March 2003

Spring 2003 Law Letter

Georgia State University College of Law

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Supreme Court Justice to Speak at Miller Lecture in February

Supreme Court Justice Ruth Bader Ginsburg will be the speaker at the Henry J. Miller Distinguished lecture series Thursday, February 13 at the Rialto Theater at 5:30 p.m. The Miller Lecture is scheduled twice a year and is sponsored by the Loridans Foundation. Justice Ginsburg was nominated by President Clinton as an Associate Justice of the United States Supreme Court in June 1993 and took the oath of office on August 10, 1993.

Prior to her appointment, she served from 1980 to 1993 on the bench of the United States Court of Appeals for the District of Columbia. From 1972 to 1980, Justice Ginsburg taught at Columbia University School of Law; from 1963 to 1972, she served on the law faculty of Rutgers University School of Law.

She has taught at the University of Strasbourg, University of Amsterdam, Harvard Law School, New York University Law School, the University of Salzburg, and the Aspen Institute for Humanistic Studies.

Justice Ginsburg has a Bachelor of Arts degree from Cornell. She attended Harvard Law School and received her J. D. from Columbia Law School. She holds honorary degrees from more than twenty law schools.

In 1971, then-Professor Ginsburg was founder and counsel of the Women’s Rights Project of the American Civil Liberties Union. Throughout the 1970s she litigated a series of cases solidifying a constitutional principle against gender-based discrimination. Her Bar Association activities have included service on the Board of Editors of the American Bar Association Journal and as a council member of the Section of Individual Rights and Responsibilities. Justice Ginsburg has written widely in the areas of civil procedure, conflict of laws, constitutional law and comparative law. Her publications include Civil Procedure in Sweden (with Anders Bruzelius) and Text, Cases and Materials on Sex-Based Discrimination (with Herman Hill Kay and Kenneth M. Davidson).

Other affiliations include the American Bar Foundation Board of Directors, Executive Committee and Secretary; and the Council on Foreign Relations.

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Georgia Bar Midyear Meeting

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PLEASE NOTE: This Miller Lecture is being held in the theatre of the Rialto Theatre at the Center for the Performing Arts located at 84 Forsyth Street in downtown Atlanta. It will begin at 5:30 p.m. and is free and open to the public.
Dean's Message

The College's twentieth anniversary celebration got off to a great start last May when Georgia State University awarded founding dean Ben F. Johnson, Jr. with an honorary Doctor of Laws degree.

Dean Emeritus Johnson envisioned the college as providing opportunity for students to obtain a first-class education on a part-time basis. The workforce experience of our part-time students adds immeasurably to the law school's learning environment. My Local Government Law classes, for example, are enriched by perspectives provided by students who are state and local government employees, city planners, and city managers. The dedication with which our part-time students approach their legal education inspires all of us to make the most of each day in the pursuit of our goals.

The logo created for our anniversary year cites our “twenty years of excellence.” In 1988, early in the college’s history, Georgia State students won the prestigious National Moot Court Competition sponsored by the Association of the Bar of the City of New York. That success—the first for a law school in Georgia—raised the profile of the college. Thereafter, Georgia State became viewed as a serious competitor in moot court and mock trial competitions, a reputation that we richly deserve and continue to enjoy by our sustained efforts.

Our litigation and dispute resolution courses rank among the best nationwide. The required litigation workshop helps students understand the nature of a trial and builds confidence in their oral and written communication skills. It is not surprising that some of the college’s most successful graduates are litigators. Employers frequently praise our graduates as standing out in their ability to meet the challenges presented by the practice of law. The managing partner of a large Atlanta law firm recently told me that when our graduates are faced with difficult problems, they unhesitatingly forge ahead to find creative solutions.

The close proximity of the campus to the state capital provides a unique opportunity for collaboration with state officials and law makers in areas where law and policy intersect. The law school should participate in the creation of new knowledge and policy analysis. In its “Forward Atlanta” blueprint, the Metro Atlanta Chamber of Commerce recently listed the most challenging focus areas as transportation, water, environment, education, land use, and business incentives. The college seeks to be a partner in finding solutions to these challenges, among others.

As a public law school, Georgia State has a duty to make its community a better place in which to live and work. We are fulfilling that mission as we celebrate our twentieth anniversary.
Randall Kennedy Revisits Leo Frank in Miller Lecture

Professor Randall L. Kennedy delivered the fall Henry J. Miller distinguished lecture. Kennedy, a professor at Harvard Law School and a nationally renowned lecturer and commentator on race relations and criminal justice, discussed “Revisiting the Case of Leo Frank: Racism, Anti-Semitism and the Perversion of Justice.”

Professor Kennedy first presented these facts. In 1913, Mary Phagan, a white woman who worked at a factory in Atlanta, was murdered. Two black suspects were questioned and factory manager Leo Frank was implicated. Public sentiment about the murder was that it required a “special” defendant and that a black defendant would be too commonplace. Frank was an affluent Jew raised in the north and those factors weighed heavily against him. He was convicted and sentenced to death by hanging. However, the sentence was commuted and Frank was sent to prison camp. While there, he was kidnapped and lynched by vigilantes. Frank was the first white person in the United States found guilty of a capital crime based on the testimony of a black person.

Professor Kennedy focused on two instances where the “race card” was played during and after the trial. Frank’s attorneys appealed to “anti-anti-Semitism,” arguing that Frank would have never been accused if he had not been a Jew. The attorneys also played the “anti-black card,” questioning the integrity of the star witness based on his race. After this attack, the black press began to editorialize that Frank was guilty, and after Frank was lynched, the black press editorialized about the inconsistency of the outrage over Frank’s lynching versus the lynching of blacks.

Two things can be gained by considering the racial issues in this case. First, this case breaks down the black/white paradigm that is usually the basis for racial issues and makes us consider whether Jews are a “race;” the change in that perception of Jews has shown how conceptions of race can change over time. Second, this case shows that we should not romanticize marginalized peoples because marginalized people can marginalize others too. Professor Kennedy ended by saying, “The vice of racism is not a vice that is limited to the powerful.”

Earlier in the day, Professor Kennedy held a dialogue on diversity with law students. He discussed a range of topics from the Supreme Court to interracial adoption to comparisons between the civil rights and the gay rights movements. He expressed support for parentless children having the chance to be raised by caring parents, regardless of race, and he felt that the struggle for gay rights will be similar to the struggle for civil rights in that it will be a slow and complicated struggle that will ultimately be redemptive.

Graduates Enjoy Cabaret

Classmates and guests mingled with faculty at Libby’s Cabaret on Northside Parkway on the afternoon of Saturday, September 28, 2002. The occasion was the reunion for the classes of 1987, 1992 and 1997. Attendees enjoyed the club atmosphere as they met old friends and listened to the music, courtesy of the Georgia State University School of Music.

The reunion host committee is made up of graduate volunteers responsible for assisting in the planning of this event, as well as for encouraging classmates to attend. Surveys are sent to graduates months in advance of the reunion to help plan a successful event. The office of development and alumni relations is now planning the reunion for the classes of 1988, 1993 and 1998, which will be held in the fall of 2003. Surveys will be mailed to members of these classes in July. If you are interested in joining the host committee call 404-651-2040 or send an email to delita@gsu.edu.

Visit our website at http://law.gsu.edu for reunion pictures.
New members join Board of Visitors

The College of Law welcomes three new members to the Board of Visitors. They are Sharon Gay, Catherine Henson and Morris Macey, a distinguished group of professionals who serve as ambassadors and supporters of the college.

Sharon Gay concentrates her practice at McKenna Long & Aldridge in state and local government law, particularly in the areas of land use and zoning, tax allocation district financing, public-private partnerships, privatization and procurement and economic and other development incentives. Prior to joining McKenna Long & Aldridge, Sharon served as Vice President of Governmental Affairs for the Metro Atlanta Chamber of Commerce and as deputy chief of staff and executive counsel to the Mayor of Atlanta. She also served as an assistant attorney general for the State of Georgia and as an adjunct professor of law at Emory University.

Cathy Henson, a 1989 graduate of the College of Law, was named one of the “100 Most Powerful and Influential Georgians” in 1999, 2000 and 2001 by Georgia Trend magazine. Ms. Henson initiated the first challenge grant of $50,000 to College of Law graduates and established the Catherine Henson Scholarship Fund. She was appointed president of the State Board of Education by Governor Barnes in 2001. She is the founder and president of the Georgia School Council Institute, a nonprofit organization created to assist and support the implementation of local school councils. Henson is a member of the School Law Section of the State Bar of Georgia. She is a graduate of Leadership Atlanta and has served on the boards of numerous nonprofit organizations, including the Georgia Partnership for Excellence in Education and the League of Women Voters.

Morris Macey is founding partner of Macey Wilsensky Cohen Wittner & Kessler in Atlanta. Mr. Macey has been honored by many organizations for his leadership and advocacy, including the receipt of the David W. Pollard Achievement Award from the Bankruptcy Section of the Atlanta Bar Association and the Morris W. Macey Lifetime Achievement from the Creditor’s Rights Section of the State Bar of Georgia. He is listed in Best Lawyers in America. Mr. Macey was an adjunct professor of bankruptcy law at Emory University School of Law from 1947 to 1962. He has served as a Commissioner on Uniform States Laws since 1972, as well as a member of the National Conference of Lawyers and Certified Public Accountants. Mr. Macey is a director of the Southeastern Bankruptcy Law Institute, which sponsors the S.B.L.I. visiting professor program at the College of Law.

2003 Visiting Bankruptcy Professor Named

The Southeastern Bankruptcy Law Institute Endowment has funded the S. B. L. I. visiting professor program since 1992. Every year, an outstanding expert in the field of bankruptcy spends a week in residence at the law school during the spring and fall. He or she participates with the faculty in appropriate classes and makes a lunchtime presentation to the faculty and the S.B.L.I. board, which includes the bankruptcy judges of the Northern District of Georgia, who serve as advisors. In addition, the speaker makes a dinner presentation to the bankruptcy and commercial law faculty at Georgia’s accredited law schools, as well as consults with College of Law faculty about research projects.

This year’s visiting professor is Kenneth Klee from the University of California at Los Angeles School of Law. Professor Klee is a nationally recognized expert on bankruptcy and served as an adviser to the American Law Institute’s Transnational Insolvency Project. He co-authored Business Reorganization in Bankruptcy (with Scarberry, 1995) and Fundamentals of Bankruptcy Law (4th edition, with Treister, 1996) and has authored co-authored numerous articles on bankruptcy law. He will address the faculty at a luncheon on March 26 and the S.B.L.I Board on October 29, 2003.

G.L.C. Salutes “New” Lawyers

The Graduate Leadership Council hosted its annual “Newly Minted Lawyers” reception for graduates who passed the July 2002 bar exam. The Lawyers’ Club of Atlanta provided the venue for this happy occasion attended by faculty, staff, graduates and friends of the college. Each year the G.L.C sponsors this event, which is an opportunity for graduates to meet fellow colleagues and former law professors. Graduate Cooper Knowles and Professor Mark Kadish gave the newly minted lawyers helpful advice and tips on professionalism and the practice of law. Georgia State University President Carl Patton attended the event and wished the newly minted lawyers well.
Your Gift Matters

Every gift to the law school is important. Larger gifts add up quickly. Smaller gifts raise our graduates’ participation rates. One of the major considerations of corporations when making major gifts to colleges and universities is alumni participation. A graduate participation rate of 20% to the annual fund is our goal. This means that we need 560 graduates to contribute at any level, large or small, to the annual fund program. All annual contributions move the college closer to the 20% participation goal and help with our overall ranking and prospects for corporate gifts. A gift from you would actually help the college receive support from the Atlanta community.

Hope scholarship money is not available for law students, nor does the state of Georgia allow state funds to be used for scholarship support. Consequently, the law school must build its scholarship endowment to provide scholarships for highly qualified students. We must rely on the generosity of our graduates and friends. The 20th Anniversary Scholarship Initiative was specifically designed to commemorate the College of Law’s 20th Anniversary celebration. The goal of this fund is to provide an exceptional student with a full scholarship. The fund must reach $125,000 to provide $7,500 per year to an incoming student. Your gift to this fund will go directly towards meeting the $125,000 scholarship endowment goal, as well as increase the College of Law’s graduate participation rate. All improvements that result from your support enhance the law school’s reputation and, in turn, increase the value of your degree.

Many corporations will match or multiply the gifts of their employees. Before you make a gift, you may want to ask whether your employer participates in such a program. Contact your human resources administrator for details.

20TH ANNIVERSARY SPONSORS (as of December 20, 2002)

Platinum level
- Charles Loridans Foundation
- McKenna Long & Aldridge, LLP
- Pope McElaney Kilpatrick & Morrison, LLP
- Powell Goldstein Frazer & Murphy, LLP
- Sutherland Asbill & Brennan, LLP

Gold level
- Arnall Golden Gregory, LLP
- Coca-Cola Foundation
- WestGroup

Silver level
- Alston & Bird, LLP*
- Arnall Golden Gregory, LLP*
- Arnold Foundation
- Barbri
- Bondurant Mixon & Elmore, LLP*
- Doffenmyre Shields Canfield Knowles & Devine, LLP*
- Fisher & Phillips, LLP*

Bronze level
- Merchant & Gould, PC

*Sponsors of the reception for Justice Ginsburg

Midyear meeting of Georgia Bar offers CLE Seminar; Graduate Receives Award

Professor Clark Cunningham, the College of Law’s first W. Lee Burge Chair in Law and Ethics, presented a continuing legal education seminar at the midyear meeting of the Georgia Bar at the Swissotel on January 10, 2003. He demonstrated how research on client satisfaction and professional communication in the social sciences can be used to improve lawyer-client communication. Participants learned how to use a simple one-page survey form to assess initial client interviews. This seminar provided 1 CLE hour, including 1 ethics hour. After the seminar, participants and friends of the college met with Professor Cunningham; Professor Julian Juergensmeyer, the Ben F. Johnson Jr., Chair in Law; Dean Janice Griffith; law faculty and graduates at a reception.

Professor Cunningham gave a short presentation at the alumni breakfast on the same day. He demonstrated a multimedia approach used in his course “Professional Responsibility: Heroes and Villains” at the College of Law.

The Graduate Leadership Council presented its Service to the College of Law Award to Cathy Henson, class of 1989, at the breakfast. This recognition is awarded to a graduate who has made an outstanding contribution of time and financial resources to the College of Law. For more information on Cathy Henson, see the article on page 4.
Mark Budnitz’s second edition of Consumer Banking and Payments Law was published over the summer. An update to his book, The Law of Lender Liability, also was published. He was a speaker at an arbitration conference held at Duke Law School. He also was the speaker at a session of the National Consumer Rights Litigation Conference. The title of his talk was “Electronic Payments—Does No Paper Mean No Protection?”

Janice Griffith’s article entitled, “State and Local Revenue Enhancement and Taxation Policies in a Digital Age: E-Commerce, Taxation, Business Tax Incentives, and Litigation Generated Revenues” was published in The Urban Lawyer (Spring 2002). Dean Griffith was an invited speaker at the Southern Association of Pre-Law Advisors Conference. She discussed the personal qualities that lead to success in the practice of law, factors to consider in evaluating law schools, and current trends in legal education.

Julian Juergensmeyer co-organized and made a presentation on “Impact Fees and Takings Principles” at the Impact Fee Symposium co-sponsored by the College of Law and Georgia Tech’s City and Regional Planning Department. He was a panelist at the Town Meeting on impact fees organized by Forsyth County in Cumming, Georgia. The first week of June he lectured at GSU College of Law’s Commercial Arbitration Program in Linz, Austria. The Supreme Court of the United States cited Juergensmeyer’s “Land Use Planning and Control Law” treatise in the Tahoe case, an important takings clause decision.


E. R. Lanier received the International Excellence Award from Georgia State University. This is the inaugural year for this award and the ceremony was held as a part of GSU’s celebration of International Education Week. Ambassador Andrew Young was the guest speaker for this event.

Paul Milich made presentations on evidence law to the following groups and organizations: the Prosecuting Attorneys Council of Georgia, Hispanic National Bar Association, Sutherland Asbill & Brennan, State Court judges of Georgia, Juvenile Court Judges of Georgia, and Probate Court Judges of Georgia. Professor Milich also completed work on the second edition of his treatise, “Georgia Rules of Evidence,” which was published by West Group in December 2002.

Ellen S. Podgor was elected to the Board of Directors of the National Association of Criminal Defense Attorneys (NACDL). She also agreed to co-chair the Gideon Symposium to be held at Georgetown University School of Law on March, 18, 2003, the Fortieth Anniversary of the Gideon decision, sponsored by NACDL, the National Legal Aid and Defender Association (NLADA), and Arnold and Porter. Professor Podgor is also the co-coordinator for the 11th Circuit of the newly established NACDL Federal Circuit Oral Argument Panel. In September she spoke on “Developments in Anti-Terrorism” at a IICLE Supreme Court update program held in Atlanta, and in November she spoke on “Mail Fraud: Limiting What Might Appear to Be Limitless” at a CLE program in Montgomery, Alabama.

Mary F. Radford received the Treat Award for Excellence from the National College of Probate Judges. She was honored at the Judges’ Fall Conference in Tucson, Arizona. Professor Radford gave presentations on “Guardianship Reform in Georgia” at the Fiduciary Law Institute (July), the IICLE Advanced Guardianship Seminar (September), and the Gwinnett County Guardianship Seminar (September). Professor Radford gave a presentation on “Recent Developments in Georgia Fiduciary Law” to the Savannah Estate Planning Council in October. Her article entitled “Is Mediation Appropriate for Adult Guardianship Cases?” was published in the Seton Law Review symposium edition that covered the proceedings of the Second National Guardianship Conference.

Charity Scott was awarded a grant from the Health Law Section of the State Bar of Georgia to investigate the feasibility of establishing a Health Law Partnership with the Atlanta Legal Aid Society at Grady Memorial Hospital. The goals of the interdisciplinary collaborative would be: (1) to improve health outcomes for low-income patients at Grady by providing a cost-effective, coordinated approach to the delivery of health care and legal services; (2) to establish an on-site legal services clinic to address basic legal needs affecting patients’ health; (3) to create interdisciplinary, inter-institutional educational opportunities for students and faculty in the legal and health care professions in Atlanta; and (4) to promote legal advocacy to address health needs of historically under-served patients in Georgia. Professor Scott also spoke at two regional meetings of the Health Care Ethics Consortium of Georgia during the fall, on the subject of the relationship between law and medical ethics.

Douglas Yarn taught professional responsibility at the University of Georgia this summer and conducted a one-day workshop on psychological barriers in negotiation for CNCR’s Summer Institute. He gave the introductory lecture for Mercer’s week-long ADR student workshop this August. At Vanderbilt’s law school in October, Professor Yarn and Gregory Jones, GSU law student and CNCR Research Fellow, presented their paper, “Evaluative Dispute Resolution under Uncertainty: An Empirical Look at Bayes’ Theorem and the Expected Value of Perfect Information,” to the annual scholarship meeting of the Society for Evolutionary Analysis in Law. Also in October, Professor Yarn participated in a research conference organized for CNCR’s Conflict Resolution in the Schools Program by CNCR Director Carolyn Benne. Professor Yarn’s publications over the last several months include: the 2002 supplement to “Alternative Dispute Resolution: Practice and Procedure in Georgia” (2nd edition, The Harrison Company Publishers); a book chapter, “Ethical Duties and Best Practices When Engaging a Mediator,” in Ethical Issues in Dispute Resolution (P. Bernard & B. Garth, editors), ABA Press, 2002; and an article, “Exporting ADR: Lessons from A Decade of Foreign Intervention,” 19:3 Conflict Resolution Quarterly 303 (2002).

Yarn’s most recent article, “Public Independent Fact-Finding: A Trust-Generating Institution for an Age of Corporate Illegitimacy and Public Mistrust,” co-authored with R. William Ide III, has been accepted for publication in Spring, 2003, by Vanderbilt Law Review.
1984
Glenn Richardson has been named Governor Perdue’s floor leader in the House. Richardson was a member of the first graduating class of the College of Law.

1985
Mary Anne McClure Spencer and Robert N. Spencer IV had a baby boy, Sheldon Regan Spencer, born August 7, 2002.

1987
Carol E. Walker-Russell is on the short list of nominees released by the state Judicial Nominating Commission for DeKalb County State Court Judge. She is currently an administrative law judge with the State Office of Administrative Hearings.

1988
James Troy Chafin III has been appointed to the Henry County State Court by former Governor Roy Barnes. He is a municipal court judge in McDonough, Georgia.

Robert H. Lutz spoke at an NCBA program titled “Basics of Bankruptcy.” He is a partner in Yelton Farfour McCartney & Lutz.

1989
Mary Lee Davis is on the short list of nominees released by the state Judicial Nominating Commission for DeKalb County State Court Judge. She is currently an attorney in MARTA’s law department.

1990
Jan F. Gadow is an associate at Page Kruger & Holland.

1991
Robert Manning was named vice president and general counsel at First American Holding. First American, one of the leaders in the cash advance industry, has over 330 branches in 10 states.

1993
Karl M. Braun, a partner at Hall Booth & Slover in Atlanta, has moved to Nashville to help establish the firm’s new office in the The Tower Suites at the Renaissance Nashville Hotel. Braun focuses on entertainment.

Scott R. Hilsen was named partner at Alston & Bird in Atlanta, Georgia.

1994
Jill A. Folino has been named partner at Arstein & Lehr in West Palm Beach, Florida.


1995
Marvin Carl Berkowitz has been named partner at Nath & Associates in Washington, D.C. The firm is an intellectual property boutique.

1996
Holly Hearn has been named partner at Davis Wright Tremaine in Seattle, Washington. She practices in the areas of employment law and litigation.

Doug Isenberg has written a book. The Gigalaw Guide to Internet Law was published in October by Random House.

Richard R. Meneghelli’s Oregon firm, Gordon & Meneghelli has been acquired by Fisher & Phillips. A recent partner at Gordon & Meneghelli, he rejoined Fisher & Phillips as of counsel.

1997
Glenn L. Goodhart was named partner at Smolar Sakas & Goodhardt in Atlanta. The doctor continues to practice medicine at the DeKalb Medical Center.

1998
W. Kent Davis is attorney/advisor with the U.S. Department of the Treasury, Federal Law Enforcement Training Center in Brunswick, Georgia. He recently published an article on the salvage of major portions of the Civil War’s ironclad USS Monitor off the coast of North Carolina. Davis has been promoted to the rank of Commander in the Naval Reserve. He and his wife, Lisa, recently had their second child, a baby boy named Turner.

Tom Maloof is a pilot with Delta Airlines. He lives in Colorado and is preparing to take its bar exam.

2000
Lucas Harsh had his first child, Mason Oliver Harsh, on July 4, 2002.

2001
E. J. Asbury III is an associate with Weatherly & Associates in Atlanta, Georgia.

Jim Benton has been appointed Vice President for Business & Administration at Lander College, a small liberal arts college in Greenwood, South Carolina.

2002
Trezlen Drake has moved to Anchorage, Alaska, where she works at the Catholic Social Service Immigration and Refugee Services Program.

Law Library Renovation

During 2002 - 2003, the University is in the process of renovating the University Center, which includes the section of the Law Library that borders Collins Street. Due to this renovation, the Law Library will gain 6,000 gross sq. ft. This renovation is funded by the Regent’s Minor Capital Project. The project covers renovation costs plus shelving and its installation. In this space we will have shelving for 20,000 books, which means added shelf space for the next 8-10 years. The space will also include wired study workstations for more than 40 library users. The study carrels provide networking access and electricity for students with laptop computers. The wired carrels expand the computer lab by providing online access throughout the library, thus eliminating the waiting time in the computer lab. The new space will also house a microform room and a copy/printing room. It is difficult to believe that an old storage area and loading dock could be restored into functional library space!
### UPCOMING EVENTS

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<tr>
<th>Event Type</th>
<th>Date</th>
<th>Details</th>
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<td>PUBLIC INTEREST LAWYERS</td>
<td>Saturday, February 8</td>
<td>College of Law P.O. Box 4037, Atlanta, GA 30302-4037</td>
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<tr>
<td>ASSOCIATION AUCTION</td>
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<tr>
<td>HENRY J. MILLER DISTINGUISHED</td>
<td>Thursday, February 13</td>
<td>Rialto Theater at the Center for Performing Arts, 5:30 p.m.</td>
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<td>LECTURE SERIES</td>
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<td>GRADUATE LEADERSHIP COUNCIL</td>
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<td>HONORS DAY</td>
<td>Wednesday, April 9</td>
<td>Wednesday, April 9 West Exhibit Area, 4:45 p.m.</td>
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<td>Friday, May 9 Sports Arena, 6-7:30 p.m.</td>
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<td>LUNCH WITH THE DEAN AND</td>
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<tr>
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<td>DONOR RECOGNITION RECEPTION</td>
<td>November date: TBA</td>
<td></td>
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