



December, 2003–March, 2004
Published by the UT Law Communications Office

Welcome to the inaugural issue of **Faculty Activities—UT Law**, a sister publication of **Faculty Publications—UT Law**, published by the Jamail Center. This newsletter reports the most recent activities of our faculty. It is distributed online to the Law School community and in hard copy to the faculty and administrator mailboxes at the communications office in Townes Hall.

Our editorial policy is as follows:

- **Who:** Tenured, tenure-track, emeritus, visiting, and adjunct professors; assistant deans; full-time instructors and clinicians; professional librarians, and staff members are eligible for inclusion.
- **What:** Items of interest to those engaged in the practice, study, and understanding of the law and/or to those working at UT Law, such as “Outstanding Faculty” member awards.
- **How:** These materials are self-reported. We will not edit our faculty except in the rare event clarification is needed, to correct a stray typo, or to substitute a faculty name in place of “I.” As a result the citation style will vary.
- **How to submit for future editions:** Please e-mail Allegra Young or Laura Castro with your activities.
- **Frequency:** This newsletter will be produced on an as-needed basis, but not fewer than two times a semester. A reminder letter is sent to faculty-all when the new deadline nears.
- **Order:** As most listings at UT Law (including **Faculty Publications-UT Law**) are provided in alphabetical order, we decided to list activities in reverse alphabetical order to provide an element of arbitrary fairness to those with alphabetically-challenged last names.

Mark Yudof

On Monday, March 1, Yudof participated in the keynote session at the Annual meeting of the American Council on Education in Miami Beach, Florida. He was one of three panelists and talked about the fiscal crisis in higher education.

Ernest Young

Young serves with Tony Reese on the Texas Judicial Council, Committee on Public Access to Court Records.

He spoke on three panels at the AALS meeting in Atlanta on Jan. 3-5. He commented on historian Elizabeth Fox-Genovese's paper on the constitutional legacy of the antebellum South; served on a panel for the Faculty Section of the Federalist Society discussing the influence of foreign law on U.S. courts; and, in his capacity as chair of the AALS's Maritime Section, organized and participated in the Section's panel on federal common law in admiralty. (Other panelists included UT Law's Louise Weinberg.)

On Jan. 21, Young spoke at the Conference of Chief Justices' Annual Meeting in San Francisco on “The Impact of NAFTA on State Court Judgments.”

The Texas Exes presented Young with their Teaching Excellence award on Feb. 10. He also received the Eyes of Texas award for excellence in service to UT Austin in 2003.

Young moderated a debate at the Texas Journal for Civil Liberties and Civil Rights symposium, “Terrorism & the War on Civil Liberties, Civil Rights, and Immigrants After 9/11,” on Feb. 26.

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He commented on T. Alexander Aleinikoff's paper "Thinking Outside the Sovereignty Box: Transnational Law and the U.S. Constitution" at the Texas Law Review symposium *Comparative Avenues in Constitutional Law*, held Feb. 27-28.

Young will speak on "Institutional Settlement in Foreign Affairs Law" at the University of Virginia's J.B. Moore Society of International Law Annual Symposium on March 20 in Charlottesville.

Jay Westbrook

January 29th, Westbrook delivered a speech to the Los Angeles Financial Lawyers Association, 'After the Scandals' (with Elizabeth Warren).

March 4th, Westbrook moderated a panel at the UT Valuation in Bankruptcy Conference.

Russell Weintraub

Weintraub served as associate counsel for plaintiffs in *Jones v. Beech Aircraft Corp* in their petition for review before the Supreme Court of Texas. The trial court granted defendants a forum non conveniens dismissal and the San Antonio Court of Appeals, 2-1, affirmed. A major issue was whether New Zealand was an adequate alternative forum. New Zealand does not permit tort suits. Recovery is through a scheme similar to worker's compensation in which defendant's fault is irrelevant.

Louise Weinberg

Weinberg was involved in a number of activities at the annual meeting of the AALS this January in Atlanta. She delivered a panel presentation in the AALS Section on Maritime Law on Jan. 5. Her talk was entitled, "The New General Common Law." Other co-panelists included the Hon. William Fletcher of the 9th Circuit U.S. Court of Appeals, and Jonathan Gutoff. The Section program, organized by Ernie Young, was entitled, "Federal Common Law in Admiralty, Revisited." Papers based on the presentations will be published in the *Journal of Maritime Law and Commerce*. Weinberg was named Program Chair and Chair-Elect of this Section for 2004-2005.

Weinberg also chaired the meeting of the AALS Section on Federal Courts on Jan. 4. The Section program, organized by the Hon. Robert N. Clinton, was entitled, "The Forgotten Sovereign in Federal Courts Law." A symposium of the papers presented will appear in the *Arizona Law Review*. As chair of the AALS Section on Federal Courts, 2003-2004, Weinberg recruited four distinguished editors for inaugural issues of electronic newsletters to the Section, as follows: Susan Bandes (Federalism), Jack Beerman (Civil Rights), Erwin Chemerinsky (The Judiciary), and David Cruz (Books and Articles), all of whom were elected at the Jan. 4 meeting of the Section. Weinberg was also elected Acting Chair of the Federal Courts Section for 2004-2005.

Wendy Wagner

Appointed to National Research Council of the National Academy of Sciences Committee on the Selection and Use of Models in the Regulatory Decision Process, Division of Earth and Life Sciences (term ends August 2006).

Panelist/presenter on "Perspectives on Science and Values in Environmental Decision-making," Conference on "Shaping Environmental Policy: Science in Context," UCLA Law School (March 2004)

Panelist/presenter on "Protection of Industry from Terrorism versus Openness of Regulatory and Safety Information," ABA Midyear Meeting in San Antonio, Tx, Administrative Law and Regulatory Practice Section (Feb. 2004).

Presentation: "Judicial Review of Risk Assessments," Society for Risk Analysis Annual Meeting, Baltimore, MD (Dec. 2003).

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Gerald Torres

Torres addressed the American Association of Law Schools as its incoming president on Monday, Jan. 5, at the organization's 2004 annual meeting. He announced a continuation of the learned society theme for the association, but added the idea of engaged scholarship to highlight the ways in which law schools differ from purely academic departments, while maintaining a firm hold on the law school's rightful place in the university. In addition, Torres was the honored guest at a Texas Party at the AALS Convention on Saturday, Jan. 3.

Torres delivered a lecture at the University of Kent law school on the rights of indigenous people. He continued to serve on the management board of the University of Texas Charter School, was a distinguished lecturer at Ohio State University Law School, served on the UT Tuition Advisory Committee, served on the Harrington Fellows Board, and participated in the Native American Rights Fund Supreme Court Litigation Project.

Torres delivered the Tobriner Distinguished Lecture at Hastings Law School, met with the executive committee of the AALS in November, and was the keynote speaker at the Annual Conference of Community Mental Health Association in California.

He also gave a lecture in the ethnic studies department at UC Berkeley, and was the inaugural lecturer in joint Law/political science program in Critical Race Theory at UCLA.

Michael Sturley

On Jan. 8th, Sturley attended a meeting in New York of the United States delegation to Working Group III (Transport Law) of the U.N. Commission on International Trade Law (UNCITRAL). I am the Senior Adviser on the U.S. delegation. This meeting was held to discuss the U.S. negotiating position at the Thirteenth Session of Working Group III, which is scheduled to be held at UN headquarters in New York in May and at a preliminary meeting held in London in February (see below).

On Jan. 9th, he spoke at a symposium at Fordham Law School, delivering the presentation "Scope of Coverage and the Treatment of Performing Parties Under the Current UNCITRAL Draft Instrument."

On Feb. 20th, Sturley attended a "Round Table on Freedom of Contract" in London. The session was sponsored by the Italian delegation to Working Group III (Transport Law) of the U.N. Commission on International Trade Law (UNCITRAL) to discuss "Freedom of Contract," one of the key issues that will be before the Thirteenth Session of Working Group III, which is scheduled to be held at UN headquarters in New York in May. Over 50 people from over 20 countries attended the London meeting. Sturley attended on behalf of the U.S. State Department.

On Feb. 23, the U.S. Supreme Court granted cert in *Stewart v. Dutra Construction Co.* Michael Sturley was the principal author of the cert petition. David Robertson and Sturley will be writing the brief together, with assistance from a UT law student.

Also at the U.S. Supreme Court, Sturley serves as the counsel of record for the respondents in *Norfolk Southern Railway Co. v. James N. Kirby Pty Ltd.*, No. 02-1028, which will be argued in October. David C. Frederick, '89, and Sturley will be writing the brief together, with assistance from three UT law students.

Jordan Steiker

Steiker and Clinic Director and Adjunct Professor Robert Owen were co-counselors in *Tennard v. Dretke*, No. 02-10038, a case before the U.S. Supreme Court. The case will be heard on March 22.

Steiker also served as an amici (along with Professors James Liebman, John Jeffries, William Stuntz, Erwin Chemerinsky and Vikram Amar) in *Dretke v. Haley*, No. 02-1824, a case before the U.S. Supreme Court involving federal habeas doctrine.

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Lecture: “A Nation Divided: Death Penalty Practices in the U.S.” at the European Union Center, Texas A & M University in January 29, 2004.

Jane Stapleton

The Law Faculty of the University of Oxford elected Stapleton to full Membership of the Faculty.

Ernest Smith

On Feb. 11 Smith spoke to the Oil and Gas Law Section of the Travis County Bar on “Selected Judicial Developments in Oil and Gas Law.”

From Feb. 18-20 he attended the annual meeting of the Center on American and International Law in Houston. His participation in the conference included the meeting of the Center's Board of Advisers and attendance at the annual meeting of the editors of the Oil and Gas Reporter, which is one of the Center's publications.

On Feb. 20 Smith delivered a paper at the 55th Oil and Gas Law Institute, which is the oldest conference focusing on energy-related issues in the country. The paper, which will be published in the annual proceedings this summer, was “Onshore Oil and Gas Law: 2004.”

On Feb. 24 Smith returned to Houston to deliver a paper to Houston Bar Association's Oil, Gas and Energy Law Section. The paper dealt with the various theories underlying implied rights in oil and gas leases and the constructional approaches used by courts.

Charles Silver

Silver is now a member of the ABA/TIPS Task Force on the Contingent Fee.

Silver was appointed the Associate Reporter for the ALI's project on Aggregate Litigation.

Silver spoke at the Federalist Society Conference on the subject “Is Civil Litigation A Threat To Our Freedom?” He spoke opposite Phillip Howard, the popular author.

Pamela Sigman

Panel presentation on Pre-trial, Chapter 55, and Experts at the State Bar of Texas 17th Annual Juvenile Law Conference, Robert O. Dawson Juvenile Law Institute in San Antonio, Texas on February 19, 2004.

Ronald Sievert

February 17th: Panel on Courts and the Law (with Sarah Cleveland) at LBJ Symposium on the War on Terror

February 28th: Panel on the impact of government's anti terrorism measures on civil liberties at symposium at UT Law sponsored by Journal of Civil Liberties and Civil Rights.

Michael Sharlot

On January 15, Sharlot gave two, 1 & 3/4 hours lectures in Dallas on the law of hearsay on behalf of the Texas Municipal Courts Education Center. One was for Prosecutors (City Attorneys); the other to Municipal Judges.

Wayne Schiess

Member of the planning committee for the State Bar of Texas Advanced Real Estate Drafting Course.

Faculty Activities—UT Law

Appointed as a University Hearing Officer by President Larry Faulkner.

Spoke on “Legal Writing for New Attorneys” for the State Bar of Texas New Lawyer Course.

Spoke on “Ten Things Transactional Drafters Should Know” for the State Bar of Texas Advanced Real Estate Drafting Course.

Spoke on “Ethical Legal Writing” for the Austin chapter of the J. Reuben Clark Law Society.

Jack Sampson

In anticipation of the 2005 Texas Legislative Session, Sampson participated in proposed statutory drafting sessions for the Family Law Section of the State Bar in New Orleans, Jan. 14-16; San Antonio Feb. 14-15; and Houston March 26-27, 2004.

John Robertson

Robertson delivered the lecture, “Ethical Issues in Embryo Selection and Manipulation” at the Institute of BioGenesis at the University of Hawaii Medical School on Dec. 18, 2003.

He gave a lecture at Stanford Law School on February 27 on "Ethical and Legal Issues on Preimplantation Genetic Diagnosis."

On March 5, he lectured at M.D. Anderson Cancer Center in Houston on "Ethical Issues in Parenthood after Cancer"

On March 9, he gave two presentations at Johns Hopkins Medical School, on ethical and legal issues in human cloning and one on ethical issues in screening of embryos.

On March 10, he lectured to the Clinical Fellows in Bioethics Program at the National Institutes of Health on ethical issues in assisted reproduction.

David Robertson

The U.S. Supreme Court granted cert in *Stewart v. Dutra Construction Co.* Michael Sturley and David Robertson co-authored the cert petition.

Tony Reese

Reese, as outgoing Chair of the Section on Law and Computers of the AALS, was program chair of the section's program, co-sponsored with the Section on Intellectual Property Law. The program was entitled Copyright, Contract, and Technological Protections for Digital Content.

Tony Reese's paper, “The First Sale Doctrine in the Era of Digital Networks,” was recently listed on SSRN's Top Ten download list for “Cyberspace Law Recent Hits.”

On Feb. 6, he spoke on a panel (along with a student and two alums) about the judicial clerkship application process as part of the 2004 Judicial Clerkship Program of the ABA's Commission on Racial and Ethnic Diversity in the Profession, held in San Antonio in conjunction with the ABA's annual midyear meeting.

On March 8 Reese spoke on “Stopping Digital Copyright Infringement Without Stopping Innovation” as part of the colloquium “Moral Dilemmas of the Modern Intellectual Property Regime” at Thomas Jefferson Law School.

Steven Ratner

On February 12, Ratner spoke to the Tejas Club on the subject of “Saddam Hussein, Human Rights, and Guantanamo Bay.”

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William Powers

Dec. 5-7: Inducted into the Philosophical Society of Texas (El Paso).

Dec. 11-13: Presented Restatement of the Law Third, Torts (with Mike Green) to The American Law Institute Council (Philadelphia)

Jan. 5: Lectured on “Product Liability: The American Perspective” at the University of St. Gallen, St. Gallen, Switzerland

Jan. 16: Attended a meeting of the Executive Committee of the Commission of 125

Jan. 22: Presented talk on Enron to the faculty

Jan. 29 - 30: Presented material to UT Diversity Summit

Feb. 3: Attended CLE State & Fed Appeals Annual Conference planning committee meeting

Feb. 3: Hosted French Ambassador Jean-David Levitte at the Law School

Feb. 12: Hosted the Los Angeles area Alumni Reception in Santa Monica.

Feb. 20: Spoke to UT CLE Conference on Securities Regulation about Enron Investigation

Mar. 3: Hosted the Dallas area Alumni Reception

Mar. 10: Attended a meeting of the Executive Committee of the Commission of 125

Mar. 12: Hosted the Dean’s Roundtable Dinner at the Lt. Governor’s Reception Room at State Capitol

Mar. 23: Participated in the Texas Law Fellowship’s pie-throwing booth

Mar. 24: Attended the UT Dallas Leadership Council, East Texas Leadership Council, Littlefield Society, and special friends of UT in Dallas

Robert Peroni

On December 11-12, 2003, Peroni was the co-chair of a program held in Washington, D.C. on current issues in international taxation, co-sponsored by the George Washington University Law School and the IRS.

In January Peroni represented Texas in the AALS House of Representatives and completed his three years of service on the AALS Committee on Sections and the Annual Meeting. He was appointed to that Committee by the former AALS President, Mary Kay Kane, who is the Dean of the Hastings College of the Law.

In February 2004, he made a presentation on international taxation at NYU School of Law's graduate tax workshop held in Orlando, FL.

Robert Owen

Owen and Jordan Steiker are co-counsel in the U.S. Supreme Court in *Tennard v. Dretke*, No. 02-10038, with Owen presenting the oral argument in a case that could have important ramifications for significant numbers of Texas death row inmates. Owen will argue the case on March 22.

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Christy Nisbett

Christy Nisbett attended the annual Board of Directors meeting of Scribes on March 12-14 in San Diego. Scribes, The American Society of Writers on Legal Subjects, is a national organization of judges, practitioners, and academics interested in clear legal writing.

Neil Netanel

Netanel gave the following speeches and presentations:

UCLA Law School Faculty Colloquium, September 26, 2003, *Copyright and Freedom of Expression*

Harvard Law School, Harvard-Hale and Dorr Conference on Intellectual Property, October 2, 2003, *A Noncommercial Use Levy to Allow Free P2P File Sharing: Between Digital Abandon and Digital Lock-up*

University of St. Gallens, Executive Master of European and Int'l Business Law, UT Law, November 7, 2003, *Intellectual Property and the Internet: International Law and Internet Governance Issues*

Georgetown Law Center, Intellectual Property Colloquium, November 20, 2003, *Copyright and the First Amendment*

Harvard Law School, Berkman Center for Internet & Society, Workshop on Development of an Alternate Compensation System for Digital Media in a Global Environment, December 5, 2003, *Invited Participant*

Association of American Law Schools, Constitutional Law Section, Atlanta, January 6, 2004, *Copyright and the First Amendment in Light of Eldred v. Ashcroft*

Ecole des Mines de Paris, Cerna, and University of California at Berkeley, School of Law, Antitrust, Patent and Copyright, Paris, France, January 16, 2004, *Copyright, Competition, and the First Amendment*

He will address the following topics in April and May:

The Fourteenth Conference on Computers, Freedom & Privacy, April 22, 2004, Berkeley, *Organizer and Speaker in Panel on Alternative Compensation Systems for Digital Music Distribution*

Future of Music Coalition Policy Summit 2004, George Washington University, May 3, 2004, *Speaker in Panel on Alternative Compensation Systems for Digital Music Distribution*

Linda Mullenix

Presenter and Faculty Member, 13th Annual Litigation and Resolution of Class Action Litigation (November 19-20th, 2003, New York City; December 3-4, 2003, San Francisco; sponsored by Glasser LegalWorks. Panels on "Reforms in Class Action Procedures and Effects on Strategies;" "Preliminary Issues Regarding Forum Selection, Jurisdiction, and Choice of Law;" "Products Liability/Mass Tort Developments and Medical Monitoring Class Actions;" "Consumer Actions."

Speaker, "The Future of Tort Reform: Possible Lessons From the World Trade Center Victim Compensation Fund," at The Randolph W. Throver Symposium on The Future of Tort Reform: Reforming the Remedy, Re-Balancing the Scales (February 19, 2004 at the Emory Law School, Atlanta, Georgia).

Academic Invitee and participant, Committee on the Rules of Practice and Procedure of the Judicial Conference of the United States, Conference on Electronic Discovery (February 20-21, 2004, Fordham University School of Law, New York City).

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She has just accepted an offer to join the Editorial Advisory Board of the *Journal on Securities and Class Action Litigation* (Glass LegalWorks). This journal will publish monthly in-depth analytical reports on the latest issues and trends affecting securities and class action litigation.

She has also agreed to join Paul Rheingold as co-author of the second edition of the treatise on *Mass Tort Litigation*.

Tom McGarity

In a case before the U.S. Supreme Court, McGarity is working on a brief for the Respondents, Public Citizen and the Teamsters in *Federal Motor Carrier Safety Administration v. Public Citizen*. The case involves a challenge to FMCSA regulations that have the effect of authorizing Mexico-domiciled trucks to serve points within the interior of the United States

McGarity presented a paper entitled "MTBE: A Precautionary Tale" at Stanford Law School in February and the Bush School at Texas A & M University in March.

Roy Mersky

He attended AALS in Atlanta in early January.

Mersky is an invited speaker at The National Conference of Law Reviews (being held in San Antonio this year).

He will speak at the Scribes Award dinner on March 25, 2004 and is a member of the Scribes committee.

Basil Markesinis

Markesinis was elected a Corresponding Fellow in the French Academy (*Institut de France: Académie des Sciences Morales et Politiques*), the highest academic honor and recognition in France.

Ronald Mann

This spring Mann argued two UCC cases in state supreme courts. In February he argued for the plaintiffs in *HRN v. Shell Oil Company* in the Texas Supreme Court. The case involves the duty of good faith in an "open-price" contract between an oil company and a gasoline station dealer—a contract to sell at a price set by the oil company at the time of each sale. In April he will argue for the plaintiffs in the Pennsylvania Supreme Court in *Pioneer v. Corestates Bank*. That case involves the propriety of a cause of action for conversion when a bank receives a wire transfer sending funds to one of the bank's customers and then takes the funds to repay a debt the customer owes the bank, in a case in which the bank knows that the funds in fact did not belong to its customer.

Also in April, Professor Mann will present a paper at a conference at Washington University School of Law on the relation between IP and bankruptcy. His paper uses a dataset of failed high-tech firms to analyze the considerations that cause high-tech firms to choose bankruptcy over other methods of liquidation.

Sandy Levinson

Levinson discussed Randy Barnett's new book, *Restoring the Lost Constitution*, at the AALS conference in Atlanta this past January.

Brian Leiter

Leiter presented a paper on "Why Evolutionary Biology is (so far) Irrelevant to Law" to a faculty workshop at the University of Southern California Law School.

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Terri LeClercq

LeClercq served as the moderator for, and is now chair of the AALS Section on International Legal Exchange at the annual AALS conference this past January. This section provides a three-hour program on the new ABA-approved changes in criteria for foreign study. She also spoke to the AALS section on Law and Technologies and introduced the new Legal Writing Institute web page with student brochure and annotated resources.

Le Clercq spoke to the state hearings officers of the Texas Workers' Compensation Commission in Austin Feb. 22. She addressed faculty, administrators, and pre-law students at Huston-Tillotson on Feb. 21. On March 6, she spoke at the Rocky Mountain Regional Legal Writing Conference in Las Vegas. Her topic was "Modalities for Teaching Attribution: Moral, Normative, and Substantive."

Douglas Laycock

Laycock began service on the Texas Supreme Court's Task Force on the Code of Judicial Conduct.

He filed amicus briefs in three important religious liberty cases.

Spoke on *The Supreme Court's Recent Decisions on Affirmative Action: Implications for the Nonprofit Sector*, at the 21st Annual Nonprofit Organizations Institute, in Austin, on January 15.

Spoke on *Affirmative Action in University Admissions* at the Educational Summit of the Southern Dallas County Education Consortium, at Dallas Baptist University, on February 20.

Spoke on *Affirmative Action* at the Sixth African-American Legislative Summit, at the Capitol, on February 28.

Spoke on *Religion and the American Supreme Court*, at the Wimberley Democrats Distinguished Speaker Series, in Wimberley, Texas, February 29.

Spoke on *The Supreme Court, the Pledge of Allegiance, and Money for Religious Schools*, at Explore UT 2004, on March 6.

Spoke on *Litigating in the Supreme Court*, to Ronald Risinger's Constitutional Law Class at Lyndon Baines Johnson High School, in Austin, on March 11.

Spoke on *One Nation Under God?: A Constitutional Question*, at the National Press Club in Washington, D.C., sponsored by the Pew Forum on Religion and Public Life, on March 19.

Spoke on *Diversity in Employment and Education in Light of the Supreme Court's Michigan Decisions: What Can Be Done? What Should Be Done?*, at the Spring Meeting of the American Bar Association's Section on State and Local Government Law, in New Orleans, on March 27.

Spoke on *Separation of Church and State* at the annual forum of Beta Alpha Rho, the undergraduate law fraternity, on March 31.

Kimberlee Kovach

Feb. 6—Panelist at the ABA mid year meeting in San Antonio for the ABA's Government and Public Sector Lawyers Division's inaugural program: "*Pathways to Success for Women and Minorities in the Public Sector.*"

Feb. 27—Annual conference of the Texas Association of Mediators in Houston. Panelist on Shaping the Future of the Profession

March 5—San Diego: Presenter at the second international conference on the lawyer as creative problem solver on Ethics and the Problem Solving (with Dzienkowski and Churgin)

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Henry Hu

Hu was quoted in front page stories in the *Washington Post*, Jan. 11, 2004 (on former Credit Suisse First Boston investment banker Frank Quattrone and others involved in Wall Street and corporate governance controversies), the *Los Angeles Times*, January 14, 2004 (on mutual fund sales practices and the Securities and Exchange Commission), and the *Washington Post*, March 6, 2004 (on the conviction of Martha Stewart). He appeared in the “Heard on the Street” column of the *Wall Street Journal*, Feb. 19, 2004, *Asian Wall Street Journal*, Feb. 20, 2004, and *Wall Street Journal Europe*, Feb. 20, 2004, on New York Stock Exchange specialist issues. He was also quoted in the cover story of *Business Week*, Nov. 24, 2003, on Enron issues, as well as in many other media stories on a wide variety of corporate governance, financial, and legal issues. The “HUI” (Amex Gold Bugs Index), inspired by an article Hu wrote on corporate objectives and derivatives-based hedging, is increasingly attracting the attention of individual and institutional investors worldwide. Partly because of changing corporate risk management practices and recent HUI price movements, just in the period December 1, 2003 through early March 2004, roughly 200 stories referred to this stock index, including ones in *Barron’s*, *Business Week*, *Financial Times Deutschland*, *Frankfurter Allgemeine Sonntagszeitung* (Frankfurt), and *Neue Zürcher Zeitung* (Zurich).

Barbara Hines

Hines was named a Fulbright scholar for 2004-2005. For details:
http://www.utexas.edu/law/news/2004/030204_hines.html

Lecture: American Immigration Lawyers Association, Crimes and Representing Criminal Alien Defendants Conference, “Controlled Substance and Firearms Offenses,” Las Vegas, NV, Dec 15, 2003

Lecture: ABA/Probar, ABCs of Asylum Law Conference, “Interviewing Your Client and Preparing the Case” and “Cutting Edge Issues in Asylum Law,” South Padre Island, Jan. 30, 2004,

Lecture: UT CLE, Family Law on the Border, “Orphans and Adopted Children”, El Paso, Feb.13, 2004.

Brown Bag Seminar, LBJ School, “Recent Developments in Immigration Law” Feb. 11, 2004.

Panelist, Texas Journal of Civil Rights Civil Liberties Symposium, “Immigrants Rights post 9/11,” Feb. 26, 2004.

Press interview: Austin American Statesman regarding deportation of long time Mexican resident, Univision, Interviewed regarding President Bush’s immigration proposals (Dec. 2003)

Press interview: Univision, Interviewed regarding grant of asylum to Mexican client of the clinic, based on domestic violence, Jan. 19, 2004

Press interview: Daily Texan, 12/8/03, effect of deferred adjudication on immigration status

Pat Hazel

Patrick Hazel again taught in the Harvard Law School’s Winter Trial Advocacy Workshop from January 5-9, 2004. This makes approximately 20 years that he has been doing this.

Lino Graglia

On Jan. 20 he spoke at the Federalist Society-sponsored debate with University of Washington Law School Dean Joe Knight on the Supreme Court’s decisions in the University of Michigan race preference cases in Seattle, Washington.

On Feb. 4 Graglia delivered a “Brown Bag” luncheon talk at LBJ School on “Race Preferences in Admissions to Institutions of Higher Education.”

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William Forbath

Forbath presented a paper titled, "Who, the People?: Race, Class and National Identity in the Law and Politics of European Immigration, 1885-1924," to the Yale Legal History Workshop, New Haven, CT, February 10, 2004.

Forbath also organized, with Larry Sager, the Texas Law Review symposium, "Comparative Avenues in Constitutional Law," gave introductory remarks and was commentator on the panel "Interpreting and Enforcing Rights: Judicial Supremacy and Its Alternatives," held Feb. 27-28.

Lee Fennell

Lee Fennell presented her forthcoming article, "Common Interest Tragedies," at Columbia Law School's Law and Economics Workshop on March 1, 2004.

She presented *Death, Taxes, and Cognition*, 81 N.C. L. Rev. 567 (2003) at NYU Law School's Tax Policy Colloquium on February 12, 2004.

She was an invited participant in a Roundtable on Probability and Causation held in Death Valley, California on January 23-24, 2004, co-sponsored by the Program in Law and Philosophy of the University of Illinois, the Program in Law and Economics of the University of Illinois, the Institute for Law and Philosophy of the University of San Diego, and the Law and Economics Program of the School of Law (Boalt Hall), University of California, Berkeley.

In January Fennell spoke at the AALS panel for the Section on State and Local Government. The program was entitled "Atlanta: Localism's Past or Its Future?" She was appointed to the Section's executive committee in the business meeting following the program.

Karen Engle

Lecture, "Creating Good Muslims to Legitimize the War on Terror," Texas Journal on Civil Liberties & Civil Rights Annual Symposium, University of Texas School of Law, February 28, 2004.

Lecture, "Feminism and Its Discontents: Criminalizing War-Time Rapes in Bosnia" Drake University, Feb. 18, 2004.

Chair, "Sex, Virginity, and Honor in Islam and the Muslim World," Conference on "Islam and Law: The Question of Sexism," February 4, 2004.

Discussant, Panel on Civil Liberties, "Rights, Liberty and Justice Project" Retreat, Santa Cruz, California, January 30, 2004.

John Dzienkowski

In November 2003, Dzienkowski delivered several talks at Washburn University Law School in Topeka, Kansas. He discussed the judicial regulation of lawyers with the Washburn faculty. He presented a paper on multiple client representation and participated on a panel on Sarbanes-Oxley.

He spoke on the topic of "Lawyers as Intermediaries and Multiple Client Representation" at the St. Mary's Law Journal Third Annual Symposium on Legal Malpractice and Professional Responsibility In February 27, 2004.

In March 2004, he presented "Judicial Regulation of Lawyers's Ethics" in a faculty symposium at the University of San Diego School of Law. He also participated in a panel presentation, *Designing and Implementing Ethical Parameters for Lawyers as Problem Solvers*, in the Second International Conference on Creative Problem Solving at California Western School of Law.

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Sarah Cleveland

In work before the U.S. Supreme Court, Cleveland helped write a legal historian's brief in *Rasul v. Bush*, the Guantanamo detention case, addressing the scope of habeas corpus under British common law at the time the U.S. Constitution was adopted. She authored a law professors' amicus brief in *Benitez v. Mata*, challenging the constitutionality of the indefinite detention of Mariel Cubans and other aliens subject to final removal orders.

On Feb. 18, she addressed post- 9/11 civil liberties on a panel on “Courts and the War on Terror” at the War on Terror Conference sponsored by the LBJ School.

On Mar. 5, Cleveland spoke on “*Doe v. Unocal* and Executive Control of Human Rights Litigation” at a symposium on “Citizen Participation in the Global Trading System” at a Rutgers School of Law, Newark, N.J.

Michael Churgin

This January Churgin chaired the AALS Committee on Bar Admissions and Lawyer Performance. The Committee discussed the process some states have used to raise the cut scores on bar examinations, the impact of raising the cut score on the diversity of the profession, and some related academic support issues.

He spoke on "Representing Persons with Mental Illness: The Ethical Dilemmas of a Mental Health Clinic," at the Second International Conference on Preventing and Solving Legal Problems Creatively, San Diego, March 5, 2004.

Charles Childress

Childress presented a seminar, “Representing Children in Texas: The Role of the Child’s Attorney; Child Protection Litigation in Texas after September 1, 2003,” to attorneys in Corpus Christi (Nueces County Bar) on January 30th and in McKinney (Collin County Bar) on February 20, 2004.

Sarah Buel

Jan 14: Buel gave a daylong presentation before the U.S. Department of Defense and all military branches, Pacific Region titled, “Domestic Violence and the Law: Military and Civilian Promising Practices,” held in Honolulu, Hawaii on January 14, 2004.

Jan 26: Harvard Medical School Symposium on Domestic Violence for all faculty (2 hours), Sole Presenter: *The Pedagogy of Ethical, Effective Treatment of Batterer and Victim Patients: Examining the Intersections of Law and Medicine*; then presentation to all first year medical students (2 hours), *Ethical Interventions and Liability Implications for Physicians Handling Domestic Violence Cases*.

Jan. 28: presentation to the Lakeway Men's Club on “Domestic Violence and the Law.”

Feb. 9: presented at Piper Rudnick in Dallas, teleconferenced to 9 of their other offices (Baltimore, Boston, etc.), on “Domestic Violence and the Law.”

Feb. 9: presented at SMU Law School in Dallas on “Pedagogy of Domestic Violence Law: Relevance, Scholarship, and Practice.”

Feb. 18: presented keynote address at the State Bar of Texas Juvenile Law Conference in San Antonio, on “Domestic Violence and Juvenile Justice: Promising Practices for Court Interventions.”

Feb. 23 and 24: presented keynote speech for Virginia Court Conference, "Creating a Coordinated Response to Domestic Violence: The Role of Courts and the Law," and also participated in a second day plenary on “Cultural Competence with Court Interventions in Domestic Violence Cases,” in Roanoke, VA.

Feb. 27: presented keynote speech for National Mental Health Law conference, “Identification and

Faculty Activities—UT Law

Intervention with Domestic Violence Litigants: Collaboration of Courts and Mental Health Providers,” in Las Vegas, NV.

Philip Bobbitt

Jan. 15—Wilton Park Foreign Office – “Do We Need a Doctrine of Intervention?”

Jan. 20—*Today* Programme – BBC - (with Nadine Strossen, pres of the ACLU, re Guantanamo)

Jan. 23—participated in symposium at Museum of the British Empire – “American Empire”

Jan. 28—*Financial Times*, “How to Decide when the U.S. Should Go to War”

Feb. 3—Knickerbocker Club – “The Shield of Achilles”

Feb. 6—keynote speaker at symposium on Walt Rostow at LBJ Library

Feb. 9—HRC – lecture – “War, Peace & Modernism”

Feb. 17—LBJ School – “Terrorism in the 21st Century”

Feb. 18—CIA/Harvard – College Station – keynote speaker - “New Collaborations in the Collection and Analysis of Intelligence”

Feb. 25—Plan II Lecture – Elements of the Good Life - “Friendship”

Feb. 29—Plan II seminar – Dallas - “Elements of the Good Life”

Mar. 5—Royal College of Defense Studies – “The State System, Peace & War - a Look into the Future”

Subject of *Strategy & Business* (April 2004) article by Art Kleiner.

Mitchell Berman

Berman will present his paper on "Constitutional Decision Rules" at a faculty colloquium at the University of Oklahoma at Norman on March 11.

He will also participate in the Roundtable on Criminal Responsibility to be held at the University of San Diego Institute for Law and Philosophy March 19-20.

William Allison

On February 17th, he spoke to the annual meeting of the American Academy of Forensic Science in Dallas on the Ochoa/Danziger “actual innocence” cases and appeared in a panel at that meeting.

On February 26th, he spoke to the African American Legislative Conference at the Capitol on matters surrounding DNA, its current status, its future in the criminal justice system and possible legislation or administrative reforms to reflect the problems DNA exonerations are exposing in the system.

Alex Albright

Albright was named the 2004 UT Law Administrator of the Year by the Student Bar Association.

Before the Texas Supreme Court, Albright represents Ballard in *Fire Insurance Exchange v. Ballard*, No. 03-0312. This is the appeal of the \$17 million judgment against Ballard's insurance company for fraud, and violations of the insurance code connected with the handling of the plaintiff's mold claim. Albright is of counsel with the firm of Alexander, Dubose, Jones & Townsend.

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CLE: “Texas Supreme Court Advisory Committee Update”, Travis County Bar Assn.—Appellate Section, January 2004.

CLE: “Discovery Update”, Litigation Update Course, State Bar of Texas, January 2004.