Chief Justice
Gerald VandeWalle
Serving North Dakota for more than 50 years
North Dakota Law school is making significant advances on many fronts. Law student enrollment has grown 18% in the last two years, and our size is close to our realistic target of a student body of 245. We've shown even more remarkable growth in applications to our school. As law school applications nationally have declined, our applications rose 45% last year, and have doubled in the last two years. Those numbers are a reflection of the quality of the program we have at UND, and we are beginning to tell the story of that program more effectively.

- Last year, we completely revised the Law School Catalog, so that we now have an attractive and informative promotional piece for prospective students and other constituencies.
- Recognizing that the web is the source of a significant proportion of the information that all of us receive, we have begun a substantial upgrade of the law school's website, aiming for timely information presented in a user-friendly format.
- We have brought to campus legal professionals and academics from around the nation and the world, enriching the life of the law school and spreading the word about the vibrancy of our community.
- Our faculty's research is having an impact on our state and beyond, with their many books, articles, and presentations to academic and professional audiences serving as compelling evidence of the value that our school adds to the public.
- We have created the position of Director of Alumni & Public Relations so that our communications can be well coordinated and of professional quality.

This issue of our law alumni magazine is an important part of our effort to communicate more effectively. Law Matters, whose inaugural issue was published in early 2003, began the process of making periodic reports From The Dean to our alumni about developments at the law school and acknowledgements of the accomplishments of our graduates. The positive response to that magazine has been demonstrated in many ways, helping our readers to feel a sense of involvement in what the school has been doing.

North Dakota Law, our new alumni magazine, has a new name and a new look, and just as significantly, a new focus. It is designed to work together with electronic newsletters and announcements that we will develop, so that each medium can be more carefully crafted to accomplish distinct goals. Although there will be feature articles about the law school, North Dakota Law will be focused primarily on alumni. We will highlight accomplishments of our graduates and call attention to the many ways in which they support our school. We will also use the Fall/Winter issue to publish the list of our donors from the previous giving year. This issue thus includes information about contributions made to the law school between July 1, 2005 and June 30, 2006.

More timely news about events at the law school will be published on our website and sent electronically to those of you who wish to receive such messages. We will use this method of communication to let you know of upcoming programs and to report on the achievements of our faculty, students, and staff.

When the entire communications package is up and running, we should be able to stay in touch with you in a way that lets you be fully engaged with the law school. The test, of course, isn't what we want to say but what you want to hear, so I encourage you to keep in touch and let us know your reactions to what we're doing and your suggestions for how we could communicate more effectively.

Sincerely,

John Hoeven
Governor
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School of Law Administration
Paul LeBel
Dean
Kathryn Rand
Associate Dean
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Assistant Dean

Editor, Rob Carolin
Director of Alumni & Public Relations
Cover Photo by Chuck Kimmerle
University of North Dakota Photographer

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Gerald VandeWalle
N.D. Supreme Court Chief Justice

UND Lawyering Skills
Shaping North Dakota Business

Serving The Public
Shaping state and local government

Serving The Profession
Gateway to an Ethical Profession

Vol. 3, Issue 1, February 2009
Legal Education and Public Service:
Two Passions of
Chief Justice VandeWalle
Few individuals in North Dakota’s history have had as profound an impact on the state as Gerald W. VandeWalle, Chief Justice of the North Dakota Supreme Court. As stated by former Supreme Court Justice and federal appellate judge H. F. “Sparky” Gierke, “Given the quantity and quality of [his] fifty years of service to our state, a very strong case could be made that there is no one who has given more service to our state.”

**Celebrating a Prolific Man**

In proclaiming August 21, 2008, a day “to celebrate the prolific career and service of North Dakota Supreme Court Justice Gerald W. VandeWalle,” North Dakota Governor John Hoeven’s proclamation noted that 2008 “marks impressive milestones in the career of Chief Justice Gerald W. VandeWalle as he celebrates his 75th birthday, 50 years as a licensed attorney and 30 years of service on the North Dakota Supreme Court,” and issued a call encouraging the people of North Dakota “to recognize Justice VandeWalle for his distinguished career in service to the Courts and for the significant impact he has had on North Dakota law and the state’s legal system.”

Chief Justice VandeWalle is a distinguished member of the law school’s Class of 1958, graduating first in his class and serving as Editor-in-Chief of the NORTH DAKOTA LAW REVIEW. He has expressed his gratitude for the legal education he received at UND, saying “I would not be where I am today without it.” The character of the school added to the value of the education that he received. “You may not have some of the big course offerings other schools do, but you get that personal attention, and I think sometimes that makes or breaks a student.” The faculty “knew who you were, and it was a personal thing. You had pressure to behave and conduct yourself in a certain way.”

When asked to compare the law school as it was when he was a student with the school that he sees today, VandeWalle identifies both similarities and differences.
“There are similarities. UND Law School provided me with a basic, solid, good education for the time. The Law School today continues to provide that basic, solid, good education. But, it is superior to the one I received, particularly in clinical education, additional course offerings, law school programs and internships and externships. Legal education today is considerably more sophisticated than it was when I attended law school but UND has kept pace and now provides these additional educational experiences which were not part of law school when I attended.”

The North Dakota values that are emphasized in our law school – hard work, integrity, responsibility, professionalism – help to shape the practice of law in a positive way. “I believe the quality of the bar and the bench is good,” VandeWalle has said, “and that is due, in great part, to the UND Law School and its influence in the state.”

A Career of Service – to North Dakota and the Nation

Chief Justice VandeWalle is a native of Noonan, North Dakota. Prior to law school, he earned a bachelor’s degree from the UND business school. He attributes his interest in law and in public service to the faculty who taught him at UND. “I had never thought of being a lawyer until after I entered UND,” he said. “UND shaped my legal career. I became interested in the legal field as the result of business law classes taught by two wonderful teachers, graduates of the UND Law School. The then Dean of the Law School, Dean [Olaf. H.] Thormodsgard, convinced me to take a one-year appointment to the office of the North Dakota Attorney General when I graduated. I always had an interest in government, much to my father’s dismay, and my high school superintendent and UND political science teachers and law school professors honed that interest. I doubt I would have become a lawyer or entered public service without those teachers’ and professors’ ability to stimulate my interest.”

The one-year appointment encouraged by Dean Thormodsgard turned into twenty years in the Attorney General’s office, starting as a Special Assistant Attorney General to Attorney General Leslie R. Burgum in 1958, and rising to the position of First Assistant Attorney General for his last three years. At various times during VandeWalle’s service in the AG’s office, his responsibilities included the portfolios for education, oil and gas, and the state retirement system.

One of the Attorneys General with whom VandeWalle served was Allen I. Olson, who went on to serve as Governor of North Dakota from 1981 to 1984. Comparing the Jerry VandeWalle whom he knew as a student at UND in the 1950s to the person with whom he served in the Attorney General’s office beginning in 1973, Governor Olson stated, “My first impression then hasn’t changed much over the years. He remains a kind, a scholarly, a thoughtful man who cares first about family, friends and community and then about his state, nation and beyond. Defining these personal commitments has been his respect for the rule of law and its fair and reasonable application.”

VandeWalle’s thirty-one year judicial career began with his appointment by Governor Arthur A. Link to the North Dakota Supreme Court in August 1978. Less than three months later, he was elected to fill the remainder of that unexpired term. He has subsequently been re-elected to ten-year terms in 1984,
1994, and 2004. He has served as Chief Justice since 1993, being re-elected to that post three times following his initial election as Chief.

The recognition of Chief Justice VandeWalle’s leadership ability extends well beyond the borders of North Dakota. He has served as President of the Conference of Chief Justices and as Chair of the National Center for State Courts. In both of those organizations, he has been a strong advocate of ensuring the administration of justice through a healthy and independent judicial system.

He has also been actively engaged with legal education and entry into the legal profession, serving as Chair of the Council of the American Bar Association Section of Legal Education and Admissions to the Bar in 2001 and 2002. Erica Moeser, the Executive Director of the National Conference of Bar Examiners, describes his role on the Council as bringing “superb diplomatic skills to a fractious body at a very difficult time in its history. He was very effective in carrying out the mission. In all of his national activities he was and remains a great ambassador for North Dakota and he’s used his volunteer time and experience to bring home many ideas that have been useful to North Dakota.” His connection to contemporary legal education is strengthened by his continued service on ABA accreditation site visit teams. In spite of his busy schedule and the heavy demands of the site visit process, the Chief averages one accreditation visit to law schools every other year.

The Importance of the UND School of Law to North Dakota

As a nationally respected figure in educating and admitting lawyers to practice, Chief Justice VandeWalle is aware of the importance of legal education to the people of this state and convinced of the need for the quality of legal education at the UND School of Law to remain very high. He has noted on many occasions that most of the citizens of North Dakota are going to be served by lawyers who have been educated at UND.

Explaining why it matters that North Dakota continue to support a good law school in this state, VandeWalle has said, “Over ninety percent of the lawyers

Photo Above: Lecturing to first-year students, Chief Justice VandeWalle often brings his expertise to the law school classroom.

who actually reside in and practice law in North Dakota are graduates of the UND law school. They are the lawyers who handle the day-to-day human interest legal issues which confront our citizens and, while not ordinarily headline news, deeply affect the individual citizens and their families. Without a good law school in North Dakota I doubt we would have enough lawyers moving to the state or returning to the state after having attended law school out of state to provide those legal services. In addition, while graduates of other law schools who are practicing in the state are fine lawyers and add diversity to the bar, I believe the bar should have a substantial number of lawyers who have been educated in North Dakota, been a part of and readily understand the North Dakota ethos.

Chief Justice’s VandeWalle’s years of experience in legal education around the country gives him a keen insight into the characteristics of a high quality law school.

“Undoubtedly, in my experience,” he believes, “a solid, relatively stable but energetic faculty under an enlightened administration is the number one characteristic. The clinical education programs, other educational experiences and the involvement of the students and their interest in and the level of energy they bring to the law school is a close second and is nearly always tied to the quality of the faculty. Of course we look at bar passage rates and job placement statistics as well. But if a law school possesses the first characteristics, a good faculty and an energized student body, the bar passage rates and the job placement statistics naturally follow. An adequate physical facility and research capabilities are also significant characteristics.”

The road ahead for legal education is not without challenges, VandeWalle acknowledges. “The cost of legal education, global issues, including the global practice of law, keeping pace with developments in other professions and disciplines, and the way education, including legal education, is delivered are just a few of the challenges.” What will it take to meet those challenges? “Adequate financial and human resources and the will and ability of the administration and faculty to face and keep abreast of the changes which create the challenges.”

Looking at legal education today, nationally and at UND, he is enthusiastic and optimistic. “It is an exciting time!”
Our law school draws students and faculty from across the country and around the globe. Our graduates are well prepared to pursue careers in private practice, business, and public service from coast to coast. Along with this national reach is the firm recognition that we are North Dakota’s law school.

Nearly two-thirds of the Class of 2011 entered law school in August 2008 as North Dakota residents. More than one-half of our graduates remain in North Dakota for their first law-related employment. UND graduates constitute an overwhelming majority of the bench and the bar in this state, and occupy important positions in the private sector and in public service.

The legal education we provide at UND has an impact on not only the students who enroll, but also the literally hundreds of thousands of North Dakotans affected by the professional paths of our graduates in private practice, in government, in business – in short, in nearly every walk of life in the state.

Chief Justice VandeWalle’s half-century of public service to North Dakota is an extraordinary example of the impact of just one UND-educated attorney on the state. Many of our graduates make meaningful contributions to what Justice VandeWalle called “the think tank which drives our state, its economy and its enviable quality of life.”

The very real impact of our graduates on the future of North Dakota is a significant responsibility that UND School of Law faculty and staff take very seriously. The legal education our students receive must serve them throughout careers that span forty years or more, and prepare them to anticipate and meet the dynamic needs and challenges of an increasingly complex society. During their three years at the UND School of Law, we provide our students with a formative and foundational educational experience. We instill what Becky Thiem identified as “North Dakota values” of professionalism, ethical practice, and public service in our students, while teaching them to “think, challenge, speak, organize, and write” – skills that, as Lauris Molbert explained, are necessary tools for success in any professional path.

Our goal in educating the legal professionals who will continue to impact the future of North Dakota is this: we want to produce clear thinkers who can be professional and effective problem solvers in complex practice settings.

To meet that goal in a dynamic and changing society, the UND School of Law has to be dynamic as well. At UND, we give our students the tools to lead, not just keep up. Our faculty and staff have the same drive: we want North Dakota’s law school to be one of the premier small public law schools in the country, one that provides an outstanding legal education to its students and leads North Dakota’s legal professionals in positively impacting our state, its economy, and the quality of life for all its citizens.

A note about the joint authorship of the introduction to this issue of NORTH DAKOTA LAW: Since 2004, Paul LeBel has served as Dean of the School of Law and Kathryn Rand has served as Associate Dean for Academic Affairs & Research. UND President Robert Kelley has asked Dean LeBel to be the university’s Provost and Vice President for Academic Affairs on an interim basis. While Dean LeBel is in the university administration, Associate Dean Rand will be Dean of the School of Law on an acting basis.
The critical thinking and problem solving abilities that are developed during the three years of law school help to equip graduates of the UND School of Law for successful careers in the private sector. Across the state, law school alumni use their talent in important roles in business and industry.

Chief Justice Gerald W. VandeWalle has captured the significance of this segment of our alumni population. “Not all UND law graduates are in the active practice of law; many of them have established highly successful business in the state and are truly community and state leaders. They often are part of the think tank which drives our state, its economy and its enviable quality of life.”

Lauris Molbert graduated from law school in 1983 and practiced creditor rights law with the Conmy & Feste firm in Fargo. In that role, he worked on hundreds of troubled business loans in his short career. Molbert went into the business world as President of Varistar Corporation in 1995, and has been Executive Vice President and Chief Operating Officer of the highly diversified Otter Tail Corporation since 2002. The move from practice to the corporate world was, for Molbert, “a combination of luck, type of practice (high quality clients and exposure to quality legal issues), and the pursuit of a goal.” Lauris’s father, Ralph, had practiced law after graduating from UND in 1941, and ended up as a business person owning his own business. “I started the practice of law with this same goal. I never envisioned remaining a practicing lawyer for my entire career. So I guess my conversion to business was not accidental but purposeful. When I accepted an offer from one of my clients, it was a natural progression for me.”

Lisa Wheeler, President of The Title Company, the oldest and largest title company in the Fargo-Moorhead area, indicates that she took a less deliberate route into the world of business. “It was pure luck that landed me where I am. I never contemplated a business career. I took a job examining titles for The Title Company. When its previous owner decided to sell,” Wheeler says, “I bought it.”

A legal education is one of the factors Molbert cites as valuable to a business career. “First and most importantly, my legal education taught me to think, challenge, speak, organize, and write. Of these, perhaps the most important is the method of thinking – challenging the status quo and examining every nuance. Like law, the business world is very dynamic. Memorization skills are helpful, but more important are the skills you learn in law school to understand, impact, and participate in the always evolving conditions, whether this is a legal or business condition.”

Molbert has had an opportunity to participate in the economic development of our state and region as Chair
“UND Law Grads are often part of the think tank which drives our state, its economy and its enviable quality of life.”

of the Board of the Greater Fargo Moorhead Economic Development Corporation. “In that role, I have been exposed to many of the challenges and opportunities to economic development in North Dakota and northern Minnesota. One of the largest challenges is an adequate and educated workforce.” The law school can contribute to meeting that challenge, Molbert believes. “The law school offers an opportunity to keep and attract young minds to our region – so long as the law school provides a quality education at an affordable price. Also, there are emerging high growth technologies and businesses in our region, such as embedded software technologies, vaccine development, and renewable or less carbon intensive energy. It seems to me that there are unique legal issues/concerns that these new technologies exhibit or face. The law school could take a role in enhancing these industries by creating or assisting legal programs that address such issues or concerns. Lastly, I have noted that higher education has struggled with how to commercialize the many ideas that are developed in a way that provides the right reward and return to both the commercial sponsor and the higher education entity. I could envision a law school effort to help with the legal framework for this to work well.”

Molbert sees two types of contributions that a legal education makes to the business world. “First, there would be the tactical contribution, which assists me in spotting issues that may have legal implications and a comfort in dealing with lawyers and legal issues. Second, and more importantly, it helps me in the way I think and execute. My legal education helped with how I think, challenge, speak, organize, and write.

This is now a part of my fabric and helps me more effectively make, communicate, and act on business decisions.”

The law school can now contribute even more directly to the education of graduates for a career in business through a new J.D./M.B.A. joint degree program with the College of Business & Public Administration. Jordan Schuetzle, who received his law degree in 2008, is the first of our graduates to pursue his M.B.A. under this program, which permits students to obtain both degrees in four years. Following the first year of law school, joint degree students will be enrolled in courses in both schools, ensuring that they truly develop an interdisciplinary perspective in law and business.

“I was accepted into several well ranked schools,” said Schuetzle, “but after reviewing the educational and extracurricular opportunities available at UND, the access to professors and administration, the price point, and the program of study, the choice was easy: UND beat out all the other options.” For Schuetzle, the interrelations between law and business were made plain by the joint degree program. Schuetzle drew upon his M.B.A. courses to give practical context to what he was learning in his law courses, and vice versa. “The faculty at both schools went out of their way to try to enhance my education, pushing me to learn more, and occasionally calling on me as a resource for the class.”

While in law school, Schuetzle joined the Dakota Venture Group (DVG), the nation’s only entirely student-run angel investing fund. He soon was named Chair, and led the organization in developing a new, larger fund. Now, as an attorney with his own firm, Schuetzle continues to work with DVG as a legal counselor, drawing on his hands-on experience in private equity investing as a student. UND’s joint degree program prepared Schuetzle to serve business clients in his law practice. “I am able to understand their businesses, unique circumstances, and challenges, which allows me to provide ‘value added’ legal advice above and beyond what an attorney without an MBA education could. It is a skill both I and my clients have come to appreciate.”

WINTER 2009

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UND Law -
Serving the Public and Shaping State and Local Government

Graduates of the UND School of Law can be found at every level of state and local government in North Dakota. Like North Dakota, UND School of Law has a rich tradition of encouraging public service. The dedicated service of our alumni in the public sector is one of the most significant contributions that the law school makes to the well-being of our citizens.

“Lawyers are uniquely trained and qualified” to serve in every level of government, said North Dakota Attorney General Wayne Stenehjem, “and it is the duty of the legal profession to encourage involvement in elected positions.” As Justice VandeWalle noted, UND law graduates have held and continue to hold leadership positions in each of the state’s three branches of government.

The Judicial Branch

UND law graduates form the core of North Dakota’s justice system: 4 out of 5 North Dakota Supreme Court Justices are graduates of UND School of Law, as are 36 of the 42 district judges throughout the state.

Gail Hagerty, Chief Judge of the South Central Judicial District, became interested in public service while still in law school, and has pursued that interest throughout her career. “As a law student, I had the opportunity to intern in both the Grand Forks and Burleigh County State’s Attorneys offices. That experience allowed me to discover an interest in trial work and criminal law. I had an opportunity to work in Bismarck during a legislative session, and learned a great deal about the legislative process. Those experiences, coupled with my academic work at
Judge Hagerty is impressed with the quality of the lawyers she sees in state government and appearing before her court. “North Dakota is very well served by attorneys who work in the executive branch of government. Most of those attorneys were educated at the UND School of Law. They’re competent and have honed their skills with a legal education that suits them very well to practice in state government. I worked as an Assistant Attorney General after graduating from law school and was very impressed with the Attorney General’s staff.” The law school’s preparation of lawyers for private practice influences the judicial process as well. “Most of the attorneys practicing in this judicial district were educated at the UND School of Law. I’m impressed with their legal abilities and the practical skills they gained at the law school. The law school does a very good job of teaching research and writing skills . . . and that makes my job much easier.”

Judge Hagerty sees the connection between the law school and the multiple challenges facing the state. “A good judicial system is vital to a growing economy. That means we need to have a good pool of practicing attorneys and we, as a judicial system, have to be prepared to deal with a growing and challenging caseload. The law school provides the resources necessary to allow us to meet the demands we are facing.”

The Legislative Branch

Through the law school’s Legislative Internship Program, students spend the spring semester of each biennial legislative session of the North Dakota State Legislature in Bismarck, working as interns with the Legislative Council. Through working with various legislative committees on legislative issues, students have a chance to participate in one of the state’s most important governmental functions.

Stacey Dahl, a December 2008 graduate of the School of Law, participated in the State Legislature first-hand during law school – not as an intern, but as a State Representative. Dahl balanced the demands of being a law student with her strong commitment to serving the people of North Dakota through her term in the House of Representatives for District 42. Dahl first ran for the position during her final semester as an undergraduate student at UND. “I have always had a natural interest in civics and the political process,” stated Dahl, “so I jumped at the opportunity to run for an open seat.” Her active involvement in UND Student Government as well as the North Dakota Student Association made the transition from representing students to representing residents in the district an easy one. While she was serving her term as a State Representative, Dahl was accepted to the UND School of Law. She embraced the daunting challenge of undertaking the demands of law school while responsibly fulfilling her duties to her constituents. “Law school has been an invaluable asset in my role as a public servant,” said Dahl. “Professors and other law school activities continually challenge students to make arguments on both sides of an issue. The analytical, rigorous process I was challenged with in my classes has helped me to ask tough questions and think through the consequences of a piece of policy.”

In her last semester of law school, Dahl ran for re-election and won. “I chose UND because of its strong tradition of academic excellence,” she said. “While
here, I learned from professors with degrees from prestigious universities like Yale and Harvard. They encouraged me to develop my leadership skills by becoming involved with campus organizations. UND turns out the best and brightest leaders both regionally and nationally. It’s an exceptional school and I’m so proud to be a part of it.”

That sentiment is echoed by a more experienced legislator, U.S. Congressman Earl Pomeroy (D-ND), a 1979 graduate of the UND School of Law. “During my undergraduate years at the University of North Dakota, I developed a dream of attending the university’s law school,” related Rep. Pomeroy. “I remember to this day the excitement I felt as my law school years began and look back fondly on the wide range of experiences encountered during my years there.” Though more than 25 years have passed since his law school graduation, the friendships formed during law school have proved lasting. “I continue to cross paths often with those I met in law school and I enjoy our association now more than ever. The post-law school pursuits of our class have diverged significantly – from distinguished law practice to the judiciary to business to the priesthood and even Congress.”

The legal education Rep. Pomeroy received at UND also has stood the test of time. “I have a strong sense, however, that we all feel similarly about three things: law school was well worth it, we continue to use what we learned there every single day, and we are very proud to be alumni of the law school of the University of North Dakota.”

The Executive Branch

A dedicated and long-time public servant, Attorney General Wayne Stenehjem was born in Mohall, North Dakota, and graduated from UND School of Law in 1977. Like Dahl, Stenehjem took on the obligations of public office while still in law school. “The UND law school does an outstanding job of preparing and encouraging future lawyers for public service. In my own case, that meant extra attention to permit me, as a third-year law student, to run for and subsequently serve as a member of the state legislature.” Stenehjem believes that “no other law school in the country has seen as many of its current students and recent graduates enter public service in that way.”

After two terms in the North Dakota House of Representatives, Stenehjem served in the state Senate for twenty years, holding leadership positions throughout his tenure. In 2000, he was elected as the state’s 29th Attorney General, and has won re-election ever since. As Attorney General, Stenehjem has made drug enforcement a priority, including working to enact and enforce legislation to curb methamphetamine use and addiction. He also launched the state’s sex offender website, established the state’s “Do Not Call” list, and introduced an online program to help citizens report identity theft. His work on behalf of North Dakotans has earned him numerous honors, including induction into the Scandinavian American Hall of Fame in 2007.
Stenehjem is a strong supporter of the law school’s long-standing legislative internship program, which gives law students “a front row seat to the lawmaking process.” “Interns gain valuable experience,” explained Stenehjem, “but also provide critical assistance to the legislative committees that otherwise would have no law-trained staff on hand during the committee hearing process.” Many former legislative interns have gone on to serve in public office after graduation, including Stenehjem’s own Chief Deputy, Tom Trenbeath. Indeed, most of the lawyers who work in the state’s Attorney General office were educated at UND, as are many of the attorneys serving in other state agencies, from Insurance Commissioner Adam Hamm to Department of Corrections and Rehabilitation Director Leann Bertsch. “I am always impressed by the level of professionalism and dedication to public service that has been instilled in students who attained their law degree at UND and choose to use their talents in this important work,” said Stenehjem.

UND law graduate Ryan Bernstein serves as Chief Legal Counsel and Policy Advisor to Governor Hoeven, a role that requires both legal acumen and the ability to appreciate the varying needs and perspectives of North Dakotans. The critical thinking skills developed in law school have served Bernstein well in his current position. “Attorneys plan an important role in North Dakota’s developing and diversifying economy,” explained Bernstein. “In forming sound public policy that fosters economic development, well developed and thought-out laws are important to create a regulatory scheme that creates certainty and fairness while also encouraging incentives for growth and innovation.”

A native of Souris, North Dakota, Bernstein has served in an impressive array of roles in public service, including as an advisor to Governor Edward Schafer, as the student member on the North Dakota Board of Higher Education, and as a law clerk to both North Dakota Supreme Court Justice Dale V. Sandstrom and U.S. Magistrate Judge Charles Miller. Bernstein earned his place as one of the Bismarck Tribune’s “Young Guns” in state leadership in 2007.

Bernstein credits both North Dakota values and UND School of Law for the many contributions of UND-educated attorneys in state government. “I believe being raised and educated in North Dakota creates a strong devotion to the state and a desire to do what is best for the state and its future,” said Bernstein. “UND law school has been educating North Dakota’s citizens since 1899, and its commitment to North Dakota’s legal field is reflected in its professors and administrators.”

Bernstein, too, noted the strong influence of UND law graduates throughout state government. “UND’s legal education touches every branch of North Dakota’s government and heavily influences state government not only because of the number of UND attorneys serving in state government but because of their leadership in these roles.”
Maintaining a healthy profession places heavy demands on its members. When the profession is largely self-regulated, as is ours, meeting those demands can be a vital service both to lawyers and to the public they serve. The UND School of Law influences the regulation of the legal profession in North Dakota through the education that each student receives and in the leadership roles occupied by our graduates.

*Photo:* Rebecca Thiem, a 1980 UND School of Law graduate, is a member of the Board of Trustees of the National Conference of Bar Examiners.
Rebecca Thiem, a partner at Zuger, Kirmis, Smith in Bismarck, recently completed 18 years on the North Dakota Board of Law Examiners, with the last 13 as Chair. Reflecting on the role of the law school in preparing its graduates for the ethical practice of law, Thiem said, “What I think stands out about the UND School of Law are the special relationships I developed with the faculty and my fellow law students.”

The relatively small size of the UND School of Law and its personalized approach to legal education provide an important foundation for the ethical practice of law. Students are treated as individuals and important members of the law school community by faculty and staff, and are strongly encouraged to interact with their classmates as colleagues rather than competitors. “While the size of the law school is part of it,” said Thiem, “I think the faculty is the biggest factor.” UND faculty set the tone for a cooperative and supportive learning environment, in which one student’s success need not come at another’s expense. As Thiem explained, “The faculty are in Grand Forks, North Dakota because they like students and are focused on being good teachers. Their goal was to make us better people – not teach us to win at all costs – either in the academic arena or later in the practice of law.” This fundamental educational goal shapes how UND graduates practice law in North Dakota and elsewhere.

Thiem’s service on the North Dakota Board of Law Examiners has created opportunities for her to participate in bar admissions work on a national level. She is currently a member of the Board of Trustees of the National Conference of Bar Examiners, where she co-chairs the uniform bar committee and serves on the Multistate Bar Examination committee. Her national perspective heightens her appreciation of the North Dakota approach to legal education. A presentation at a national seminar reported that after a comparison of “law students’ ethical thinking processes at both the start and the end of their law school careers” revealed that “by the end of their law school career, the students’ ethical thought processes were less complex – and more unethical. Students were more apt to believe the end justified the means and/or to promote advocacy above everything.”

Thiem contrasts those findings with her own education. “I don’t believe this was true of my legal training at UND. I never heard any faculty urge winning at all costs. It’s not a cut-throat sort of place.” Professionalism was an important part of Thiem’s legal education. “I always felt there was an underpinning of right and wrong.” She attributes the emphasis on ethical behavior in part to the North Dakota character of the school. “It’s also where UND is situated. There is something to North Dakota nice and North Dakota values. People are generally not proud of doing something that is

“UND Law’s relationships with the bench and bar in this state are without equal anywhere else in the nation....”

William Neumann, Executive Director, SBAND

Photo: North Dakota Supreme Court Justice Mary Maring administers the Oath of Professionalism to the Class of 2011 at a special session during New Student Orientation.
perceived as crossing ethical boundaries. And I think that attitude permeated the law school.”

Seeing the three years of law school as the first three years of our students’ professional lives is a critical part of the legal education at UND. “UND Law’s relationships with the bench and bar in this state are without equal anywhere else in the nation; they are a model for other states to emulate and envy,” said Bill Neumann, executive director of the State Bar Association of North Dakota (SBAND). Neumann believes that today the school has even more impact on the bench and bar. “Now it’s also very much about what the law school is doing today, its CLE offerings, and its ongoing relationship with the organized bar. SBAND has a very close and cooperative relationship with UND Law, a relationship we value deeply and are very proud of,” said Neumann.

While the law school is training North Dakota’s lawyers, the school’s community of students, faculty, and staff provides services to the attorneys, judges, and citizens of the state, as well. For example, each year the Public Interest Law Student Association runs a free tax clinic to prepare tax returns for people qualifying under the Internal Revenue Service’s Volunteer Income Tax Assistance program. Students, through the Clinical Education Program, are also involved in representing individuals in North Dakota who are unable to afford legal services.

This year, the law school emphasized the necessity of ethical practice and the special obligations of attorneys to serve their communities on the first day of its orientation program for new students. Led by North Dakota Supreme Court Justice Mary Muehlen Maring, each first-year student recited a short oath of professionalism to underscore the fact that the students’ professional careers start on the first day of law school.

Rebecca Thiem articulated the goal of the law school in instilling a sense of professionalism in our graduates: “As long as the law school keeps impressing on its students that being a lawyer is more than a job – it is a profession – and by example demonstrates that giving back with your time and talents is what makes this an honorable profession, its students will reap the enjoyment that comes from volunteering for the good of our profession.”
Faculty Scholarship: Enhancing Education for Future Generations

The members of the UND School of Law faculty fulfill the obligations of the legal and academic professions in numerous and diverse ways, through their teaching, scholarship, and professional service. This expertise adds to the educational experience and creates opportunities for our students in many areas. In the past few years, School of Law faculty have:

- won awards for excellence in teaching, professional and public service, scholarship, and student advising
- designed new courses in the areas of professionalism, energy law, intellectual property, human rights, entertainment law, oil and gas, and employment law
- presented their scholarship locally, regionally, nationally, and internationally,
- published five books and a half-dozen book chapters
- written dozens of articles on topics such as intellectual property, attorney ethics, environmental justice, low-income housing, eyewitness identification, national energy policy, sexual harassment claims, legal education, the laws of inheritance, tribal legal systems, professionalism in legal practice, researching North Dakota law, and gambling law and policy
- have had their scholarship cited by state and federal courts, referenced in law review and journal articles, and excerpted in leading casebooks
- received external grants and fellowships, including a Fulbright Scholar award
- testified before the U.S. Senate Indian Affairs Committee
- coached moot court and trial teams in regional and national competitions
- assisted students in forming new student organizations and enhancing existing ones
- presented continuing legal education seminars in Grand Forks, Fargo, and Bismarck for SBAND and local bar associations, as well as nationally and internationally
- helped to found the Randy H. Lee Chapter of American Inns of Court
- served as facilitators for state and tribal officials, and provided training for federal judges, state and tribal regulators, and the community
- served on boards for local non-profit organizations and provided pro bono consulting services
- held offices in local, regional, national, and international professional organizations, including the American Law Institute, the American Bar Association, the Association of American Law Schools, the Association of College and Research Libraries, the Uniform Law Commission, the State Bar Association of North Dakota, the Clinical Legal Education Association, the Legal Writing Institute, the International Masters of Gaming Law, the Association of Legal Writing Directors, the Energy Bar Association, the U.S. Supreme Court Historical Society, and the Rocky Mountain Mineral Law Foundation
- provided commentary for local, national, and international media, from WDAZ News in Grand Forks to the New York Times to the Sydney (Australia) Morning Herald
Kirsten Dauphinais


Valuing and Nurturing Multiple Intelligences: A Paradigm Shift, 11 WASHINGTON & LEE RACE & ETHNIC ANCESTRY LAW JOURNAL 1 (2005)

Gregory S. Gordon


Patti Alleva

Professor Patti Alleva, the Rodney & Betty Webb Professor of Law, practiced law in New York City before coming to UND in 1987. She teaches civil procedure, federal courts, and advanced civil litigation, as well as Professional Visions: Law, Literature, and the Role of Lawyers in the Social Order, a course she designed under the auspices of a Bush Teaching Scholarship. This innovative course uses novels, short stories, and films to explore the special role of lawyers and law in society and the dilemmas that lawyers face in developing their professional identities and exercising their professional judgment. Professor Alleva is an award-winning teacher, twice honored with the University’s Lydia and Arthur Saiki Prize for Excellence in Graduate/Professional Teaching.

Professor Alleva’s recent work focuses on examining judicial decisionmaking, as well as on the pedagogy of professionalism.

Bradley Myers


She has used her work to develop training for federal judges, and, with Chief Magistrate Judge Karen Klein, led two presentations at the Federal Judicial Center National Workshops for U.S. Magistrate Judges. She also recently presented her work on law teaching, in collaboration with Professor Margaret Moore Jackson, at the University of Washington School of Law’s ground-breaking conference, Legal Education at the Crossroads — Ideas to Accomplishments: Sharing New Ideas for an Integrated Curriculum. The conference explored ideas and innovations being put into place at law schools around the country to make graduates more “client-ready” without sacrificing their conceptual grounding in legal theory. Professors Alleva and Jackson’s conference segment, titled, “Implementing Carnegie and Best Practices at Smaller State Schools: Preliminary Ideas for Integrated Learning opportunities and Extended Lessons in Professionalism,” offered ideas about how a law school might introduce incremental, but significant, changes to the traditional educational experience.

The Low-Income Housing Tax Credit: A Proposal to Address IRS Concerns Regarding Non-Profit/ For-Profit Partnerships, 60 TAX LAWYER 415 (2007)

Kathryn R.L. Rand
INDIAN GAMING LAW: CASES AND MATERIALS (Durham, NC: Carolina Academic Press, 2008) (with Steven Light)

Statement Before the United States Senate Committee on Indian Affairs, Oversight Hearing Before the Committee on Indian Affairs on the National Indian Gaming Commission, U.S. Senate, 110th Cong., 2nd Sess., (Apr. 17, 2008)

“Moral Policymaking and Indian Gaming: Negotiating a Different Terrain,” presented at the Boisi Center for Religion and American Public Life Symposium on Gambling and the American Moral Landscape at Boston College in Boston, MA (2007) (with Steven Light)

Caught in the Middle: How State Politics, State Law and State Courts Constrain Tribal Influence Over Indian Gaming, 90 MARQUETTE LAW REVIEW 971 (2007)


Joshua Fershee
A new member of the School of Law faculty, Professor Joshua Fershee began his legal career with Davis Polk & Wardwell in New York City, where he represented clients in corporate and litigation matters including mergers and acquisitions, derivatives transactions, and securities regulation. He then joined the energy practice group at Hogan & Hartson in Washington, D.C., where 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 has been called a “rising star among legal academics who study energy policy,” and has the expertise and scholarship to prove it. His most recent article, “Changing Resources, Changing Market: The Impact of a National Renewable Portfolio Standard on the U.S. Energy Industry,” is featured in the current issue of the Energy Law Journal, the preeminent journal on energy law, and will be excerpted in a forthcoming casebook, Climate Change and the Law. Professor Fershee also has published articles on energy law and policy in the Harvard Journal on Legislation and the Wyoming Law Review. This year, he has been invited to present at Lewis and Clark Law School on a legal framework for achieving carbon neutrality and at Cumberland Law School on energy and transportation. He also is working on research related to fuel source changes and federal energy policy.

Professor Fershee serves on the ABA’s Section of Environment, Energy, and Resources, as well as the Energy Bar Association and the Rocky Mountain Mineral Law Foundation. At the School of Law, Professor Fershee teaches Energy Law and Policy, as well as Labor and Employment Relations and Business Associations I & II.

James Grijalva
U.S. Fulbright Scholar, Research Chair in Aboriginal Legal and Resource Rights at the University of Alberta (Spring 2009)


The Origin of EPA’s Indian Program, 15 KANSAS JOURNAL OF LAW AND PUBLIC POLICY 191 (2006)
Margaret Moore Jackson

After eleven years of practicing law in Grand Forks and northern California, Professor Margaret Moore Jackson joined the UND School of Law faculty in 2003 to teach in the Clinical Education Program.

In the Clinical Legal Education Program, students study law and lawyering in the context of real litigation, gaining critical skills in communication, problem-solving, strategy, and persuasion that prepare them to address the multidimensional needs of clients. Law students represent plaintiffs in a wide variety of federal and state court cases and administrative proceedings. Taking students from theory to real-life representation of clients requires and intensive learning experience. Live client representation is combined with classroom seminars, in-class case rounds and presentations, weekly case team meetings, and group and individual simulations, which prepare Clinic students to engage in the substantive and procedural aspects of litigation practice.

Working under the supervision of Clinic faculty, students maintain responsibility for all aspects of the cases and matters to which they are assigned, from initial client screening through to final case resolution. Students gain valuable, hands-on experience in navigating the professional and practical aspects of litigation.

Professor Jackson’s work in the Clinic dovetails with her expertise in the area of employment discrimination. She has published articles on sexual harassment law in the Cardozo Journal of Law and Gender, the William Mitchell Law Review, and the North Dakota Law Review. A member of the national Board of Directors of the Clinical Legal Education Association (CLEA) as well as CLEA’s Implementation Committee for Best Practices for Legal Education, she also writes and lectures on clinical teaching and legal education. In 2007, she helped found the Randy H. Lee Chapter of the American Inns of Court and also was honored with a Community Service Award from the State Bar Association of North Dakota.

Rhonda Schwartz


Powers Reserved to the People: A Guide to Researching Initiatives and Referendums in North Dakota, 26 LEGAL REFERENCE SERVICES QUARTERLY (2007), and in

Eric E. Johnson


Rethinking Sharing Licenses for Entertainment Media, CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL (forthcoming 2008)


William P. Johnson

Katharine Traylor Schaffzin


Kendra Fershee
“History of the Legal Writing Institute,” presented at the Legal Writing Institute Biennial Conference in Indianapolis, IN (2008) (with Kirsten Dauphinais)

“Hey, Here’s My Memo :) Writing E-mail Professionally in Legal Practice,” presented at the Rocky Mountain Legal Writing Conference at the University of Utah in Salt Lake City, UT (2008)

Keith Richotte
One of the School of Law’s newest Assistant Professors, Keith Richotte, Jr. hails from Grand Forks and is an enrolled member of the Turtle Mountain Band of Chippewa Indians. Professor Richotte received his J.D. from the University of Minnesota in 2004, his LL.M. from the University of Arizona in 2007, and will complete his Ph.D. this year in the American Studies program from the University of Minnesota. His dissertation, “‘We the Indians of the Turtle Mountain Reservation’: Rethinking Constitutionalism in Native America,” questions the conventional account of tribal constitutions as stemming from 1930s-era model constitution under the federal Indian Reorganization Act (IRA). Professor Richotte’s interdisciplinary research on the constitutional history of the Turtle Mountain Band of Chippewa Indians reveals that the tribe engaged in a long history of tribal constitutionalism prior to the IRA and the tribal citizenry were active participants in determining the fate of their government. He contends that examining tribal constitutionalism can lead to greater understanding of federal and state constitution-making in the U.S., as well as international constitutions.

Professor Richotte has presented his research on tribal constitutionalism at the University of North Dakota, the University of Minnesota, the University of Georgia, the University of Iowa, Indiana University, and at the annual meeting of the American Society for Ethnohistory in Oklahoma. He also has published in the area of tribal justice systems. At the School of Law, Professor Richotte teaches Federal Indian Law, American Indians and American Law, and Jurisprudence.

Though increasingly recognized for his expertise in tribal law, Professor Richotte may be most notorious for his book, My Least Favorite Team is My Favorite Team: My Love/Hate Relationship with the Vikings. As he tells it, “I wrote this book about the Minnesota Vikings because I realized that I had a problem. I had to admit to myself that I was addicted to the Minnesota Vikings.” Professor Richotte still watches the Vikings every fall Sunday with the hope that this could be the year.

Paul A. LeBel

Size Matters, 38 UNIVERSITY OF TOLEDO LAW REVIEW 557 (2007) (Symposium: Leadership in Legal Education)

Tribute to a Consummate Professional, 81 NORTH DAKOTA LAW REVIEW 429 (2005)
1 The Jack Marcil scholarship is one of several supported by generous donations from alumni and friends. Jack is pictured with scholarship recipient Aubrey Fiebelkorn-Zuger.

2 Annual support has led to the creation of a series of “distinguished” programs to bring the nation’s top judges, attorneys and scholars for an extended visit to share their expertise with the law school community.

3 Annual giving support has allowed our students to become more active in regional and national moot court and trial team competitions. Last year, our trial team competed at the national competition in Austin, Texas.

4 Each year, special dedicated lectures such as the Mart Vogel Lecture on Professionalism and the Oscar and Amelia Fode Memorial Law Lecture bring national and international law experts to the school. James Moliterno was the inaugural Vogel lecture speaker. Members of the Vogel family are pictured in the foreground.

5 The Molbert Room, created with a generous gift from the family of Ralph Molbert, ’41, is a state-of-the-art classroom equipped with hi-tech instructional technology and provides a more conducive learning environment for our students. Other groups, including the Judicial Institute for North Dakota judges, (pictured here) have enjoyed the benefits of holding their sessions in the Molbert Room.
Our alumni and friends give back in many ways, including giving of their time and talent. The mentorship program brings our students together with current attorneys in formal and informal settings.

Judge Jim Carrigan, through an endowment he established, sponsors an annual in-house trial advocacy competition. He is directly involved in the competition by returning to campus to judge the final argument.

Each year gifts to the law library help enhance the resources available to students. Jim and Jean O’Grady recently created a special collection of Tort law publications in honor of Jim’s parents Lowell and Virginia.
The life of our law school is dramatically enhanced by the generous support of our alumni and friends. Every gift, no matter the size, makes a big difference in our ability to provide a rewarding educational experience for our students. The following is a list of people who have made a gift to the UND School of Law between July 1, 2006 through December 31, 2008. Our sincere thanks to all for your support - you have made a difference!

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1960s

**Martin J. Wall, 1967**

is the senior and a founding partner in the 14 attorney firm of Wall McCormick & Baroldi, APC in Santa Ana, California. He is a certified specialist in California workers’ compensation and has specialized in the representation of employers and their insurance carriers in workers’ compensation-related matters, including subrogation matters in state and federal courts. His firm represents various public and private businesses, including the County of Orange, Disney WorldWide, the NFL and various cities and insurance carriers.

1970s

**David Maring, 1974**

was presented the Heritage Award for Alumni Service that “recognizes an individual who has demonstrated outstanding support of time and talent to NDSU projects or activities.” Maring has been an active member of the NDSU community and served on the Alumni Association’s Board of Directors from 1993-2003. He served as President from 1999-2001 and Chair of the Board from 2001-2003.

**John A. Herrick, 1975**

joined the Denver office of Brownstein Hyatt Farber Schreck as Senior Counsel and a member of the Natural Resources Group. He is working to further develop the sustainability and clean technology practice area for the firm.

1990s

**Alex Reichert, 1996**

was named by Prairie Business magazine as one of the top 40 under 40 providing leadership on the plains. A few years after graduation, Alex launched his own law firm with locations in Grand Forks and Dickinson, North Dakota, and has argued a case before the U.S. Supreme Court. He is treasurer of the North Dakota Museum of Art and a founder of the Friends of Downtown in Grand Forks.

**Nicole Fredricks-Jackson, 1997**

recently joined the University of St. Thomas School of Law as the Director of Alumni Relations. Prior to joining the law school, she worked as an Assistant County Attorney for Morrison County and Dakota County in Minnesota.

**Cynthia Rothe-Seeger, 1975**

recently retired as judge of the East Central Judicial District. She was the first woman to become a district judge in North Dakota.

**Wickham “Wick” Corwin, 1976**

was formally installed as a judge of the East Central Judicial District on January 9, 2009, in Fargo, North Dakota. Presiding Judge Georgia Dawson gave Judge Corwin the oath. Corwin was an attorney at Commy Feste Ltd. in Fargo from 1976-2008.

**Dave F. Senger, 1979**

was selected as a “2009 FIVE STAR Best in Client Satisfaction Wealth Manager.” The award is limited to less than 7% of all wealth managers within the Twin Cities area. Wealth managers are rated by their clients and other financial service professionals on service, integrity, knowledge, communications, value for fees charged, meeting financial objectives, and overall client satisfaction. Dave practices in Moss & Barnett’s business law and wealth preservation and estate planning practice areas, specializing in business succession planning, complex estate and tax planning techniques, and privately owned businesses. “This is a well deserved honor,” says CEO Tom Shroyer, “for we all know that Dave provides world class client service and always delivers the highest quality, value added work product and advice.”
Kathie (Garner) Wood, 1997
became the Administrative Director of the Connecticut Bar Examining Committee in April, 2008. She replaces an individual who retired after 30 years in the position.

Trent Mahler, 1999
announced he has opened Mahler Law Office in Rutland, North Dakota.

2000s

Ryan Bernstein, 2004
was presented the Horizon Award that “honors an individual who has achieved outstanding career accomplishments within ten years of graduation from NDSU.” Bernstein is Legal Counsel and Senior Policy Advisor to North Dakota Governor John Hoeven. After law school, Bernstein served as law clerk to North Dakota Supreme Court Justice Dale V. Sandstrom, and U.S. Magistrate Judge Charles Miller. Prior to law school, Bernstein served as the student member on the North Dakota Board of Higher Education, and as an advisor to Governor Edward Schafer.

Zachary Pelham, 2004
was named by Prairie Business magazine as one of the top 40 under 40 providing leadership on the plains. Zach is an attorney at Pearce & Durick in Bismarck, North Dakota. He is a member of the Bismarck/Mandan Chamber of Commerce and Young Professional Network, is a Rotary Club member and is part of a committee that conducts service projects in Ecuador.

Alexandria K.F. Doolittle, 2004
is serving as the Director of the Social Security Advocacy Program at the Seattle Community Law Center, and is providing pro bono legal services to Futurewise, formerly 1,000 Friends of Washington.

Melissa H. Berkland, 2005
joined the Milwaukee, Wisconsin firm of Michael Best & Friedrich LLP as a member of the Litigation Practice Group.

Jim Watts, 2006
began working for Enbridge (U.S.) Inc. in Superior, Wisconsin as an Attorney in the Major Projects Unit.

Law Alumni Giving Time And Talent for Legislative Internship Class

Eleven second- and third-year UND Law students are in Bismarck, North Dakota working a legislative internship. This year, an addition to the internship is a seminar style class focused on a wide variety of topics related to the session. Several law school alumni and friends have made a special commitment to make sure the class is a success. They are:

John Bjornson, 1988
Jodi Bjornson, 1996
Justice Daniel Crothers, 1982
Judge Gail Hagerty, 1978
Justice Carol Kapsner
Mary Kae Kelsch, 1996
Justice Mary Maring, 1975
Jack McDonald, 1970
Penny Miller, 1985
Sherry Mills Moore, 1979
Vonette Richter, 1993
Justice Dale Sandstrom, 1975
Sandi Tabor, 1981
Anita Thomas
Chief Justice Gerald VandeWalle, 1958

Assistant Dean Jeanne McLean said, “I want to say a special thank you to all who have helped make this class a success. We couldn’t do it without the generous help of our alumni and friends.”

Topics covered in class include the Supreme Court’s role during the legislative session, joint branch projects and how to do legal research on the Supreme Court website. They learn about ethics and technology, lobbying, open meetings and records and workplace safety. The students also cover areas such as family law legislation, uniform laws, appellate practice and science and the law.
Looking Back

Remembering professor Randy Lee and his connection to law in North Dakota.

–Earl Warren

Professor Randy Lee passed away on March 3, 2005, at the age of 61. In thirty years on the law faculty, he taught a significant percentage of the law alumni and remained a trusted advisor throughout their careers. His service to the state earned him the Distinguished Service Award from the North Dakota State Bar Association in 1999. With an outpouring of support, law school alumni and friends helped establish an endowment that provides generous scholarships for our students and for Professor Lee’s legacy to continue on at the school. Annually, Randy’s wife Paula (pictured above) makes the scholarship presentation.