March 2002

Spring 2002 Law Letter

Georgia State University College of Law

Follow this and additional works at: http://readingroom.law.gsu.edu/letter

Institutional Repository Citation

http://readingroom.law.gsu.edu/letter/12

This Article is brought to you for free and open access by the Publications at Reading Room. It has been accepted for inclusion in The Law Letter by an authorized administrator of Reading Room. For more information, please contact jgermann@gsu.edu.
A Journalist’s Take on the Supreme Court

Linda Greenhouse, recipient of the 1998 Pulitzer Prize in journalism for her coverage of the U.S. Supreme Court in the New York Times, was the 30th speaker in the College of Law’s Spring 2002 Henry J. Miller distinguished lecture series.

Ms. Greenhouse focused upon doctrinal fault lines in the contrasting approaches of various U.S. Supreme Court Justices towards both the interpretation of the Federal Constitution and the institutional responsibilities of the Court. To her eyes, those fault lines are most obviously personified by Justices Stephen Breyer and Antonin Scalia, who respectively take a minimalist and a maximalist approach to deciding cases. She portrayed Breyer as the agonizing academic, palm to forehead, who speaks with candor of the policy uncertainties raised in dealing with the complexity of litigation, and sorts out constitutional “standards” appropriate to the particular case. Scalia was characterized as favoring broader rulings and pumping out proclamations on “the law” from “the text” of the revealed Constitution.

Georgia State project develops e-filing technology to improve efficiency of courts

A recent pilot project of Georgia State University College of Law demonstrated the feasibility of developing a statewide system that will enable attorneys in Georgia to file documents electronically - technology that could improve the efficiency of the courts and drastically reduce their paper loads.

The pilot project, conducted as part of the law school’s Electronic Court Filing Project (E-CT-Filing) and funded by the Georgia Courts Automation Commission (GCAC), demonstrated that courts using different filing technologies could successfully share documents and case information between each other.

The pilot project is the first in the nation to aim to make varying electronic filing systems capable of sharing information in a standard way, said E-CT Filing Project Director Todd Vincent. Few courts in the country currently use electronic case filing at all, Vincent said.

Jerry Garland, executive director of GCAC, said, “The success of this project is a major step forward in improving both the efficiency and cost effectiveness of all our courts as well as the flow of information to and from attorneys, judges and citizens.”

E-CT-Filing began in 1997, after Vincent

Continued on Page 3

Continued on Page 4
DEAN’S MESSAGE

In Fall 2002, the college will celebrate its twentieth anniversary. The early years in which the College concentrated on laying its foundation have ended. Next year, for the first time, our students will have the opportunity to reside in university-sponsored graduate housing near the law school. We need to think now about the kind of law school we should strive to be as we mature. Are we distinguishable from any of the nation’s other 183 fully accredited law schools? Yes.

The college provides high-quality legal education to a diverse group of full-time and part-time students in a dynamic urban environment. A core part of the law school’s identity and strength comes from its downtown Atlanta setting. From its inception, the law school has sought to capitalize on this location, which provides a living laboratory where faculty and students can both learn and put their ideas to work. The college enjoys proximity to the state capitol and many city, county, state, and federal governmental offices, including courts, legislatures, and regulatory agencies. Our Externship Program places students in practice settings in these agencies to work under the supervision of judges and practicing lawyers.

The university’s strategic plan states that a “combination of academic excellence and urban relevance is central to its development.” Fulfilling this mission, the law school strives, through its legal expertise and assistance, to provide solutions to the pressing urban problems facing the metropolitan Atlanta area. The college sponsors conferences on sprawl related issues. Law students working in the Tax Clinic assist low-income taxpayers; other students, participating in our Legislation Clinic, provide written summaries of legal issues they have analyzed to assist Georgia state legislators in their law making roles. This year, for example, law student interns assisted state legislative committees by analyzing hot topics related to real property assessment methods, natural gas deregulation, and conflicts between counties and cities over duplication in the delivery of their services.

Faculty members continuously stress academic excellence and emphasize the important role they play in preparing our students to practice law in a rapidly changing global economy in which developing technologies play an integral role. The law school’s curriculum is designed to bridge necessary legal theory and actual practice. We provide students with an opportunity for interdisciplinary study in the areas of business, public administration, philosophy, healthcare, and urban planning.

Our core function is the education of students for today’s competitive workforce by taking advantage of the resources and opportunities offered by our unique location in downtown Atlanta. We aspire to be the urban law school that provides the broadest array of community-related problem-solving programs addressing such critical issues as metropolitan growth, future uses of technology, legislative reform, bio-ethics, and the provision of security in the emerging global economy and community.

Janine C. Griffith, Dean
Get ready to celebrate!

On September 13, 1982, the first law students began their classes at our College of Law. As we approach the twentieth anniversary of that auspicious day, we are planning a variety of celebrations that will take place during academic year 2002-2003.

As an early start to the celebration, Ben F. Johnson Jr., first dean and one of the original founders of the law school, will receive an honorary degree from Georgia State University at graduation ceremonies on May 11, 2002. A birthday celebration on September 12, 2002, will kick off the events in the fall.

We will give special emphasis to some of the yearly activities we have at the law school. Justice Ruth Bader Ginsberg will be our Henry J. Miller lecturer on February 13, 2003. The founders of the law school will be honored at the Ben F. Johnson Public Service Award in 2003.

The library is working on photo archives for a display. If you have photographs or other memorabilia from the College of Law’s early years that you would be willing to lend us, please send them to:

Professor Marjorie Girth, Chair
20th Anniversary Committee
GSU College of Law
P.O. Box 4037
Atlanta, GA 30302-4037

20th anniversary celebration
CALENDAR OF EVENTS

2002
MAY
May 11
Graduation ceremony
Ben F. Johnson Jr. to receive honorary doctor of Laws (L.L.D.) degree from GSU

SEPTEMBER
September 12
Birthday celebration
Urban Life Plaza/West Exhibit Area .................. 5-6:30 p.m.

September 28
Class Reunions
Classes of 1987, 1992 and 1997
Libby’s Cabaret .............................................. 4-6 p.m.

OCTOBER
October 10
Miller Lecture
Speaker: Randall L. Kennedy, Harvard Law
Speakers Auditorium, Student Center .......... 6 p.m.

NOVEMBER
Leadership-level donor recognition event

2003
JANUARY
Law alumni basketball night
January 31
Law Review Symposium
Speakers Auditorium, Student Center .......... 6 p.m.

FEBRUARY
Public Interest Law Association (PILA) Auction
February 13
Miller Lecture
Speaker: Justice Ruth Bader Ginsberg

MARCH
Law Week
Various activities
All-Alumni Event

APRIL
Ben F. Johnson Jr. Public Service Award with Salute to College of Law Founders
Honors Day

MAY
Hooding Ceremony
Sports Arena

Check http://law.gsu.edu for updates on these events

Miller Lecture Continued from Page 1

However, in response to a question during the Q&A period following the lecture, Ms. Greenhouse seemed to agree that Breyer’s and Scalia’s stances in the controversial case of Bush v. Gore did not appear to be consistent with the thematic stances outlined in the lecture. The Justices themselves admittedly are complex and not completely consistent characters or caricatures.

This Miller Lecture raised fundamental questions concerning the institutional role of the U.S. Supreme Court and the functions to be served by the written case opinions of the Justices. Should the Court focus more upon giving clear guidance to lower courts concerning both specific legal applications and general doctrinal meaning under the Constitution? To what extent is it appropriate for the Court deliberately to leave legal questions raised by a particular case unanswered? Is this sort of judicial minimalism a cop-out, or is it democracy-enhancing?
Determining the ethical boundaries of lawyers in a world of mandatory arbitration

The Georgia State University Law Review sponsored a symposium entitled “Ethics in a World of Mandatory Arbitration” on February 14. This event featured eleven renowned experts on arbitration, including Georgia Supreme Court Justice Carol W. Hunstein.

The first session began with a panel composed of Professor Paul D. Carrington, former dean of Duke University School of Law; Alan S. Kaplanisky, senior partner with the Philadelphia law firm Ballard Spahr Andrews & Ingersall; and Albert M. Pearson, former professor of law at the University of Georgia School of Law and current partner with Moraitakis Kushel & Pearson. Professor Carrington began the discussion by briefly addressing his concerns with the ethical conflicts arising out of mandatory arbitration clauses in consumer contracts. A sometimes contentious debate thereafter broke out among the three members of the panel.

The late morning session began with a comment by Thomas J. Stipanowich, president of the CPR Institute for Dispute Resolution, who addressed the potential effects of third-party administrators on the arbitration process. His comments were followed by a three-member panel discussion that included himself; Florence M. Peterson, general counsel for the American Arbitration Association; and R. Wayne Thorpe, who serves as the Atlanta Office Director of JAMS (Judicial Arbitration Mediation Services).

After a short break, Dean John D. Feerick of the Fordham University School of Law began another three-person panel discussion by speaking on the Revised Code of Ethics for Arbitrators. The ensuing dialogue included Dean Feerick; John Hinchey, partner at King & Spalding and head of its contracting practice; and Philip LaPorte, assistant director of the Labor Studies Program at Georgia State University.

The day’s final session began with a comment on the effects of alternative dispute resolution by Bryant G. Garth, director and research fellow at the American Bar Foundation. Following his comments, Mr. Garth joined a panel discussion that included Justice Carol W. Hunstein of the Georgia Supreme Court; and Douglas Yarn, professor of law at Georgia State University and director of the Consortium on Negotiation and Conflict Resolution.

Auction to fund fellowships a success

The 10th annual Public Interest Lawyers Association (PILA) fellowship auction attracted College of Law students, faculty and alumni to the student center’s State Ballroom on Saturday February 9, 2002. The evening began with refreshments and silent bidding for donated items, which ranged from a homemade cheesecake to a first-edition copy of Hemingway’s For Whom the Bell Tolls. A wide selection of sports items was also available for bidding.

The live auction portion of the evening featured a variety of dinners and activities with professors, trips, and a BarBri course.

“I was thrilled with the results of the auction. I don’t think I could have asked for much better,” said Emily Gilbert, this year’s auction chairperson and organizer. She went on to praise the many volunteers and the help they provided. The event, attended by a large number of alumni, garnered approximately $13,000 to be used for PILA fellowships.

Technology Continued from Page 1

graduated from Georgia State’s College of Law and passed the Georgia Bar Exam. In 1999, E-CT-Filing formed an organization called Legal XML to develop a nonproprietary electronic court filing standard that would enable different courts to electronically file documents. Legal XML is a nonprofit organization composed of members of the private and public sectors, including government and academia, from around the country.

E-CT-Filing plans to continue working on overcoming both legislative and technical obstacles to a statewide system. Technical issues to be addressed include the development of billing and security systems, which the pilot project did not fully test for compatibility.

For more information on E-CT-Filing, call Vincent at 404-651-4297 or e-mail him at winchel@ mindspring.com. The pilot project’s “Lessons Learned” document is available at http://e-ct-file.gsu.edu/ courtfilings/interoperability/.
Annual Fund activities

Alumni gathered at Powell Goldstein Frazer and Murphy for a lunch meeting hosted by Marlo Orlin Leach on Wednesday, February 13. Guest speakers were Dean Janice Griffith and Professor Mary Radford. This event marked the spring kickoff of the 2001-2002 annual fund campaign.

Leadership-level donors feted

A loft in the Muse building overlooking Woodruff Park provided the scenic setting for a cocktail reception honoring members of the Dean’s Club and the donor-recognition levels above it on Thursday, November 27, 2001. Dean’s Club members have contributed $1,000 to $2,499 to the College of Law on an annual basis. Membership in the Dean’s Club is also available for a donation of $500 from graduates of 5 years or less, teachers, judges or government officials. Donors at the Fellows ($2,500 to 4,999), Scholars ($5,000 to 9,999), Benefactors ($10,000-19,999) and Sustainers ($20,000 to 29,999) levels were also honored at this event, hosted by President and Mrs. Carl Patton. This was the first annual party to thank our leadership-level donors. The second annual event will be November of 2002.

Breakfast setting for award presentations

The State Bar of Georgia’s mid-year meeting provided the setting for the College of Law’s graduates’ breakfast and awards ceremony on Friday, January 11, 2002 at Atlanta’s Swissôtel. Graduates heard Professor Charity Scott’s presentation, "Law and Medicine: New Directions in Interdisciplinary Education," about her adventures as a lawyer in a medical environment.

The Graduate Leadership Council presented the 2002 Service to the College of Law Award to Judge Peggy H. Walker, class of 1986, in recognition of her outstanding dedication and commitment to the successful growth and development of the College of Law.

Peggy Walker is a judge for the Juvenile Court in Douglas County.

She has been an adjunct professor of juvenile law at Georgia State, an attorney at Davis Walker & Associates and a high school teacher. She is the chair of the Douglas County Citizens Advisory Council and the School Attendance Task Force.

This award honors a graduate who has made an outstanding contribution of time or financial resources to the college. Graduates, Faculty, students, and others within the legal community were asked for nominations for this award.

The Graduate Leadership Council also presented a certificate of appreciation to Cathy Henson, class of 1989, in recognition of her inspiring leadership and dedication to building relations between Georgia State University College of Law and its graduates. Her generosity helped stimulate giving by the college’s graduates to record levels in 2000-2001.

Cathy Henson is the chair of the State Board of Education and chair of the Rules Committee. She is the founder and president of the Georgia School Council Institute, a non-profit organization created to assist and support the implementation of local school councils. She is a member of the school law section of the State Bar of Georgia. Georgia Trend magazine named Cathy Henson one of the “100 most powerful and influential Georgians” in 1999, 2000 and 2001.

2002 Annual Fund
July 1, 2001-March 31, 2002

<table>
<thead>
<tr>
<th>year</th>
<th># of graduates</th>
<th># of donors</th>
<th>% of total</th>
<th>total gifts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>7</td>
<td>0</td>
<td>0%</td>
<td>$0</td>
</tr>
<tr>
<td>1985</td>
<td>55</td>
<td>6</td>
<td>11%</td>
<td>$2,840</td>
</tr>
<tr>
<td>1986</td>
<td>126</td>
<td>9</td>
<td>7%</td>
<td>$2,716</td>
</tr>
<tr>
<td>1987</td>
<td>136</td>
<td>10</td>
<td>7%</td>
<td>$6,675</td>
</tr>
<tr>
<td>1988</td>
<td>159</td>
<td>8</td>
<td>5%</td>
<td>$1,600</td>
</tr>
<tr>
<td>1989</td>
<td>98</td>
<td>8</td>
<td>8%</td>
<td>$15,450</td>
</tr>
<tr>
<td>1990</td>
<td>131</td>
<td>7</td>
<td>5%</td>
<td>$2,200</td>
</tr>
<tr>
<td>1991</td>
<td>165</td>
<td>11</td>
<td>7%</td>
<td>$680</td>
</tr>
<tr>
<td>1992</td>
<td>157</td>
<td>14</td>
<td>9%</td>
<td>$1,515</td>
</tr>
<tr>
<td>1993</td>
<td>150</td>
<td>16</td>
<td>11%</td>
<td>$2,020</td>
</tr>
<tr>
<td>1994</td>
<td>173</td>
<td>13</td>
<td>8%</td>
<td>$1,035</td>
</tr>
<tr>
<td>1995</td>
<td>167</td>
<td>9</td>
<td>5%</td>
<td>$1,565</td>
</tr>
<tr>
<td>1996</td>
<td>145</td>
<td>11</td>
<td>8%</td>
<td>$405</td>
</tr>
<tr>
<td>1997</td>
<td>199</td>
<td>7</td>
<td>4%</td>
<td>$260</td>
</tr>
<tr>
<td>1998</td>
<td>188</td>
<td>26</td>
<td>14%</td>
<td>$2,985</td>
</tr>
<tr>
<td>1999</td>
<td>193</td>
<td>8</td>
<td>4%</td>
<td>$600</td>
</tr>
<tr>
<td>2000</td>
<td>179</td>
<td>27</td>
<td>15%</td>
<td>$11,695</td>
</tr>
<tr>
<td>2001</td>
<td>133</td>
<td>12</td>
<td>9%</td>
<td>$3,350</td>
</tr>
<tr>
<td>Totals</td>
<td>2,561</td>
<td>180</td>
<td>7%</td>
<td>$57,591</td>
</tr>
</tbody>
</table>
In her personal life, Nancy is an experienced gardener and evolving chef of international cooking. She also adds international travel to her favorite pastimes.

Bonnie Powell

Bonnie Powell was born in Saipan, an island in the Commonwealth of the Northern Mariana Islands, and moved to the United States at the age of 10. Bonnie earned a Bachelor of Science degree from Florida State University and graduated from Georgia State University College of Law in 1999.

While in law school, Bonnie served as a graduate research assistant for the Consortium on Negotiation and Conflict Resolution where she participated in numerous research projects, organized events and served as a coach and facilitator for the Georgia University System mediation training. Currently, Bonnie is employed part time as the manager of CNCR. She is responsible for the daily administrative functions of the office, as well as coordinating conferences and training workshops for CNCR. Bonnie also assists in the research and writing of the supplement to Professor Doug Yarn's book, Alternative Dispute Resolution: Practice and Procedure in Georgia.

When she is not at CNCR, Bonnie serves as the assistant director of the Fulton Magistrate Landlord-Tenant Mediation Program. Beginning in June, Bonnie will move into the position of director of the program where she will be responsible for training, supervising, and mentoring law students from Georgia State University and Emory University. Along with running the program, Bonnie will concentrate on her private practice as a mediator.

Her training includes general civil mediation, juvenile mediation, as well as domestic mediation. She primarily mediates work place disputes.

Bonnie will celebrate 10 years of marriage this year to Travis Powell, a financial reporting manager at BellSouth Telecommunication. They have a 3 year-old daughter, Emma, and are expecting their second child in October.

Leah Fisher

Originally from Indianapolis, Indiana, Leah Fisher received her bachelor of arts in history from Hampton University in Hampton, Virginia, in 1994. She graduated from GSU College of Law in February 1998, after which Leah joined Lexis-Nexis as a training consultant for law schools, law firms and the federal judiciary. Prior to joining the College of Law, she worked as a placement director at Kelly Law Registry, a national legal staffing company.

Leah joined the College of Law in November 2001 as the assistant director and public service advisor for the career services office. In her capacity as assistant director, Leah has responsibility for the day-to-day operations of the CSO. She also advises students and graduates on legal career options. As public service advisor, she educates students and graduates about public interest and public sector opportunities. She is very excited to be back at the College of Law because it was always her goal to work in law school administration.

She is married to Eric Fisher. In her spare time, she enjoys reading, writing poetry and prose, and college basketball (of course, she's a Hoosier!).
FACULTY BRIEFS

Mark Budnitz was a panelist at the Association of American Law Schools Annual Meeting. The panel discussed teaching electronic commerce issues in contracts and commercial law courses. He also served as a panelist at the Southern Regional Meeting of the Appleseed Foundation, discussing issues in consumer protection. At the request of the staff of the Federal Reserve Board, Professor Budnitz proposed issues to consider in revising the regulations to the Truth in Savings Act.

Victor Flatt taught at Seattle University this Fall. He had an op-ed piece published in the Atlanta Journal Constitution regarding the impact of energy deregulation on the environment. Also, Flatt had an article come out in the Seattle University Law Review Torts casebook symposium.

Marjorie Girth’s article, “UB’s Women in Law: Overcoming Barriers During Their First Hundred Years” was published in the Buffalo Women’s Law Journal volume for 2000-2001. The Association of American Law Schools also appointed Professor Girth to a three-year term on its Professional Development Committee.


Julian Juegensmeyer has co-authored Chapter 15, “Impact Fees Should Not Be Subjected to Takings Analysis” in “Taking Sides On Takings Issues: Public And Private Perspectives,” which was recently published by The Section of State and Local Government of the American Bar Association. In November, in Houston, Texas, Professor Dale Whitman, President-elect of the Association of American Law Schools, and Juergensmeyer presented “Innovative Solutions To Urban Sprawl: A Scholarly Dialogue” in connection with the dedication of the new library of South Texas College of Law. Juegensmeyer has been appointed adjunct professor in City and Regional Planning at Georgia Institute of Technology.

Ellen S. Podgor returned to Georgia State this spring, having spent last fall as the John S. Stone Visiting Endowed Chairholder at the University of Alabama School of Law. While at Alabama she participated in a student forum discussing legal issues related to September 11th. She also spoke to the University of Alabama GLBT Student Organization. Additionally, she presented a faculty colloquium on jurisdiction issues related to the U.S. prosecution of extraterritorial acts of computer fraud. This past fall, Professor Podgor also spoke at a public defender’s conference held in Montgomery, Alabama, on the topic of “Ethics & Professionalism Issues: Total Client Advocacy.”


Charity Scott spoke at the annual meeting of the Health Law Section of the State Bar of Georgia on legal developments involving patient safety and medical errors. She also spoke on the revised patient safety accreditation standards of the Joint Commission on the Accreditation of Health Care Organizations at the quarterly meeting of the Health Services Research Forum, sponsored by Georgia State University’s College of Business Administration. As a Faculty Fellow in Health Law with Emory University’s Center for Ethics in Public Policy and the Professions, she has been participating this academic year in the ethics program for Emory’s third-year medical students. G.S.U. law students in Scott’s health law seminar are able to attend interdisciplinary ethics classes with Emory medical students in the Spring semester.

Patrick Wiseman has accepted an invitation to become the editor of the column, “Lessons From the Web,” published on the JURIST website each month from September to May. Professor Wiseman continues to serve as a member of the CALI (Center for Computer-Assisted Legal Instruction) Editorial Board. Last summer, he was the recipient of a CALI Excellence in Service Award for his contributions to CALI and its annual conference on law school computing.

CLASS ACTIONS

1985
Kirkland A. McGhee is of counsel at Nelson Mullins Riley & Scarborough in Atlanta. He works in the health care, governmental relations area.

1990
Robert Rohr was elected chairman of the board of the 1st Choice Credit Union in Atlanta.

1994
Devon Orland, assistant attorney general, argued “The State of Georgia’s case before the United States Supreme court in the case of Paul D. Lapides v. the Board of Regents of the University System of Georgia, et al. on February 25. The Court’s opinion is expected later this spring.

1995
Regina L. Meyers has a new position as staff attorney for the Professional Licensing Boards Division, Office of the Secretary of State, State of Georgia.

1997
Edgar W. Duskin was elected executive vice president of the Southern Crop Production Association.

2000
Dawn Jones had an article entitled “The Life and Times of a New Associate” published in the Newsletter for Georgia Association for Women Lawyers.
Alumni directory available on-line

The College of Law’s new on-line directory lists graduates’ names, year of graduation, work and home contact information and email addresses. The system is password protected (login is aludir and the password is welcome). Eventually the system will feature personalized login and password, a search engine, the ability to execute real-time updates to the directory and the ability to indicate information such as practice areas and networking. If you logon to the directory and find that you need information corrected, please email Christine Hill in the development office at lawcmh@langate.gsu.edu. If you do not want to be listed in the directory or experience technical difficulties, please contact Peter Thorsett in Law Technology Services at pthorsett@gsu.edu.

http://law.gsu.edu

GEORGIA STATE UNIVERSITY
College of Law
P.O. Box 4037
Atlanta, GA 30302-4037

Address Service Requested

Graduate Leadership Council seeks members


You may nominate an individual to serve, or nominate yourself! Representatives are expected to attend four meetings each year, staff and enlist the support of classmates for the annual phone outreaches and selected events, bring peer concerns to the quarterly meetings, enlist the support of classmates to organize a class reunion and chair or staff ad hoc committees or task forces. If you wish to serve, please contact Alleen Deutsch at 404-651-2142 or adeutsch@gsu.edu. We look forward to hearing from you.

Computer Lab capacity to double

The Law Library’s Electronic Services department and the College of Law’s Technology Services department are currently completing a joint project to enhance the quality and quantity of student computing resources available at the school. Funded in part by the University’s Student Technology Fee Program, this $60,000 project will allow us to nearly double the potential capacity of the lab from its current 20 workstations, implement the long awaited student laptop check out program, increase printing capacity, and provide increased access to a wide array of other technology resources.

A website has been launched that features current information about the project including: project drawings, timelines, and photographs of the progress. Please visit: http://law.gsu.edu/tek/studenttechfee/.

Peter Thorsett, Coordinator for Instructional Technology (pthorsett@gsu.edu), and Terrance Manion, Electronic Services Librarian (terrance@gsu.edu), are co-managing the project. Should you have any questions or comments, please do not hesitate to contact them.