

2021

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Southern Methodist University, Dedman School of Law, Tsai Center for Law, Science and Innovation

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SMU

Tsai Center for Law, Science and Innovation
DEDMAN SCHOOL OF LAW

INSIDE

Tsai Talks 3

Faculty Updates 5

Alumni Spotlights 6

Tsai Today

EXPLORING HOW LAW AND POLICY AFFECT TECHNOLOGY AND SCIENTIFIC RESEARCH

SEPTEMBER 2021

How Water Balloon Fights Turned into a Patent War

After countless hours filling and tying balloons for water balloon fights with his family, Josh Malone knew he needed to develop a more efficient system.

He started working on an device that would fill and seal one balloon at a time, but that soon grew into an invention that could handle multiple balloons at once. Ultimately he perfected a product—Bunch O Balloons—that uses his invention to fill and tie up to 100 balloons in a minute.

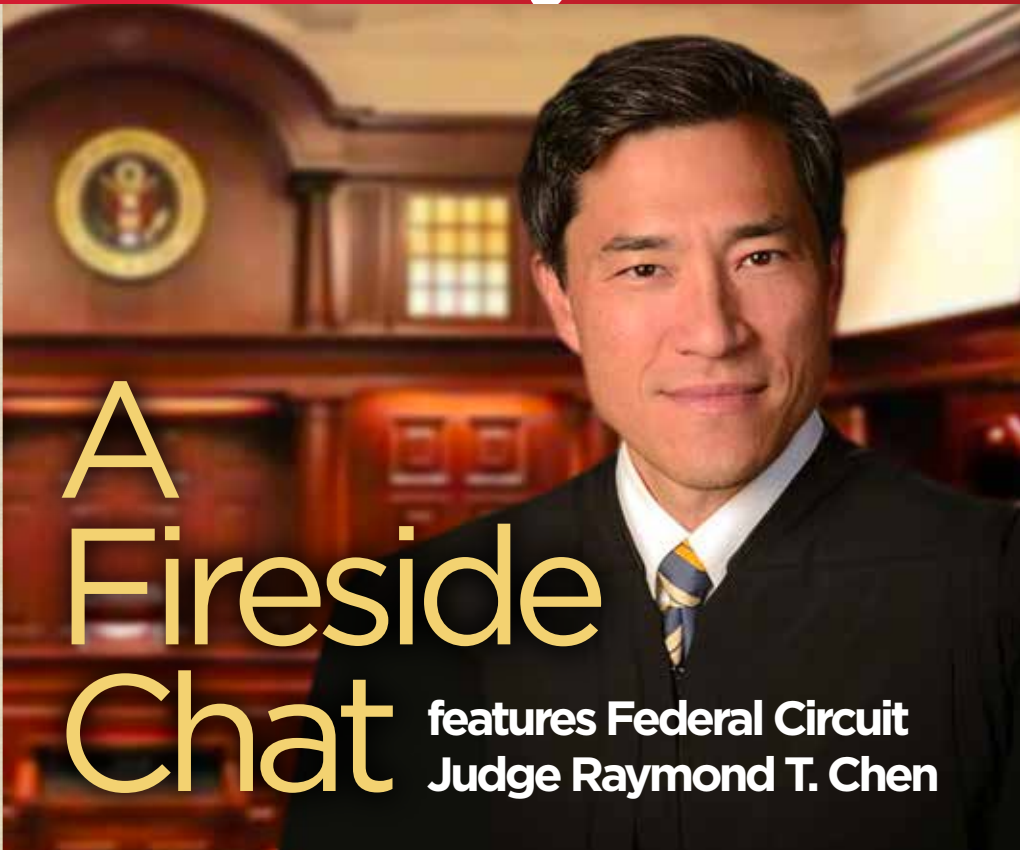
Malone partnered with a company named Zuru for production purposes, and now production is almost 95% automated. He also obtained patents on his invention.

“Anything we can do to get [patent review] right the first time with a much higher confidence level is what we need to be doing.”

JOSH MALONE,
INVENTOR

On September 15, 2020, the Tsai Center for Law, Science and Innovation, along with the Linda and Mitch Hart Institute for Technology, Innovation and Entrepreneurship and the Caruth Institute for Entrepreneurship, hosted an Innovation Lecture featuring Malone. A mechanical engineering graduate of Colorado School of Mines, Malone started his career at Texas Instruments and later founded his own inventing and consulting firm. He is named as an inventor on several patents.

SEE BALLOONS ON PAGE 4



A Fireside Chat features Federal Circuit Judge Raymond T. Chen

Tsai Center Hosts Symposium on America Invents Act

Ten years ago President Obama signed into law the America Invents Act, a sweeping patent reform bill. The Tsai Center marked the occasion this spring by holding a symposium—the law school's 17th Annual Symposium on Emerging Intellectual Property Issues—reflecting on the impact of the AIA on patent law and practice. The event featured federal appellate and district judges, a Regional Director of the U.S. Patent and Trademark Office, and leading law professors and practitioners.

A fireside chat featured the Honorable Raymond T. Chen, who serves on the U.S. Court of Appeals for the Federal Circuit, a court with exclusive jurisdiction over appeals in patent cases. Notably, before joining the court—and during the negotiations leading to enactment of the AIA—Judge Chen served as Deputy General Counsel for Intellectual Property Law and Solicitor at the USPTO.

SEE FIRESIDE CHAT ON PAGE 4

Tsai Team

Director and Executive Board

Lackland H. Bloom, Jr., Larry and Jane Harlan Senior Research Fellow and Professor of Law

Dean Jennifer M. Collins, Judge James Noel Dean and Professor of Law (ex officio)

Nathan Cortez, Adelfa Botello Callejo Endowed Professor of Law in Leadership and Latino Studies

Chris Jenks, Director of the Criminal Clinic and Professor of Law

Orly Mazur, Associate Professor of Law

Carla L. Reyes, Assistant Professor of Law

Meghan J. Ryan, Associate Dean for Research, Altshuler Distinguished Teaching Professor, and Professor of Law

David O. Taylor, Director of the Tsai Center for Law, Science and Innovation and Professor of Law

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From the Director

IN THE MIDDLE of the pandemic during the 2020-2021 academic year, the Tsai Center adapted and thrived. The Tsai Center shifted its annual intellectual property symposium to an online event, featuring a fireside chat with a Federal Circuit judge along with a panel presentation by Texas federal district judges. The Tsai Center organized an online Innovation Lecture featuring an inventor and entrepreneur who conquered both the problem of how to fill numerous water balloons quickly and the problem of how to confront a well-heeled and litigious patent infringer. The Tsai Center also held a special online Tsai Talk Series entitled "COVID and the Law," enlisting the expertise of numerous SMU Law professors, who spoke with students about how constitutional law, criminal law, and technology impacted the COVID pandemic and vice versa. And the Tsai Center continued to support Fed Circuit Blog and other research and teaching projects of SMU Dedman School of Law faculty.



David O. Taylor

The Tsai Center wants to extend its deepest thanks to founding Co-Director Professor W. Keith Robinson, who has relocated from SMU to Wake Forest to be closer to family. We are grateful to Keith for his years of leadership and service, which laid a solid foundation for the Tsai Center, and we look forward to continued collaborations with him in the future. The Tsai Center also grieves the passing of SMU Law alumnus Clyde M. Siebman '84, a leader in the intellectual property community. As one of many examples of his leadership, Siebman traveled with an SMU delegation to China in 2012 to discuss U.S. trial practices. To read more about his remarkable life and career, please turn to page 8 of this newsletter.

You can find out more about the Tsai Center's year in the pages of this newsletter. Let me highlight, however, that as we emerge from the pandemic, the Tsai Center looks forward to returning to in-person events this fall. Indeed, I hope to see you at our next event!

David O. Taylor

DIRECTOR OF THE TSAI CENTER FOR LAW, SCIENCE AND INNOVATION AND PROFESSOR OF LAW

CENTER UPDATE

Fed Circuit Blog Hosts Online Symposia

● **One of the Tsai Center's signature research projects is Fed Circuit Blog, a website that provides comprehensive coverage of the only court in the United States that hears appeals in**

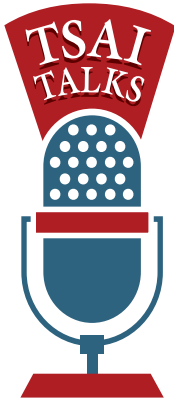


patent cases. Fed Circuit Blog aggregates data related to the court's cases, providing one resource for information related to pending cases, including briefing, opinions, and orders. The blog also highlights news reports and scholarship related to the court. In the last year Fed Circuit Blog hosted two online symposia.

The first, held in the fall of 2020, analyzed the sunset of so-called covered business method review (CBMR), proceedings held by the Patent Trial and Appeal Board (PTAB) to review the patentability of claims included in "covered business method" patents. Six authors across four blog posts presented various analyses of CBMR, including arguments for and against allowing the program to sunset, the history of CBMR, and the significance of Federal Circuit opinions reviewing decisions by the PTAB in these proceedings.

The second, held in the spring of 2021, provided a year in review of the Federal Circuit's important opinions in 2020. Seven authors published six blog posts addressing various cases within the Federal Circuit's exclusive jurisdiction: trade, patent, Tucker Act, federal employment, and veterans law cases.

Visit Fed Circuit Blog online at fedcircuitblog.com.



Tsai Talks are periodic presentations and discussions at SMU Dedman School of Law featuring professors, judges, and attorneys who discuss real-world examples of science and innovation in the practice of law. Organized by Tsai Center Scholars, these presentations and discussions—often

responding to hot topics and current events—bring the real world into the classroom. In addition to the special COVID-19 and the Law Series, last year's Tsai Talks included:

● **Innovation and Resilience in a Time of Energy Transformation:**

James Coleman, Professor of Law at SMU Dedman School of Law, and Monika U. Ehrman '05, Professor of Law and Faculty Director, Oil & Gas, Natural Resources, and Energy Center (ONE C), at University of Oklahoma College of Law, discussed innovation in energy production and distribution, including the impact of use and lack of use of new technologies on the February 2021 Texas electricity blackouts.



● **To Win Friends and Influence People — Influencer Marketing and Social Media:**

Craig Carpenter '12, a Partner at BakerHostetler, spoke about the evolution of social media influencer marketing, the current approach (as well as recent proposals) to regulating it, and legal careers at the intersection of social media and the law.



● **Regulating an Evolving AI Landscape:**

Yoon Chae, a Senior Associate at Baker McKenzie, spoke about the use and regulation of artificial intelligence, including the U.S. Patent and Trademark Office's recent guidance related to patenting artificial intelligence-related inventions.



Tsai Center Pivots to Present COVID-19 and the Law

● **In the midst of the pandemic**, the Tsai Center hosted a special online Tsai Talk series, "COVID-19 and the Law." This six-part lecture series featured SMU Law professors, who discussed the impact of COVID on their areas of expertise. Topics included the pandemic's impact on the 2020 election, the increased use of virtual court proceedings, surveillance technologies to track the spread of COVID-19, constitutional issues associated with mask mandates and stay-at-home orders, the impact of the pandemic on crime and criminal law, and vaccines.

The first lecture focused on vaccines. **Professor Nathan Cortez** discussed how the law impacts the creation and distribution of vaccines. He addressed clinical trials, the Food and Drug Administration's typical approval process, accelerated development of vaccines and Operation Warp Speed, and various COVID-19 vaccine candidates.

Cortez highlighted how "the law has long treated vaccines differently than other pharmaceuticals," a concept he calls "vaccine exceptionalism." For example, he explained, vaccine research and development is government-subsidized; vaccine mandates exist at all levels of government; claims related to vaccines are adjudicated separately; and no-fault injury compensation programs are available as incentives for individuals to get vaccinated.

Professor Pamela Metzger's lecture addressed criminal law during the pandemic. Metzger began her lecture by discussing data on crime rates and policing and incarceration patterns. "We know that crime tends to be on the decline right now," Metzger said. And, regarding policing, she explained, "[w]e see fewer arrests." She also noted that "[w]e are seeing a decline in jail populations" and that "incarceration trends . . . suggest changes in policing patterns." But, she highlighted, "serious batteries don't appear to be on the decline, homicides [don't] appear to be on the decline, and intimate partner violence is . . . on the rise."

Metzger then addressed the use of technology to allow for remote criminal court proceedings. She discussed how technological changes present challenges for rural and tribal communities, as significant portions of these populations do not have access to the Internet. Despite these challenges, she said, there's "a sense that we're now on the train to all-tech courts" even after the pandemic. Metzger, however, discussed downsides to virtual proceedings and practice. "There's nothing that replaces the quality of personal interaction," she said. "The very act of appearing . . . says something about the lawyer's commitment to the person on the other side of the table." Additionally, she noted, there is cause for concern with respect to how information is being shared and how that impacts attorney-client privilege.

The other four lectures in the series addressed other issues both inside and outside the court system. **Professor Beth Thornburg**, joined by several judges, discussed how the pandemic impacted the civil court system and its use of virtual proceedings. **Professor Grant Hayden** addressed how the unprecedented circumstances of the pandemic influenced the 2020 presidential election. **Professor Dale Carpenter's** lecture focused on constitutional challenges tied to responses to the pandemic, including mask mandates and stay-at-home orders. And, in the last lecture of the series, **Professor Chris Jenks** addressed how the pandemic caused increased use of surveillance methods worldwide to track the spread of COVID-19 and evaluate mitigation efforts.

"This Tsai Talk series attracted significant interest from our students—each lecture was very well attended—despite our inability to meet in person over lunch as we normally do," said Tsai Center Director and SMU Law Professor David Taylor. "Our faculty deserves credit for pivoting to address important topics about how the law interacts with a global health crisis."



Prof. Nathan Cortez



Prof. Pamela Metzger



Prof. Beth Thornburg



Prof. Grant Hayden



Prof. Dale Carpenter



Prof. Chris Jenks

Cover Stories

Balloons

CONTINUED FROM THE COVER

During the lecture, Malone discussed his path to inventing Bunch O Balloons and the countless legal actions that ensued related to his patents. Before Bunch O



Balloons even hit the stores, Malone saw a commercial for a knockoff product. He later learned a company bought his product during his Kickstarter fundraising campaign and copied it. This led to multiple patent lawsuits, years of litigation, and over \$20 million in legal fees. In short, water balloon fights turned into a patent war.

Through these patent lawsuits, Malone gained experience in federal district court as well as the Patent Trial and Appeal Board. Malone expressed strong opinions regarding the PTAB in particular. “The idea of the PTAB was just misguided,” he said. “We have a judicial branch for a reason.” Malone worries the PTAB is subject to political influence in deciding legal disputes over property rights. Moreover, he noted, collectively “it’s trillions of dollars in assets that you’re handing off” to the PTAB.

Malone now uses his experience with the Bunch O Balloons litigation to help other inventors who have trouble with the patent system.



He volunteers full time at U.S. Inventor, an advocacy organization. “Right now,” he explained, “I have a platform to communicate with policymakers that no one else has.” He is using his experience and platform to seek change in the patent system. “Anything we can do to get [patent review] right the first time with a much higher confidence level is what we need to be doing.”

In the end, Malone won his patent war. Drawing on his experience, though, Malone’s advice to patent attorneys is simple: “Don’t mislead [a] client into thinking that a patent is going to protect them.” Indeed, given the length and cost of patent litigation, a patent alone is not enough. It would certainly help to have tenacity—and a huge war chest.

Fireside Chat

CONTINUED FROM THE COVER

SMU alumna Angela Oliver ’16 moderated the chat to gain Judge Chen’s reflections on the changes wrought by the AIA.

Judge Chen focused on the AIA’s creation of new post-grant patent cancellation proceedings handled by the Patent Trial and Appeal Board at the USPTO. He explained that, in this regard, the AIA changed how patents are litigated. According to Judge Chen, “there are fewer being litigated in the district court.”

The impact of the AIA does not stop in the district courts, however, as Judge Chen explained that “we don’t get as many appeals from jury verdicts as we did five, six years ago.” As a result, he explained, “from my vantage point . . . it’s changed the composition of the work of the Federal Circuit.” And, he said, “never before have granted patents been tested on this scale.”

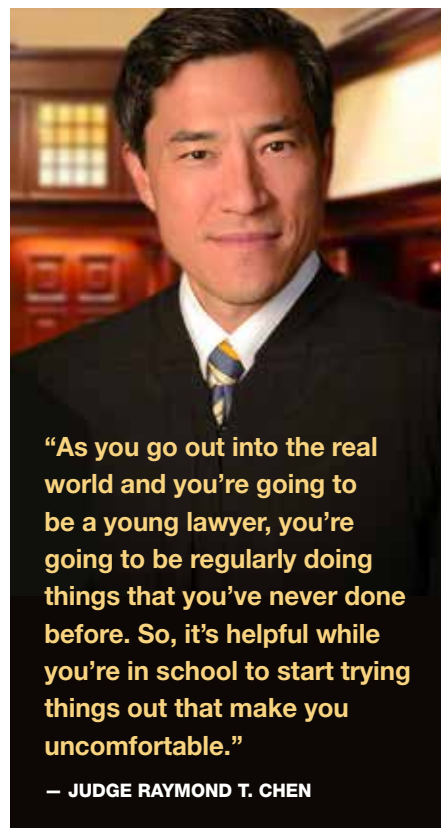
Another change Judge Chen highlighted was the AIA’s establishment of regional offices of the USPTO, including its regional office in Dallas. Judge Chen discussed how these offices “have improved outreach in terms of . . . informing the public in those particular areas of the patent system.” Furthermore, he explained, “one of the big goals of the regional offices was to draw on talent that was available in other parts of the country” outside of Washington, D.C.

In concluding their chat, Oliver asked Judge Chen for his advice to law students and advocates. As for advocates, Judge Chen said, “Don’t mischaracterize the record or the precedent. . . . It can’t help but affect how we think about you.” He also explained that, to succeed in a patent case at his court, “you have to be great at patent law, but you also have to be great at [administrative] law.”

As for students, he told them to push their limits. “As you go out into the real world and you’re going to be a young lawyer, you’re going to be regularly doing things that you’ve never done before,” he said. “So, it’s helpful while you’re in school to start trying things out that make you uncomfortable.” He added that students should “think of law school like a laboratory for your mind.”

Other symposium speakers also addressed the AIA’s impact:

■ **Hope Shimabuku ’05**, the Regional Director of the Texas Regional Office of the USPTO, discussed the AIA’s satellite office program.



“As you go out into the real world and you’re going to be a young lawyer, you’re going to be regularly doing things that you’ve never done before. So, it’s helpful while you’re in school to start trying things out that make you uncomfortable.”

— JUDGE RAYMOND T. CHEN

■ **Three Texas district court judges**—the Honorable Rodney Gilstrap, the Honorable Barbara M.G. Lynn ’76, and the Honorable Lee Yeakel—addressed the impact of the AIA on their work as trial judges presiding over patent cases.

■ **Four practitioners** discussed their experiences at law firms and in corporate positions adapting to the new challenges and opportunities created by the AIA.

■ **Professors from the law schools at Buffalo, Duke, SMU, and Texas A&M** evaluated the ten-year history of the Patent Trial and Appeal Board and analyzed recent litigation involving statutory and constitutional challenges to the Board and its judges and practices.

“Given the coronavirus pandemic, we were happy just to be able to hold the symposium, even though it had to be held online,” remarked Tsai Center Director and SMU Dedman School of Law Professor David O. Taylor. “But the quality of the speakers and, moreover, the quality of their discussion turned out to be top notch,” he continued. And, perhaps given the format and the quality of the speakers, he noted, the symposium attracted a record audience.

You can find recordings of the symposium at smu.edu/Tsai2021Symposium

Faculty Updates



● **Lackland H. Bloom, Jr. – Larry and Jane Harlan Senior Research Fellow and Professor of Law:**

Prof. Bloom published an article titled “Does the Supreme Court Have a Legitimacy Crisis?” in *St. Mary’s Law Journal*. He also completed an article titled “Ten Arguments Against the Bill of Rights and James Madison’s Response.” He is presently researching and writing a book entitled “Defiance,” which is a history and analysis of defiance of legal authority in the United States. He serves on the Faculty Senate Committee on Free and Civil Speech at the University. As part of that Committee, he served as a participant on a panel discussing “Cancel Culture.”



● **Nathan Cortez – Adelfa Botello Callejo Endowed Professor of Law in Leadership and Latino Studies:**

Cambridge University Press published “A DESI for Devices?,” a chapter Prof. Cortez authored with Matthew Herder in conjunction with an annual conference organized by the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School. Prof. Cortez also completed articles titled “The Artifices of Corporate Speech” with Bill Sage and “Presidential Administration and FDA Guidance: A New Hope” with Jake Sherkow. He was asked to join the 5th Edition of the *Hutt, Merrill, & Grossman Food and Drug* law casebook. And he has been part of teams awarded grants by the Canadian Institute of Health Research (CIHR) and the Canadian Institute for Advanced Research (CIFAR).



● **Thomas Wm. Mayo – Senior Associate Dean for Academic Affairs, Altshuler Distinguished Teaching Professor, and Professor of Law:**

Prof. Mayo served on a task force to update the North Texas Mass Critical Care Guideline for Adult Hospital and ICU Triage based on the COVID-19

pandemic. He also served on the planning committee for the 34th Annual Conference of the Professions: “Divisive Times: Trust and Cooperation in Professional Relationships.” He gave a presentation titled “The Science, Ethics, and Law of Gene Editing in a CRISPR World” to a joint meeting of the Health Law and Science & Technology Law Sections of the Dallas Bar Association. He also gave a presentation titled “To Die or Not to Die: The Meaning of Death and Dying in a Culture of Choice” to the SMU Ethics Colloquy.



● **Orly Mazur – Associate Professor of Law:**

Prof. Mazur published an article she authored with Adam Thimmesch titled “Closing the Digital Divide in State Taxation: A Consumption Tax Agenda” in *Tax Notes Journal*. The article proposes steps policymakers should take to expand sales tax bases to encompass digital activities—many of which currently escape taxation. Prof. Mazur was featured in a *Forbes* article titled “A Conversation with Orly Mazur: Taking on Tax and Tech.” She was also interviewed on the Broadcast Retirement Network program to discuss a work-in-progress, “Can Blockchain Revolutionize Tax Administration?”



● **Professor Carla Reyes:**

Prof. Reyes published “Digging into Algorithms: Legal Ethics and Legal Access” in the *Nevada Law Journal* with Duke Law’s Jeff Ward, “Autonomous Business Reality” in the *Nevada Law Journal*, and “A Unified Theory of Code-Connected Contracts” in the *Journal of Corporation Law*. She also accepted offers from the *Washington Law Review* to publish “Autonomous Corporate Personhood” and the *Washington & Lee Law Review* to publish “Creating Cryptolaw for the Uniform Commercial Code.” She serves as a full expert member of UNIDROIT working groups on Private Law and Digital Assets and Best Practices for Effective Enforcement, and as a member of the Digital Assets Working

Group for the Uniform Law Commission’s Drafting Committee on Emerging Technologies and the UCC.



● **Professor David O. Taylor – Director of the Tsai Center for Law, Science and Innovation and Professor of Law:**

Prof. Taylor met with Congressional staff to discuss potential legislation addressing constitutional problems associated with the appointment of administrative patent judges. He also joined with other professors to publish *Patent Law: An Open-Source Casebook*, authoring the book’s chapter on patent law’s utility doctrine. He recently accepted an invitation to speak at Washington & Lee University about his research on patent eligibility. His current work relates to the impact of the Patent Trial and Appeal Board on the U.S. Court of Appeals for the Federal Circuit. He continues to serve on the Federal Circuit’s Advisory Council and as Editor of *Fed Circuit Blog*.



● **Jenia Iontcheva Turner – Amy Abboud Ware Centennial Professor in Criminal Law and Gerald J. Ford Research Fellow:**

Prof. Turner published “Transparency in Plea Bargaining” in the *Notre Dame Law Review* and “Remote Criminal Justice” in the *Texas Tech Law Review*. Her piece based on observations of remote plea hearings during the pandemic, “Virtual Guilty Pleas,” is forthcoming in the *University of Pennsylvania Journal of Constitutional Law*. Together with co-authors Marc Miller, Ronald Wright, and Kay Levine, she completed the 2021 Supplement to their casebook, *Criminal Procedures: Cases, Statutes, and Executive Materials*. She is currently working with Ronald Wright of Wake Forest University Law School and Michael Braun of SMU Cox School of Business on an empirical study examining defense attorneys’ use of evidence disclosed by prosecutors on digital platforms.

Alumni Spotlights

Meet Lance Wyatt '14 and Angela Oliver '16

Working as a law clerk at the U.S. Court of Appeals for Federal Circuit in Washington, D.C. is an awesome and rare opportunity for law school graduates interested in innovation and technology and in improving their legal skills.

“The Federal Circuit holds exclusive jurisdiction over appeals in patent cases,” explains SMU Dedman School of Law Professor David O. Taylor, Director of the Tsai Center for Law, Science and Innovation. “And patent cases deal with innovation and technology, which is what the Tsai Center is all about.”

Clerking at the Federal Circuit is so rare, only two alumni of SMU Dedman School of Law have been selected for clerkships by its judges since the court began its operations on October 1, 1982: Lance Wyatt '14 and Angela Oliver '16. Professor Taylor adds, “Lance and Angela have had similar experiences in their law careers, and they are great examples of our outstanding Tsai Center alumni.”

About Lance and Angela

Lance, an associate at Fish & Richardson P.C. in Dallas, studied biomedical engineering at Texas A&M University, intending to go to medical school. “But I came to realize that practicing medicine was not for me,” he recalls. In his junior year, he took a class on entrepreneurial issues in biomedical engineering. One guest lecturer was a patent attorney who worked with biomedical products. He was a former



Lance Wyatt '14 is an associate with Fish & Richardson P.C. He and his wife, Kelli, live in East Dallas with their two young sons.

engineer who had gone to law school. Intrigued and inspired, Lance decided practicing law was what he wanted to do.

Angela, an associate at Haynes Boone, LLP in Washington, D.C., also had an undergraduate background in science and technology. At Baylor University, Angela majored in bioinformatics, essentially a double major in biology and computer science with a minor in chemistry. “With a bioinformatics degree, I could go to medical school, graduate school, or even law school,” says Angela. “I decided on law school because the bioinformatics background was a nice fit.”

Both Lance and Angela chose SMU in part because they recognized SMU Dedman School of Law’s robust program in intellectual property and patent law.



Angela Oliver '16, is an associate with Haynes Boone. She and her husband, Hunter, live in Virginia.

District Court Experience

During his first year at the law school, Lance participated in a workshop about judicial clerkships. “I had never heard of a clerkship,” Lance admits. But he sensed working with judges would be a wise career strategy. He and Angela both took advantage of the SMU’s externship program, in which students work with judges and earn class credit. Lance’s externship was with now-Chief Judge Barbara Lynn of the U.S. District Court for the Northern District of Texas. Angela’s was with Judge Sam A. Lindsay, also of the Northern District of Texas.

“The externship gave me a flavor of other kinds of cases besides IP,” says Angela. She and Lance both shifted their interest from patent prosecution—patent drafting—to litigation as a result of their externships.



“One of the best benefits of working as a judicial clerk is that you develop your writing skills. Judges have to think through their decisions and convey them with clarity to the public and to practitioners. As a clerk, you learn writing from the best legal writers in the country.”

— LANCE

“My clerkship in the Federal Circuit allowed me to see a large number and variety of cases, and learn what strategies are most compelling. I became much more effective as a litigator. I learned to spot key issues early in district court and agency proceedings that can help determine the ultimate appellate strategy for a case.”

— ANGELA

And, as they approached graduation, both Angela and Lance were encouraged by Professor Taylor to apply for judicial clerkships. Lance applied broadly, putting no limit on geography. He was hired by then-Chief Judge Gloria M. Navarro of U.S. District Court for the District of Nevada. Angela was hired by the Judge Rodney Gilstrap of the U.S. District Court for the Eastern District of Texas.

On to the Federal Circuit

Lance learned that one of Judge Navarro’s clerks had gone on to clerk at the Federal Circuit. “That put a bug in my ear to apply,” he says. “But to be honest,” he continues, “it seemed like a pipe dream.” Nevertheless, he reached out to Professor Taylor for a recommendation letter. The Honorable Kara F. Stoll offered Lance a position, and as soon as he finished his commitment in Nevada, Lance relocated to Washington, D.C. He worked with Judge Stoll from 2016-2017.

Likewise, with encouragement from Professor Taylor and from Judge Gilstrap, Angela also applied to clerk at

the Federal Circuit. She received an offer from then-Chief Judge Sharon Prost. Angela clerked with Chief Judge Prost from 2017-2019.

Fast Track for Skills

The rarified environment of the Federal Circuit put both Lance and Angela on fast tracks to intensify their professional skill sets.

“One of the best benefits of working as a judicial clerk,” says Lance, “is that you develop your writing skills. Judges have to think through their decisions and convey them with clarity to the public and to practitioners. As a clerk, you learn writing from the best legal writers in the country.”

“My clerkship in the Federal Circuit allowed me to see a large number and variety of cases and learn what strategies are most compelling,” adds Angela. “It’s a unique set of skills to be able to analyze how to strengthen a case to best position clients for the endgame at the Federal Circuit down the road.”

After his clerkship with Judge Stoll, Lance returned to Dallas to work at Fish & Richardson. Angela’s next step was a position with Haynes Boone in Washington, D.C.

Advice for Students

Lance and Angela stay in touch with their SMU Law professors and Tsai Center mentors. And both attorneys encourage law students to apply for clerkships. According to Angela, “Sometimes it seems like landing a clerkship is like being struck by lightning. There are so many factors—timing, who else has been hired and their skill sets, and other dynamics that are out of a student’s control. But it’s always worth a shot.”

Lance concurs. “I tell people that if they are interested in litigating, they should not hesitate to apply for a clerkship. The positions may seem too hard to obtain, too competitive. But there are many, many judges, and if you’re willing to move around the country, the experience is invaluable. Go ahead and apply broadly. At least you’ll know you tried. And you never know what might happen.”



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In Memoriam

Remembering Clyde Siebman '84, the Guiding Spirit Behind the EDTX Bench Bar Conference

When the biggest corporations in the world – Toyota, Wal-Mart, Phillip Morris, Boeing and Huawei – needed a lawyer in East Texas, they called Sherman's Clyde Siebman. So did single moms, the elderly and veterans.



"In every sense of the word, Clyde Siebman was a giant of a man," said Chief Judge Barbara Lynn of the U.S. District Court for the Northern District of Texas. "His impact and influence in the Eastern District of Texas as a lawyer and as a citizen was phenomenal. His passing leaves a great void in the universe and in our profession and, of course, in his wonderful family."

Chief Judge Rodney Gilstrap of the Eastern District told *The Texas Lawbook* that Siebman was "a trial lawyer of recognized and often sought abilities."

"He was the guiding spirit behind our EDTX Bench Bar conference for many years," Judge Gilstrap said. "He will be sorely missed."

A 1984 graduate of the Southern Methodist University Dedman School of Law, Siebman served as a law clerk to the late U.S. District Judge Paul Brown. He cofounded Siebman, Forrest, Burg & Smith, which has 10 lawyers in five Texas offices. He appeared as counsel in approximately 500 cases in the federal courts of East Texas.

During law school at SMU, he met Carol Mumm from Maine. They were married for 35 years and his wife is now a judge. The couple have one daughter, Elizabeth Forrest, who is a named partner in his firm.

©2021 Excerpted from *The Texas Lawbook*, March 6, 2021 - Writer: Mark Curriden. Read the complete article at <https://texaslawbook.net/remembering-clyde-siebman-the-guiding-spirit-behind-the-edtx-bench-bar-conference/>

TsaiEvents

FALL 2021



October 29

18th Annual Symposium on Emerging
Intellectual Property Issues: Patent Law
and Institutional Choice

SPRING 2022



February 25

SMU Science and Technology Law
Review Symposium: The Emerging
Legal and Ethical Frameworks for
Medical Artificial Intelligence

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