that does not really describe the core of what happened to me with Judge Justice," wrote Michael O'Reilly, a clerk for Judge Justice in 1968, who was not able to attend the gathering. "From my brief association, now swelled by years of pride and admiration, I have developed a habit, when I am confronted with a moral dilemma or unpleasant task—particularly one that might not be popular, I ask myself, 'How would Wayne Justice do it?'

The colloquium featured two panels. The first panel, moderated by Professor Eads, focused on some of the strategic problems faced by the judge and lawyers involved in institutional reform litigation and discussed judicial solutions or remedies crafted by the judge in four of his most historic opinions.

In United States v. Texas (1970), the judge ordered the most comprehensive desegregation order in history covering over 1000 school districts and two-thirds of the Texas public school student population. In Morales v. Turman (1973), the judge's order caused fundamental changes in the...
juvenile justice system in Texas and has been hailed as a landmark decision in that field. In *Doe v. Plyler* (1978), the judge ruled that *Plyler* could not require the children of illegal aliens to pay tuition in order to go to public school. The United States Supreme Court later affirmed this decision. In *Ruiz v. Estelle* (1980), the judge ordered sweeping changes in the Texas Prison System. This case continues in litigation to this day.


Richard Mithoff recounted his visit to a Gatesville maximum security facility known as Mountain View with Judge Justice. "We fast forward and I see Judge Justice as I did that day during my clerkship almost 25 years ago when we went to the Gatesville School for Boys to tour the state facility in a case challenging the treatment of juvenile offenders. And we watch him...walk from cell to cell...interviewing young boys trembling, sweating, eyes darting nervously, each in solitary confinement and each recounting stories in chilling detail...We said very little to each other on that long drive from Gatesville back to Tyler. I had watched his eyes before...and I had watched his eyes again that day as we emerged from maximum security. But this time, I saw eyes that appeared to blink away a tear, weary of the parade of the brutality and the cruelty, and the bigotry and the hate. I thought much later of Aticus Finch, the country lawyer...who was appointed by the local judge to defend a black man charged with the rape of a white woman in a small town in the south in the 40's. And, of the torment and threats of violence that he and his family had endured and of his little girl, through whose eyes the story unfolds, as she turns to the woman next door to try to understand why it is that her father has to be the one to defend this man. 'There are just some men in this world who are born to do our unpleasant jobs for us,' she said. 'Your father is one of them.' And that's the way I think of Judge Justice."

Lucas Guttentag, in discussing *Doe v. Plyer*, described Judge Justice as having a "sensitivity to discrimination, to injustice, to unfairness—in big ways and in little ways." He said that as a broad-minded thinker in 1978, Judge Justice saw immigrants' rights as a civil rights issue. Judge Justice had the "insight to see injustice where it exists; courage to do something about it, notwithstanding the hostility that it would engender; and wisdom to address the issue in a practical and meaningful way that would accomplish the desired end and [that] the constitution required."

In discussing the *Ruiz* decision, Steve Martin observed "I believe the enforcement of the rule of law in public institutions is a high calling and when successfully done, to eliminate needless and unwarranted harm and suffering, it is a majestic endeavor...Judge Justice understood the incremental nature of structural reform as well as any judge with whom I am familiar or have worked in almost 30 years in this business."

The second panel, moderated by Dean John Attanasio, the William Hawley Atwell Professor of Constitutional Law, focused on the role of the judiciary in institutional reform litigation. Members of the panel included Professor Judith Resnik, the Arthur Liman Professor of Law at Yale Law School; Judge Barefoot Sanders of the U.S. District Court for the Northern District of Texas; Darren Hutchinson, assistant professor of law at the Dedman School of Law at SMU; Jordan M. Streiker, the Cooper K. Ragen Regents Professor of Law at the University of Texas School of Law; and Malcolm Feeley, the Clair Sanders Clements Dean's Professor at the University of California at Berkeley School of Law.

Professor Resnik remarked that Judge Justice's "career embodies the principles of judicial independence in law, in custom and in tradition...and has given
us a notion of what it means to have judicial independence." Judge Sanders noted that "Judge Justice's decisions have been guided by a strong emphasis on protecting and enhancing human dignity. The risk of such an approach is that human dignity is not exactly a precise concept. Different judges, including the Supreme Court, as well as the appellate courts, have different interpretations of human dignity and its meanings vary 'over time' and with the decision maker."

Professor Hutchinson focused on the jurisprudence of Judge Justice's decisions: "Some people might look at them and say that they are sort of light in terms of theory...because traditionally we look for cases that are laden with a throng of case law citations, law review citations and maybe even some invocation of Aristotle, in order to be qualified as theoretical. But, I think that is not the only way of ascertaining theory surrounding case law. If we remove ourselves from that traditional model, we see that Judge Justice's work actually involves some very important theory in terms of how to decide equal protection cases and the role of courts in terms of structuring remedies."

Professor Steiker commented: "In many respects, Judge Justice's active, rather than passive, role in ensuring compliance with federal law was a direct outgrowth of this nation's, and particularly the South's experience, with Brown and desegregation. The level of judicial management Judge Justice exercised constitutes a departure from the past in degree, if not in kind, from what had happened prior to his taking the bench...and I think his extraordinary close supervision of detail is, and has been his lasting legacy."

Professor Feeley added, "He violated the principal of federalism, he violated the principal of separation of powers, and he violated the common understanding of the principal of the rule of law...The pre-established ideas of these principals in American Constitutional Law were not followed by Judge Justice. He stepped outside predisposed limits and interpreted the Constitution in a 'remarkable' way, he took a provision as a grant of authority and...seized upon that to make new policy."

Professor Eads closed the colloquium by stating that Judge Justice "has never forgotten that the essence of the law is to do justice. In Romans 5 it says, 'we stand and rejoice in the hope of the glory of God and not only so, but we glory in tribulations also, knowing that tribulation worketh patience, and patience experience and experience hope.' Judge Justice, because you endured tribulation with patience and stayed the course, you brought forth justice and allowed us all to have the experience of seeing and living with the sweetest fruit that comes from justice—hope. Hope for our souls and for our future. We are forever grateful and we salute you."
A Fresh Start—Law School Renovations Create New Places of Learning... and Priceless Parking Spaces

One of the great challenges for law schools in the 21st century is to create a learning environment that responds to the ever-changing landscape of the legal profession. Once dominated by large cavernous lecture halls and the occasional courtroom, law schools now offer a wide variety of classroom settings where students can plug in laptop computers and faculty can utilize document cameras, network connection, and other high tech equipment to enhance their teaching styles. During the past year, the Dedman School of Law has undergone a multifaceted renovation project that, when completed, will place it among the finest legal institutions in the country.

During the summer of 2000, the former Maco-Stewart Courtroom in Florence Hall was transformed into a beautiful 80-seat tiered classroom with custom designed and built cherry wood furniture and wainscot. Part of the renovation included the construction of a new south wall in the classroom that also formed a new corridor connecting the second floor elevator entrance with the main hallway. Movable furniture on the ground level makes it possible to use this room as a trial or appellate courtroom. The second floor hallway was expanded to form a softly lit T-shaped gallery where students can gather. Renamed the Stewart Title Classroom, this room was completed in time for the start of the 2000 fall semester and soon became one of the most sought-after rooms by faculty and students alike.

The summer of 2000 also marked the beginning of work on two other major projects in the Underwood Law Library and Florence Hall. First, the former Library South classroom in the library was completely gutted and by February of the following year transformed into a spectacular appellate courtroom/lecture hall with a 108-seat capacity. This showcase room includes a modular style appellate judges’ bench that can seat a one to nine person panel of judges or speakers. Other stunning details include an arched ceiling with solid wood beams and a skylight-like lighting design; a floor to ceiling Italian marble backdrop behind the bench, fabric covered acoustical wall panels; extensive cherry wainscot, and custom designed and built furniture. The room is fully equipped with high quality audio/visual components and electrical outlets for student computers. Now called the Hillcrest Room, in honor of the Hillcrest Foundation of Dallas which provided extensive funding for this project, the room is used for classes, special presentations, moot court arguments, and actual appellate arguments. On February 15, 2001, Justice Antonin Scalia of the U.S. Supreme Court gave the inaugural lecture in constitutional law to Professor Linda Eads’ constitutional law class. On April 17 and 19, 2001, the...
On Feb 21, 2001, the re-dedication of the newly renovated Stewart Title Classroom/Courtroom was held in Florence Hall (above). This room had previously been the Maco Stewart Courtroom.

Right: Law Review Students listen to a presentation in the newly renovated Stewart Title Classroom/Courtroom.

The much anticipated 500 space parking garage was completed this summer. Located on the northeast corner of Hillcrest and Daniel, this very attractive garage will allow the Dedman School of Law to accommodate the needs of our students and visitors.

8th Court of Appeals of Texas, which usually sits in El Paso, held oral arguments in the Hillcrest Room that were open to students and faculty.

There have also been a number of other changes that have contributed to the overall improvement in our physical environment. For example, classrooms on the first and third floors of Florence Hall were completely refurbished during the summers of 1998 and 1999 with new paint, carpeting, window blinds, whiteboards, and refinished desks. Room 305 was transformed into a small courtroom and Room 308 was changed to a multi-use room furnished with movable tables to accommodate a wide range of small group functions including negotiation and client counseling sessions. The lower level of Storey Hall underwent a facelift during the summer of 2000 and now offers students a bright and pleasant place to gather. Lockers and walls were painted and new ceiling lights and individual cherry wood student mailboxes were installed making this a much more inviting area for students.

Finally, to the relief of many students, faculty, and the surrounding community, a new 500 space parking garage was completed in the summer of 2001. Located on the northeast corner of Hillcrest and Daniel, this very attractive garage will allow the Dedman School of Law to accommodate the needs of our students and visitors.

Overall, the many improvements made over the past three years will make a significant contribution to the quality of legal education at the Dedman School of Law for many years to come. We are grateful to the University and to our alumni and other supporters for helping to make this possible.

Christine Szaj is the associate dean of administration at the Dedman School of Law.
The Donor Scholar Reception was held at the Tower Club in Downtown Dallas. The evening reception allows donors the opportunity to meet the students who are the beneficiaries of their endowments.

Above left: Mitch and Linda Hart talk with Lauren Korsmeler, the student named for the Linda Wertheimer Hart and Milledge A. Hart, III Endowment Scholarship.

Above: Mrs. Jacquelyn Rochelle visits with Dean Attanasio. The William J. Rochelle, Jr. Scholarship Endowment Fund was established in her husband's honor.

Left: Second year student Wendell Washington visits with Gene Mason. Mr. Washington is the recipient of the E. Eugene Mason Endowed Scholarship, which was established in 1974.
Prominent Visitors to Dedman School of Law

Above: Professor Gao Shang-quan, one of China's most prominent economists, spoke on "Chinese Economic Reform" on April 19, 2001.


David R. Andrews, former legal advisor to the U.S. State Department, delivered a lecture on April 3, 2001, entitled “A Scottish Court in the Netherlands: The Lockerbie Trial” which detailed the international diplomatic action that resulted in the recent trial before the International Court of Justice in The Hague.

Judge John Creuzot ’82, of the Dallas Criminal District Court No. 4, spoke on “Drug Treatment Courts” on March 8, 2001.

Top: Dean Wang Zhenmin of Tsinghua University Faculty of Law in Beijing, China presented a talk on “Legal Education and the ‘Professionalization’ of China’s Legal Profession” on February 20, 2001.

Above: Dr. Hector A. Malral ’63, a partner in one of the largest Latin American law firms, Marval, O’Farrell & Meral, spoke to students on February 26, 2001, on “The Global Practice of Law.”

Stephen Susman, of Susman Godfrey, LLP, discussed his ‘head-to-head’ combat and ultimate victory over three other top litigators in the “Best of the Best Shoot-Out” on April 4, 2001.

Ron McCray, Vice President of Kimberly-Clark Corporation, spoke to students on “Becoming an In-House Counsel for a Fortune 500 Company” on April 5, 2001. Pictured L-R: Professor Mary Spector, Ron McCray and Dean John Attanasio.
There is perhaps no one faculty member more synonymous with SMU and our Law School than Professor Joseph Webb McKnight, the Larry and Jane Harlan Faculty Fellow and Professor of Law. To celebrate Professor McKnight's 75th birthday, which roughly coincided with our Law School's 75th Anniversary, Dean Attanasio and the Law School Faculty organized a special "Joe McKnight 'Tribute Day'" on Friday, April 20, 2001. As noted by Dean Attanasio: "Professor McKnight is a true 'icon.' What is even more significant than his 75th birthday is his 45th Anniversary at SMU. A Rhodes Scholar and world-class legal scholar, Professor McKnight could have gone to any top legal institution in the country, if not the world. But, he chose to commit himself fully and selflessly to SMU, to our Law School, and to our Dallas and Texas legal communities."

On Friday, April 20th, a special exhibition honoring Professor McKnight was opened at the Underwood Law Library. That afternoon an international seminar was held highlighting Professor McKnight's many achievements in the areas of legal history, family law, corporate law and legal and judicial reform. Main speakers included Professor Hans W. Baade, the Hugh Lamar Stone chairholder in civil law at the University of Texas; Professor Berhard Grossfeld, director of the Institute for International Business Law and the Institute for Cooperative Research at the University of Muenster, Germany and a member of the NYU Global Law School Faculty; Professor Roberto MacLean, member of the Permanent Court of International Arbitration at the Hague and former Ambassador of Peru to the United States; Professor William A. Reppy, Jr., Charles L.B. Lowndes Professor of Family Law at Duke Law School; and Professor Alan Watson, former professor of civil law at the University of Edinburg and currently Ernest P. Rogers Professor of Law at the University of Georgia. Law School Professors Bill Bridge, Thomas Mayo, Joseph Norton, Daniel Shuman and Peter Winship served as commentators. Professors Grossfeld and MacLean are currently Visiting Professors at our Dedman School of Law. At the last moment, Sir Guenter Treitel of Oxford and Professor Sandy McCall-Smith of Edinburgh had to cancel their planned attendance, but each submitted scholarly papers.
Seminar topics covered issues relating to the Spanish influence on Texas law; law, geography and semiotics; judicial law reform; modern issues in family law; and influences of Roman law on Western Civilization. The proceedings from this international seminar, along with a series of faculty contributions, will be assembled in an upcoming special issue of the SMU Law Review.

In the evening, the “Law School Family” gathered for dinner at the Tower Club in downtown Dallas—replete with birthday cake, the singing of birthday wishes and a champagne toast. In addition, a series of faculty tributes (in part, “roastings”) to Professor McKnight were delivered by Dean Attanasio, former Dean and Interim Harvey Wingo, Professor Emerita Ellen Solender, Professor William Dorsaneo, Professor Roy Anderson, and Professor Gail Daly. Professor Henry Lischer read a Faculty Resolution honoring Professor McKnight (see sidebar).

Professor McKnight concluded the evening with two memorable comments: “In the afternoon seminar, I felt I was up to my knees in it; this evening, I now feel I am up to my neck.”

“I have enjoyed this evening so very much. I feel like I have been in my casket with my eyes open.”

A Faculty Resolution Honoring Joseph Webb McKnight

“WHEREAS Professor Joseph Webb McKnight has achieved great distinction as a student, including the degrees of B.A., the University of Texas; B.A., Oxford (Jurisprudence), B.C.L., and M.A.; and L.L.M., Columbia University; and

“WHEREAS Professor McKnight has provided outstanding service to Southern Methodist University as a member of the law faculty and an outstanding teacher since 1955, as Associate Dean for Academic Affairs from 1977-80, as the Larry and Jane Harlan Faculty Fellow since 1991, and as the co-founder of the Oxford Summer Program; and

“WHEREAS Professor McKnight has achieved great distinction as a scholar by his authorship of more than 150 publications, including books, articles, reviews; and

“WHEREAS Professor McKnight has contributed significantly to the development of the law of the State of Texas by his service as Principal Draftsman of the Texas Matrimonial Property Act of 1967; Texas Antiquities Code of 1989 (and the subsequent amendment in 1981); Texas Family Code, Title 1, of 1989 (and the subsequent amendments in 1975, 1979, 1981); Texas Debtor-Exemption Reform Act of 1973; Texas Constitution, Article XVI, Section 15 (and the subsequent amendment in 1987); Texas Constitution, Article XVI, Section 51; Texas Property Code, Title 41, of 1985; Amendments to Texas Property Code, Title 42, of 1991; and

“WHEREAS Professor McKnight has contributed to the favorable reputation of Southern Methodist University by visiting academic appointments at the London School of Economics, the University of Edinburgh, the University of San Diego, and the University of Houston; and by biographical listings in The Directory of American Scholars, The Dictionary of International Biography, the Directory of American Law Teachers, the Directory of The Society of Public Teachers of Law, the Distinguished Leaders of the South; the Outstanding Educators of America, Who’s Who In America, Who’s Who In American Law, Who’s Who In Texas, Who’s Who In the South and Southwest; and

“WHEREAS Professor McKnight has been granted many awards and honors from grateful organizations and Institutions, including Phi Beta Kappa, 1947; Rhodes Scholar for Texas 1947-1950; James Kent Fellow, Columbia University 1958-1959; Philosophical Society of Texas, 1972; Academia Mexicana de Derecho Internacional, 1988; designation as a “Living Legend” by the Family Law Section of the Texas Bar Association, 1997; designation as a “Legal Legend” of the 20th Century by the Texas Lawyer, 2000; and

“WHEREAS Professor McKnight has been valued as friend and colleague;

“NOW THEREFORE IT IS RESOLVED: That the members of faculty of the Dedman School of Law of Southern Methodist University express to Professor McKnight their tribute to his long and committed service to the development of the law and to Southern Methodist University; their appreciation for his many outstanding achievements; their hope that they may look forward to his continuing fellowship; and their best wishes for his satisfaction and fulfillment in his many future activities.”
McKnight Tribute

"The rare books collection at the Dedman School of Law is, thanks to Joe, a living, breathing, growing part of our collection. And the Galvin Rare Books Room, thanks to Joe, is never in any condition to host an important meeting of any kind. While I chide him about the collection's demands on our shelf space and on our cataloging staff's time, I know in my heart that this is a problem most of my colleagues in law librarianship would give anything to have. Because this is a rare books collection that has been carefully assembled and lovingly tended, and is regularly used. The demands it makes on our staff and on the Library's shelf space are just a symptom of how dynamic the collection is."

Professor Gail M. Daly
Associate Dean for Library and Technology

"When I first came to the hinterlands of Dallas in the early 1970s and first visited the SMU Law School, I met Professor McKnight. He kindly showed me the superb international and comparative law library collection (including a superb Roman Law collection and a first-class Common Law Collection); he began to educate me on the Spanish influences on Texas Law; he impressed upon me the long-standing tradition of the SMU Law Faculty (including himself) being involved in significant law reform efforts; and he discussed with me my interests in legal services for the poor by educating me that in the 1960s he was instrumental in founding the SMU Legal Clinic. I immediately realized that the SMU Law School was indeed a place of intellectual substance and of societal significance."

Joseph J. Norton, James L. Walsh Distinguished Faculty Fellow in Financial Institutions and Professor of Law

"I could not have had a better mentor and role model than Professor McKnight. Joe McKnight taught me that the members of the academy have important public responsibilities and significant roles to play in law reform activities. Comfortable in all legal environments, Professor McKnight is a leading legal citizen, a dedicated scholar, a thoughtful colleague, a good natured raconteur, and a magnificent eccentric. He has achieved the greatest of human goals, he has made a large and beneficial difference in the lives of others."

William V. Dorsaneo III, Chief Justice John and Lena Hickman Distinguished Faculty Fellow and Professor of Law
"Joe McKnight is without question the finest classroom teacher I had in law school. And I had some great ones. In my mind, Joe was a 'living legend' long before the Family Law Section of the State Bar of Texas formalized the idea. Joe is a scholar for all lawyers. His work teaches the wooly-headed academic, the working judge, the harried practitioner, and the energetic law student."

Roy Anderson, Vinson & Elkins Distinguished Teaching Fellow and Professor of Law

"A Rhodes Scholar and world-class legal scholar, Professor McKnight could have gone to any top legal institution in the country, if not the world. But, he chose to commit himself fully and selflessly to SMU, to our Law School, and to our Dallas and Texas legal communities."

Dean John B. Attanasio, William Hawley Atwell Professor of Constitutional Law

"I have known Joe as a student, as a colleague, and as a good friend... However, the most important characteristic of our friendship has been our many arguments about family law matters. I learned to be very careful when arguing with Joe because likely as not in the course of the argument I would suddenly discover that I had somehow switched sides and that he was now taking my original position while I had taken his. This meant, of course, that our discussions have never ended."

Ellen K. Solender Professor Emerita of Law

"Not only has Professor McKnight been a pillar of the faculty and an inspiration to students, but he has also been a dominating figure in law reform and equal rights for women in Texas law for the last 50 years. In addition to his professional achievements, Professor McKnight is a person of warm heart and great humor. It is a delight to have him as a mentor and colleague."

William J. Bridge Associate Professor of Law
Dedman Faculty Shine

Professor Norton Receives Honorary Law Degree

Professor Joseph J. Norton, the James L. Walsh Distinguished Faculty Fellow in Financial Institutions Law, has received an honorary LL.D., the highest law degree from the University of Stockholm, where he is a visiting professor.

The honor recognized Professor Norton's work to foster "the rule of law" in financial sector reforms in emerging and transitioning economies. He has also assisted the Stockholm law faculty in its effort to establish a Centre for Commercial Law Studies and a Special Programme on Financial Law for Swedish law students in London. His September 2001 trip included a formal dinner at the "medieval Ghost Palace" with the country's president and the Swedish Royal family. The degree was conferred in the Nobel Peace Hall in Stockholm, followed by a formal dinner and weekend tribute dinner by the Stockholm Law Faculty. Unlike American ceremonies with traditional robes and mortar or puffed caps, the Swedish ceremony is derived from 16th Century Reformation tradition, says Professor Norton. The candidate wears formal waistcoat and tails and is awarded a black, pleated top hat with a gold clasp along with a gold ring of the University. The hat represents the sign of a "freeman;" and the ring symbolizes the loyalty and commitment of the person to his/her particular discipline. "I was very surprised and humbled by this honor, and owe much to my nearly 30 years of involvement with SMU which has provided me great and continuous support to develop a national and international reputation in the financial law area." Professor Norton primarily teaches domestic and international business and banking-related courses. He holds a dual appointment as the Sir John Lubbock Professor of Banking Law at the Centre for Commercial Law Studies, University of London. He is editor-in-chief of NAFTA: Law and Business Review of the Americas, the Kluwer international series on International Banking Regulation and International Economic Development Law, the Lloyd's of London Banking Law Publication Series, and former editor-in-chief of The International Lawyer. He is a senior research fellow at the Institute of European Finance (U.K.) and a regular visiting professor of law at the University of Muenster, Germany and a Visiting University Chair in Law at Rand Afrikaans University, South Africa.

Anderson Honored by Texas Bar Foundation

Professor Roy Ryden Anderson, the Vinson & Elkins Distinguished Teaching Fellow, is the 2001 recipient of the Outstanding Law Review Article Award presented at the annual meeting of the Fellows of the Texas Bar Foundation in June. The award-winning article was "The Wolf at the Campfire: Understanding Confidential Relationships," published in the SMU Law Review. The award is presented to the writer of an outstanding article in a law review published in Texas. "The award meant a great deal to me personally," Anderson says. "It was written with an audience of courts and practitioners in mind (as opposed to fellow academics). To be honored by such a prestigious organization of judges and lawyers as is the Texas Bar Foundation was thus especially rewarding."

Professor Anderson earned his law degree from SMU in 1969 and his LL.M. from Yale in 1975. He has spent his professional career with the Dedman School of Law, first as executive director of the Criminal Justice Program, then as instructor of law, assistant and associate dean, and professor of law. In 1997, he was appointed the Vinson & Elkins Distinguished Teaching Fellow. He is a lecturer and consultant on matters relating to his expertise in contract, commercial and consumer law. He teaches Contracts, Commercial and Consumer Law, Remedies/Damages and Appellate Advocacy.
Hanna Awarded 2001 Smart Award Winner for the 4th Time

The graduating class of 2001 honored Professor Christopher Hanna as the recipient of the 2001 Dr. Don M. Smart Award for Excellence in Teaching. The popular professor also received the teaching award in 1993, 1995, and 1998.

Professor Hanna researches, writes and teaches courses in tax accounting, partnership taxation, international taxation, advance corporate taxation and income taxation to JD and LLM students. “I feel very fortunate to have won the award because we have such an outstanding teaching faculty, and we place great emphasis on classroom teaching at the Dedman Law School,” Hanna says. “We have some of the best classroom teachers in the country at SMU. I am very lucky.” Professor Hanna is co-director of the Center for Pacific Rim Legal Studies. He has been a visiting professor at the University of Texas School of Law and a visiting scholar at Harvard Law School, the University of Tokyo, Meiji Gakuin University, and the Japanese Ministry of Finance. Outside the classroom, he advised the United States Joint Committee on Taxation and the Organisation for Economic Co-operation and Development. He was selected as one of 21 outstanding young lawyers in the U.S. by Barrister magazine in 1995 and was a faculty fellow at the John Goodwin Tower Center for Political Studies in 1999.

Scafidi Recognized by Center for Arts and Culture

Assistant Professor Susan Scafidi has been awarded a grant by the Center for Arts and Culture. The grant will further her research on intellectual property law and the merchandising of culture and has resulted in a book project for Rutgers University Press. Professor Scafidi’s scholarly article, “Intellectual Property and Cultural Products,” was one of four faculty research projects selected from more than 100 submissions to the Washington, DC-based think tank, funded by the Ford, Rockefeller, and David and Lucile Packard Foundations. Her article examines how cultural property such as yoga, rap music, and even Budweiser beer dyed green for St. Patrick’s Day, lack protection under the current system of intellectual property law.” Intellectual property law recognizes the value of human creativity or ‘brain power’—but only when the authors or inventors are easily identified,” says Professor Scafidi. “The next step is to acknowledge that creation often takes place within the ethnic, racial, social, and regional communities that constitute American society and to recognize and reward the importance of these group contributions.” A Yale Law School graduate, Professor Scafidi’s teaching and research fields include property, intellectual property, Native American Law, ecclesiastical law, and legal history.

Pryor Named Distinguished Teaching Professor

Professor Ellen S. Pryor was one of four SMU faculty members honored as a member of the SMU Academy of Distinguished Teachers. Pryor is among the first recipients of the award as part of a program made possible by a $250,000 gift from Ruth Altshuler, chair of the SMU Board of Trustees. “I am convinced that SMU has one of the finest faculties in the nation, and I want them to know how much the trustees appreciate all they do for our fine university,” Altshuler said. The SMU Center for Teaching Excellence, directed by Anthropology Professor Ronald Wetherington, formulated plans for the Academy of Distinguished Teachers last year. After reviewing nominees from across campus by students, faculty, and deans, the center’s 14 members chose a group of finalists, whose credentials were submitted to Ross C Murfin, SMU provost and vice president for academic affairs, for selection. Under the program, each professor receives a $10,000 award. Four professors will be honored as a Distinguished Teaching Professor each year for five years. “It is important that our constituents fully understand the teaching excellence of our faculty,” University Provost Ross Murfin said. “Ruth Altshuler has not only shown that she understands faculty teaching achievements, but she has taken the lead (see Pryor page 58)
Visiting Faculty

SMU's Dedman School of Law welcomed the following visiting professors teaching on campus this past spring:

Distinguished Visiting Professor Pius Langa

Justice Pius Langa is the deputy president of the Constitutional Court of South Africa. He received his degrees in law in 1973 and 1976 from the University of South Africa. He was admitted as Advocate in 1977, and then practiced at the Natal Bar. During this time he represented clients in both civil and criminal matters, many of these involving trials of a political nature. As Junior Counsel, he appeared in most of the more significant political trials in the major centers of the country. Justice Langa was a member of the Democratic Lawyers Association; a founding member and president of the National Association of Democratic Lawyers; and a member of the Constitutional Committee of the African National Congress. Justice Langa also served as Distinguished Visiting Professor of Law at SMU during the spring semester of 2000.

Professor Langa taught Comparative Law II: Constitutional Transformation in South Africa.

Distinguished Visiting Professor Bernhard Grossfeld

Professor Grossfeld is Professor of Law at the Muenster University in Muenster, Germany. At Muenster, he also serves as the director of the Institute for International Business Law, and the director of the Institute for Cooperative Research. Professor Grossfeld received his J.D. degree from Muenster University and his Master of Law degree from Yale. He is recognized as one of the leading European law scholars in Comparative and International Business Law. Professor Grossfeld has previously taught as a visiting professor at SMU, Michigan, Texas, Chicago, and NYU, where he is a permanent member of their Global Law School Faculty.

Professor Grossfeld taught Transnational Business Organizations.

Visiting Professor Shen Shiao-Ming ’81

Professor Shen is International Legal Consultant to the San Francisco law firm of MacKenzie & Albritton where she advises American companies doing business in China. Professor Shen received her B.A. in Law from the Peking Institute of Political Science and Law, her MCL from SMU School of Law, her LLM from Harvard Law School, and her SJD from the University of California-Berkeley School of Law. Professor Shen has previously taught as a visiting professor at SMU and at Washington and Lee.

Professor Shen taught Comparative Law II: Doing Business in China.
Visiting Professor
Roberto MacLean

Professor MacLean, former Ambassador of Peru to the United States and Justice of the Supreme Court of Peru, serves as Judicial Specialist to the World Bank. He was educated at the Universidad Nacional Mayor de San Marcos de Lima in Peru and at the University of Cambridge in England. He holds the title of President of the Law Institute of the Americas at SMU. Professor MacLean has previously taught as a visiting professor at SMU, Georgetown, Louisiana State University, Houston and Illinois.

Professor MacLean taught Comparative Law II: Administration of Justice.

Visiting Professor
Giora Shapira

Professor Shapira is a member of the Faculty of Law at University of Otago in Dunedin, New Zealand where he currently teaches Company Law, Advanced Company Law, Conflicts of Laws, and International Trade Law. He has published extensively in the area of company law, in particular, corporate shareholder’s remedies; director’s duties; comparative corporation laws; international enterprise; and conflict of laws. He received his MagJur with Distinction from the Hebrew University in Jerusalem and his LL.M. from London University, University College. He has previously taught as a visiting professor at University of British Columbia School of Law.

Professor Shapira taught Comparative Law II: Issues in Corporate Governance.

Visiting Professor
Diego Bunge ‘75

Professor Bunge is the director of the Graduate Banking Law Program at the University of Buenos Aires where he teaches Comparative Commercial and International Business Law. He is a senior partner at Bunge, Smith & Luheia Puig in Buenos Aires. He received his JD degree from the University of Buenos Aires, Master in Comparative Law degree from SMU and Masters of Laws in General Law from the University of Miami. He has previously taught as a visiting professor at Tulane and Miami.

Professor Bunge taught Comparative Law II: Doing Business in Latin America.
Pryor (cont)

in rewarding these accomplishments. Excellence in teaching often goes unseen outside the classroom, and she is helping to bring the impact of great teachers to the attention of others.”

Pryor graduated from Rice University in 1978 and from the University of Texas School of Law in 1982. She practiced law in Dallas for four years before joining the SMU law faculty. During that time, she received the Dallas Bar Associations’ Pro Bono Award of the Year in 1985 for providing legal services to the poor. The following year, she was honored with the annual Frank Scurlock Award of the State Bar of Texas for legal services to the poor. In 2000 she was presented the United Methodist Church’s Scholar/Teacher of the Year Award given by the Church’s Division of Higher Education. She teaches courses in torts, advanced torts, products liability, and insurance. Professor Pryor said she is humbled by the honor. “I guess more than anything, it is a confirmation to me of the wisdom of so much of the advice and input I’ve sought out over the years about teaching,” she says. “And proof that one really can improve one’s teaching over the years by tinkering and working with it a lot.”

The honorees will have a two-year appointment to the SMU Academy of Distinguished Teachers. During that time, they will participate in symposia, workshops and other forums that allow them to share their teaching philosophies and experiences with colleagues and students. In addition to Professor Pryor, other distinguished teaching recipients included Theology Professor William S. Babcock, History Professor James K. Hopkins and Political Science Professor Joseph F. Kobylka.

**Faculty News**

Roy Ryden Anderson, Vinson & Elkins Distinguished Teaching Fellow and Professor of Law

**Publications**

2001 Supplement, DAMAGES UNDER THE UNIFORM COMMERCIAL CODE.

**Awards and Recognition**


John B. Attanasio, Dean and William Hawley Atwell Professor of Constitutional Law

**Publications**

2001 Supplements, CONSTITUTIONAL LAW, UNDERSTANDING CONSTITUTIONAL LAW (N. Redlich & J. Goldstein, co-authors); Foreword: The Brave New World of Multidisciplinary Practice, 50 J. Legal Educ. 469 (2000).

**Presentations and Addresses**


**Appointments**

Member, Advisory Committee to the Dallas Committee for Foreign Visitors.

Lackland H. Bloom, Professor of Law

**Presentations and Addresses**

Participated on a panel discussing intellectual property issues at the national convention of National Association of Religious Broadcasters, Dallas (February 2001); participated in a discussion on the Electoral College on the McQuistion Show, a nationally syndicated television public affairs talk show, Dallas (February 2001).

Regis W. Campfield, Marilyn Jeanne Johnson Distinguished Law Faculty Fellow & Professor of Law

**Appointments**

Director/Coordinator of the Joint SMU Dedman School of Law/Communities Foundation of Texas, Estate Planning & Charitable Giving Program Initiative.

Linda Eads, Associate Professor of Law

**Presentations and Addresses**

Spoke on the Texas Attorney General’s settlement with Aetna on HMO issues at the University of Texas School of Law Symposium on Recent Legal Developments in Texas Health Care, Austin, TX (March 2001); spoke on legal ethics to the Travis County Bench/Bar Conference, Austin, TX (May 2001); spoke on legal ethics at the SMU Labor Law Conference, Dallas (May 2001); organized and spoke at the SMU Colloquium honoring Judge William Wayne Justice, Dallas (May 2001).

Jeffrey M. Gaba, Professor of Law

**Publications**

Christopher Hanna, Professor of Law

Presentations and Addresses
Helped organize Japan panel of the G-7 Fiscal and Monetary Policy Conference hosted by the Tower Center, Florence, Italy (March 2001).

Darren L. Hutchinson, Assistant Professor of Law

Presentations and Addresses

Ndula Kofele-Kale, Professor of Law

Presentations and Addresses
Chaired a panel discussion at the Dedication Conference of the Sir Joseph Gold Library Collection, Dallas (March 2001); presented paper at an international conference at Tuskegee University sponsored by the Rockefeller Foundation, Tuskegee, Alabama (April 2001); presented a paper at the 10th Annual African-American Summit, Abuja, Nigeria (June 2001).

John Lowe, George W. Hutchinson Professor of Energy Law

Presentations and Addresses
Taught a course in International Petroleum Contracts at the Centre for Energy, Petroleum and Mineral Law, University of Dundee, Scotland.

Appointments
Member, Commercial Panel of the CPR Institute for Dispute Resolution; elected vice chair and member of the Executive Committee of the Advisory Board of the Southwestern Legal Foundation’s International Oil and Gas Educational Center, and co-chair of its Program Committee.

George Martinez, Professor of Law

Publications

Presentations and Addresses

Appointments
Member, ABA-AALS inspection team at Hofstra University School of Law.

Thomas Wm. Mayo, Associate Professor of Law

Presentations and Addresses
"Ethical Issues Related to the Use of New Technology" for the 48th Association of Operating Room Nurses Pre-congress, Dallas (March 10, 2001); "Clinical Ethics" for the 24th Annual Conference in Women’s Health Care, Dallas-Fort Worth (April 5, 2001); featured speaker for "Wit: In Perspective," Dallas Theater Center, Dallas (April 22, 2001); participant in panel discussion on ethics in surgery for the "Current Topics in General Surgery 2001" conference at UT Southwestern Medical Center, Dallas (May 4, 2001).

Appointments
Secretary, American Health Lawyers Association; chair of the Public Interest Committee and member of the Executive Committee of the Board of Directors, Orlando (June 16, 2001).

Staff Update

Christine Szaj, Associate Dean for Administration, presented a paper at a family law symposium at Brigham Young University, February 1-3, 2001 in Provo Utah. The symposium on the ALI's Family Dissolution Principles: Blueprint to Strengthen or to Deconstruct Families was co-sponsored by the J. Reuben Clark Law School and The Catholic University of America. The paper entitled "The Fine Art of Listening: Children's Voices in Custody Proceedings" will be published in a forthcoming symposium issue of The Journal of Family Law Studies (University of Utah College of Law).
Facult y News (cont)

Frederick C. Moss, Associate Professor of Law

Presentations and Addresses
Taught a NITA trial skills training course at Chamberlain Hrdlicka, Houston (March 8-10, 2001); presented a series of ethics vignettes focusing on "The Responsibilities of Supervisor and Subordinate Lawyers and Internal Law Firm Ethics" at the Dallas Bar Association's annual Legal Ethics Seminar, Dallas (March 15, 2001); coached two teams of Dedman students for the National Criminal Justice Mock Trial Competition - one team advanced to the final four, Chicago (March 29-31, 2001); taught a Trial Techniques course to 2nd year law students at Emory School of Law, Atlanta (May 2001); directed the National Institute for Trial Advocacy's "Taking & Defending Deposition" training program, Dallas (May 31-June 2, 2001).

Joseph Jude Norton, James L. Walsh Distinguished Faculty Fellow in Financial Institutions and Professor of Law

Presentations and Addresses
Organized and spoke at dual international conferences at SMU and London honoring the late Sir Joseph Gold (April 2001); organized and spoke at a conference in honor of the 75th birthday of Professor Joseph McKnight (April 2001); co-organized, with the Cologne Banking Institute, an international conference on electronic finance and delivered a paper on internet and securities offerings, Cologne, Germany (April 2001); presented a paper on evaluating methodologies for legal reform projects by IFIs at the World Bank's Global Conference with the Russian Government, St. Petersburg, Russia (June 2001); spoke at the APEC Finance Ministers' Policy Committee on Banking Crises: Acapulco, Mexico (June 2001); spoke at the Federal Reserve Board/World Bank conference for Deputy Central Bank Governors from 50 nations (July 2001); gave the Inaugural Lecture for the Centre of Commercial Law Studies at the University of Stockholm (June 2001).

Ellen Smith Pryor, Professor of Law

Awards and Recognition
Named a University Distinguished Teaching Professor for Southern Methodist University (Spring 2001).

Susan Scafidi, Assistant Professor of Law

Publications

Presentations and Addresses

Daniel W. Shuman, Professor of Law

Publications

Presentations and Addresses

Marc I. Steinberg, Senior Associate Dean for Academic Affairs and Rupert and Lillian Radford Professor of Law

Publications
PRESENTATIONS AND ADDRESSES

Elizabeth G. Thornburg, Professor of Law

PRESENTATIONS AND ADDRESSES
“Privatization and Power: Dispute Resolution for the Internet” at the Eighth International Consumer Law Conference, Auckland, New Zealand (April 2001).

Jane Kaufman Winn, Professor of Law

PRESENTATIONS AND ADDRESSES

Peter Winship, James Cleo Thompson Sr., Trustee Professor of Law

PRESENTATIONS AND ADDRESSES
“Comment: Comparative Study of International Economic Conflicts and Resolution” at a conference on International Economic Conflict and Resolution sponsored by the International Economic Law and Private International Law interest groups of the American Society of International Law, Houston (February 16-18, 2001); “Evolving Issues in Transnational Commercial Law” at the annual meeting of the American Society of International Law, Washington, D.C. (April 7, 2001); “El marco legal para garantizar cre’ditos en los Estados Unidos: un sistema amplio para constituir garantia” at a seminar sponsored by the government of El Salvador, San Salvador (April 24-25, 2001); “Using (or not) the U.N. Sales Convention” at a meeting of the Dallas Bar Association’s Section of International Law, Dallas (June 19, 2001); “[U.S.] Commercial and Consumer Law” at the Academy of American and International Law, International and Comparative Law Center of the Southwestern Legal Foundation, Dallas (June 15-22, 2001); arbitrator, Willem Vis International Commercial Arbitration Moot Arbitration Competition, Vienna, Austria (April 7-13, 2001); invited expert, International Receivables Financing meeting, UN Commission on International Trade Law, Vienna, Austria (April 7-13, 2001); invited expert, International Receivables Financing meeting, UN Commission on International Trade Law, Vienna, Austria (February 28-March 2, 2001); invited expert, Secured Transactions meeting, UN Commission on International Trade Law, Vienna, Austria (January 28-30, 2001).
Millenial Reunion—Dedman School of Law Celebrates 75th Anniversary

To honor the 75th anniversary of the founding of the law school, alumni from all graduating classes gathered for a Millennial Reunion in April 2001. Over 300 alumni and spouses, including graduates from Argentina, Austria, Germany, Japan, and Mexico, attended one or more of the reunion activities on campus.

On Friday morning, Professors Julia Forrester, Frederick Moss, Joseph McKnight, and Thomas Mayo invited alumni to attend their respective regular 11 a.m. classes. Current and admitted students visiting the campus enjoyed lunch with alumni provided by the Hamburger Man outdoors in the Quad.

After lunch, Professor William Dorsaneo addressed alumni on “Recodification of the Rules of Procedure—Not
to Worry;" Professor Alan Bromberg spoke on "A Millennial Code of Law for Business Organizations—Making Sense of a Dozen Statutes;" and Professor Marc Steinberg lectured on "Insider Trading, Selective Disclosure, and Prompt Disclosure: A Comparative Analysis." The afternoon lectures wrapped up with a presentation by former Professor Whitney R. Harris on the topic of "The International Criminal Court." He is a former SMU law professor and trial counsel at the trial of the major German war criminals before the International Military Tribunal at Nuremberg. The festivities concluded with a 75th Anniversary Celebration Cocktail Reception in the Dean's Suite.

On Saturday, Dean Attanasio moderated a panel discussion, "Juries on Trial—The Jury Study by The Dallas Morning News and the SMU Law Review." Panelists were Allen Pusey, staff writer for The Dallas Morning News, and SMU Dedman School of Law students Tom Dees and Jason Myers, who worked
Professor Joseph W. McKnight speaks to a group on "Old & Rare Books and What's in 'Em."

Below: William S. Callaghan '91 and Zachary McCormick '77 peruse rare books after Professor McKnight's lecture.

on the study. The Rare Book Room of the Underwood Law Library served as the venue for Professor McKnight's presentation, "Old & Rare Books and What's in 'Em." At noon, a barbecue luncheon was enjoyed by all in the "Pit," followed by remarks by Dean Attanasio on "What's Going On at Your Alma Mater." The afternoon session began with a legal ethics class taught by Professor Linda Eads, and concluded with a guided tour of the new Meadows Museum.

On Sunday, an enthusiastic group of alumni and faculty gathered for brunch in the Dean's Suite, before a majority of their number boarded a chartered bus for The Ballpark in Arlington. All wearing complimentary Dedman Law School baseball caps, the millennial reunion group was recognized on the JumboTron scoreboard during the Texas Rangers vs. Seattle Mariners baseball game, which the Rangers won 5 to 4. As the chartered bus returned to campus after the game, many were heard to express the opinion that a good time had been had by all!
Judge Hiromu Emi of the Tokyo High Court, (top) and wife Naoko Emi visit with a Law School student during the Hamburger Man lunch held during Reunion Weekend.

Above: Professor Alan Bromberg, University Distinguished Professor of Law, and Professor William Dorsaneo, Chief Justice John and Lena Hickman Distinguished Faculty Fellow, presented lectures with CLE credit during the Reunion Weekend.

Middle Left: Texas Supreme Court Justice James A. Baker '58 enjoying the Hamburger Man Lunch with Sam E. Rowland '60.

Left: Alumni enjoy the superb Texas weather at lunch during the 75th Anniversary Weekend.
Alumni News

52 Charles P. Storey has joined the firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P. as senior counsel.

53 The Texas Association of Business and Chambers of Commerce announced that Robert Dedman, Sr., founder and chairman of the board for ClubCorp, Inc. was selected to receive the Distinguished Business Leader Award for 2001.

58 Professor John Reese has received the Alumni Teaching Award from the University of Denver School of Law.

59 Blake Tartt, a partner in the Houston office of Beirne, Maynard & Parsons, L.L.P., has been elected to a three-year term on the Board of Governors of the American Bar Association for District 8 (Texas and Florida).

Sam Stollenwerck has been made a partner in the firm of Shannon, Gracey, Ratliff & Miller in Dallas.

60 Cecil A Ray, Jr. has been inducted as a charter fellow of the American College of Employee Benefits Counsel.

63 George W. Bramblett, Jr. received the Trial Lawyer of the Year Award at the tenth annual Bench Bar Conference.

64 Darrell Jordan, founder of the Cotton Bowl Foundation and Hughes & Luce, served as a member of the Dallas 2012 Board (for Olympic selection).

65 C.L. "Mike" Schmidt is a fellow of the American College of Trial Lawyers.

67 John Esch, PricewaterhouseCoopers in New York City, is a member of the Ethics Oversight Committee in connection with the Dallas 2012 Board (for Olympic selection).

70 Charles F. Plenge has been inducted as a charter fellow of the American College of Employee Benefits Counsel. Phillip R. Jones has been inducted into the American College of Labor & Employment.

71 Samuel Bayless has become counsel to the firm of Langley & Banack, Inc. in San Antonio.

72 Drew N. Bagot is a shareholder in the firm of Hiersche, Hayward, Drakeley, & Urbach, P.C. in Dallas. Guy Harrison has been named president-elect of the State Bar of Texas.

74 John Lopez III served as a member of the Ethics Oversight Committee in connection with the Dallas 2012 Board (for Olympic selection). Robert Molina has joined Benton Oil & Gas Company in Carpinteria, California as vice president, general counsel and corporate secretary.

75 Mike Lynn, of Lynn Tillotson & Pinker in Dallas, has been appointed co-chair of the August 2002 Washington, D.C. litigation section meeting. John M. Marshall has joined the Dallas panel of JAMS, an alternative dispute resolution provider.

76 Kent Hofmeister has formed the law firm of Brown & Hofmeister in Dallas. Jay G. Martin has joined Winstead Sechrest & Minick’s Houston office as a shareholder.

77 Paul N. Gold has joined the law firm of Perry & Haas, L.L.P. as a partner.

78 Les Weisbрод, managing partner of Morgan & Weisbрод, has been elected to the Executive Committee of the Association of Trial Lawyers of America (ATLA).

Nelson A. Bangs has been appointed senior vice president, general counsel and corporate secretary of The Neiman Marcus Group in Chestnut Hill, Massachusetts.

79 Mina A. Brees, co-managing shareholder in Munsch Hardt Kopf & Harr in Austin, was elected the State Bar District 9 director.

80 Larry Hance has formed Hance & Associates in Dallas. Craig Weinlein was elected president of the Intellectual Property Law Section of the Dallas Bar Association.

William H. Betts, Jr. has been elected State Representative to the Board Committee of the State Bar of Texas. Eugene J. Flynn has been appointed to three national committees of the American Immigration Lawyers Association: the Board of Publications, the Investor Visa Committee and the InfoNet Editorial Advisory Committee.

81 T. Mark Kelly, a partner and co-section head at the law firm of Vinson & Elkins L.L.P. in Houston, is the new chair of the Houston Bar Foundation.

Mark Shank has joined Hughes & Luce L.L.P. as a partner. William Methenitis, a partner at Strasburger & Price in Dallas, has become a member of the Dallas 2012 Board (for Olympic selection).

Barbara Kennedy has been made a partner in the firm of Shannon, Gracey, Ratliff & Miller in Dallas. Jennifer Burr Altabet has joined the firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P. as an associate.

83 Mark R. Steiner has joined Jackson Walker, L.L.P. in Dallas. Thomas H. Keen has joined the firm of Baker & McKenzie in Dallas as a partner in the firm’s real estate practice group.

Mary Murphy has become presiding judge over the 14th Civil District Court in Dallas.

84 Judith Winston has joined the insurance coverage section of Cowles & Thompson P.C. in Dallas.

86 Bill Banowsky has been appointed chair of the Business Torts and Commercial Litigation Section of the Federation of Insur-
Edward Valdespino has joined the firm of Strasburger & Price, L.L.P. in San Antonio as a partner in their Business and Commercial Litigation Practice. Homer B. Reynolds, III has been elected to the State Bar Board of Directors.

Kevin Cox, the senior executive vice president for D/FW International Airport, has joined Van Wey, Johnson & Nassen P.C. in Dallas as a construction litigation associate. Mark Slaughter has joined Ford White & Smith in Dallas with Drew M. Schilling ‘96.

Denise McDaniel, Conley, Rose & Tayon in Austin, is vice president of the Austin Intellectual Property Law Association.

Scofield ‘92 and John B. Scofield, Jr. to Denise Kalesnik is a partner in the Corporate and Securities Section in the Dallas office of Hughes & Luce.

Amy Yeager has been named partner of the firm of Gardere Wynne Sewell in Dallas. Toni Scott Reed has been named the first-ever recipient of the Dallas Association of Young Lawyers’ Member of the Month Recognition Award. Matthew E. Yarbrough has joined the firm of Fish & Richardson, P.C. in Dallas. He is in charge of the firm’s newly created Cyber Law Group.

Nisha B. Byers has become a shareholder in the firm of Cooper & Scully in Dallas. Mary Alice Boehm has joined the firm of Martin, Drought & Torres, Inc. in San Antonio as an associate. Jason N. Thomas of Touchstone, Bernays, Johnston, Beall & Smith in Dallas has been named partner.

Anne Cook has been named member in the firm of Cozen O’Connor in Dallas. Brandon J. Schneider graduated from Thunderbird, The American Graduate School of International Management where he earned his MBA and was a member in the Beta Gamma Sigma Honor Society. Timothy J. O’Hare has formed The Law Offices of Timothy J. O’Hare & Associates in Dallas with Drew M. Schilling ‘96.

Warren Price is an associate in the firm of Touchstone, Bernays, Johnston, Beall & Smith in Dallas. Michael J. Meskill has rejoined Akin, Gump, Strauss, Hauer & Feld, L.L.P. in Dallas as an associate in the corporate and technology practice groups. Drew M. Schilling has formed The Law Offices of Timothy J. O’Hare & Associates in Dallas with Timotheo ‘95. Fausto M. Gonzaga has become a federal judge in Brazil.

Dabney E. Welsh is an associate at The Kleberg Law Firm in Corpus Christi. John Hagen, has been named president-elect of the Texas Young Lawyers Association.

Gena Slaughter joined Ford White & Nassen P.C. in Dallas as a construction litigation associate.

Claudia S. Alvarado has been hired as an associate in the firm of Tricon International as a trademark associate.
The Journal of Air Law and Commerce proudly presented the 35th Annual SMU Air Law Symposium on February 22 and 23, 2001 at the Hotel InterContinental in Dallas. The Symposium, which is organized and run by members of the SMU Law Review Association, is the largest aviation symposium in the country. Over 400 people, representing 36 states and 11 countries, attended the event.

Dean John Attanasio gave the opening remarks for the two-day program, and 23 speakers addressed a variety of topics currently of interest in the aviation industry. The speakers addressed issues such as recent developments in aviation law; the state of the art knowledge for icing accidents; air ambulance operations; and pre-impact terror, among many others. The speakers included representatives from the Department of Justice, the State Bar of Texas, Delta Airlines, and law firms from across the country.

Mark Your Calendars

The 36th Annual SMU Air Law Symposium is set for February 28 and March 1, 2002. The symposium will feature David R. Andrews, former legal advisor to the U.S. State Department. Andrews is considered the U.S. architect of the international criminal trial in the case of the bombing of Pan Am Flight 103 over Lockerbie, Scotland.

This year’s keynote speaker, sponsored by the Phyllis & David Bernard Foundation, was Retired Lieutenant Colonel Clayton Lawrence of the Tuskegee Airmen. At the Friday luncheon, Colonel Lawrence shared his experiences from World War II, Vietnam, and the Korean War. His moving presentation described both the successes and triumphs of the Tuskegee Airmen, as well as the hostility and discrimination they faced from United States citizens during peacetime.

The symposium concluded with a tour of the American Airlines Flight Academy and the C.R. Smith Aviation Museum. Those who attended the tour had the opportunity to view the flight simulators and to experience how American Airlines trains its pilots for flight. On Friday afternoon, some great prizes were raffled off, including two round-trip tickets donated by American Airlines, two round-trip tickets from Southwest Airlines, and a subscription to the CCH, Inc. weekly aviation reports.

Attendees received approximately 12 hours of CLE credit, which included one hour of ethics. The 36th Annual SMU Air Law Symposium will be held the last week in February of 2002.
Law School Students Excel in Competition

The Board of Advocates continues to offer law students the opportunity to develop their skills in trial and appellate advocacy. This student-run organization sponsors teams to represent SMU in mock trial and moot court competitions across the country, as well as hosting on-campus competitions exclusively for SMU law students.

Both mock trial and moot court are extremely rewarding experiences and can help prepare a student for litigation in ways that few other law school experiences can. For example, this spring students competed in the intrascholastic Howie & Sweeney Advanced Appellate Competition on the Dedman School of Law campus. During the on-campus competitions, students argue before lo-

National Champions of the Michigan State University National Trial Advocacy Competition. The team included (L-R) John Ivie, Erica LeBlanc, Clark Wilcox, Joseph Revesz of the U.S. Attorney’s Office, Kendra Horn and Regan Williams. John Ivie won Best Direct Examination at this competition.


National Champions

Federal Bar Association
Thurgood Marshall Moot Court Competition
Team: David Roe, Landon Thompson Coach: Lance Caughfield—Fletcher & Springer

Michigan State University National Trial Advocacy Competition.

Team: John Ivie, Erica LeBlanc, Clark Wilcox, Joseph Revesz of the U.S. Attorney’s Office, Kendra Horn and Regan Williams. John Ivie won Best Direct Examination at this competition.

National Finalists

Robert F. Wagner
National Labor Law Moot Court Competition
Best Oral Advocate—Luiz Zambrano
Team: Jessica Aman, Richard Riley, Alias Sheldon, Luiz Zambrano Coach: Professor Jane Dolkert, Robert Manley—McKook Smith

National Champions

National Trial Advocacy Competition
Best Direct Examination—John Ivie
Team: Kendra Horn, John Ivie, Erica LeBlanc, Clarke Wilcox, Regan Williams
Coach: Randy Block; Assisted by Rebecca Gregory—U.S. Attorney’s Office, Joseph Revesz—U.S. Attorney’s Office
The Howie & Sweeney
Advanced Appellate Competition, an interscholastic competition, was held on the Dedman School of Law campus, February 23, 2001.

L-R: Rick Riley, chair of the Board of Advocates; Judge Sam A. Lindsay, U.S. District Judge for the Northern District of Texas; Dean John B. Attanasio; Judge Henry Politz, U.S. Court of Appeals for the 5th Circuit; Meredith Helgeson, competition coordinator for the Board of Advocates; and Judge Patrick Higgenbotham, U.S. Court of Appeals for the 5th Circuit.

cal attorneys and judges, providing unique opportunities to gain exposure to the local legal community. The off-campus competitions allow for travel and exposure to the national legal community through interscholastic competition that may include arguing before Supreme Court Justices.

Last year, SMU students Kendra Horn, John Ivie, Erica LeBlanc, Clarke Wilcox and Regan Williams brought home a mock trial championship trophy from the Michigan State University National Trial Advocacy Competition. John Ivie was also recognized with the Best Direct Examination Award. Students also earned a championship trophy at the American Trial Lawyers' Association Mock Trial Competition (team members: Jennifer Barnett, Jason Franklin, Michelle Kemp, Brian Lauten).

SMU students participated in 16 different moot court competitions last year, bringing much prestige and acclaim to the law school by advancing to the final rounds of several competitions and bringing home a championship from the Federal Bar Association Thurgood Marshall Moot Court Competition (team members: David Roe, Landon Thompson).

If you are interested in supporting these students by volunteering your time to work with a team or to judge an on-campus competition, call the Board of Advocates Office at 214-768-2831.

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**National Finalists**

- **Rabbi Seymour Siegel Ethics Moot Court Competition**
  - Team: Chad Copeland, Erica LeBlanc, Jason Skuda
  - Coach: Kimberly Harries—Gray & Bassett

- **2nd Best Brief Award**
  - Entertainment Law Moot Court Competition
  - Team: Jason Davey, Pamela McManus, K.D. Shull
  - Coach: Virginia Adams—Baron & Budd

**Regional Champions**

- **ABA Negotiations Competition**
  - Team: Phillip Hassler, Michelle Kemp, Jo Tollenaere, Raymond Walker
  - Coach: Charles Guilliam; Assisted by Chris Nolland, Tisha Ghormley, Clay Stirling

- **Regional Finalists**
  - Regional Best Brief
  - National Quarter-Finalists
  - Frederick Douglas
  - Moot Court Competition
  - Team: Nicola Shiels, Tasha Simpson
  - Coach: Erika Fadel, Aubrey “Nick” Pittman—Strasburger & Price

- **Regional Champions: Team 1**
  - Regional Semi-Finalists: Team 2
  - American Trial Lawyers’ Association Moot Court Competition
  - Team 1: Jennifer Barnett, Jason Franklin, Michelle Kemp, Brian Lauten
  - Team 2: Mike Erskine, Sara Koehn, Kelly Walker, Donna Yarbrough
  - Coach: Aubrey “Nick” Pittman—Strasburger & Price, L.L.P.; Assisted by Marie Briner, Audrey Garnett
Top: Shown here with Meredith Helgeson (far right), holding the winner's check, are champions Karen Noseff and Jessica Aman of the Howie & Sweeney Spring Advanced Appellate Competition.

Above (L-R) Nicola Shiels and Tasha Simpson with Coach Erika Fadel at the Frederick Douglass Moot Court Competition

National Quarter-Finalists
Best Respondent Brief
Hispanic National Bar Association Moot Court Competition
Team: Jennifer Barnett, Delicia Gonzales, David Schulte
Coach: Professor George Martinez, Mika Huddleston, Teresa Huddleston

National Semi-Finalists
Philip C. Jessup International Moot Court Competition
Team: Melissa Camacho, Craig Crafton, Merideth Helgeson, Joseph Henderson, Barbara Nicholas
Coach: Professor William Bridge, Professor Ndiva Kofele-Kele; Assisted by Joseph Tung

Top right: Samantha Denton, Chris Paris and Claire Monsman at the ABA Appellate Advocacy Competition

Above (L-R) Delicia Gonzales, Jennifer Barnett and David Schulte at the Hispanic National Bar Association Moot Court Competition
STUDENT NEWS

International LLM Class of 2001

LLM's gather at a reception held at the home of Kathy and Dean John Attanasio. Students from 18 different countries were enrolled in this year's international program.

Right: LLM's enjoy Hamburger Man during Reunion Weekend April 6

Below (L-R) Yi-Chen Lai, Christine Gaertner, Sylvia Cynamon, Maria Angelica Espinosa, Gabriela Pena and Lieselotte Bruckmeier.

Stanley Esukpa of Nigeria, and Dondy Sentya of Indonesia catch up at the LLM reception.
2001 Graduates Shine

Amid a festive atmosphere and fond words, SMU's Dedman School of Law applauded its 2001 graduates during commencement ceremonies held on campus on May 19. The Brief spotlights eight graduates who reflect the diversity, enthusiasm and talent of the Class of 2001.

Darlene Woodson
HOMETOWN: DALLAS, TEXAS

As a junior in high school, Darlene Woodson was part of the school's award-winning mock trial team—and that's all it took for her to be hooked on a legal career. "I loved strategizing and finding ways to present a better case than the other side," says Woodson. "Going into the courtroom and putting on a case was something that I really enjoyed doing."

Today, Woodson, 25, is fulfilling her career dream as a first-year litigation associate at Gardere Wynne Sewell, LLP. Student involvement provided a strong sense of community. This enhanced her lawyering skills.

"I love helping people and standing up for a cause," she says. "I feel that my involvement in these organizations has cultivated me, making me more aware of what goes on in the community and how I can play a role in doing my part."

She considers her trip to Washington, D.C. to take part in the historic gathering of U.S. Supreme Court justices and Russian justices, co-sponsored by SMU, as one of the highlights of her law school experience. She also took part in the law school's summer program in Oxford.

As for the future, Woodson says she would like to one day become a judge, but most importantly aims to make a difference in her community by closing the "gap for minorities and women in the law profession," and "to increase the availability of legal services for low-income and uneducated people."

On why she chose the Dedman School of Law: "I knew that I could excel at a school that has so much to offer on an educational level, as well as to the community. The educational experience I had as an undergraduate at SMU is what led me to choose SMU as a law school. The staff, the students, and the school itself are remarkable. I will never forget the years I spent at SMU. I will forever be indebted to the people at SMU that invested in me as a student. I hope I can make them proud."

Garsek

Zachary Garsek
HOMETOWN: FORT WORTH, TEXAS

Zachary Garsek has always been fairly adept at arguing his point which made law school a natural career choice. And his father Fort Worth attorney Elliott Garsek '74 helped cement his decision.

"My father was always a big influence on me," says Garsek. "He has an incredible work ethic. He also has developed close relationships with a number of his clients."

Garsek, who attended Emory University in Atlanta before SMU, was editor in chief of the Journal of Air Law and Commerce the same position his father held in law school. He also served as a member of the Moot Court board and was a Mac Taylor American Inn of
A paper on property theory, written at SMU, was modified and entered in a contest organized by the National Academy of Recording Arts and Sciences and the American Bar Association. He won the contest and a trip to the Grammys, where he rubbed shoulders with music celebrities, attended events, such as a black tie dinner and Paul Simon tribute concert, and answered questions about his paper at a luncheon attended by 300 entertainment lawyers.

Garsek was also among the student contingent who traveled to Washington, D.C. for the meeting with U.S. and Russian justices. "The Washington trip was incredible," says Garsek. "There are only a few places that I have been where you can feel the history in the room, and this one tops the list. It was the kind of thing that I could tell people that I did and they probably wouldn't believe me."

Garsek is an associate in the intellectual property litigation section of Haynes & Boone in Dallas. "I am interested in that area of law because the law seems to develop so rapidly and, whether people realize it or not, it has such a significant impact on everyone's daily lives," he says.

Fond Law School Memories:
"I met my fiancé at law school. Also, I made some of the best friends that I have and got to know a lot of professors much more than I ever had in college."

Christine Gaertner
HOMETOWN: OSTHOFEN, W. GERMANY
A high school political science class inspired Christine Gaertner's interest in legal studies. So, when her boyfriend accepted a job offer in Dallas, she hopped on the Internet and learned about the Law School's "renowned international program." Her discovery took her from a small town in the heart of a wine-growing region in Germany to a new world in Texas.

At SMU, Gaertner, who enjoys chess, reading and photography, joined the Environmental Law Society, where she had the opportunity to get to know fellow students outside of class, such as the Saturday morning group who organized a clean up around nearby White Rock Lake.

"It is very important for me to know people that have interests beyond their careers in law," she says. "This group was very welcoming and friendly and demonstrated a living example of diversity at SMU Law School."

Gaertner spent the summer as an intern with the Dallas-firm of Carstens, Yee & Cahoon, and returns to Germany in the fall to resume the Referendariat, the second part of her legal education.

"Personally, it is very important to me to be a lawyer that is able to understand different perspectives and bring such an understanding to the table," she says. "I hope that I will be able to make a difference with my work in a way that the people, and not the issues, take priority."

Many thanks: "There are two professors that I would like to thank particularly for inspiring my thinking in a very special way. Professor Kofele-Kale and his class of international litigation and arbitration was a great experience... I regret that I only took one class with him. I took bioethics with Professor Mayo following the advice of the dean to depart from the usual. This class has forced me to think again about... issues we often are oblivious to in our day to day lives."

Michelle Hartmann
HOMETOWN: KINGWOOD, TEXAS
Michelle Hartmann, a summa cum laude graduate and class valedictorian, hails from a family of lawyers. Hartmann, whose grandfather, father, and sister are attorneys, earned a grade point average of 3.935. But as impressive as her academic achievements, is Hartmann's commitment to everything she encounters.

Hartmann earned a Bachelor of Arts degree in philosophy and biology from the University of North Carolina in 1994.

Before law school, Hartmann taught in Houston and Dallas schools as part of the national program, Teach for America, which places outstanding college graduates in inner-city schools. During law school, she was a member of the SMU Law Review, the Lord Chief Baron of the SMU Barristers Association, and a finalist and semifinalist in state and national moot court competitions. She received the university's E. Eugene Mason Scholarship, was recognized as the outstanding first-year law student, and inducted into the Order of the Coif.

Hartmann took part in the U.S. Supreme Court summit with the Russian
Constitutional Court in Washington D.C. and joined members of the Texas Supreme Court with Russian justices in the historic meeting held in Dallas in January.

"At this infant stage of my legal career, I cannot imagine a law school that would have enhanced my understanding of global issues more than SMU," says Hartmann.

Hartmann will carry her teaching and law school experiences with her as a clerk for the Honorable Barbara M.G. Lynn '76, district judge for the Northern District of Texas; and later for Chief Judge Carolyn Dineen King U.S. Court of Appeals for the 5th Circuit. After her judicial clerkships, she will join the Dallas office of Weil, Gotshal & Manges, L.L.P.

Hartmann is married to Dallas attorney Clay Hartmann, and mother to five-year-old Holden, and his 4 year old sister McKenzie.

Fond Law School Memories: "Aside from the international offerings, SMU is pregnant with a valuable treasure in its teaching. I was fortunate to work as a research assistant for Dean John Attanasio. His incessant energy, brilliant speaking skill and his ability to unite leaders of diverse tongues is a marvel I will pack as a necessity on my legal journey. Other moments I hold closely include the laughter and amazing mentorship of Ellen Pryor, a mind I only hope to understand; the quick tongue and brilliance of Tom Mayo; the dual nature of Beth Thornburg who can at the same time nurture you with kindness and kill you with bluntness; the caring smile and laugh of SMU’s antitrust guru C. Paul Rogers; the student centered theory of George Martinez; the wit and watchful eye of Bill Bridge; the practical knowledge of Fred Moss; the captivating and confidence of Linda Eads and Roy Anderson; the motivation of Darren Hutchinson; and the sheer brilliance of Christopher Hanna."

Morera graduated from Universidad Anahuac in Mexico City, where law is considered an undergraduate degree, and was a member of the Law School Society. He pursued an LL.M. at SMU’s Dedman School of Law because of its academic reputation for international students.

"In addition, the school encourages foreign students to come to SMU, giving the opportunity to obtain financial aid from the school," he says. "And the fact that we were taking the courses with JD’s was very important for me."

Currently, Morera is a foreign associate at King & Spalding in Houston—a member of the firm’s corporate-international practice team. He plans to work in the U.S. and eventually return to Mexico to pursue a career as a corporate lawyer.

His goals are big, but he wants balance too. Morera finds time to unwind with running and sports, such as tennis.

"I would like to become a partner of a major law firm in Mexico and be recognized as a great lawyer, but at the same time as a great person as well," he says.

A Law School Experience to Remember: "It was one of the best experiences of my life. I made great friends and I really enjoyed my tennis games with Professor Steinberg and my International Tax and Antitrust courses with Professor Hanna and Professor Rogers, respectively."
Stephanie Leonard Yarbrough

HOMETOWN: PERRY, GEORGIA
Growing up in a small southern town, Stephanie Yarbrough was impressed with the integrity and commitment of the local attorneys. As a senior in high school, she was selected to work as an intern for Georgia Senator Sam Nunn and first began thinking about pursuing a legal career. She chose SMU because the school’s business law strength matched her interest in the field of corporate law.

“The Dallas legal market is so impressive, and the interaction between the law school and the legal community in Dallas provides wonderful opportunities for the law students at SMU,” says Yarbrough.

Yarbrough served as managing editor of the SMU Law Review, a Barrister officer, member of the Moot Court board and Board of Advocates, and was a finalist in the Jackson Walker Moot Court Competition. As a first-year student she received the Outstanding Oral Advocate Award from the Board of Advocates. She also served as a research assistant to Professor Roy R. Anderson.

Currently she is an attorney in the corporate and securities practice group of Womble, Carlyle, Sandridge & Rice, LLC. in Salem, North Carolina, where her husband is pursing a cardiology fellowship at Wake Forest University.

Her law degree, she says, comes with a responsibility to “get involved, to do work, and to serve the community.”

“I think that public service through politics is a great way to get involved and serve the community,” she says.

On the importance of student involvement: “I believe that getting involved in an activity—whether that is moot court, the Student Bar Association, or law review—is very important. This involvement lets students give back to the law school while giving them the opportunity to meet new students that you might not have known otherwise. Being managing editor of the SMU Law Review was a time intensive position, but it helped me learn to manage my time and work closely with others to achieve a quality work product.”

Ruth Reese Lane

HOMETOWN: EL PASO, TEXAS
Before law school, Ruth Reese Lane spent time as an accredited representative with Catholic Charities Immigration Counseling Services where, among other things, she represented clients in immigration court. It was during this experience that she yearned to help others on a new level.

“This gave me an inside look at certain aspects of particular administrative and legal processes, as well as an increased curiosity about other areas of the law. I had the opportunity to work with and meet several attorneys in the field,” she says. “For the most part, I really enjoyed working with my clients, but I had the desire to become a ‘real’ lawyer.”

Lane was an active law school member taking part in organizations such as the Hispanic American Law Student Association and the National Association for Public Interest Law. She was an articles editor for the SMU Law Review and her interest in international work enabled her to work alongside Professor Joseph J. Norton on some special projects. Lane has a special affinity for her work as a volunteer with SI PUEDES, a mentoring program for children. She was also honored to be selected as a member of the Barristers.

“Extra-curricular activities helped develop friendships and remind me of why I came to law school and how lucky I was to be there. In addition, many of these activities allowed me to meet working attorneys, providing both contacts and a focus on what lies beyond law school.”

Lane is taking those contacts with her in her new job as an associate with the Law Offices of Al Silva, where she plans to practice litigation.

Meanwhile, with law school behind her, Lane, 31, married and the mother of an infant daughter Kaya born in her third year of law school, hopes to soon get back to singing with her church choir and participating in a liturgical dance group.

A Decisive Moment: “I decided to go to law school both to enhance my career possibilities and to take advantage of the very real power lawyers have to make a difference in people’s lives.”
Paul Sartin
HOMETOWN: DALLAS, TEXAS

Paul Sartin will never forget walking through the grounds of Arlington National Cemetery with Russian justices during the January Supreme Court Summit in Washington, D.C.

He knew he "was extremely privileged to be among such company," says Sartin.

Sartin's trip to the nation's capitol was not only inspirational but a highlight of his law school days. For Paul Sartin, whose parents are both lawyers, a career in law was a natural and his choice of law schools was easy.

"I wanted to go to SMU for law school because I love Dallas, SMU had a great reputation, and Dallas is a business kind of town," says Sartin, who earned his undergraduate degree at The University of Texas at Austin.

Sartin was an active member of the law school. He served as treasurer of the Student Bar Association, Student Senate Representative and was a research assistant to Professor Joseph W McKnight.

"Serving as a research assistant to Professor McKnight was truly eye-opening," says Sartin. "I know that I was extremely privileged to learn from someone who knows so much about the law and will always consider it a blessing."

As he pursues a career in bankruptcy or family law, Sartin says he was proud to attend SMU, particularly on the day of the Dedman naming.

"Being a student at SMU School of Law the day that it became The Dedman School of Law was highly rewarding," he says. "I could tell that the future was extremely bright and that I just happened to be at SMU at the right time to witness everything taking place."

Fond Law School Memory: "I remember Professor Anderson stumpimg our Sales of Goods class my second year. I thought I knew the answer so I tentatively raised my hand and he called on me. I told him what my guess was and he said I was right. I said aloud 'I am?,' because I just knew there was something wrong about my being right. He said, 'If I'm lying I'm dying,' and I had to take every other class he offered from that point forward."

Fiana Feldman
HOMETOWN: LOS ANGELES, CALIFORNIA

Fiana Feldman is a native of Kieve, Ukraine. She moved to the U.S. at age 4 and lived in Dallas for a year before making her home in Los Angeles, where she pursued her undergraduate work at UCLA. As luck would have it, her international background came in handy during the recent gathering of Russian and Texas Supreme Court justices on campus. Feldman, who served as a translator for the members of the Russian delegation, considers the experience a highlight of her law school days.

"It was an incredible experience that I will never forget," she says.

Feldman came to SMU to enhance her business skills. In 1996 she launched her own business—Felina Glass and Crystal—to sell imported Russian and Ukrainian glass and crystal figurines to gift shops. These days she's combining her legal expertise with her business background as in-house counsel for SWS Securities, formerly Southwest Securities, in Dallas.

Meanwhile, her company, now run largely by her mother in California, has grown to include a product line from 10 different countries sold to such clients as Warner Bros. Stores, the San Diego Zoo, and Princess Cruise Lines. Ever the entrepreneur, Feldman ultimately plans to launch another corporate specialty gift company, but right now she is exactly where she wants to be.

"Eventually I may want to start another business, mainly because I love the feeling of putting my imagination to work and creating something that people enjoy and appreciate," says Feldman, 28, who is married and has a son, Joshua, born during law school.

On what she will remember most from law school: "All of the friendships I made and the great experiences I will take with me. The family atmosphere is one of the things I loved most about the school. The faculty and staff take the time to get to know you as an individual. Students work together to help each other out. Even though we are in essence competing for the same jobs, I never felt the competitive feeling, just encouragement from my friends."