UND Trial Advocacy

Also Inside:
The Case of James Dean Walker
Aerospace Legal Research
This issue of NORTH DAKOTA LAW provides a present-day snapshot of the strong connections between our past and our future. For more than a century, our law school has been producing leaders in the legal profession, in business, and in public service. The stories in this issue demonstrate that the next generations of lawyers are being well trained for the same fulfilling careers that our alumni have enjoyed.

The cover story illustrates our intentional approach to enhancing the skills education that we provide. We are one of a few law schools in which every student receives the foundational first year skills education from a tenure-track faculty member. The success of the students on our Trial Team is powerful evidence of the quality of our lawyering skills teaching and advocacy competition coaching.

Law schools can benefit in many ways from being part of a sophisticated research university. The joint JD/MBA degree program we have with the College of Business and Public Administration is one example of how students benefit. Our Institute for the Study of Tribal Gaming Law & Policy brings together law and political science/public administration expertise in interdisciplinary scholarship. A new venture with the Odegard School of Aerospace Sciences creates opportunities for our students to be involved in research on the challenging legal issues associated with the university's cutting-edge work on unmanned aerial vehicles.

Speakers and programs have always been an important element of the educational experience of the law school. In the last year, we launched two new initiatives. Professor James Moliterno of the College of William and Mary delivered the first presentation in the Mart Vogel Lecture Series on Professionalism and Legal Ethics, and Peter Pantaleo (J.D. 1976) of DLA Piper was our inaugural Distinguished Practitioner in Residence. Advances in technology make it possible to disseminate the programs to a wider audience. The best example of that is the enhancement of the presentation by U.S. Court of Appeals Judge Myron Bright on the case of James Dean Walker, delivered at the law school as part of the Law School Speaker Series. Additional research and interviews conducted by Dave Haberman have contributed to the production of a DVD to be sent to other law schools for use by their Criminal Procedure and Post-Conviction Relief instructors, thanks to a gift from Judge Bright to cover the costs of doing so. We also plan to enter the DVD in an area film festival.

The alumni magazine also gives us an opportunity to celebrate the accomplishments of our graduates and to recognize the opportunities created by their generosity. This issue includes a story about the work of A. L. “Sid” Overton (J.D. 1966) in establishing and advising non-profit organizations, and reports on the Class of 1957 fiftieth reunion at Homecoming in October 2007. The Class of 1957 made a reunion gift that supported the installation of a display case to highlight the accomplishments of our faculty and students. A gift made by Vivienne Johnstone in memory of her late husband Russell, a 1936 graduate of the law school who went to a successful career as an executive and officer of Roadway Trucking, provided the funds to renovate part of the second floor to create the Russell and Vivienne Johnstone Faculty Commons Room.

Finally, a word about the next issue of NORTH DAKOTA LAW. Our faculty come from around the country, our students come from around the world, and the scope of the work that we do ranges from local to global. At the same time, we are North Dakota’s law school. The January 2009 issue of our alumni magazine will be dedicated to demonstrating the considerable positive impact that our world-class faculty, students, and alumni have on our state.
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Trial Advocacy At UND
Reaching New Heights

UND Law Trial Team
Eeva Greenley, Aubrey Fiebelkorn-Zuger, Stacy Moldenhauer (front, l to r)
Lori Conroy, Peter Zuger, and Kara Johnson (back, l to r)
Trial advocacy education and opportunities have grown for students at the UND School of Law. A proof point of the success of the program is our extramural Trial Team, pictured left, who qualified and competed at the National Trial Competition in Austin, Texas.

**Trial Team To Nationals**

The law school’s Trial Team competes in the National Trial Competition, sponsored jointly by the American College of Trial Lawyers and the Texas Young Lawyers Association. The National Trial Competition is broken down into fourteen regional competitions around the country. UND’s Trial Team competes in Region 12, covering all law schools in Washington, Oregon, Montana, Wyoming, North Dakota, South Dakota, Nebraska, and Idaho. The regional competitions end after the completion of the semi-final round, leaving two finalist teams from each region to compete in the National Trial Competition held annually in Texas.

The law school’s Trial Team must prepare a separate case for both the regional and national competitions. Teams of three prepare the case for trial, from motions in limine through closing arguments. They must prepare both sides of the same case, as they may be required to represent the plaintiff in one round and the defense in the next. From October through December, students spend approximately ten hours a week building their case and developing their examinations and arguments. By January, students spend fifteen to twenty hours a week in the law school’s Baker Courtroom practicing their skills. They also spend countless hours between practice refining their arguments and examinations. The time spent by the team in the courtroom is supervised by faculty and also involves critique from members of the bench and bar.

This year, the law school sent two teams of three students (the maximum number permitted under the competition’s rules), coached by Professors Kate Traylor Schaffzin and Danny Schaffzin, to compete in the Region 12
competition hosted by Creighton University School of Law in Omaha, Nebraska. Although the team of Lori Conroy, Kara Johnson, and Peter Zuger went undefeated through all three preliminary rounds and was seeded second when advancing to the elimination rounds, they unfortunately fell in the quarter-final round to the University of Washington team that ultimately advanced to the National Competition. The team of Eeva Greenley, Stacy Moldenhauer, and Aubrey Fiebelkorn-Zuger also advanced to the elimination rounds, where they proceeded to defeat one Creighton Law School team in the quarter-final round and the other Creighton team in the semi-final round. Thus, this UND team was declared the winner of the regional competition and qualified to compete in the National Trial Competition in Austin, Texas.

The Carrigan Cup

For students motivated to develop their trial skills, each spring, the law school offers the opportunity to participate in the Carrigan Cup. The Carrigan Cup is an intramural trial competition sponsored by Judge Jim Carrigan, a graduate of both the University of North Dakota and the UND School of Law. Judge Carrigan currently works as an arbitrator in the Denver, Colorado, area since retiring from both the Supreme Court of Colorado and the United States District Court for the District of Colorado. Each year, he returns to the law school to serve as a judge in the final round of the competition. The law school also solicits the support of the North Dakota bench and bar to sit as both scoring and presiding judges in all rounds of the competition. If you have interest in participating in future Carrigan Cup competitions please contact Professor Traylor Schaffzin.

Students may participate in the Carrigan Cup in a variety of ways, each providing various levels of exposure to trial advocacy skills. Second and third-year law students compete in teams of two to conduct the trial of a narrow case file. Each team is required to conduct an opening statement, two direct examinations, two cross examinations, and a closing argument. At the end of each trial, student competitors receive the critique of the judges. Students of all classes are invited to participate as either witnesses subjected to direct and cross examination or bailiffs who observe the entirety of the trials as timekeepers. This year’s winning team was third-year student Peter Zuger and second-year student Lori Conroy.

Trial Advocacy Education

As discussed, the University of North Dakota School of Law offers a variety of opportunities for students to enhance their practical skills in the art of trial advocacy. In addition, those activities are supported by several formal courses on the subject, including Trial Advocacy, Pre-Trial Practice, and Criminal Advocacy.

Each year, the law school offers a basic course in Trial Advocacy to law students. This course is an introduction to the most basic skills necessary to conduct a simple trial. Students learn how to develop a case theory and theme. They then learn the skills necessary to organize and conduct direct examinations, cross examinations, opening statements, and closing arguments. In addition, students learn how to effectively use and admit into evidence real and testimonial evidence, as well as demonstrative, illustrative, and photographic exhibits. They also learn how to effectively make and argue objections and examine adverse, hostile, or expert witnesses.

The students enrolled in Trial Advocacy receive one hour of formal instruction each week, followed by a two-hour skills session in which
each student must demonstrate the skill studied that week. For example, students may study the rules governing opening statements and learn about how to effectively organize and deliver such a statement during the one-hour lecture. Later that same week, each student would be required to then deliver his or her own opening statement. During the skills demonstration, the professor will critique each student’s demonstration. All students benefit from hearing the critique of each classmate’s demonstration. The class culminates in a final examination in which the students, in teams of two, conduct a simple trial.

In addition to Trial Advocacy, the law school offers courses in Pre-Trial Practice and Criminal Advocacy. The Pre-Trial Practice course focuses on the skills necessary to effectively handle civil litigation prior to trial, including client interviewing and counseling, witness interviewing, informal discovery techniques, litigation planning, expert witness discovery, pleadings, interrogatories, depositions, requests for production, requests for admissions, pre-trial motions practice, settlement strategies, conferences, and agreements, and pre-trial conferences. Through the course of the semester, students develop and maintain a case file in a mock civil case.

In Criminal Advocacy, students study the skills necessary to maneuver through the criminal process. Specifically, students learn about preliminary examinations, bail hearings, motion hearings, and various aspects of a criminal trial. Students demonstrate the skills they have studied by role-playing each week as defense attorneys, prosecutors, witnesses, or judges.

Although the UND Law team did not place in the national competition, the experience they received and the relationships built were invaluable. Both teams of three represented the UND School of Law with great honor, and their success is a prime example of the continued growth and success of the trial advocacy program.
Breaking New Ground: Unmanned Aerial Vehicles and the Law

by: Elizabeth Puthoff

Aeronautics and legal research is not a typical combination of subjects, but recent law school graduates Chris Cooper and Matt Nisbet, and third-year student Laura Bearfield are not your typical law students. While other students spend their time researching in the library, these three are directly involved in groundbreaking new research in aviation law.

The University of North Dakota is home to a large number of nationally recognized departments, but few can truly compare to the College of Aerospace Sciences. Consistently rated as one of the top aviation programs in the nation, UND Aerospace houses the largest non-military fleet of aircrafts. Because of its access to a multitude of resources, the College is also a leader in aviation research. One of the many subjects of research for the College is on Unmanned Aerial Vehicles (UAV), or Unmanned Aircraft Systems (UAS).

UAVs, contrary to popular belief, are not a new technology. Their use commercially, as well as militarily, has increased dramatically in the past decade. “UAVs are being used more than ever, especially in the commercial industry,” said Cooper.
Some of the key uses of UAVs include weather prediction, firefighting, improving law enforcement and homeland security, and conducting tracking missions in areas that are extremely volatile and dangerous. According to Bearfield, a member of the North Dakota Army National Guard, “UAVs are an important resource for the military because you can send UAVs on missions that are just too dangerous to send in any personnel. There are also important implications for intelligence gathering.” Because the use of UAVs is increasing so rapidly in the United States, questions have started to arise about the legal statutes and regulations that govern Aeronautics and Space. “The statutes and laws that apply to a piloted aircraft, don’t exactly apply to UAVs,” said Nisbet. This is where Cooper, Nisbet, and Bearfield are putting their legal education into practice.

Recently, UND Aerospace was selected by the Federal Aviation Administration (FAA) to review the legal statutes and regulations under Title 14, regulating Aeronautics and Space, as they would apply to the use of UAVs. The task assigned to Cooper, Nisbet, and Bearfield is to review the current statutes and regulations governing piloted aircraft and decide whether the law does, or does not, apply to UAVs. All three feel their legal education has given them a solid foundation for conducting this research.

Anyone without a legal education would look at the law and probably think that the law is crystal clear. But, having a legal education causes you to see that actually the law is not clear at all in some cases,” said Bearfield. Cooper feels that being involved in this type of research is useful, practical experience. “Obviously we can’t just say what applies and what doesn’t. We have to offer detailed explanations. You do a lot of research in your classes, but this is new research. It is great experience for the future,” said Cooper.

Their research recommendations are forwarded for review to UND Aerospace Professors Doug Marshall, Ernest Anderson, Joe Vacek, and Bill Watson. After the advising faculty review the recommendations, the information is sent directly to the FAA for final revisions and reforms.

“The research we are doing is important because there haven’t been many legal challenges to use of UAVs”

Marshall, Ernest Anderson, Joe Vacek, and Bill Watson. After the advising faculty review the recommendations, the information is sent directly to the FAA for final revisions and reforms.

“The research we are doing is important because there haven’t been many legal challenges to use of UAVs. The FAA, and other entities involved, want to make sure the regulations are clear before any legal actions are taken,” said Cooper. All three agree there is potential for legal challenges to emerge after the statutes and regulations are refined. “With UAV use you face a lot of privacy issues, as well as more technical questions about control or just use in general,” said Nisbet.

The connection between UND Aerospace and the law school is a perfect match. Cooper feels the connection is not only positive, but smart. He said, “Given the fact the aerospace school is so well established, and there are a lot of students at UND interested in aviation, it only makes sense the two work together.” Bearfield hopes the connection between the two continues to grow. She said, “There is a lot of potential for a strong relationship between the two. The law school does a great job preparing you for legal research, and the aerospace school can offer students a chance to get involved in real, legal research in a field popular on campus.”

Cooper and Nisbet have aspirations to work in aviation law, so this experience has been invaluable. “I received my undergraduate degree from UND in aviation and now that I have my J.D., I am planning on a career in aviation law. It is always something that I wanted to do,” said Cooper. Bearfield was never primarily interested in aviation, but as a member of the North Dakota Army National Guard she has become more interested in UAV technology. “The military is what got me interested in UAVs, and being involved in this research is really interesting from that perspective.”

The future is bright for a continued relationship between the law school and UND Aerospace. Cooper, Nisbet, and Bearfield all feel the partnership brings together two of the University of North Dakota’s best assets, even if the two seem like opposites at the surface level. “Aviation law is something that students at UND are interested in, and hopefully this will allow UND to be a leader in aviation law someday,” said Cooper.

Although the connection between the UND School of Law and the College of Aerospace Sciences is an unlikely match, it has proved an opportunities for law students to be the national leader in UAV legal research.
The Case of James Dean Walker

By Dave Haberman

In the Fall of 2006, as part of the Law School Speaker Series, the Honorable Myron H. Bright presented to the UND Law School “The Case of James Dean Walker.” Walker was convicted of the 1963 death of an Arkansas police officer and received the death penalty. Important facts, inconsistencies and rulings in the subsequent trial and later appeals were not completely addressed until the case landed on Judge Bright’s desk at the Eighth Circuit Court of Appeals in 1981. Judge Bright’s attention to the facts and merits of this case, and his dedication to furthering of the interests of justice, led to James Dean Walker’s release from prison over 23 years later. But there is more to this story than legal process through the years. There is a personal side and a North Dakota connection in this case.

An Interview With James Dean Walker

After Judge Bright’s presentation, an interview was scheduled with James Dean Walker. In discussing his life, Walker said it started with a childhood that was not very good. His parents were divorced when he was young. He lived with his mother at times, with his father at other times, and sometimes in foster homes. In 1961, he enlisted in the Army. After his release, he started running with a bad crowd, traveling cross-country, stopping in Little Rock, Arkansas. He ended up in a nightclub where a fight broke out. He and another man left the club and while they were on their way out of town, were stopped by the police.

Walker spoke of the night of the incident, April 16, 1963. “I was a young, dumb kid. Got in a barroom fight. It started out a guy, for some reason did not like my looks or whatever - threw a glass of whiskey in my face. I had a pistol and I hit him with it and a woman called the cops. We left the nightclub and went over to the motel. We were going to check out.” Walker was with a man named Russell Kumpe. They left the motel and were on their way out of town when Officers Barentine and Vaughan stopped them. Officer Barentine went to the driver’s side of the car and ordered Kumpe out of the car and began to search him. Officer Vaughan went to the passenger’s side of the car.

“The officer ordered me out of the car,” Walker continued, “and I just stepped out of the car, raised my hands. I had the pistol in my hand. I don’t blame them.” Then the shooting started. “I felt something hot hit me right in the groin. I was shot twice in the groin, once in the top of the thigh. It spun me around and hit me behind my spine, it hit the 11th rib and came out. Then twice in the forearm.”

Officer Vaughan suffered a single, fatal gunshot wound to his heart. The gun in Walker's right hand was not fired during the incident. There was another gun on the ground near Walker, later determined to be the gun from which the fatal shot was fired. Walker was charged with first-degree murder. The state’s theory in the first trial was that Walker shot Vaughan with the gun found near him, then Barentine shot Walker.

The jury was out 12 minutes before coming back with a guilty verdict, and a death sentence. Walker was on death row. But with less than a week before the scheduled execution, the Arkansas Supreme Court granted a stay and a new trial, based on the judge in the
case allowing irrelevant and prejudicial testimony.

Prior to the second trial, defense counsel asked for a change of judge, which was denied. They argued the judge was prejudiced against Walker. One of the issues presented related to a request by Walker. Prior to the first trial, Walker had a religious conversion, and asked to be transported to a nearby church to be baptized. The judge granted the request, but told the officer transporting Walker that if he attempted to escape to “shoot him down... because [the judge] intended to burn the S.O.B. anyway.” Also, defense counsel received ballistic evidence showing that Officer Vaughan had shot Walker, contradicting the state’s theory in the first trial. The state changed the theory of the case in the second trial, saying Walker fired first, and Vaughan, before dying, fired back, accurately, at Walker five times.

Walker was convicted again, this time receiving life without parole. After the second trial, Walker’s attorneys filed their first writ of habeas corpus, based on the prejudice of the judge, and additionally on the state’s suppression of exculpatory evidence of two eyewitnesses. This writ was denied.

The Arkansas prisons were pretty rough in the 60’s and 70’s. One of the Judges who later found the entire Arkansas prison system unconstitutional as a violation of the prohibition against “cruel and unusual punishment” called it “a dark and evil world.” The inmates were put on work details in the hot weather. “It was like the scenes in “Cool Hand Luke,” said Walker. While serving his sentence, Walker became more active with the church. He was involved in getting the first chapel built within the prison system. For good behavior, he was granted meritorious leaves to speak to regional churches, civic groups and school assemblies. He spoke to them about making better decisions, and how easy it was for a young person’s life to get out of balance. During these furloughs, he spoke to over 70,000 people. There were also many changes in prison administration during this time, some better, some worse. After a new warden was installed, he called Walker a “cop killing S.O.B.” also that he would “bury him in the prison yard,” telling guards that if he acted up, “bring him back to me in a sack.” Walker felt threatened. He requested additional furloughs for speaking, and was denied twice. Finally granted a furlough, Walker made the appearance, and while waiting for the return bus decided to skip the state. He left the bus stop and hitchhiked to California where he had friends.

Several years later, he was picked-up by police officers in Lake Tahoe. When a check was run, his Arkansas escape was discovered and he was held for extradition. This was during the time the movie “Brubaker” came out. The movie was based on the harsh Arkansas prison system. Walker as a high profile prisoner, argued his life was at risk if he was returned there, and appealed the extradition to the U.S. Supreme Court. The Court determined that the case could only be addressed in Arkansas and denied the appeal. Walker was returned to Arkansas.

An Appeal to the Eighth Circuit

It was after this time that Walker’s attorneys filed a second habeas corpus petition. In denying the petition, the district court found four of the seven claims had been argued and denied earlier, and the other three claims without merit. In 1981, it was appealed to the Eighth Circuit where a three-judge panel heard oral arguments and assigned Judge Bright to write the opinion for the panel.

Patricia Maher was Judge Bright’s clerk at the time and was given the file to review. She said, “Judge Bright explained to me that the panel had voted to affirm the district court’s denial of a writ of habeas corpus, but said that before they could state in the opinion that their decision had been reached based on a careful review of the record, someone had to make a careful review of the record, and that was me.” She received the transcripts of the habeas proceedings and the two state trials and began her review.
“It was a somewhat tedious process and I was not experienced in reviewing trial records. But I began to be troubled by what became clear as I reviewed the record. First, that the gun that was in James Dean Walker’s hand was fully loaded, that no ballistics examination had been performed on the bullet that killed officer Vaughn, and that there was an eyewitness to the incident who had not been called at either trial. So I told Judge Bright about my concerns, and he decided he should take a look at the record, because the inescapable conclusion was that Walker had been framed.”

Judge Bright moved into the conference room, and used every free moment during the following several weeks to review each document. Then he read them again.

Maher continued, “After some time, he became convinced that there had been a miscarriage of justice, and he asked me to focus on the legal standards for a successive application for a writ of habeas corpus.” She found that a successive writ required a determination by the court that the ends of justice would be served by reaching the merits of the new writ.

A North Dakota Connection

Walker was in solitary confinement in Arkansas during this time. “I remember looking in the federal digest one time when my case was being appealed, looking up the judges from the 8th circuit who were on my case, and where they were from, and saw Judge Bright from North Dakota. Well as a kid, I had lived in Riverdale, North Dakota, where my father worked on Garrison Ranch Dam, back in the late 40’s, early 50’s, and I remembered North Dakota people. I thought these are good, down-to-earth, salt-of-the-earth people. And I kind of hung my hopes on Judge Bright.” He paused, “I know that sounds kind of simple, but I did not have much else. They let me out of solitary three times a week to go out and walk around the exercise yard and come back in. That was my quiet time, my prayer time, and I would kind of pray for Judge Bright because I thought he might be my guardian angel. I didn’t even know this gentleman, but it turned out he became my guardian angel.”

Judge Bright was convinced that Walker had received an unfair trial, and continued to work hard on the case. Votes on the appeals court changed through retirement, and new appointments to the bench. During this time additional new evidence in the case was also revealed. A diary entry written in 1968 by Kumpe indicated that he, not Walker, had fired his gun when Vaughan was shot. The entry was proof Kumpe had admitted to his former wife that he had shot the officer. Finally, a transcript of a conversation between Kumpe and his sister, containing exculpatory evidence, had been withheld from the defense by the government for over 20 years. In it Kumpe told his sister that “I did shoot at that policeman” and “If they place the gun in my hand . . . I had things on me that would have got me a hundred years.”

Walker Released After 23 Years

This new evidence was finally enough to tip the scales. In 1985, the court voted 5-4 to grant the writ of habeas corpus and order a new trial. Judge Bright wrote the majority opinion. Walker v. Lockhart, 763 F.2d 942. Arkansas’ appeal to the U.S. Supreme Court was denied. Rather than re-trying the case, Walker and the state reached an agreement where he would be released for time served based on a plea to a lesser charge.

Walker said that Judge Bright “gave me my freedom, my life back to me. I can’t say enough good about this gentleman. There’s not a day goes by that I don’t think about some aspect of my life in that prison, or in some courthouse, or with the lawyers, and this judge who did that for me.”

The law school is producing a DVD of Judge Bright’s presentation with additional materials, to be sent as a teaching tool to other law schools and to the Innocence Project. For additional information see Selected Cases of Myron H. Bright: Thirty Years of His Jurisprudence, 83 Minn. Law Rev. 239.
Vivienne and Russell Johnstone have always given back to support the University of North Dakota. Recently Vivienne provided a special gift to the UND School of Law in memory of her husband Russell, a 1936 law graduate. Her generous gift will be used to create a special Faculty Commons within the school.
Giving Back To Build UND

Throughout their lives, Vivienne and Russell Johnstone have understood the importance of giving back. They have been wonderful supporters of the University of North Dakota in many areas including the School of Law.

Vivienne is the daughter of a Norwegian immigrant from Sharon, N.D. and Russ grew up in the small town of Ashley, N.D. about 200 miles away. Vivienne was the only member of her high school class to attend university and Russ always knew he wanted to be an attorney. For both money was tight, so much so, that Vivienne’s father told her they didn’t have enough to send her back for her final year of college. She worked hard, saved up and made her way back for her final semester.

It was not easy for either Russ or Vivienne, so they have a unique appreciation for their university education. “They have a real sense of giving back because the University gave them so much,” said their son Bob. “Being from small towns in North Dakota in the 1930’s, most people never left; for them to leave and have the life they have enjoyed is really amazing.”

Vivienne credits the University for giving them each other, as well as a start toward successful careers. In appreciation for the University, she continues to give back. With Vivienne’s continued support, the school was able to create the Russell and Vivienne Johnstone Faculty Commons Room on the second floor of the School of Law.

“The recent gifts from Vivienne in memory of Russ, have allowed us to be able to create a space for our faculty to meet in an informal setting that promotes collegiality and the exchange of ideas,” said Dean Paul LeBel. “This room will have a remarkable effect in sustaining the sense of community within our faculty.”

Dancing Their Way Into Each Other’s Hearts

Some would say their first meeting was destiny. Russ “filled in” one evening for a boy who didn’t show up for a date with Vivienne’s sister Ardis. As the evening ended, Vivienne said good night to her date but Russ, who Vivienne called a good promoter, invited himself in to their apartment. It was unusual at the time for two women to be living in their own apartment. Although Russ was Ardis’ date for the evening, they both knew it was Vivienne he was interested in.

Russ was considered an older man when they were dating. He was completing his fifth year of school and working toward his law degree, while Vivienne was in her first year of college. The two shared many dance cards together while in college whether it be at a sorority/fraternity exchange or an evening out on campus. “We would go to the Campus Cave, have a Coke and a bite to eat, listen and dance to the campus band and have a great deal of fun,” said Vivienne. It was the beginning of a wonderful life together. They shared 63 years of marriage, raising a son and daughter, and they have two grandchildren and one great grandchild. Russ passed away in 2002. Vivienne currently lives in Akron, Ohio and recently celebrated her 91st birthday.

At the time Russ graduated from law school lawyers were a “dime a dozen,” so it was difficult for him to find a job as an attorney. He finally got the break he needed when a fraternity brother, whose father was a judge in Grand Forks, left for a job in Washington D.C. In doing so, he recommended Russ to his father to fill his position. Russ practiced law for a year
and a half in Grand Forks. Although he was a good attorney, he didn’t enjoy the fact he was doing mostly divorce related work.

Vivienne completed her degree from UND graduating in sociology in 1939, and planned to be a social services worker. Russ, however, was quite intent on getting married right away. In order to support his bride, he quickly realized he needed a larger salary and secured a position with the Federal Wildlife Agency as a Game Warden. A large portion of his duties were to create game preserves in North and South Dakota and Minnesota.

Before WWII they were on the move again and he began working with Hardware Mutual Company (now Sentry Insurance) in Chicago, Illinois, specializing in claims. In 1941, Russ joined the Army and quickly became a First Sergeant primarily due to his education. In 1943, he was detailed to Camp Fannin, near Tyler, Texas, to train new soldiers. According to a special web page dedicated to Camp Fannin, it was a place where more than 200,000 young American men became Army Infantry replacements between May 1943 and December 1945. When they had finished their training, these soldiers were assigned to serve in both theaters of war. For Russ, his eyes and bad feet kept him out of combat, so he stayed at Camp Fannin to train soldiers and was there to close it down in 1946. According to Vivienne, the 6th of February, 1946 was one of the happiest days of his life when he was Honorably Discharged.

After the war, Russ returned to Hardware Mutual in the Cleveland, Ohio office in their claims department. He stayed with the company until late 1951. In 1952, he took a position with Roadway Express, Inc. in Akron, Ohio, one of the nations leading trucking companies, where he headed their Casualty Claims Division and also Interstate Licensing of the company’s large vehicle fleet. Through 25 years of committed service he rose to the positions of Vice President and Corporate Secretary. Russ retired from Roadway in January of 1976.

Russ also gave back to his profession and community in many ways. He served a two-year term as the President of the Ohio Trucking Association, volunteered his time with his church, was a trustee at the Hospital Bureau, and for the Ohio Chamber of Commerce to name a few. Vivienne joked, “Russ was so busy volunteering his time to serve others, one of us had to stay home and raise the children.” Their son Bob said, “I think the thing that impressed me most was my dad put a lot of emphasis on integrity and doing the right thing.”

Vivienne worked outside the home as well throughout those years. During the war, the United States counted on women to keep the country running. Vivienne’s first job with the Commodity Credit Corporation in Chicago was to coordinate grain shipments for the four state area of Wisconsin, Iowa, Indiana and Illinois. She spent two years apart from Russ because she was based out of Chicago, while he had already been sent to Texas. She joined him there and worked for the Office of Price Administration before moving to Ohio.

Vivienne and Russ enjoyed a wonderful life together and have shared their success with others in many ways. In doing so, they have truly reached back to make a difference in the lives of others.

Photo: Russell Johnstone was featured on the cover of the Ohio Trucking Association magazine when he was named president.

Photo: Vivienne and Russell Johnstone
Griselt Andrade
Making A Dream Come True

By: Elizabeth Puthoff

If you ask recent School of Law graduate, Griselt Andrade, about what she has accomplished over her academic career, she will tell you, “Sometimes it still feels like a dream!”

Griselt’s story is one of perseverance and tenacity. Griselt is the first member of her family to graduate from high school, and this past spring, she graduated with her Juris Doctorate from the University of North Dakota School of Law. Although her accomplishments are exceptional, Griselt would tell you it was not as easy as it looks on paper.

Originally from Mexico, Griselt and her family moved to the United States, where she graduated from high school in Texas. Following her graduation, her family moved to the Fargo/Moorhead area to pursue more opportunities, which allowed Griselt to continue her education. Griselt’s family worked tirelessly to allow her to succeed in academics. “Sometimes my mother would work two or three jobs just so I wouldn’t have to work while I was in school. My family always supported me and put my education first.”

Griselt completed her undergraduate education at Minnesota State University in Moorhead, Minnesota and graduated with a Bachelor’s degree in Paralegal and Criminal Justice Studies. Although she was always interested in studying law, she will admit she had her doubts along the way. Griselt said, “I worried sometimes about whether or not I could go to law school, but my husband and my family were very encouraging. Working as a paralegal and interacting with several lawyers from around the area also gave me confidence that law school was right for me. I remember one conversation in particular with an attorney that really made the decision for me.” After deciding law school was right for her, Griselt applied to the University of North Dakota School of Law and never looked back.

Throughout her time at the UND School of Law, Griselt had to juggle a demanding academic schedule with taking care of her family and young child, all while commuting from Fargo to Grand Forks everyday for classes. “It was not easy, but that makes the end accomplishment so much better,” said Griselt. “Education and hard work were always something that my family valued and I will continue to share those same values of education and hard work with my children.”

After earning her J.D. on May 10, 2008, Griselt is looking forward to the future. She is planning to work in the field of Immigration Law, in order to help families make a smooth transition to the United States. She said, “I have seen the struggles that many families go through with immigration, and I would like to make a difference in that field.” Griselt also wants to make an impact in the lives of other Latino and Hispanic youth in the community by letting them know they can achieve their goals and dreams, just like she did.

Photo: Griselt with her family at Commencement 2008. From right, mother Eva Rodriguez, brother Armando Rodriguez, son Christopher, Griselt, and husband Gustavo.
Sid Overton, class of 1966, has made a career working in many different areas of the law such as business organizations, real estate, and estate planning. However, it is his work with many nonprofit organizations over the years that has allowed him to use his legal education to affect the lives of others while traveling and learning about many other cultures. This love of helping others is something he shares with his wife Karen; together the couple has been involved with nonprofit initiatives throughout the years both nationally and internationally.

Less than 20 percent of his work is nonprofit, yet it is still a major part of his lifestyle. Since Sid became involved in nonprofit work, he has worked as an attorney or board member for 18 different organizations of all sizes. The organizations don't have much in common except the goal to help serve individuals in need or help people become educated in an area private industry doesn't seem to cover. There can be a pooling of social capital in the community to carry out a common endeavor that allows a particular purpose to be accomplished and in the United States there are an amazing number of nonprofit organizations. They have increased 36 percent in the last three years, and approximately 49 percent of current non profits have received a 501(c)(3) tax exempt status from the Internal Revenue Service.

A desire to make self service gasoline legal across the nation gave Sid his start in nonprofit work in 1969. He founded the Western Self Service Gasoline Association, later to become the National Self Service Gasoline Association. Self serve gasoline was first allowed in Denver, Colorado. Retailers thought this was an idea that might catch on, so they hired Sid to help implement it in their business. The nonprofit organization he formed helped take the industry nationwide. Serving as the executive director, Sid went to the national fire protection association meeting and helped rewrite pamphlet 30 which governs dispensing of flammable liquids by retailers throughout the United States. When he started, five states allowed it and in two years, 43 states had adopted the practice brought forth by this business league.
After his work with the gasoline association, Sid worked with many different organizations. The groups represented many areas such as religion, education, and science in nature. Among others, Sid worked with the 4H Foundation, Conciliation Ministries - an alternative dispute resolution group, Friends in Transition, Coppa Food Ministries, KPOS Christian radio station, and Whiz Kids. Sid spent 25 years on the 4H Foundation board which helped send young people to college. Friends in Transition is a prison ministry that worked to help male convicts integrate back into society after their jail sentence was complete. Through the years, about 1,200 men have participated in the program which is still active in Colorado today. Whiz Kids fills a desperate need of the public schools. It is a program in which volunteers give one day a week to work with disadvantaged kids teaching computer skills and spending time with them.

Perhaps his most well known nonprofit organization is Promise Keepers; Sid was one of the founding 12 members in 1990. As an attorney, he was able to help draft the first articles of incorporation and advise the board of directors to help them get started. By 1997, they had an annual budget in excess of $107 million, so the Promise Keepers Foundation was formed as a support organization. Promise Keepers has an international scope and their programs have run across the entire United States but also in Australia, New Zealand, South Africa, Puerto Rico, Mexico, and the Philippines.

Other international adventures Sid has worked on are a Christian film producing organization as well as the Women’s Development Association. The film organization worked to film a movie in Venezuela. Sid, as corporate counsel, helped the organization consider the risks of working in a jurisdiction where they were not wanted, as well as working with insurance concerns and other risk factors.

The Women’s Development Association of Colorado has a visionary mission in Pakistan, and his wife Karen serves as the chair of this nonprofit organization now in its third year. Together they have worked to make a better life for Pakistani women.

“I haven’t learned Urdu myself but I’m sure I will in about 30 years,” Sid said about Karen’s work. “The women of Pakistan are living in a restricted society. The Women’s Development Association seeks to provide basic skills for the women, fund classes, and help them to become self sufficient. Women are taught marketable skills that they can use to gain monetary benefits. With 40 percent of the population living under the poverty rate, coupled with a very low literacy rate, there is a lot of work to be done in Pakistan. Karen has made it her mission to help women do productive work and to attend school and Sid supports her completely in her endeavors.

The legal profession provides many opportunities for attorneys to help others. Sid and Karen have committed to use their skills to help others through nonprofit work. Together their efforts have made a positive global impact and have brought them great joy and pride.

Their work with nonprofit organizations has become a family tradition. Their son Mark and his wife Lynn have followed in their footsteps and are currently working with a nonprofit organization in Africa.

Photo: Sid and his wife Karen lectured to UND law students about practicing law to aid nonprofit organizations and specifically about some of their current nonprofit endeavors.
As one of the few legal scholars in the country with a specific focus on energy issues, Professor Joshua Fershee, Assistant Professor of Law at the UND School of Law, knew North Dakota would be a good place for his research. He had no idea just how good it would be.

North Dakota has long been recognized as an energy-rich state, but with the wind energy boom, federal ethanol mandates, and new information about enormous potential oil reserves in the Bakken Formation, the state is at the forefront of virtually every sector of the energy industry. In addition, as home to the Sustainable Energy Research Initiative and Supporting Education, or SUNRISE, UND has proven an ideal place for his research.

Professor Fershee’s involvement with energy issues began, in Washington, D.C., when he joined the government regulatory practice at Hogan & Hartson, LLP, in the energy law group. There, he represented energy clients in matters before state and federal regulators, analyzed state and federal legislation, and advised clients on mergers and acquisitions, climate change issues, and renewable portfolio standards.

Professor Fershee’s teaching areas align closely with his practice experience. He teaches the Business Associations courses (Agency & Partnership and Corporations), Energy Law and Policy, and Labor and Employment Law.

In addition to his teaching, Professor Fershee remains active in his research areas, which have a similar focus on energy and business law. Last year, Professor Fershee presented his paper, Levels of Green: State and Regional Efforts, in Wyoming and Beyond, to Reduce Greenhouse Gas Emissions, at the Wyoming Law Review Symposium, Wyoming Energy Development: A Community and Regulatory Assessment. Professor Fershee was an invited presenter and shared the program with, among others, U.S. Senator Mike Enzi, late U.S. Senator Craig Thomas, and Rob Hurless, energy policy advisor to Wyoming Governor Dave Freudenthal.

More recently, Professor Fershee was invited to be the overview speaker and moderator for a panel at the Energy Bar Association’s Mid-Year Meeting in Washington, D.C. The panel—The Pros and Cons of a National Renewable Portfolio Standard—featured leaders in the electricity industry, including David Owens, Executive Vice President of the Edison Electric Institute; Greg Wetstone, Senior Director of Government and Public Affairs for the American Wind Energy Association; and Patricia Stanton, the Director of Renewable Energy Markets at Conservation Services Group (formerly Deputy Commissioner, Division of Energy Resources in Massachusetts).

Professor Fershee is in the process of updating and revising the North Dakota chapter of the American Bar Association book, State Antitrust Practice and Statutes. In addition, his abstract, Atomic Power, Fossil Fuels, and the Environment: Reconciling the Energy Policies of the Kennedy Years, was accepted for a panel presentation for John F. Kennedy: History, Memory, Legacy, an Interdisciplinary Conference at the University of North Dakota.

Additional research projects include a market manipulation project related to food and fuel markets and another considering the impact of current infrastructure on oil and gas policy. Finally, Professor Fershee is working on a business law project regarding governance issues related to nonprofit trade association boards of directors.

Pride in North Dakota, service to others, the ability to make a difference, and a strong faith are the pillars guiding second-year student Levi Andrist through both his legal education and his life.

Andrist grew up in Crosby, North Dakota the son of a newspaper publisher and a public health nurse, and had an upbringing where service was a core value in his life. He graduated from Concordia College in Moorhead, Minnesota with a major in music but was involved in a major service organization as well. At Concordia, he started a chapter of Bread for the World, which is a grassroots advocacy organization that encourages people to get involved in the political process to make a change for hunger and poverty.

"Bread for the World gave me some exposure to how public policy works and how things aren't the way they should be, and I learned in my undergraduate degree that we need to get people excited and engaged," said Andrist.

While the music degree is not a typical undergraduate degree choice for a future law student, Andrist finds many similarities between the two fields of study. He explained while rehearsing music, he would spend hours practicing the most detailed nuanced phrases in the numerous layers of music to get it exactly right and creativity in the performance of music is critical. Andrist said, “There are a lot of parallels - within the law we are already learning that nuance is an important quality and being creative and having creative arguments is important to address the problems people wouldn’t normally think about.”

This summer Andrist is doing an externship at the Federal District Court in Fargo, but for the previous four summers he has shown his great pride for North Dakota performing with his wife as a Burning Hills Singer in the Medora Musical. “We did 95 consecutive nights of performances without a day off; it was a chest pounder to have people from all over North Dakota come in and enjoy the show. His North Dakota pride extends to the law school. “As a North Dakotan the UND Law School is a breeding ground for North Dakota leadership so that is what drew me here,” said Andrist. “We have many alumni and leaders in the legal field who are glad to sit down with you and give back, and I don’t feel you can get that contact at any other law school in the country. Our exclusive access to the bar, the legislature, and the Supreme Court makes the School of Law and easy choice.”

Faith plays an important role in Andrist’s life and in the pursuit of a legal degree. He said, “We are created in the image of God, so that means everybody deserves respect, everybody deserves representation and everybody deserves a fair chance at getting protection from the laws - service driven advocacy is what motivates me.” He believes there is a heightened and special role that attorneys play in society. “It is a degree and responsibility that not many people have because attorneys have the means to influence people - their businesses, their families and their liberty,” said Andrist.

His first year of law school was interesting, fulfilling and challenging at times. He said, “I have really enjoyed my first year of law school, and I am thankful for my wife Bethany everyday because she keeps life and school in perspective.”

In the future, Andrist and his wife plan to live and raise a family in North Dakota. Andrist definitely wants to serve the people of this great state and to make a difference in the lives of others.

Photo: Andrist performed in the Medora Musical for four summers. His wife Bethany, in pink, was also a member of the cast. (photo by John Fosland)
The members of the UND Law Class of 1957 decided as part of their 50-year reunion to raise money for a class gift. Their gift funded a permanent display case in the School of Law.

A Direct Gift to the School of Law

The members of the 1957 law class decided to make a special gift to the UND School of Law in conjunction with their 50th reunion of their graduation from law school. Working in conjunction with Dean Paul LeBel, the class decided to designate the money they rose to build a permanent display case in the Law School. LeBel said, “We have a very productive faculty and a talented student body. The 50th reunion gift of the Class of 1957 allows visitors to the law school to see our accomplishments prominently displayed.”

Kirk Smith, member of the Class of 1957, said the collective thinking of the class was to do something a little unique and long lasting. “We wanted to support something that would be a permanent addition to the school, and would be something that was not funded through the usual appropriations,” said Smith. The case was dedicated to the members of the class and now allows the school to highlight the accomplishments of the faculty and students of the UND School of Law.

Golden Grads Share Fifty Years of Stories

The School of Law hosted the Class of 1957 for their 50-year reunion in October 2007 during Homecoming. Of the 23 members of the class, 13 were in attendance at the reunion. They gathered as a class for their 25th and 40th reunions, so this was their third formal gathering since graduation. “Everybody really enjoyed themselves at the reunion,” said Smith. “With the 50th, the time had passed some but the friendship, the warmth, and the great times were all still there.”

Jon Kerian Memorial Law School Endowment Established

Jon Kerian, a member of the Class of 1957, passed away in June 2008. Judge Kerian’s family has created an endowment for the benefit of the law school through the UND Foundation. The endowment will support one or more academic scholarships for qualified second- or third-year law students from the State of North Dakota. If you would like to make a contribution to the endowment in memory of Jon, please make checks payable to the UND Foundation and mail to 3100 University Avenue, Stop 8157, Grand Forks, ND 58202-8157. If you would like additional information, please call the Foundation at (701) 777-2611.

Photo: The Class of 1957, Back Row from left: Mark Purdy, Kenneth Gilchrist, Jon Kerian (d. 2008), Ken Erie, Fred Whisenand, Front from left: Robert McConn, Kirk Smith, Francis Breidenbach, Fabian Noack
Working Together
to Build the School of Law

Deferred Gift Annuities - Part Gift / Part Future Annuity

The Deferred Gift Annuity is an agreement that is actually part gift and part annuity. For example, a couple who are both age 50, own some stock with a current value of $100,000. They purchased the stock a number of years ago for $20,000, but it generates almost no income.

Several months ago they decided to examine their retirement planning. They began to explore options to convert this $100,000 block of stock into an income producing asset. Selling the stock was an option, but would trigger a tax liability.

The Deferred Gift Annuity Offered The Ideal Solution.

They transferred the stock to the UND Foundation, for the benefit of the School of Law, in exchange for a Deferred Gift Annuity agreement. The agreement calls for the UND Foundation to make annual income payments to the couple, beginning at retirement and continuing for life. Upon the death of both, the value of the annuity passes to the UND Foundation.

When the stock is transferred to the UND Foundation the couple received a charitable income tax deduction, and bypassed part of the tax due on the $80,000 capital gain. They deferred payments for 15 years, receiving an annual payment for life of $8,300, a portion of which is tax free. So, not only does the couple realize their goal of improving their retirement plan, they are able to realize a long-term philanthropic goal of supporting the School of Law as well.

To learn more about how a deferred gift annuity can work for you, contact the UND Foundation.

“This Deferred Gift Annuity offers unique benefits and is increasingly popular, in part, because it offers a way to maximize the return of highly appreciated, low-yield assets.”
Dr. Salaheddin Al-Bashir, currently Foreign Minister of the Kingdom of Jordan, was the featured speaker for the Oscar and Amelia Fode Memorial Law Lecture. The Fode Lecture is an annual lecture featuring an international legal expert.

Lucy Daglish, from the Reporters Committee for Freedom of the Press, visited the school to speak to the Constitutional Law class.

Justice Mary Maring and Justice Carol Kapsner of the North Dakota Supreme Court address the first-year class. The Court made a special three day visit to the law school this year lecturing in several classes, hearing four court cases and judging the finals of the moot court competition.

Peter Pantaleo, New York managing partner of DLA Piper, was the law school’s inaugural Distinguished Practitioner in Residence in April 2008. His keynote lecture used the Mitchell Report on steroids in baseball, a document he helped create, as a framework for discussion of developments in the practice of law.

United States Attorney for the District of North Dakota Drew Wrigley and Linda Walker, mother of Dru Sjodin, presented a lecture titled “In the Limelight or Lost in it? The Victim and the Victim’s Family During a High Profile Trial.”
6 Students eye potential auction items at the annual Law School Art Auction. The fund raiser helped support the Class of 2008 commencement activities and a class gift.

7 The law women’s team handily defeated the medical school team 34 - 6 to claim their first ever victory in the malpractice bowl. The men’s team lost for the first time in nine years 14 - 6 on an interception return for touchdown.

8 The Delta Theta Phi board, pictured here, organized a Law School Prom to celebrate the end of the school year.
1940s

Thomas J. Clifford & J. Gordon Kaldis, 1948
received special recognition for sixty years of service to the North Dakota Bar Association at their annual meeting in June.

1950s

Class of 1958
The members of the Class of 1958 celebrated 50 years since their law school graduation with a special reunion in Grand Forks this June.

Members of the class pictured above are (back row from left) Morris Tschider, Wally Hankla, Gerald VandeWalle, Garry Pearson, Wallace Brantseg, and Armond Erickson; (front row from left) Ralph Koenig, Mike Nilles, Arvid Malnaa, Phyllis Ratcliffe-Berg and Tom Gaughan. Also attending the reunion but not pictured are Larry Hatch and Robert Remark.

1960s

David L. Peterson, 1968
received the Distinguished Service Award, one of the top awards presented at the State Bar Association of North Dakota annual meeting in June in Grand Forks. This award honors the contributions David has made to the profession and to the public in the state of North Dakota.

1970s

Patricia R. Monson, 1979
has joined the Minneapolis Office of the law firm of Felhaber, Larson, Fenlon & Vogt, P.A. She was hired to expand the firm’s legal presence in the Fargo area. Monson practices primarily in the areas of employment law, health law, railroad defense and construction law. She has extensive trial experience in state and federal courts in both North Dakota and Minnesota, and has successfully handled appeals to the Supreme Courts in North Dakota and Minnesota and the Eighth Circuit Court of Appeals.

1990s

Tina M. Richards, 1998
Tina M. Richards, a Baker & Daniels LLP associate, was recently appointed to the executive committee of Child Advocates’ Indianapolis chapter. She has been a Child Advocates volunteer for more than five years and served as a member of the board of directors before being named secretary of the organization’s executive committee. Child Advocates is a not-for-profit organization whose volunteers represent the best interests of abused and neglected children in Indiana and throughout the United States. The organization has served more than 45,000 children across the U.S. since its inception in 1982. Richards is a member of Baker & Daniels’ construction, environmental law and real property litigation group. She focuses her practice in the areas of environmental cost recovery and insurance litigation, advising her clients on environmental compliance and regulatory issues.
Christopher R. Jones, 1999
was recently named to the Minnesota Law & Politics magazine 2008 Minnesota Rising Star® list. Jones works at the Eden Prairie law firm of Hellmuth & Johnson, PLLC. He concentrates his practice in the areas of real estate, commercial and construction litigation. He primarily represents contractors, subcontractors, suppliers and owners in mediations, arbitrations and district court actions regarding mechanic's liens, construction defect disputes and other business and commercial disputes.

2000s

Melissa J. Olson, 2000
is an attorney for the firm of Henson & Efron in Minneapolis, Minnesota. She was recently named to the Minnesota Law & Politics magazine 2008 Minnesota Rising Star® list. Olson represents individuals in all areas of family law, with an emphasis on cases involving significant assets or income. She also drafts premarital (prenuptial) and antenuptial agreements.

Kelly Crammer, 2005
Montgomery County Prosecutor Mathias H. Heck, J. recently announced the appointment of Kelly Crammer as an Assistant Prosecuting Attorney. Crammer, a Dayton, Ohio resident, is assigned to the Appellate Division of the Prosecutor’s Office. She currently lives in Kettering, Ohio with her fiancé, Michael Madzey.

Joe Vacek, 2006
recently returned to UND accepting a position as Assistant Professor in the Aviation Department. He is teaching three courses including Introduction to Aviation, Air Transportation and Aviation Law. In addition to teaching, he maintains his own law firm Joe Vacek, PLLC.

Joseph W. Riccio, 2007
is an attorney for the Willick Law Group, a Family Law firm in Las Vegas, Nevada. Willick was founded in 1985, and has dedicated itself exclusively to the field of Family Law for over two decades.

Crystal Patterson, Class of 2000
The Minneapolis/St. Paul Business Journal selected Fredrikson & Byron shareholder Crystal Patterson as a 2008 '40 Under Forty' honoree. Selection criteria included professional accomplishments, demonstrated leadership, and community contributions.

Crystal is a shareholder in Fredrikson & Byron's Litigation Group, where she represents individuals and companies in litigation involving complex business transactions. Her trusts and estates litigation practice focuses on representing individuals and companies in all types of disputes related to the management and disposition of assets through trusts, wills and other testamentary instruments, as well as establishing guardianships and conservatorships.

Early in her career, Crystal developed an expertise in disputes involving trusts, estates, and related matters. Seeing an increase in the amount of work in this area - associated with the transfer of wealth by the aging Baby Boomer generation - Crystal identified an opportunity to further expand her expertise and practice. While still an associate with the firm, she proposed the formation of a practice group that would blend the firm’s trial practice and estate planning expertise to meet the needs of those involved in such disputes. The firm agreed, and Crystal has served for the past two years as the chair of the firm’s Trusts and Estates Litigation Group, where today over 20 lawyers combine their knowledge and experience to deliver this unique counsel to clients.

Another key factor in Crystal's nomination was her passion for mentoring. To date, Crystal has formally mentored five law students through a University of St. Thomas program, one law student through the UND Law School program, as well as five Fredrikson & Byron associates through a firm program.
Inaugural Mart Vogel Lecture Held

James Moliterno, the Tazewell Taylor Professor of Law at William & Mary School of Law delivered the inaugural Mart Vogel Lecture on Professionalism and Legal Ethics in April. The title of his lecture was “Exporting American Legal Ethics.” In addition to teaching, Moliterno is the Director of the Legal Skills Program and Director of the Clinical Program at William & Mary. His areas of specialization include Professional Responsibility, Civil Procedure, Clinical Legal Education, Evidence, Legal Skills, Legal Writing, and the Practice of Law. The lecture was created in honor and memory of Mart Vogel and will be held each year. Pictured above is Moliterno with Mart’s wife Lois and his son Nicholas.

Intelligent Design On Trial Lecture Held

Attorney Stephen G. Harvey came to the Law School to discuss the landmark case of Kitzmiller v. Dover Area School District, 400 F.Supp.2d 707 (D. Penn. 2005), and the controversy of teaching intelligent design in public schools. The Dover Area School District required the teaching of intelligent design to ninth grade students. The court ordered the district to stop reasoning that the policy violated Establishment Clause of the First amendment to the United States Constitution. Harvey currently practices with Pepper Hamilton, LLP in Philadelphia.

Christopher Rausch Wins National Award

Christopher Rausch won a national award for the paper he had published in the The Gaming Law Review, the nation’s leading gambling law journal. Rausch, a Bismarck, N.D. native, was one of two national winners of the Shannon Bybee Scholarship for his paper that advocates for federal law reform to give teeth to the state’s duty to negotiate tribal-state gaming compacts in good faith. The award is sponsored by the International Association of Gaming Advisors. Rausch graduated in April and will work as the clerk for Chief Justice Gerald VandeWalle at the North Dakota Supreme Court.

PILSA Holds People’s Law School Sessions

The UND Law School’s Public Interest Law Students Association (PILSA) held two free sessions in March titled the People’s Law School. The program is designed to educate citizens about common legal issues and how the legal system affects individuals. Each evening featured two, one-hour sessions where members of the legal community addressed topics such as Family Law, Wills and Estates, Employee Rights, and Landlord Tenant Relationships. PILSA is committed to using the law to create social change and increasing access to justice for segments of the population that are underrepresented in the community.

Law Clinic Students Prepare Report

One of the recent projects designed and executed by students enrolled in the UND Law Clinic was the North Dakota Civil Legal Needs Assessment (“Legal Needs Assessment”). In conducting this research project, Law Clinic students aimed to explore the legal issues facing lower-income and under-represented residents of North Dakota. Particular emphasis was placed on identifying the types of legal needs that remain unmet. Law Clinic students gathered data from individuals across North Dakota in order to determine the extent and nature of legal rights that are not pursued because legal representation is unavailable. The Executive Report, prepared by former Law Clinic student Joy M. Bingham with the assistance of Professor Margaret Moore Jackson, details the results of study and the conclusions that were reached. The report is available at www.law.und.edu

Washburn Univ. Exchange Established

Professor Margaret Moore Jackson gave a guest lecture at Washburn University School of Law on April 24, 2008. She presented “Confronting ‘Unwelcomeness’ From the Outside: Using Case Theory to Tell the Stories of Sexually-Harassed Women,” based on her recently published article in the Cardozo Journal of Law and Gender. Her visit was the first to be made by a UND faculty member in the inaugural year of the faculty exchange program with Washburn.
Norwegian Judge Knut Petterson spent several days at the law school. His visit included a public lecture titled “Reflections from the bench. What does the world look like through the judges’ spectacles.” He was appointed judge in 1990, and has been a district judge in the Oslo, Norway district court since then. Increasingly he is focused on alternatives to the traditional legal processes in civil and criminal matters. He has had additional training in Alternative Dispute Resolution as well as Restorative Justice.

Students Do Summer Externships

Several UND Law students had the opportunity to participate in Federal Externships this summer. Michael Lockhart, Denitsa Mavrova, Stephanie Dassingger, and Rachel Sinnes worked with the Eighth Circuit Court of Appeals; at the U.S. District Court in Fargo were Ann Miller, Levi Andrist, and Tom Duppong; Rachel Brunner interned with the U.S. District Court in Bismarck; Patrick Hope with the U.S. Attorney in Bismarck; and Lori Conroy and Brad McCamy worked with the U.S. Attorney in Fargo.

First-Year Moot Court Festival

Each year the first-year students participate in a moot court competition to complete their Lawyering Skills class. This year’s champions are Sandra Voller from Grand Forks and Denitsa Mavrova from Bulgaria. The final round was judged by The Honorable Bruce Bohlman, The Honorable Alice Senechal, and Professor Kate Traylor Schaffzin.

Helen Hamilton Day Lecture

Marcia Hamilton, one of the country’s leading constitutional law scholars, gave the annual Helen Hamilton Day lecture on how the American legal and constitutional culture has placed women and children at risk. Hamilton is the Visiting Professor of Public Affairs and the Kathleen and Martin Crane Senior Research Fellow in the Program in Law and Public Affairs at Princeton University.

Law Students Recognized for Leadership

Students and faculty of the UND School of Law were recognized for outstanding leadership skills at the annual UND Memorial Union Leadership Awards Program in May. Third-year student Kara Johnson (above left), and second-year student Amy Oster (above right) were recognized as UND Outstanding Student Leaders. Only 70 of UND’s nearly 13,000 students received this recognition. Three of the Law School’s student organizations were also recognized for their work throughout the year. The Law Women’s Caucus received a citation for Outstanding Student Organization. The Public Interest Law Student Association (photo above) received the award for Excellence in Volunteering & Service Efforts in part because of their coordination of the Volunteer Income Tax Assistance preparation program. The Student Trial Lawyers Association (photo left) received the Excellence in Programming award for the comprehensive and impressive grouping of programs presented at the law school. In addition, Patti Alleva, Rodney & Betty Webb Professor of Law, received an Outstanding Student Organization Advisor Award for her work with the Law Women’s Caucus. The awards reflect the continued service of the UND School of Law community.

Toni Stanger Wins National Prize

Grijalva Publishes Book

Professor James Grijalva recently published a book called Closing The Circle: Environmental Justice in Indian Country. This book analyzes how an anomalous confluence of federal environmental, administrative and Indian law exacerbates environmental injustice in Indian country, but also offers its most promising solution. The modern environmental law paradigm of federal-state partnerships falters in Indian country where state regulatory jurisdiction is constrained by federal Indian law. A resulting void of effective environmental regulation threatens the cultural survival of American Indian tribes, who face air and water contamination from a legacy of federally encouraged natural resource development. A potential solution for closing the circle of national environmental protection accords sovereign tribal governments a state-like status. The book examines comprehensively the tribal treatment-as-a-state approach first developed by the U.S. Environmental Protection Agency (EPA) and later codified by Congress in amendments to most of the major environmental laws, as well as federal cases brought by states and non-Indians challenging the EPA’s and tribes’ authority to make binding value judgments about Indian country environmental protection.

Rand Testifies Before Congress

Associate Dean Kathryn R.L. Rand testified in front of the U.S. Senate Indian Affairs Committee during its Oversight Hearing on the National Indian Gaming Commission on April 17, 2008. As a leading national expert on Indian gaming law and policy, Rand discussed the challenges of effective federal regulation of tribal casinos. This was the second time Rand has been invited to testify before the Senate Indian Affairs Committee on Indian gaming.

Faculty Promotion and New Faculty Announced

Effective August 16, 2008, Associate Professor Bradley Myers has been granted tenure by the State Board of Higher Education and Assistant Professor Margaret Moore Jackson has been promoted to Associate Professor. In addition, the Law School welcomes four new tenure-track faculty appointments. William Johnson, a practicing attorney with Foley & Lardner in Milwaukee, will become Assistant Professor of Law. Visiting Assistant Professor Kendra Huard Fershee and Northern Plains Indian Law Center Fellow Keith Richotte will become Assistant Professors of Law, and Interim Director of the Law Library Rhonda Schwartz will become Assistant Professor of Law and Director of the Law Library.

Dauphinais Makes Two Presentations

In March, 2008, Professor Kirsten Dauphinais presented at the Global Legal Skills Conference III at the Facultad Libre de Derecho de Monterrey, Mexico. The topic of her presentation was “Toward a Legal Writing Pedagogy for East Africa: Building Lawyering Skills and Building Nations.” Also in March, she presented at the Society for American Law Teachers’ Conference for Teaching for Social Change held at the University of California at Berkeley School of Law, Boalt Hall. The topic of her presentation was “The Psychology of Teaching for Social Change.”

Traylor Schaffzin Poster Presentation

This past January, Assistant Professor Kate Traylor Schaffzin presented her research poster entitled “Clickers for Conversation” at the 2008 Association of American Law School’s Annual Meeting in New York City. The poster was displayed throughout the four day meeting of faculty from law schools across the country. The content of the poster focused on the use of interactive response pads, commonly referred to as “clickers,” to anonymously poll students on particularly sensitive subjects. Professor Traylor Schaffzin advocated that, by allowing students to voice their perspectives anonymously, law teachers can then encourage students to voice those opinions publicly in class. When students, through use of an anonymous poll, see that the views held by classmates are more varied than they originally believed, they may then be emboldened to share their personal views. Clickers can provide students with the affirmation they may desire before challenging the views of the more outspoken members of the class.
Tell Us Your Story. . .
Please send us any stories ideas, memories of law school or photos from the past to possibly be used in future publications.

Send your information via e-mail to:
alumni@law.und.edu

or mail to:
UND School of Law c/o Rob Carolin
215 Centennial Drive, Stop 9003
Grand Forks, ND 58202-9003

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The UND Law School and the University of Oslo exchange reaches 25-year anniversary.

The exchange program between the UND School of Law and the University of Oslo School of Law celebrated its 25-year anniversary this year. Pictured is the first group of 14 Norwegian students to attend classes at UND.

Counter-clockwise (from upper right) are: Harald Evensen, Hans Henrik Kvaerner, Rolf Stroem, Helle Sophie Einstabland, Niels Fr. Schioldager, Bente Kristiansen, Unni Lineikro, Soeren Kjendie, Odd Gleditsch, Tormod Melby, Sigrid Melsom, Helen Juell Eide, Stein Vale, and Carl Christiansen.

photo by: Bill Alkofer