



January 2005 – May 2005
Volume 2 Issue 3

Published by the UT Law Communications Office,
Jodi Bart, Laura Castro, and Allegra Young, editors

Editors Note: Volume 2 Issues 2 and 3 will list professors' activities in alphabetical order. The first two issues reported professors' activities in reverse alphabetical order.

Alexandra Albright

Albright testified at the House State Affairs Committee and the House Public Health Committee as a resource witness concerning bills that sought to require counties to report statistics concerning judicial proceedings filed by minors seeking abortions without parental notification or consent.

David Anderson

Testified March 30 before the state Senate Jurisprudence Committee in favor of legislation to protect confidentiality of journalist's sources.

Mark L. Ascher

Ascher attended the fall meeting of the American College of Trust and Estate Counsel in Pittsburgh.

Lynn Baker

Baker spoke on a panel, "When Can Mass Torts Have Mass Settlements?," at the 7th Annual Conference on "The Golden State of ADR," held by the ABA Section of Dispute Resolution in Los Angeles on April 14.

Baker presented a paper titled "Federalism and the Spending Power from *Dole* to *Birmingham Board of Education*," at a conference on "The Rehnquist Legacy," held at the Indiana University Law School in Bloomington on April 1-2. The conference proceedings will appear in a book, *The Rehnquist Legacy* (C. Bradley, ed.) to be published by Cambridge University Press in 2006.

Bernard S. Black

Presentation of *Ranking Law Schools: Using SSRN to Measure Scholarly Performances*, in Symposium, *The Next Generation of Law School Rankings* (Apr. 15, 2005).

Commentator on John Coffee, *Gatekeepers: The Role (and Reform) of the Professions in Corporate Governance*, Columbia Law School, First Annual Deals Roundtable: Gatekeepers and Corporate Governance (Apr. 1, 2005).

Presentation of *Stability, Not Crisis: Medical Malpractice Claim Outcomes In Texas, 1988-2002*, AEI Health Policy Forum, Is There a Crisis in Medical Malpractice? New Evidence from Texas (March 31, 2005).

Bernard Black, Charles Silver, David Hyman & William Sage, *False Diagnosis*, **New York Times**, March 10, 2005 (editorial based on *Stability, Not Crisis: Medical Malpractice Claim Outcomes In Texas, 1988-2002*), expanded version published as *Hunting Down the Facts on Medical Malpractice*, **Austin American Statesman**, March 14, 2005.

Bernard Black, Brian Cheffins & Michael Klausner, *Why Directors Damages May Harm Investors*, **Financial Times**, Jan. 20, 2005, at 19, and **Financial Post (Canada)**, Jan. 21, 2005, at xx (editorial based on our work on outside director liability).

Commentator on Eric Talley & Gudrun Johnsen, *Corporate Governance, Executive Compensation, and Securities Litigation*, First Annual NYU/Penn Conference on Law and Finance (Feb. 2005).

Interview, *Corporate Governance Ups Co Value*, **Economic Times** (business section of **India Times**), Jan. 27, 2005, at <http://economictimes.indiatimes.com/articleshow/1001951.cms>.

Presentation of *Does Corporate Governance Affect Firms' Market Values? Evidence from Korea*, Roundtable on Financing of Early Stage and Emerging Growth Companies, Foreign Investment Capital and the Indian Venture Capital Markets (Bangalore, India, Jan. 2005).

Presentation of *Predicting Firms' Corporate Governance Choices: Evidence from Korea*, Seminar on Venture Capital and Corporate Governance - India and the USA (Hyderabad, India, Jan. 2005)[BSB:], American Law and Economics Association (New York City, May 2005).

Oren Bracha

April 28: Presented a paper entitled "Original Authorship Revisited" at USC Center for Law, History and Culture, Symposium on The Law, History and Culture of Intellectual Property.

May 10: Gave a colloquium presentation about the History of Anglo-American Intellectual Property Law at the Harvard Law School Graduate Program.

Bree Buchanan

On Feb. 24, Buchanan provided invited testimony to the House Human Services Committee on the role and duties of attorneys ad litem in child abuse and neglect cases.

On April 8, the Austin Bar Association presented her with the Regina Rogoff Award for public interest service.

She attended the State Bar of Texas' Minority Leadership Summit on May 17.

Sarah Buel

Jan. 12, Harvard Medical School Symposium on Domestic Violence for all faculty (2 hours), Sole Presenter: *The Pedagogy of Effective Interventions with Domestic Violence Patients*; then presentation to all first year medical students (2 hours), *Ethical Interventions and Liability Implications for Physicians Handling Domestic Violence Cases* (Boston, MA).

Feb. 2, Keynote, New Mexico Legislature Family Violence Briefing: on Feb. 2nd: *The Impact of Domestic Violence on Children: Codifying Protection and Intervention*, on Feb. 3rd: *Improving Prosecution Dismissal Rates for Domestic Violence Cases: A Blueprint for Action* (Santa Fe, NM).

Feb. 11, Keynote, Brown Symposium at Southwestern University: *A Vision of Victory Over Violence: Family Peace and Social Justice Realized* (Georgetown, TX).

Mar. 3, Keynote, Second Step Domestic Violence Seminar: *The Tyranny of Crisis: Rethinking Emergency and Long-Term Interventions With Battered Women* (Boston, MA).

Mar. 4, Keynote, Massachusetts Domestic Violence Conference: *Trends, Challenges & Promising Practices in Domestic Violence Law* (Hyannis, MA).

Mar. 12, Panel Presentation for Law, Culture & Humanities Conference: *The Pedagogy of Activist Lawyering* (Austin, TX).

Mar. 25, Keynote, Washington's Justice and Hope Domestic Violence Conference: *Collaborative Models in Domestic Violence Intervention: The Challenges of Law, Politics and Power* (Longview, WA).

Mar. 31, Keynote, Texas Bar Association Poverty Law Conference: *Advanced Safety Planning with Domestic Violence Clients* (Austin, TX).

Apr. 14, Keynote, Indiana Domestic Violence Conference: *Trends, Challenges and Recommendations for Domestic Violence Criminal Law* (Evansville, IN).

Apr. 18, Keynote for New Jersey Judge's Conference, *Judging Domestic Violence: Trends in Theory, Law, and Practice* (East Windsor, NJ).

Apr. 12, Keynote, Texas Domestic Violence Conference for Strategic Problem-Solving in the Courts: *Accountability, Power and Politics: Navigating the Troubled Waters of Domestic Violence Advocacy Within Texas Courts* (Georgetown, TX).

May 4, Keynote, Alabama State Justice Conference: *Trends and Challenges in Domestic Violence Law*, plus keynote for Alabama Attorney's Institute: *Ethical Dilemmas in Domestic Violence Practice* (Auburn, AL).

May 5, Keynote, ABA Equal Access to Justice Conference: *Partnerships for Safety: The Efficacy of Legal Services and Law Firm Partnerships*, plus workshop presentation: *Pro Bono Legal Services for Victims of Domestic Violence: Best Practices and Models* (Austin, TX).

May 13, Keynote, New Mexico Bar Association Conference on Family Violence and Juvenile Justice: *The Correlation Between Family Violence and Juvenile Delinquency: Promising Practices to Improve Legal Interventions* (Albuquerque, NM).

May 16, Keynote plus day-long institute, New York State Conference on Domestic Violence: *Trends in Theory, Law, and Practice: Domestic Violence in the 21st Century* (Lake Placid, NY).

Samuel Buell

March 16: quoted in Associated Press story published nationally on meaning of conviction of former WorldCom CEO Bernard Ebbers for other current cases involving corporate crime.

April 1: presented ongoing research on entity criminal liability to criminal law faculty at New York University School of Law.

April 17: interviewed by Nina Totenberg on NPR's "Morning Edition" about argument in Supreme Court in case of *United States v. Arthur Andersen LLP*.

May 1: presented new research project on white collar crime to Drawing Board Lunch at UT School of Law.

May 12: quoted in USA Today story on criminal fraud trial of former HealthSouth CEO Richard Scrushy.

Charles Childress

Charles Childress presented the paper he wrote with Jeana Lungwitz: *Family Violence Case Law Update April 2005*, to Texas judges at the 2005 Family Violence Conference, held April 4-6 in Galveston, Texas.

Michael Churgin

Professor Michael J. Churgin presented a paper in February on lobbying and the immigration process as part of a symposium at Fordham University School of Law in New York on "Immigration Law and Policy in the Light of Religious Values."

Sarah Cleveland

On March 10-21, Cleveland accompanied two students from the law school's Transnational Worker Rights Clinic on a human rights fact-finding mission to Cambodia, investigating working conditions in the Cambodian garment industry. The team interviewed workers, government officials, and representatives of unions, employers, non-profit organizations, and the International Labor Organization about the impact of the WTO's elimination of quotas in the global textile industry on Cambodia's commitment to international labor standards. Their findings are being compiled in a report for the Worker Rights Consortium, a U.S. NGO that monitors labor standards in the production of collegiate apparel.

On April 1, Cleveland spoke on a panel on "Exploring the Breakdown of the Public-Private Divide in International Law and Law-Making," at the 99th Annual Meeting of the American Society of International Law, in Washington, D.C.

On April 4, Cleveland was interviewed for 30 minutes on Hugh Hamilton's radio show, "Talk Back", on WBAI in New York, regarding the appropriateness of using foreign and international law sources in constitutional analysis.

On April 14, Cleveland presented a paper at a panel on "The Idea of Popular (or "Democratic") Sovereignty: The Debate over Looking to Foreign Materials in Interpreting the United States Constitution," at a conference on "Sovereignty," at UT Law School.

On April 22, Cleveland spoke about the activities of the Transnational Worker Rights Clinic, for which she is Faculty Director, during the Living Borders Program sponsored by UT LAMP and UT SAGE at UT.

On May 11, Cleveland spoke on a panel on "The Use of Foreign Law by U.S. Courts" in Washington, D.C. The panel was moderated by Tony Mauro of *Legal Times*, and was jointly sponsored by the Constitution Project and the Federalist Society.

On May 17, Cleveland spoke on a panel on "The Appellate Body and Public International Law" at a conference on "The Tenth Anniversary of WTO Dispute Settlement: An Appraisal," in London. The conference was jointly sponsored by the British Institute of International and Comparative Law and Georgetown University Law Center.

John Deigh

March 11: Presented comments as a participant in a panel discussion of Andrew Koppelman's "Does Obscenity Cause Moral Harm?" at the 8th annual meeting of the Association for the Study of Law, Culture and the Humanities, which took place in Austin.

March 22: Participated in two roundtable discussions on the topics of emotion and thought and emotion and ethics at a mini-conference on the emotions, which took place in San Francisco as part of the annual meeting of the Pacific Division of the American Philosophical Association.

April 28: Gave a talk on moral responsibility for evil in Susan Neiman's *Evil in Modern Thought* as part of a one day conference, "Evil in the Modern World," which took place at the University of Texas at Austin and was sponsored by the Centennial Commission Chair in the Liberal Arts, University of Texas.

April 30: Presented a paper on emotions and values at 6th annual Kino-eye conference, "Emotion in Pictures," which took place at the Museum of Photography in Antwerp, Belgium and was jointly sponsored by the University of Antwerp and the Museum of Contemporary Art in Antwerp.

May 2: Gave a talk on emotions and values to the members of the Ethics Institute of the University of Utrecht in the Netherlands.

John Dzienkowski

In February 2005, John Dzienkowski and Bob Peroni co-chaired an advisory board meeting in Washington, D.C. for the upcoming Eighth Biennial Parker C. Fielder Oil and Gas Tax Conference, co-sponsored by the University of Texas School of Law and the IRS.

On February 1, Dzienkowski launched a blog on legal ethics with co-founders John Steele (adjunct Boalt) and Bradley Wendel (Cornell). The ABA Techshow 2005 named www.legalethicsforum.com one of 60 top law internet sites in 60 minutes. The ABA Center for Professional Responsibility added this blog to its links. And, since February, this site has received over 20,000 hits.

In March, he participated in a National Conference of Bar Examiner's Meeting to prepare questions for the Multistate Professional Responsibility Examination.

On April 1 (Houston) and April 22 (Dallas), he moderated a panel discussion on ethics issues and delivered a speech on Ethics Issues for Corporate Counsel after Enron and Arthur Andersen for UT CLE's Corporate Counsel Institute.

Karen Engle

On Feb. 10-11, Engle hosted the inaugural conference for the Bernard and Audre Rapoport Center for Human Rights and Justice, entitled “Working Borders: Linking Debates About Insourcing and Outsourcing of Capital and Labor,” at the University of Texas School of Law. During the conference, she gave opening remarks, chaired and facilitated a panel discussion on immigration, and participated in a closing roundtable.

On March 4, Engle was a discussant on a roundtable on “Law and Social Change” at a Conference on “Thinking of Law in/and Latin America,” held at Harvard Law School.

On March 5, she delivered a plenary lecture on “Liberal Internationalism, Feminism and the Suppression of Critique: Contemporary Approaches to Global Order in the United States,” for a Harvard International Law Journal symposium on Comparative Visions of Global Public Order at Harvard Law School. She also participated on a roundtable discussion during the same conference on “International Law in the United States: Contemporary Approaches.”

On March 24, she was chair and commentator for a panel entitled “Global Perspectives: Same-Sex Marriage Around the World” at the Texas Journal on Civil Liberties & Civil Rights symposium on “The State of Our Union: The Debate Over Same-Sex Marriage.”

On April 16, she presented a paper entitled “From Self-Determination to the Right to Culture: Protecting Indigenous Rights” for a symposium on sovereignty, at the University of Texas School of Law.

On April 17, she was a participant in a talkback of academics after a showing of the Vagina Monologues at Zachary Scott Theatre in Austin.

On April 22, Engle spoke about the mission of the Rapoport Center for Human Rights and Justice as part of a University of Texas LAMP and SAGE program featuring a theatre performance from the Working Borders conference.

On April 28-29, Engle hosted a Rapoport Center workshop on “Adjudicating Culture, Politicizing Law: Legal Strategies for Black and Indigenous Land Rights Struggles in the Americas, in which she delivered opening remarks and chaired a session on “Communities versus Environmental Prerogatives.”

William Forbath

Gave a talk at Karen Engle's insourcing/outsourcing conference here at UT, Feb 11 on The Past and Future of Guest Workers in America

Participated in the faculty workshop at Fordham Law School on "Taking the Constitution Seriously Outside the Courts." on Nov 19th

Gave a talk to Planned Parenthood of Texas on "What Will Happen If the Court Overrules Roe v. Wade - And What To Do About It?" on Feb. 2.

Spoke on "Social and Economic Inequality and the Constitution in 2020" at the American Constitution Society gathering at Yale Law School on Dec. 4-5.

Spoke on "Democracy and the American Constitution," at "Meeting of the Minds," a UT Plan II Alumni gathering in Dallas, on Feb. 27.

Gave a paper on "Popular Constitutionalism: What Is It Good For?" at "The People and Their Constitution", UC Irvine; Whittier Law School, March 10th

Gave a paper on "Lochner's Century: The Old Constitution and the New American State, 1905-2005," at U of Ill. Law School Faculty Workshop on March 30.

Gave same paper at Fordham Faculty Workshop on April 14.

Lino Graglia

Feb 11: Gave a talk and paper at UT San Antonio as a member of a panel on the Patriot Act.

Feb 24: Served as a judge on a panel rehearsing Attorney General Gregg Abbott's argument before the U.S. Supreme Court on the Ten Commandments case, Austin, TX.

March 9: Dinner speaker, Austin University Area Rotary Club monthly meeting on current Supreme Court cases.

March 11: Discussant responding to Professor Koppelman's paper on obscenity law at the Association for the Study of Law, Culture the Humanities Symposium, Austin, TX.

Patricia Hansen

Gave a presentation on trends in Latin American legal research at a meeting sponsored by the Andrew W. Mellon Foundation, in New York, on Friday, February 18. The purpose of the meeting was to explore scholarly trends in Latin American Studies (including history, cultural studies, public policy, economics, and law), in order to develop priorities for improving access to important information resources.

Barbara Hines

Feb. 11: Panelist on Insourcing Panel on “Setting the Stage” at the Working Borders Conference at UT Law (Austin, TX).

Feb. 18: Presented on the topics of: Ethical Issues in Removal; “Procedural and Evidentiary Issues in Removal” and “Analysis of Criminal Convictions” at the Probar/ABA Seminar “Nuts and Bolts of Removal Defense” (South Padre Island, Texas).

March 31: Presented on topic of: Acquired and Derivative Citizenship at the Texas Lawyers Care and State Bar of Texas 2005 Poverty Law Conference (Austin, TX).

Apr. 12: Panelist on Gender Issues in Asylum and Detention at the League of Women Voters and Public Forum on Refugee and Immigrant Women (Austin, TX).

Apr. 8: Presented on “Asylum and Use of Expert Testimony” at the Center for Torture Survivors Torture Treatment Training FORENSIC TRACK workshop (Austin, TX).

Apr. 14-15: UT CLE Third Annual Fundamentals of Removal (Houston, TX).

Apr. 28-29: UT CLE Third Annual Fundamentals of Removal (Dallas, TX).

Conference Organizer and Speaker (Houston) on topics of : Procedural and Evidentiary Issues In Removal; Cancellation of Removal; Documenting the Case and Adjustment of Status and Speaker (Dallas) on topics of Priority Dates and Grandfathering; Procedural and Evidentiary Issues In Removal; Cancellation of Removal; Documenting the Case.

Apr. 22: Interviewed for War News Radio, Swarthmore College on Arizona border control issues.

May 13: Moderator: 212 (c) and LPR cancellation; and Evidence at National Immigration Project Seminar on Immigration Law and Defense: Relief From Removal (San Diego, CA).

Henry T. C. Hu

Hu presented a paper titled *Empty and Hidden Voting: Shareholder Voting Rights and Coupled Assets* (co-authored with Bernard S. Black) at the American Law and Economics Association's Annual Meeting held at New York University Law School on May 7, 2005.

Hu was quoted on a variety of banking, corporate, hedge fund, and securities matters in, among other places, the *International Herald Tribune* (Jan. 18, 2005 – “Industry picks up pieces as Ebberts trial begins” and Mar. 14, 2005 – “Chiefs keep bonuses despite revised profits”), the *Los Angeles Times* (Feb. 16, 2005 – “Wachovia Probes Stock Trading”), the *New York Times* (Mar. 14, 2005, “Sorry, I’m Keeping the Bonus Anyway” and Apr. 10, 2005, “Why MCI Is Turning Up Its Nose at \$1.3 Billion”), and the *Wall Street Journal* (Feb. 3, 2005 – “NYSE Report Shows Excesses Under Grasso”, Feb. 18, 2005 – “Must Firms Find Clients’ Fraud?”, March 9, 2005 – “Morgan Stanley Loses Early Round in Case Filed by Perelman”, and Apr. 8, 2005 – Morgan Stanley Heat”).

In addition, the HUI (the American Stock Exchange Gold Bugs Index) was referred to by several hundred published articles in the January 15, 2005 – May 15, 2005 period.

Calvin Johnson

Presented "Righteous Anger at the Wicked States: The Meaning of the Founders' Constitution," to Yale Federalist Society- American Constitution Society, New Haven, April 21, 2005.

Presented "Righteous Anger at the Wicked States: The Meaning of the Founders' Constitution," to NYU Federalist Society- American Constitution Society, New York, April 22, 2005.

Presented "Righteous Anger at the Wicked States: The Meaning of the Founders' Constitution," to University of Texas Law School Reunion, Austin, April 17, 2005.

Susan R. Klein

On Feb. 3, Klein was a featured panelist in "Federal Sentencing after Booker," a panel discussion (with Doboral Rhodes, U.S. Dept. of Justice, Beverly Dyer, Fed. Public Defenders Service, and Gary Howard, chief U.S. Probation Officer) that was videotaped for use as a training program for federal appellate and district court judges, available through the Federal Judicial Center website.

In January, Prof. Klein was invited to participate in a symposium issue entitled "Shifting Power in the Federal Courts," which will be published in June of 2005.

Douglas Laycock

Douglas Laycock spoke on *Religious Liberty and the State University*, to the Texas Graduate Christian Fellowship, in Austin, on February 11.

He debated the Ten Commandments cases with Jay Sekulow of the American Center for Law and Justice, at the National Press Club in Washington, D.C., on February 24. The debate was sponsored by the Pew Forum on Religion and Public Life, and a transcript is available at www.pewforum.org.

He spoke on *The Ten Commandments in the Supreme Court*, at Explore UT 2005, at the Law School on March 5.

He debated *The Constitution and Same-Sex Marriage*, with Louise Weinberg of UT Law and Richard Wilkins of Brigham Young University, at the Law School, on March 24. The debate was part of a *Symposium on The State of Our Union: The Debate Over Same-Sex Marriage*, sponsored by the Texas Journal on Civil Liberties and Civil Rights.

He spoke on *Current Legal Doctrine Under the Free Exercise and Establishment Clauses* at the Texas Bar's CLE on *The Legal Rights and Responsibilities of the First Amendment's Religious Liberty Clauses*, in Austin, on March 31, 2005.

He spoke on *Religious Freedom in America: Why Locke v. Davey Was Wrong*, to the Federalist Society of the Yale Law School, in New Haven, on April 7.

He gave the keynote address at the Law Day celebration of the Corpus Christi Bar Association, speaking on *Assaults on the Independence of the Judiciary*, in Corpus Christi on May 6.

Terri Leclercq

Terri LeClercq was chair of the AALS Section on International Exchange for the January meeting in San Francisco.

Dr. LeClercq spoke to the U.T. 2005 Humanities Institute on "Evil and Fanaticism" May 5.

Brian Leiter

The first seven books in the *Routledge Philosophers* series edited by Brian Leiter have been published. They are volumes on *Freud* by Jonathan Lear (University of Chicago), *Hegel* by Frederick Beiser (Syracuse University), *Hobbes* by A.P. Martinich (University of Texas, Austin), *Leibniz* by Nicholas Jolley (University of California, Irvine), *Locke* by E.J. Lowe (University of Durham), *Rousseau* by Nicholas Dent (University of Birmingham), and *Schopenhauer* by Julian Young (University of Auckland).

Sanford Levinson

Levinson's "Wrestling with Diversity" (Durham, NC: Duke University Press, 2003) was reviewed at 115 ETHICS 618 (2005).

Torture: A Collection is reviewed in the May 19, *London Review of Books*.

Ronald Mann

Presented work on software patents at Microsoft Corporation in January 2005 and at a faculty workshop at Harvard Law School in March 2005.

Presented his work (with Seth Belzley '05) on internet intermediaries at the Berkman Center's Internet Law Colloquium in March 2005.

Presented his work on internet payment systems at the University of Michigan Law School in April 2005.

Spoke on reforms to the payments articles of the Uniform Commercial Code at the UCC Institute in Chicago in April 2005.

Selected the papers for the panels on intellectual property and electronic commerce for the annual meeting of the American Law and Economics Association, and moderated one of those panels in May 2005.

Basil Markesinis

Professor Sir Basil Markesinis taught at UT three different courses between January and early March 2005. Then he returned to London via New Orleans (where he gave the Eason Weinmann Lecture which will be published next November in the *Tulane Law Review*) to receive from H. M. the Queen his recently awarded knighthood. A week later he attended a conference organised by the French Academy (to which he was elected Corresponding Fellow two years ago) to discuss matters concerning the separation of State and Church in France and elsewhere in Europe. On the 19th of March he gave the Annual Belgian Academy Lecture on the "Two Legacies of the Code Napoleon" and then, after a brief return home for Easter, he resumed a series of annually delivered lectures at the Law School of the University of Ghent in Belgium.

Inga Markovits

Inga Markovits presented papers at a meeting of the Max-Planck-Institute for European Legal History on January 28/29, 2005 in Leipzig, Germany ("On the Relationship Between the Party and The Courts in the GDR") and at a conference on Legal Evolution Toward a World Rule of Law on April 16/17, 2005 in Syracuse, N.Y. ("Transitions to Constitutional Democracy - The GDR").

Tracy McCormack

Thursday, April 14th and Thursday, May 5th, McCormack participated in a State Bar of Texas CLE entitled "Causes of Action" in Houston and Dallas. She was the moderator for a panel discussing "Torts of Tomorrow: Environmental, water, what are the states doing?"

Thomas McGarity

On March 4, McGarity made a presentation at a workshop for environmental economists in Santa Monica California sponsored by the Lawrence Foundation and the Natural Resources Defense Council. The purpose of the workshop was to explore opportunities for networking and collaborative work in environmental and resource economics.

On March 16, he made a presentation on rulemaking "ossification" at a conference on "The State of Rulemaking in the Federal Government" at American University in Washington, D.C.

On April 18, he made a presentation at a briefing for Senate staff on EPA regulation of MTBE sponsored by the National League of Cities, the National Conference of Mayors and the National Water Works Association in Washington, D.C.

On May 6, he was the moderator of a panel at a symposium on "The Data Gaps Dilemma" sponsored by the University of Maryland School of Law and the Center for Progressive Regulation in Washington, D.C.

Roy M. Mersky

Professor Mersky presented the 2005 Scribes (The American Society of Legal Writers) Notes and Comments Award at the National Conference of Law Reviews in Charleston, S.C. on March 17, 2005.

Professor Mersky attended the Fifth Sir David Williams Lecture at Wolfson College in Cambridge on May 9. The lecture was given by The Hon. Justice Ruth Bader Ginsburg.

While in England, he also visited book dealers and met with faculty members and librarians of Queen Mary University of London, and University College of London.

He is a recipient of the American Association of Law Libraries (AALL) 2005 Marian Gould Gallagher Distinguished Service Award. The Award recognizes extended and sustained service to law librarianship, exemplary service to the Association and contributions to professional literature. The award will be presented on July 18, 2005, at the AALL Annual Meeting in San Antonio.

Linda S. Mullenix

Speaker, “Cutting Edge Strategies in Class Action Litigation,” at Seminar: “Latest Developments In Class Action Law,” Fulbright & Jaworski (Houston, Texas February 23, 2005).

Speaker, “Should Mississippi Adopt a Class Action Rule? – Balancing the Equities: Ten Considerations That Mississippi Rulemakers Ought to Take Into Account in Evaluating Whether to Adopt a State Class Action Rule;” panelist, “The Merits and Demerits of Aggregating Civil Actions;” sponsored by the University of Mississippi Law School and Law Review Symposium “Love It or Leave It; An Examination of the Need for and Structure of a Class Action Rule for Mississippi” (Jackson, Mississippi, February 18, 2005).

Speaker, “Class Actions – A View From the Experts,” at the Advanced Consumer Litigation Conference sponsored by the Texas State Bar CLE and the National Association of Consumer Advocates (San Antonio, Texas, February 10-11, 2005).

Speaker, 14th Annual Litigation and Resolution of Complex Class Actions, sponsored by Glasser LegalWorks, January 27-28, 2005. Speaker on panels: “Recent Federal and State Developments;” “Preliminary Issues Regarding Forum Selection, Jurisdiction, and Choice of Law;” “Electronic Discovery;” “Product Liability/Mass Tort Developments and Medical Monitoring Class Actions;” “Consumer Actions;” “Trial, Proof of Damages, and Punitive Damages;” and “Resolution and Settlement Strategies.”

Elected as a Fellow of the Texas Bar Foundation (February 2005) Quoted extensively in article by Marcia Coyle in the Nat’l. L.J., on the impact of the passage and enactment of the federal Class Action Fairness Act, Nat’l. L.J. (February 21, 2005)

Participated as radio commentator and discussant on the question of whether Mississippi should adopt a state class action rule; interviewed in Jackson, Mississippi and broadcast on Mississippi public radio, February 18, 2005

Invited as one of two speakers at upcoming Roscoe Pound Forum for State Appellate Judges, in Toronto, Canada, to deliver paper on “The Challenge of Rulemaking in the State Courts”

Rob Owen

On January 15, Owen participated as a panelist in a moderated discussion of issues surrounding the death penalty, in connection with the opening of “Premeditated: Meditations on Capital Punishment,” an exhibition at the Dougherty Arts Center of paintings by Malaquias Montoya.

On February 8, Owen delivered a presentation on the American system of capital punishment to visiting students and professionals from Argentina, who were visiting U.T. under the auspices of the Fundacion Universitaria del Rio de la Plata (FURP).

On March 6, Owen served as moderator for the Plan II undergraduate honors program’s Senior Thesis Symposium, critiquing five presentations covering a variety of legal issues.

On March 23, Owen participated in a half-day faculty “teach-in” addressing the war in Iraq. He spoke about the provisions of the “USA PATRIOT Act.”

On May 11, Owen argued a death penalty habeas corpus appeal (*Cole v. Dretke*) before the United States Court of Appeals for the Fifth Circuit in New Orleans.

Bob Peroni

In January 2005, Bob Peroni was selected to be a Fellow of the American College of Tax Counsel.

In February 2005, John Dzienkowski and Peroni co-chaired an advisory board meeting in Washington, D.C. for the upcoming Eighth Biennial Parker C. Fielder Oil and Gas Tax Conference, co-sponsored by the University of Texas School of Law and the IRS.

In February 2005, he made a presentation on international taxation at the New York University School of Law's Second Annual Gerald L. Wallace-Charles S. Lyon Graduate Tax Workshop.

In March 2005, he served as co-chair of the Planning Committee for the Annual University of Texas Tax Law Conference.

In April, he spoke at the dinner in New York City celebrating the 60th Anniversary of NYU School of Law's Graduate Tax Program. Bob also attended the annual meeting of the advisory board to the NYU graduate tax program. Bob has been a member of that advisory board since its inception in 1998.

In April and May, he co-chaired advisory board meetings for the Annual Institute on International Taxation, co-sponsored by the Internal Revenue Service and the George Washington University Law School.

H. W. Perry

On March 31, Perry presented a paper at Princeton University on The Supreme Court and Political Parties.

Scot Powe

April 9: Presented a paper at Duke Law School at a conference on reforming the Supreme Court.

April 14: Spoke at UT Law Conference on Sovereignty.

January 21: Argued as amicus in *Sessions v. Perry* (claiming that voluntary redistricting must have accurate census data to comply with one person one vote)

William Powers

Jan. 15: Hosted Diversity Weekend activities at the Law School

Jan. 19: Lectured on Enron at Bank of Austria (Vienna, Austria)

Jan. 22: Lectured on "Product Liability: The American Perspective" at the University of St. Gallen (Vienna, Austria)

Spring 2005: Taught "Legal Process" (with Professor Larry Sager)

Spring 2005: Chair of the University's Curriculum Reform Task Force

Feb. 9: Spoke to the Corpus Christi Bar Association on "The Ethics of Enron: Lessons for the Future" (Corpus Christi)

Feb. 18: Hosted the Dean's Roundtable Dinner (Lt. Governor's Reception Room at State Capitol, Austin)

Feb. 25: Participated as a panelist in a live chat on ethics for Conference for Business as Agent of World Benefit put on by Southwestern University

Feb. 25: Hosted Law School Alumni Association Awards Dinner (Four Seasons, Austin)

Mar. 2: Hosted the Phoenix area Alumni Reception and attended via teleconference.

Mar. 4: Spoke on Enron at Argonaut, Inc. (San Antonio)

Mar. 5: Chaired Explore UT activities

Mar. 10: Spoke on Enron to Big XII Development Conference (Kansas City, MO)

Mar. 24: Hosted a reception for Denver area alumni (Denver, CO).

Mar. 31: Spoke on Enron to Dr. William Cunningham's corporate governance class

Apr. 4: Moderated a panel during IntegrityUT.

Apr. 12: Introduced David Beck at the Anti-Defamation League Award luncheon (Houston)

Apr. 12: Spoke about the Law School to the Plan II Pre-Law Society.

Apr. 15: Spoke to Austin Leadership Forum on "Lessons from Enron" (Austin)

Apr. 19: Spoke on Enron to Learning Activities for Mature People (LAMP) (Austin)

Apr. 20: Participated as a panelist on Texas General Counsel Forum "Special Investigation: Managing the Process" panel (Houston)

Apr. 22: Spoke to the LAMP/SAGE group about the creation of the Rapoport Center (Austin)

May 3-4: Met with various administrators at University College London regarding cooperative effort between the two schools.

May 16: Presented Proposed Final Draft of Re statement of Torts: Liability for Physical Harm: Basic Principles to the Annual Meeting of the American Law Institute in Philadelphia. The Draft was adopted by the membership of the Institute.

David Rabban

In February, Rabban presented his current work on "The American School of Historical Legal Thought" at the Legal History Workshop at Yale Law School.

In March, Rabban was the chair and commentator at a panel at the Annual Meeting of the Organization of American Historians entitled "Religion, Free Speech, and the Law, 1880s-1920s: A Social History Approach."

Tony Reese

On Feb. 3, Reese gave a talk at the Law School entitled "The First-Sale Doctrine and Technological Protection Measures" at the Sixth Annual IP Law Symposium sponsored by the Texas Intellectual Property Law Journal.

On Feb. 11, Reese spoke on the judicial clerkship application process as part of the two-day Judicial Clerkship Program of the ABA Commission on Racial and Ethnic Diversity and the ABA Judicial Division, at the ABA mid-year meeting in Salt Lake City, Utah.

On Feb. 16, Reese moderated a panel at Stanford Law School, entitled “Getting Creative: New Perspectives on Music Distribution and Copyright Law,” sponsored by the Stanford Entertainment and Sports Law Association.

On Feb. 25, Reese spoke at a symposium, *Copyright & Personal Copying: Sony v. Universal City Studios Twenty Years Later*, at Case Western Reserve University School of Law in Cleveland. His talk, “The Problems of Judging Young Technologies,” was a comment on Prof. Alfred Yen’s paper, “Sony, Tort Doctrines, and the Puzzle of Peer-to-Peer.” The symposium proceedings will be published later this year in the *Case Western Law Review*.

On Mar. 10, Reese spoke on “Circumvention of Technological Protection Measures” at the Colloquium for the LLM Program in Law, Science, & Technology at Stanford Law School.

On Mar. 28, Reese was quoted in the news article “File-Share Case Could Hinge on ‘Betamax’ Ruling” in the *Los Angeles Daily Journal*.

Reese’s article, co-authored with Mark Lemley, entitled *Reducing Digital Copyright Infringement Without Restricting Innovation*, was cited in several briefs to the Supreme Court in the *MGM v. Grokster* case over peer-to-peer file trading services, heard on Mar. 29.

On Apr. 1, Reese presented a paper on “Innocent Infringement in Copyright Law” at the Intellectual Property Law Workshop at the UCLA School of Law.

On Apr. 8, Reese gave a talk on “Archives and the Unpublished Public Domain” at a symposium entitled *W(h)ither the Middleman: The Role and Future of Intermediaries in the Information Age* at the Michigan State University College of Law in East Lansing, Michigan.

On Apr. 26, Reese and Prof. Mark Lemley gave a talk at Stanford Law School on “The Future of Peer-to-Peer,” sponsored by the Stanford Law and Technology Association.

On May 18, Reese presented a paper entitled “The New Unpublished Public Domain” to the Stanford Law School faculty.

On May 21, Reese presented a paper entitled “The History of Innocent Infringement in U.S. Copyright Law” at the History of Copyright Workshop, sponsored by the Berkeley Center for Law and Technology and the University of Wisconsin Institute for Legal Studies, in St. Helena, California.

David Robertson

David Robertson and Michael Sturley wrote the successful petition for certiorari and merits briefs in *Stewart v. Dutra Construction Company*, which was handed down by the U.S. Supreme Court on February 22, 2005.

Jack Sampson

As a member of the U.S. State Department delegation, Jack Sampson participated in the third session of the Special Commission on the International Recovery of Child Support and Other Forms of Family Maintenance held at The Hague, Netherlands, on April 4-15, 2005. Professor Sampson is a delegate because he has acted as reporter for the Uniform Interstate Family Support Act (UIFSA) since 1990. If the U.S. agrees to the proposed treaty, UIFSA, which is in force in all U.S. states, will need some modification. Earlier in the year, Professor Sampson participated in a planning seminar on February 1, 2005, in Washington, DC, to prepare for the negotiations in April.

Wayne Schiess

January 17: Gave a seminar on legal writing in San Antonio to attorneys from the City of San Antonio Legal Department and the law firm of Cox Smith Matthews.

April 8: Attended and presented a paper for the 3rd Annual Legal Rhetoric Symposium at American University Washington College of Law in Washington D.C. The symposium's theme was "The Art of Legal Writing," and Schiess's paper was titled "The Art of Consumer Drafting."

May 24: Gave a seminar on legal writing to lawyers and summer associates at the law firm of Fulbright and Jaworski in Houston.

Continued work on the Texas Pattern Jury Charges Task Force.

Supervised students preparing the 10th edition of the Texas Law Review *Manual on Usage and Style*.

Michael Sharlot

March 15: Sharlot testified before Senator Whitmire's Criminal Justice Committee in support of S.B. 60, a bill to add life without the possibility of parole as a punishment for capital murder in Texas.

Charles Silver

On Mar. 16, Silver presented "Stability, Not Crisis: Medical Malpractice Claim Outcomes in Texas, 1988-2002," at the Univ. of Florida's Levin College of Law.

On May 3, he presented "Everything You Think You Know about Medical Malpractice is Wrong" to UTLAMP.

On May 7, he presented with coauthor David Hyman his joint effort entitled "The Poor State of Health Care Quality in the U.S.: Is Malpractice Liability Part of the Problem or Part of the Solution?" at the American Law & Economics Association annual meeting.

On May 13, he addressed the Ohio State Bar Association's annual convention on the subject of recent development in professional responsibility, with special emphasis on insurance defense.

Ernest Smith

On March 22 Smith presented a paper entitled "Current Issues under the Joint Operating Agreement" to the Oil, Gas and Energy Law Section of the Houston Bar Association.

On April 1 he spoke at the 31st Annual Ernest E. Smith Oil and Gas Law Institute. His topic was Recent Developments in Texas Oil and Gas Law.

He presented an "Update of Recent Developments in U.S. Oil and Gas Law" to the annual meeting of the Southwest region of the American Association of Professional Landmen in Dallas on April 7.

On Saturday, May 14, he will attend the meeting of the Board of Advisors of the Appalachian Mountain Club at Crawford Notch, New Hampshire. One topic for consideration is the variety of legal mechanisms for land conservation in the northern forest.

On May 16, he was at Amelia Island Plantation in Florida at the 26th Annual Institute of the Energy and Mineral Law Foundation. He is a trustee of the Foundation and attended the meeting of the Board of Trustees. He also presented a paper to the general session entitled "Renewable Energy -- The Increasing Role of Wind Power: Incentives, Mandates, Siting and Leasing."

Jane Stapleton

The Autumn 2005 issue of *The Australian National University Reporter* includes an item on Professor Stapleton and her appointment as the first foreign national ever to be appointed to the Council of the American Law Institute.

On Feb. 19, Stapleton gave a lecture to the annual meeting of the Defense Research Institute in Los Angeles. The topic was Comparative Products Liability.

On May 9, she delivered a lecture at the British Institute of International and Comparative Law in London on the Recoverability of Lost Chances in the Common Law World.

On May 15, at the Annual Meeting of the American Law Institute, she took up her seat on the council of the ALI, the first foreign national to be elected to the council.

Jordan Steiker

In February, Steiker presented a paper at Yale Law School's Rebellious Lawyering Conference on "Concerns About the Argument from Innocence" (with Carol Steiker).

In May, he participated in Harvard Law School's Criminal Theory Roundtable.

In March, he presented a lecture on "Capital Punishment -- An American History" for an undergraduate class at Univ. of Texas on Law and Culture.

In May, he presented "The Supreme Court and Civil Rights: Review of the 2003 and 2004 Terms" for a CLE at the University of Texas School of Law (cosponsored by the Texas Civil Rights Project).

In March, he participated in a public death penalty debate at the University of Texas.

Michael Sturley

On January 11, Sturley spoke to the American Institute of Marine Underwriters in New York. His talk was titled "The Uncertain Future for Cargo Recovery Actions: *Norfolk Southern Railway Co. v. James N. Kirby, Pty Ltd.*"

On January 12, he was in Washington to attend a meeting of the United States Delegation to Working Group III (Transport Law) of the United Nations Commission on International Trade Law (UNCITRAL). He is the senior adviser on the U.S. delegation.

David Robertson and Michael Sturley wrote the successful petition for certiorari and merits briefs in *Stewart v. Dutra Construction Company*, which was handed down by the U.S. Supreme Court on February 22, 2005.

On February 23, Sturley attended an UNCITRAL Experts' Group Meeting with representatives of Working Group III (Transport Law) and Working Group IV (Electronic Commerce) in London.

On February 24-25, he attended a seminar in London sponsored by the Swedish Ministry of Justice to discuss current issues arising from the work of UNCITRAL Working Group III (Transport Law).

On March 7, he attended the Planning Committee meeting in Houston for the CLE Office's annual conference on Admiralty and Maritime Law. David Robertson chairs the Planning Committee; he is the vice-chair.

On April 7-9, he attended the 12th Annual Judge John R. Brown Admiralty Moot Court Competition in Richmond, VA. The Law School runs the Competition each year with a local host school (this year, the University of Richmond - T.C. Williams School of Law). He co-authored the problem and the bench brief and supervised the administration of the Competition with David Robertson.

On April 18-27, he attended the 15th session of UNCITRAL Working Group III (Transport Law) at United Nations Headquarters in New York. As noted above, he am the senior adviser on the U.S. delegation.

On May 5, he spoke to the International Organizations, Conventions & Standards Committee of the Maritime Law Association of the United States in New York. His topic was "The Spring 2005 Session of UNCITRAL's Transport Law Working Group."

Also on May 5, he spoke to the Offshore Industries Committee of the Maritime Law Association of the United States. The meeting was held in New York. His topic was "Signals from the Supreme Court: *Stewart v. Dutra Construction Co.*"

On May 6, he gave a report to the Spring Meeting of the Maritime Law Association of the United States (in New York) on the spring 2005 session of UNCITRAL's Transport Law Working Group.

Also on May 6, he attended a meeting in New York of the Forum of Maritime Law Teachers.

Gerald Torres

The American Political Science Association recently selected *The Miner's Canary* as one of the books "outside political science, [that is] so important to the work of the discipline that all well-educated political scientists should read them." The goal of the survey "was to produce a list of 'great books' to encourage exploration outside traditional disciplinary boundaries." Torres has also been asked by the Editor of *Perspectives on Politics*, the flagship journal of the American Political Science Association to write an essay about the list.

Torres wrote two legal encyclopedia entries. The first was on the Hopwood case and the second was a biographical entry on Attorney General Janet Reno.

Torres gave 18 lectures over the past year (2004) at venues as varied as the University of California at Berkeley, The Illinois Humanities Council, The Bi-Centennial of the Lewis & Clark Expedition and the National People of Color Conference. Most of these were either Keynote speeches or individual lectures (as opposed to merely being a panel participant). Torres also recorded a three-hour segment on the understanding of tribal sovereignty at the time of the Lewis and Clark expedition that will be broadcast on NPR over the coming year.

Torres served as Board Chair of the Advancement Project, a leading national civil rights organization, Executive Director of TexasLEADS, a nationally recognized education reform project, a board member of the UT Charter Elementary School, board member of the Texas League of Conservation Voters as well as serving on a number of University Committees.

Wendy Wagner

Presented a paper entitled "How the Law is Used to Distort Science and What Can be Done about It" at the University of Florida Law School Environmental & Land Use Law Speaker Series on Feb. 18, 2005.

Louise Weinberg

Louise Weinberg, Doug Laycock, and Brigham Young Professor Richard Wilkins debated the issue of same-sex marriage on Thurs., March 24, 2005, as part of a forum sponsored by the Texas Journal on Civil Liberties and Civil Rights. Weinberg was the only one of the three to receive a personal round of applause.

Louise Weinberg has been an unpaid consultant this spring for the producers of a PBS-TV documentary film on the history of the U.S. Supreme Court. Some footage including her as a "talking head" may be included in the documentary. The producers will be coming to Austin this summer to interview her on camera.

Louise Weinberg's letter, "Roe v. Wade Revisited," was published in the *Austin American-Statesman* on April 29, 2005. (An editorial change introduced an error of grammar with which she disavows any connection.) Weinberg suggested that *Roe* was a conservative decision which arguably gave to conservatives all the potential for state control over a woman's body, depending on the timing of a proposed abortion, that the state could utilize as a practical matter. She suggested that the future of the conservative religious position might have been safer with *Roe* than under today's vaguer "undue burden" standard.

Louise Weinberg has been invited by UT QUEST to give a talk on the origin, history, and significance of judicial review. UT QUEST is a society of 250 members who meet biweekly at the Thompson Conference Center to hear and discuss lectures of general interest.

Russell Weintraub

At the invitation of a committee of the European Union Parliament drafting a regulation on choice of law for non-contractual obligations, on March 14 Russell Weintraub delivered to the committee in Brussels a paper entitled "Discretion Versus Strict Rules in the Field of Cross-Border Torts." Weintraub suggested three major changes in the draft regulation. The committee made two of the changes and is considering the third.

Jay L. Westbrook

The Russian oil group YUKOS filed for bankruptcy protection in Texas in December, 2004. Westbrook was quoted on this issue in the *The Wall Street Journal*, *The Financial Times*, *The Houston Chronicle*, *The Moscow News*, Dow Jones Newswires, and Reuters.

Westbrook was quoted in an article in *The Christian Science Monitor* on the impact of the new U.S. bankruptcy law on April 21, 2005.

Westbrook, along with Professor Elizabeth Warren of the Harvard Law School, organized a Conference on Commercial Law Realities in Austin on April 8-9. The purpose of the conference was recognizing and encouraging creative new scholarship in bankruptcy and commercial law, especially the work being produced by emerging scholars in the fields of empirical research and comparative law. The second conference will be held in the spring, 2006, in Cambridge. It is expected it will be repeated annually, alternating between Austin and Cambridge.

Ernest Young

Young was awarded the Paul M. Bator Award, in February, conferred by the national office of the Federalist Society to a legal academic under 40 based on scholarship, teaching, and public service.

He presented a comment entitled "Taking Underenforcement Seriously" at UT Law's symposium on Larry Sager's book, "Justice in Plainclothes," on March 4, 2005.

He was the commentator on Justice Stephen Breyer's new book, "Active Liberty: Interpreting Our Democratic Constitution" at the Harvard Law School Constitutional Law Conference on April 9, 2005.

He presented a paper entitled "The *Volk* of New Jersey? Sovereignty and Political Community in Europe and the United States" at Sandy Levinson's "Sovereignty Symposium" at UT Law on April 14-16, 2005.