

The Events Guide for the  
**25<sup>th</sup> Anniversary  
Celebration**  
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September 2007

## Happy Anniversary College of Law!

Welcome 1L's! Welcome Back 2L's! This is it, 3Ls!

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What a fabulous year this is going to be...we have so much to celebrate! Where do I start? First, the COL is the youngest law school ranked in the Top 100. Next, so many of our professors are getting nationwide recognition for writing, speaking and debating. Also, your Editor is a 3L (Cheers!). Okay, while that may not be as earth-shattering as the rest of the news, consider this...you are in the midst of a year-long, once-in-a-lifetime, celebration: The College of Law is celebrating its 25th Anniversary.

Twenty-five years of serving the Atlanta community; Twenty-five years of catering to the part-time, working student; Twenty-five years of training the top litigators; Twenty-five years of legal education excellence! For everything happening inside (and outside) the COL during the 25 year festivities, turn to **Inside the ULB**, for a calendar and a great article describing year-long events. And check your email...new events are being added daily.

Twenty-fifth year festivities aside, this is a full, action-packed edition of the Docket. Have you ever wondered how a defense attorney can defend someone who is apparently guilty? Someone who has all the cards stacked against him and yet his defense attorney stands by his side as a strong, zealous advocate? Turn to the **Editorial Section**, and read Stephen



Payne's discussion on "Defending the Guilty...The Legal Dilemma that Isn't." Have you walked the halls this semester and noticed a few new faces on the fourth floor? Turn to **Inside the ULB** to meet the newest faculty members to join the COL. Are you looking for something interesting to do this summer besides "just" working or "just" taking class? Consider a summer abroad. In our **Student Life** section, Nichole DeVries and Jad Atallah discuss the merits of spending a summer in Rio or Europe. Sure, you'll have to study and take classes, but you'll be in Europe! Or Rio!

There is so much more inside, so I'll let you turn the page...but keep this in mind: This is going to be a very exciting time for the College of Law...hang on, become involved in as much of the excitement as you can, and enjoy the ride!

As always, many thanks to the very talented and dedicated writers, editors and photographers, without whom this newspaper would not be published. A lot of students worked over the summer, writing articles and taking pictures so that we could publish this edition as soon as possible in the beginning of the school year. Our goal was one month in and we did it! I also very much appreciate the help of Jerri Nims Rooker and Peri Parks, who believe in the Docket as much as I do. Thanks guys!

Suzanne Jackson,  
Editor-in-Chief

## ANNOUNCEMENTS

#### Professor Saito's New Book Examines Plenary Power in the U.S.

College of Law Professor Natsu Taylor Saito's new book, *From Chinese Exclusion to Guantánamo Bay: Plenary Power and the Prerogative State*, takes an in-depth look at controversial questions about U.S. policies and the use of executive power in the war on terror.

Professor Saito's new book was published by The University Press of Colorado. In addition to her writing, she teaches courses at the COL in international law and human rights; criminal procedure; professional responsibility; race, ethnicity and the law; and immigration law.

#### Stephens Named College of Law Professor of the Year

Cornell A. Stephens was selected by the student body of Georgia State University's College of Law as the 2006-2007 Professor of the Year. This is the fourth time Professor Stephens has been honored by students in this manner – he was named Professor of the Year at the College of Law for the 1989-90, 1991-92



Professor Natsu Saito



Professor Cornell Stephens

and 2000-01 academic years, and has been a runner up for the award a number of times. Professor Stephens' teaching and research areas include Sales, Contracts, Debtor-Creditor Relations, Commercial Law, Secured Transactions, Commercial Paper, Civil Practice and Procedure, and Litigation. He came to the College of Law in 1985 after practicing with Troutman, Sanders, Lockerman & Ashmore's litigation department, where he specialized in corporate and commercial litigation.

#### File Under "What We Already Know"

The most recent US News and World Report shows the COL continuing to be ranked among the top 100 law schools with a rank of 82 (up substantially from 97), and the youngest law school ranked in the top 100. Most impressively, it also shows the COL ranked 10th nationally with respect to its program in Health Law. This latter ranking is quite an accomplishment, as it reflects the views among Health Law faculty nationally, and is a testament to the program we have been building under the leadership of Professor Charity Scott, the Director of our Center for Law, Health & Society.

## Congratulations Spring 2007 Litigation Honors Recipients!

Lauren Marie Albanuse  
Hoda May Ataei  
Jeffrey William Babcock  
Benhaz Barahimi  
Tiffany Marie Bartholomew  
Sherrie Brady  
Erik John Broel  
Anjel Floyd Burgess  
Dana Carroll  
Holly Grace Chapman

Rosaleen Hsu Chou  
Jacqueline Brittnay Couturier  
Kathryn Therese Darden  
Sara Elizabeth Deskins  
Patrick Fleming  
Jill Ganser  
Susan Therese Grissom  
Manda Carol Gwatney  
Erin Lovell Hames  
Catherine Mary Hammer

Keith Marc Hayasaka  
Susanne Hollinger  
Megan Laura Iorio  
Jennifer Ann James  
Jillian Erin Nelson  
Daniel Fennon O'Connell  
David Mark O'Dea  
Nicola Pasquarelli  
Ernest Calvin Pitts  
Meredith Leigh Riggs

Joshua Saunders  
Gerald Leroy Seyle  
Patricia Dee Shewmaker  
Michael Asa Stewart  
Joshua E. Sutton  
Drew Cameron Timmons  
Gregory Marshall Tuttle  
Erin Kennedy Witcher

## New for 2007: The Criminal Law Society

By John Gunn

Although there are two major branches of law in the U.S., Civil Law and Criminal Law, until this year there was no student group on campus focused primarily toward the criminal side of law. This year the Criminal Law Association has been chartered to fill that gap.

As the newest student organization on campus there will be several challenges for the organization. The Criminal Law Association will be last in line, so to speak, for funding from the Student Bar Association.

The year will be an opportunity for the group to prove itself. Elections for Vice President will be held at the end of September and the group already has many activities planned. Sarah Basiliere, the group's founding president,

started the group this year and has co-sponsored a No-Knock Warrant panel with the Black Law Students Association. She is also planning a tour of a metro Atlanta jail later this year and observations of Oral Argument at the Georgia Appeals and Supreme courts. All at no cost to Georgia State College of Law students.

When asked what prompted her to start the organization, Sarah explained that she was anticipating a career as a prosecutor when she came to GSU College of Law with a Bachelors in Criminal Justice and wanted exposure to the criminal side of law while here. Sarah found that GSU's division of the National Association of Criminal Defense Lawyers (NACDL) was dormant and, after receiving

positive feedback from classmates, decided to sponsor the Criminal Law Association from the ground up.

The goal of the group will be to bring together students, faculty, and professionals who are interested in Criminal Law. Because there are aspects of Criminal Law in nearly every type of law, Sarah expects that the group's activities should be broad enough to include aspects of nearly every student's interests.

*Editors note: In discussing the funding issue with the SBA, it was learned that the age of an organization is not a determinative factor when computing the budget.*

## Reproductive Rights as an Individual Liberty: Law Students for Reproductive Justice

By Chiquita Woolfolk-Banks

Law functions as both a catalyst to prompt the expansion of rights, and a tool with which to hold governments and communities accountable for the delivery of liberty, equality, dignity and fairness promised by those rights. Law Students for Reproductive Justice (LSRJ) proposes to challenge the next generation of legal advocates to think critically about individual liberties and rights.

Formerly Law Students for Choice, LSRJ is a student-run organization mobilized to mentor a diverse group of law students in order to build capacity, vision, and leadership in the reproductive justice movement. But what is reproductive justice? Reproductive justice connotes collective values, theories, strategies and actions to address and overcome the roots of reproductive oppression, while constructing legally tenable, realistically accessible avenues for informed, consensual, unobstructed decisions about making education, sex, contraception, sterilization, abortion, procreation, birth and parenting decisions.

LSRJ comprises a network of law students and attorneys across over 60 campuses and communities throughout the United States and Canada. LSRJ connects students to current opportunities and creates new legal internships in reproductive justice as internships and fellowships are critical for developing the skills, background and practical work experience students need to work for reproductive justice in their future careers. Additionally, LSRJ teams up with leading reproductive rights organizations to host inspirational and informative trainings with built-in opportunities for networking amongst peers and leaders.

The local chapter here at GSU College of Law is comprised of over 50 students dedicated to the national organization's purpose and goals. It tracks local, state and national legislation affecting not only the College of Law students but also the community in which the school sits. It recently partnered with the Child Advocacy Society to host a fundraiser for clean birthing kits to be sent to refugee

campus via Marie Stopes International. The campaign helped raise over \$150, and the College of Law can now tote that we helped to "safely deliver a baby!" As a new organization at the COL, LSRJ is dedicated to partnering with other established campus groups in order to foster growth, education and knowledge of reproductive rights.

On October 10th, along with the Student Health Law Association, the Black Law Students Association, the Hispanic Student Bar Association and the Asian American Law Students, LSRJ will host a seminar/lecture on Race, Ethnicity & its Effects on Reproductive Justice. This event will bring to the student body Loretta Ross, Executive Director of SisterSong Women of Color Reproductive Health Collective, based here in Atlanta, GA. The event is scheduled for 5 pm and promises to be exciting! For more information regarding LSRJ, check out the new website at <http://law.gsu.edu/lsrcj>, visit the TWEN Webpage or catch one of the officers or members in the hallway.

## Congratulations New Members!\*

Law Review			Student Trial Lawyers Association			Moot Court		
Robert Ashe	Austin Hall	Jordan Patterson	Emily Ahlquist	Monique Ewing	Holly Muehleman	Paul Barsness	Matthew McNeil	Brent Eden
Paul Barsness	Barry Hester	Delon Pinto	Tiffany Bartholomew	Ana Maria Florez	Patrick Norris	Robbie Ashe	Jason Grier	David Gann
Madison Burnett	Sherry Jackson	Carly Record	Alex Bozarth	Mitch Freehauf	Zach North	Jarrett Ellis	Donald Brown	Adam Ford
John Chitty	Myrece Johnson	Paula Rothenberger	Ernessa Brawley	Ashley Fuller	Josef Osterneck	Bruce Sarkisian	Bappa Basu	Kendra Wallace
Alexis Fairweather	Andrew Jones	Amy Tidwell	Lisamarie Bristol	John Gunn	Lauren Parker	Catrina Bodamer	Rachel King	Will Tate
Angie Fox	Tracie Klinke	Wade Walker	Christy Brown	Keith Hayasaka	Meg Robinson	Ana Florez	Wade Walker	Amy Tidwell
Caroline Freeman	Adam Knight	Kendra Wallace	Jack Butler	Nicole Holtzaple	Jennifer Sammons	Taylor Harper	Eileen O'Neill	Shari Gunnin
Ashley Fuller	Scott Lange	Noelle Whitmire	Charlie Cauble	Karisa Kopaczewski	Rebecca Sample	Jack Morse	Alana Nichols	
Nathan Gaffney	Matthew McNeill	Adam Winger	Heather Chambers	Suzanne Lee	Spencer Smith	Jennifer Sammons	Chad Wingate	
Jason Grier	Brett Montroy	Brett Zudekoff	Duane Cochenour	Cal Leipold	Clay Strayhorn			
	Jonathan Morris		Billy Corriher	Stephanie Mason	Joshua Sutton			
			Jackie Couturier	Heather McPhillip	Matt Swope			
			Ken Crosson	Kevin Mitchell	Jesse Wright			

## Congratulations 2007 - 2008 Officers!\*

Student Bar Association	Black Law Student Association	Student Trial Lawyers Association	Asian American Law Student Society
<b>President:</b> Joshua Saunders <b>Vice President:</b> Marian Adeimy <b>Secretary:</b> Daniel Orrock <b>Treasurer:</b> Sherrie Brady <b>3L Full Time Senator:</b> Jenise Jackson <b>3L Senator-at-Large:</b> Andrew Lovvorn <b>3L Part-Time Senator:</b> Chris Britton <b>2L Full Time Senator:</b> Peter Rivner <b>2L Senator at Large:</b> Shariff Jones <b>2L Part Time Senator:</b> Rachel King <b>2L Honor Court Justice:</b> Heather Chambers <b>3L Honor Court Justice:</b> Brett Zudekoff <b>3L Honor Court Justice:</b> Brian Basinger <b>3L Honor Court Justice:</b> Keith Hayasaka <b>3L Honor Court Justice:</b> Matthew Swope <b>3L Honor Court Justice:</b> Cal Leipold	<b>President:</b> Tiffany Williams <b>Vice-President:</b> Melanie Nelson <b>Secretary:</b> Brandeis Malbrue <b>Treasurer:</b> Kendra Wallace <b>Historian:</b> Ernessa Brawley <b>Parliamentarian:</b> Chiquita Woolfolk Banks <b>Bench &amp; Bar Committee Chair:</b> Miltonette Craig <b>Service Chair:</b> Diana Grant <b>Fundraising/Social Chair:</b> Nathan Fitzpatrick <b>College Student Relations:</b> Alana Nichols	<b>President:</b> Suzanne Lee-Jackson <b>Vice President:</b> Jacqueline Couterier <b>Web Master:</b> Keith Hayasaka	<b>President:</b> Rosaleen Chou <b>President Elect:</b> Paula Lee <b>Vice President:</b> Nalee Kim <b>Treasurer:</b> Christine Raj <b>Secretary:</b> Priya Palvia <b>Web Master:</b> Keith Hayasaka <b>Social Chairs:</b> Ben Reed & Jinesh Patel
<b>OUTLaw</b>	<b>Child Advocacy Society</b>	<b>Sports &amp; Entertainment Law Society</b>	<b>Business and Law Society</b>
<b>President:</b> Brian Basinger <b>Vice President:</b> Adam Ford <b>Secretary:</b> Eric Cho <b>Treasurer:</b> Sarah Basiliere	<b>President:</b> Paul Barsness <b>Vice President of South Atlanta H.S. Mentoring:</b> Lisa Liang <b>Vice President of TIP Programming:</b> Kathryn Franklin <b>Vice President of Programming:</b> Sarah Basiliere <b>Treasurer:</b> Shariff Jones <b>Street Law Coordinator:</b> Nichole DeVries	<b>President:</b> Nathan Fitzpatrick <b>Vice President:</b> Heather McPhillip <b>Treasurer:</b> Jinesh Patel	<b>President:</b> Karisa Kopaczewski <b>Vice President:</b> Ernesto Baron <b>Secretary/Social Coordinator:</b> Marian Adeimy <b>Treasurer:</b> Jinesh Patel
		<b>Christian Legal Society</b>	<b>Intellectual Property Law Society</b>
		<b>President:</b> Kevin Mitchell <b>Vice President:</b> Rebecca Dysart <b>Treasurer:</b> John Chitty <b>Secretary:</b> Rebecca Sample	<b>President:</b> Gibson Lanier <b>Vice Presidents:</b> Todd Obijeski Alexis Fairweather <b>Treasurer:</b> Wade Walker <b>Secretary:</b> Jessica Keesee <b>Web Master:</b> Gaylon Hollis
		<b>NEW THIS FALL!</b> <b>Criminal Law Association</b>	
		<b>President:</b> Sarah Basiliere <b>Secretary:</b> John Gunn	

\* This is not an all-inclusive list of organizations, but those which announced new members and officers since the last printing of The Docket.

## Courts cite GSU Law Review, Student-written Peach Sheets

By Brian Basinger

Federal and state judges have turned to Georgia State University's Law Review in recent months as a citation source for court opinions ranging from employment discrimination suits to medical malpractice.

The United States District Court for the Southern District of Indiana cited to a lead article from the 2002 edition of the Law Review in an opinion dealing with a motion to amend an employment discrimination lawsuit. Later in the summer semester, opinions from the Georgia Supreme Court cited to student-written content from the GSU Law Review, including the Peach Sheets, which detail the legislative history of new state laws.

"As a faculty advisor to Law Review, I am extremely proud of, but not surprised by, the Court's use of our Peach Sheets in its decisions this summer," said Kelly Cahill Timmons, associate dean for student affairs. "Writing Peach Sheets is an invaluable service by all of our Law Review members to the Georgia legal community. Through the years, many members of that community, from attorneys to judges, have relied on our Peach Sheets."

In the case of *Spellman v. Seymour Tubing, Inc.*, 2007 U.S. Dist. LEXIS 28779, the District Court cited to Post-Charge Title VII Claims: A Proposal Allowing Courts to

Take "Charge" When Evaluating Whether to Proceed or to Require a Second Filing by Kelly Koenig Levi, an adjunct law professor at Pace University School of Law. The court used the article, located at 18 Ga. St. U. L. Rev. 749 (2002), to bolster its decision to grant a former employee's motion for leave to amend her complaint with an additional charge of retaliation for acts that occurred after she filed a complaint with the Equal Employment Opportunity Commission.

***"I think it's fantastic...it highlights the way in which legal journals like our Law Review contribute to legal analysis and decision-making in the real world."***

In the case of *Georgia Pines Community Service Board v. Summerlin*, 2007 Ga. LEXIS 488, Chief Justice Leah Sears authored the majority opinion for the Georgia Supreme Court in which she affirmed a lower court's ruling regarding the procedure for service of process under Georgia's Tort Claims Act.

In crafting her opinion, Sears cited to a student note in the 2002 GSU Law Review titled *The Georgia Tort*

*Claims Act: A License for Negligence in Child Deprivation Cases?*. The note was written by College of Law alumna Mauricia Allen, JD '02, who is now an associate with Troutman Sanders LLP.

And in a dissent written for the case of *Allen et al. v. Wright*, 282 Ga. 9, Presiding Justice Carol Hunstein cited to a student-written legislative history from the 2005 Peach Sheets to make an argument about the harmony between the state's tort reform law and federal laws on medical information and patient privacy. That Peach Sheet can be found at 22 Ga. St. U. L. Rev. 221, 244 (2005).

"I think it's fantastic," Law Review Editor-In-Chief Cylinda Parga said. "It highlights the way in which legal journals like our Law Review contribute to legal analysis and decision-making in the real world."

"More specifically, it highlights the unique and invaluable service our Law Review provides by creating our annual Peach Sheet edition, which is the only available legislative history considered by the Georgia General Assembly. As students, it gives Law Review members an opportunity to make real substantive contributions to Georgia's legal community, something which many students find particularly gratifying."

## Summer in Rio: Unforgettable Trip to a Magical City

By Jad Atallah

Summer is always a time of exciting and endless opportunities for law students. The study abroad experience is an invaluable one and in my view, is a key component to achieving a well-rounded legal education. The Georgia State University Summer Legal and Policy Study in Rio de Janeiro offers students an enriching global academic experience while also allowing them enough time to secure employment for the remainder of their summer.

This past May, myself along with students from Georgia State, Seattle University, University of Tennessee and a host of other law schools from around the country traveled to Rio to gain a unique global perspective on the law. Courses were offered in cross-cultural conflict resolution, international and comparative human rights, and corporate, trade, environmental, coastal and public health law and policy.

Rio de Janeiro is a fascinating place to say the least. The ride from the airport to our residence located in the city's world-renowned Ipanema district served as a good

overview of what we were about to witness for the remainder of the program. Though exhausted from our flight, we anxiously anticipated the long-propagated post-card images of the city. Christ the Redeemer appeared atop the Corcovado Mountain and immediately caught our attention. We also took some time to admire the beaches of Copacabana, Sugar Loaf Mountain, and the Lagoa Rodrigo de Freitas (Lagoon) located in the South Zone of Rio. However, Rio would soon acquaint us with her other side.

While Brazil currently enjoys a growing economy, it also suffers from one of the world's largest income disparities. Immediately adjacent to the landmarks lay the favelas (slums or communities) that house much of the city's working-class. Over the following few weeks, these favelas and the multitude of legal and social issues that they pose were a source of intensive discussion and debate in the confines of our classrooms and on our field trips. With newly acquired legal knowledge we ventured out regularly and interacted with a diverse variety of

Brazilians ranging from law firm attorneys and political figures to social advocates and residents of the poorest favelas of the city.

Though the program is intensive, we always found the time to visit the sites, taste the food, and enjoy the bustling nightlife of Rio. We also spent a weekend visiting the marvelous town of Paraty and another in Sao Paulo, Brazil's most populous city. The highlight of the program for me was undoubtedly the night we attended the famous Maracana Stadium in Rio to watch a soccer game between two local rivals. It was then that we truly captured the spirit of the average Brazilian. Not one Botafogo fan had a care in the world as we paraded the streets after a 4-0 victory.

Program Director Professor Colin Crawford best describes the program when he says: "This program takes students to Rio, one of the world's most beautiful cities but also one facing serious social, economic and planning challenges. We aim to give students a rigorous academic experience while also having an unforgettable trip to a magical city."

***"Though the program is intensive, we always found the time to visit the sites, taste the food, and enjoy the bustling nightlife of Rio."***

## Four Countries in 30 Days: Explore Europe

By Nichole DeVries

How many Georgia State law students can say that they studied in four countries in Europe this summer while having the time of their lives? Answer: 25 along with students from The University of Seattle, Charleston School of Law, and Hamline University. The Summer Academy in International Commercial Arbitration (SAI-ICA) gave students a rare opportunity to meet with the professional sculptors of international commercial arbitration in some of the most coveted cities in Europe.

SAIICA, a Georgia State Program, is co-sponsored by Johannes Kepler University of Linz, Austria. The program consists of a seminar on comparative arbitration and a second seminar on international arbitration, for a total of six credits in 30 days.

Commercial arbitration is the predominate method of dispute resolution in international trade transactions. A career in any international field requires an understanding of this unique system fashioned by court-specific sets of rules that attract businesses for a variety of strategic reasons. An outstanding faculty drawn from Europe and the United States supports the program and includes senior officers of several of the most important arbitration courts in central Europe. Although students primarily reside in Linz, Austria, a key component to the program are weekly visits to arbitration courts outside of Linz, including Vienna, Prague, Budapest, Salzburg, and Venice. Arriving in Linz is a bit shocking. A seemingly tranquil

city awash in lush green hillsides and beautiful buildings is also the home to hundreds of university students, great shopping, and a rich history. As we strolled through the

***"The ornate architecture of the palace and bathhouses sitting in view of the citadel, a looming monument to soviet occupation, were breathtaking in the most rudimentary terms."***

streets with gelato in hand after a hearty meal of meat and potatoes, it was easy to forget that we just passed the balcony where Hitler announced the unification of Austria and Germany or that just down the road lies Mauthausen, a former concentration camp.

While we technically lived in Linz for a month, most of us walked away with sights unseen. In the midst of debating the pros and cons of the arbitration system and its impact on the consumer-corporate relationship, we hauled ourselves onto a bus every Friday in the early am for a drive to another arbitration court. For those of us who were exhausted from the week, the only thing keeping us awake was the reward of a weekend in a new city. First was Budapest. The ornate architecture of the palace and bathhouses sitting in view of the citadel, a looming monument to soviet occupation, were breathtaking in the most rudimentary terms. And if you were really lucky, you might even be surprised by a rock concert or gypsy market. Up next: Prague. The city's capture of nightlife

and street food is unparalleled. There is nothing quite like an evening cruise down the river through the heart of the city with 31 of your newfound friends. With just an

afternoon in Salzburg, the group divided between Sound of Music devotees, Mozart fans, and fortress hikers. Vienna, stop number three, marked the realization that we would be going home soon and far exceeded my expectations.

While the parliament buildings and wine venues have ample to offer, you have not done Vienna until you have wandered through the local markets. The grand finale, a prequel to finals week, was three days in Venice. While no one can quite describe the magic of floating the canals at dusk or watching an event in St. Mark's Square, almost just as intoxicating was the character of surrounding cities.

At best I have inadequately described a program that teaches arbitration with methodology that mandates retention and inspiration while forging lifelong friendships and memories. What did I take away from those 30 days? A well-refined critique of arbitration, a love of wheat beer, and nostalgic memories of the Budapest riverscape, the street markets of Vienna, the hustle of Prague, country line dancers in Mirano, Italy, and the complacent beauty of Linz.

## Celebrating Our Past ... Building Our Future

The Georgia State University College of Law has brought much to the lives of its students, its faculty and the wider community. Yet its birth almost never happened, opening in 1982 after an eight-year odyssey of ups and downs, stopping and starting, pushing and pulling. And look where we are today. Twenty-five years old. Bigger, better, more important than ever. Who would have thought?

Our 25th Anniversary celebration will fill the 2007-08 year with academic and social events, a gala dinner, a very special speaker series, and more memories and stories than we have room to mention here. Make our 25th Anniversary celebration part of your plans this year. Check out our calendar of events and join us as we celebrate our past and build on our even brighter future.

### 25th Anniversary Events Calendar

To stay up to date on the 25th Anniversary festivities, check your email and the College of Law website. New events are being added daily!

#### September 28, 2007

Alumni Kickoff 25th Anniversary Luncheon & Open House  
 with Keynote Speaker the Hon. Gov. Sonny Perdue,  
 Followed by a Reception at the College's New Building Site

#### October 4, 2007

Conference with the National Association of Criminal  
 Defense Lawyers (NACDL) and the Southern Center for Human Rights,  
 Racism and the Criminal Justice System

#### October 23-24, 2007

First Annual Corporate Intellectual Property Institute  
 (with Robinson College of Business)

#### November 15, 2007

Newly Minted Lawyers Reception & Swearing In Ceremony

#### November 16, 2007

National Briefing Day for the Convention on the Rights of the Child (CRC)

#### Jan./Feb. 2008

Law Review Symposium (Date & Speakers TBD)

#### February 7, 2008

Ben F. Johnson Jr. Public Service Award Ceremony

#### February 16, 2008

Public Interest Law Association (PILA) Annual Auction

#### February 20-24, 2008

National Conference on The Future of Legal Education

#### March 11, 2008

The Hon. Justice Sandra Day O' Connor, Keynote Anniversary Speaker,  
 42nd Henry J. Miller Distinguished Lecture

#### April 7-11, 2008

Law Week

#### April 17, 2008

25th Anniversary Celebration Gala at the Atlanta History Center

#### May 9, 2008

College of Law Hooding Ceremony



## Tuition Reminder e-mail coming in Spring

By Brian Basinger

Weeks after returning students expressed surprise at this year's 33 percent tuition increase, College of Law administrators announced they will send out an e-mail next spring to give as much advanced notice as possible concerning future tuition hikes.

According to Dean Steven Kaminshine, students will receive the e-mail in May directing them to information about new tuition rates for the 2008-09 academic year. The reminder to check for tuition increases will go out in May because the University System of Georgia Board of Regents typically approves new tuition rates during its April meeting.

Kaminshine added that the new tuition rates would also be "prominently accessible" on the College of Law's website, but may not actually be posted until after the e-mail reminder has gone out.

"The nature of the beast may make it that we won't get the information until June," Kaminshine said. "As soon as we get information, we pass it on."

Earlier this year, a delay in the Georgia General

Assembly's budget negotiations caused the Regents to pass tuition increases when College of Law students were taking finals in May. Tuition for in-state full-time College of Law students increased by 33 percent, up from \$3,163 per semester to \$4,214, according to tuition rate charts

***"It is really important for law students to be able to factor increases in tuition into their plans."***

obtained from the Regents. Out-of-state tuition jumped roughly 21 percent, from \$11,122 to \$13,407. Because students do not receive e-mails or letters explaining the new rates during the summer, some students were surprised when they viewed their GoSOLAR accounts. On the other hand, students expressed praise recently after learning of the new e-mail notification decision enacted by school administrators.

"I know many law students make summer trip plans, home improvements, and other expenditures with their summer salaries, so I think it is really important for law students to be able to factor increases in tuition into those

plans," said Student Bar Association President Joshua Saunders, who met with College of Law deans in August to brainstorm about improving communications concerning tuition.

The College of Law's 33 percent tuition increase came from two sources. A little less than half the increase is dedicated to help fund the College of Law's new building and was requested by the College of Law, which informed students last fall of the coming fee. The remaining majority of the increase represents an institutional tuition hike by Georgia State University, Regents spokesman John Millsaps wrote in an e-mail to The Docket. The College of Law was not the only professional degree program to see significant tuition hikes.

Other state programs increasing in price included the University of Georgia Masters of Law Program (up 64.5 percent), the UGA Masters of Accountancy (up 39.2 percent), the GSU MBA program (up 31.7 percent), and the UGA Pharmacy School (up 19.7 percent), according to the Regents' website. Tuition at the UGA Law School went up 14.5 percent, from \$4,771 per semester to \$5,466.

For more information: [http://www.usg.edu/fiscal\\_affairs/budget/tf/fy08/fy08\\_professional\\_prgm.pdf](http://www.usg.edu/fiscal_affairs/budget/tf/fy08/fy08_professional_prgm.pdf)

## Behind the Scenes with Lauren St. Clair

By Suzanne Lee-Jackson

If I were to find a metaphor in the form of a movie position to describe Lauren St. Clair, it would perhaps be the "Grip." The Grip is the person responsible for the "set up, adjustment and maintenance..." of production equipment. But, the Grip is also the person you never see! Behind the scenes making sure everything is working, everyone is where they are supposed to be and everything is set up and ready to roll. That is Lauren. My first encounter with Lauren was the first semester of my first year when I was dropped from classes after the financial aide deadline. I still don't know what she did...but she made some "adjustments" and I was good to go! In her questionnaire, she mentioned that her favorite superhero was Underdog...well I say to GSU-COL students: "There's no need to fear, Lauren St. Clair is here!"

**Name:** Lauren St.Clair

**Birthplace & Hometown:** Easley, SC

**Position at the law school:** Assistant Registrar

**Major responsibilities:** Exams, Exams, Exams, Honors Day, COL Bulletin, Georgia Bar Fitness forms, Registration

**Favorite thing about working with law students:** That they're not undergraduates!

**Why Georgia State University College of Law:** It's a great place to work. The faculty, staff, and students are a pleasure to work with. Why NOT Georgia State University College of Law!?!

**What did you do before coming to GSU-COL:** Worked for a closing attorney

**Favorite Neighborhood:** I don't live downtown, but I do like to visit the Grant Park and Virginia Highlands areas.

**Favorite Restaurant:** Pappasitos

**Favorite watering hole:** Wild Wing Cafe or Taco Mac

**Favorite musical group:** Led Zeppelin



Lauren St. Clair

**Name of 3 CD's that are currently in your stereo:** Black Sabbath, Paul McCartney, Queen

**Favorite movie:** Dangerous Liaisons and Pulp Fiction

**Favorite book:** From Baghdad, With Love

**Favorite author:** James Patterson, poet Nikki Giovanni, and of course cartoonist Charles Schulz

**Favorite all-time T.V. show:** All time favorite would have to be Saturday Night Live. I am also a big fan of Family Guy and South Park.

**Favorite legal T.V. show:** "The Closer". That's about as close to legal as I watch. Growing up, I watched the People's Court with Judge Wapner.

**Favorite sport:** NASCAR (Support the Greg Biffle Foundation)

**Favorite vacation spot:** Any place that is pet friendly. The NC mountains are always nice and Memphis, TN has The King.

**Three people dead or alive that you would like to have dinner with:** Wayne Pacelle, John Bonham, Johnny Cash

**Favorite super hero:** Underdog!

**What did you want to be when you were growing up:** A Veterinarian

## College of Law Welcomes New Faculty



**Russell Covey**  
J.D., Yale Law School  
M.A., Princeton University  
A.B., Amherst College  
*Professor Covey teaches courses in domestic and international criminal law and criminal procedure.*

Russell Covey is Associate Professor of Law at Georgia State University's College of Law. Professor Covey's research focuses on criminal law and procedure, and he is the author of numerous articles on topics including the death penalty, police interrogation, crime and popular culture, jury selection, and plea bargaining. As a member of the National Association of Criminal Defense Lawyers, Professor Covey has filed amicus briefs and represented pro bono clients in criminal appeals in the United States Court of Appeals for the Ninth Circuit and the United States Supreme Court. Prior to joining the College of Law, he taught at Whittier Law School in Southern California and practiced criminal and civil litigation at Williams & Connolly in Washington, D.C.

**Birthplace & Hometown:** Salem, Oregon

**What brought you to GSU College of Law?**

The opportunity to teach at a world class law school.

**What do think is GSU College of Law's greatest strength?**

Its students and its faculty.

**Favorite Neighborhood:** Dunwoody

**Favorite Restaurant:** It's too soon for me to say, but my kids love McDonalds.

**Favorite watering hole:** The Chattahoochee River

**Favorite watering hole besides Manuel's:** Sweetwater Creek (what's Manuel's?)

**Favorite musical group:** That's impossible to say, but I'll put in a plug for the Jayhawks, R.E.M., and the Pat Metheny Group.

**Name of 3 CDs that are currently in your stereo:** Actually, they have recently been added to my Ipod: Milton Nascimento, Edith Piaff, and the Jayhawk's Rainy Day Music.

**Favorite movie:** Tough, but I'd have to say Francis Ford Coppola's Apocalypse Now

**Favorite book:** For fiction, anything by Richard Ford, Thomas McGuane, or Cormac McCarthy, for non-fiction, anything by Michael Lewis (see, e.g., Moneyball or Liar's Poker), and in the area of law that I teach, Steve Bogira wrote a fantastic book about the Chicago criminal justice system called Courtroom 302.

**Favorite all-time TV show:** Hill Street Blues.

**Favorite legal TV show:** There was a good three year stretch of L.A. Law that I really got into, but that was back in the 80s.

**Favorite Supreme Court Justice of all time:** Thurgood Marshall

**Favorite current Supreme Court Justice:** John Paul Stevens

**Least favorite Supreme Court Justice of all time:** That would probably be Chief Justice James Clark McReynolds, a racist and an anti-Semite whose work product includes a dissent in a case, Moore v. Dempsey, in which five African-American defendants escaped lynching only to be given a sham trial in a mob-dominated atmosphere and be sentenced to death, that begins by questioning whether any court should concern itself with factual allegations "supported by affidavits of the[] five ignorant men whose lives were at stake, the ex parte affidavits of three other negroes who had pleaded guilty and were then confined in the penitentiary under sentences for the same murder, and the affidavits of two white men--low villains according to their own admissions".

**Least favorite current Supreme Court Justice:** Although he's not quite current, I'd probably have to say the late Chief Justice Rehnquist, whose sins include (in my view) compromising the integrity of a self-proclaimed states' rights Court in Bush v. Gore by failing to keep it out of what was, at bottom, an issue of state law.

**Favorite sport:** Whitewater kayaking

**Favorite vacation spot:** Anyplace that provides babysitting for the kids

**When you first realized that you wanted to become a professor:** Probably that day when I found myself in an Alaskan warehouse filled floor to ceiling with boxes of documents concerning the manufacture of wood pulp, every page of which I was expected to review.

**If you were not a Professor, you would be:** A criminal defense attorney.

**Favorite class when in law school:**

Abraham Goldstein's Advanced Criminal Procedure

**Habit in law school that looking back probably was not such a good idea:**

Making a point to watch every episode of NYPD Blue throughout my first year.

**A Professor's annoying habit that you hated as a student that you now find yourself doing on occasion:** I had a professor who did leg stretches on the podium all through class, but I don't do that. I'm sure I do a lot of other things that students find annoying. Students have told me that I walk around so much that they have gotten dizzy watching me and have had to look away.

**Favorite Professor in law school and why:** Abraham Goldstein, because he had the most charming and disarming manner about him, an infectious laugh, and constantly interrupted his lectures with whatever tangents came to mind, which were always more interesting than the thing we happened to be studying anyway (which was nonetheless pretty interesting).

**Three people dead or alive that you would like to have dinner with:** Ralph Waldo Emerson, Homer Simpson, Uma Thurman (but I'd settle for her father, Bob).

**Favorite super hero:** Superman (I spend a lot of time trying to answer questions from my kids' about the limits of Superman's physical abilities, for instance, how many Supermen would it take to move the Earth? Or, can superman pick up a house with his tongue? If you have answers, let me know!).

**What did you want to be when you were growing up:** Depends on the day, but the list includes astronaut, judge, film director, and marine biologist.

To properly welcome the new professors (in a way only the Docket could), we asked each to tell us a little bit about themselves. After reading, I think we can all agree that we really need to introduce the new Professors to Manuel's!



**Jonathan Todres**  
J.D., Columbia Law School  
B.A., Clark University

*Professor Todres teaches courses on public health law, human rights and children, and international and comparative health law.*

Jonathan Todres is Associate Professor of Law at Georgia State University's College of Law. He has published numerous articles on a range of children's rights issues and health law issues. Professor Todres is a Vice-Chair of the International Human Rights Committee of the ABA Section of International Law and the Immediate Past Chair of the Section's International Health Law Committee. His research focuses on children's rights issues, particularly those related to trafficking and commercial sexual exploitation of children, and health law issues. Professor Todres previously taught at New York University School of Law and the Benjamin N. Cardozo School of Law of Yeshiva University and, prior to his legal career, worked for a number of years in international health.

**Hometown:**

As of this summer, it's Atlanta

**Name of 3 CDs that are currently in your stereo:**

Freshlyground, Damian Marley, Talib Kweli

**Favorite movie:**

Breaker Morant

**Favorite author:**

Photo finish between Wallace Stegner and Pablo Neruda

**Favorite sport:**

Basketball

**Favorite vacation spot:**

Cape Town, Corsica, and Thailand are all good choices

**Habit in law school that looking back probably was not such a good idea:**

Worrying

**A Professor's annoying habit that you hated as a student that you now find yourself doing on occasion:**

Pacing

**What did you want to be when you were growing up:**

Taller



**Leslie E. Wolf**  
M.P.H., Johns Hopkins School of Public Health  
J.D., Harvard Law School  
A.B., Stanford University

*Professor Wolf teaches courses on human subjects research, public health law, and HIV and the law.*

Leslie E. Wolf is Associate Professor of Law at Georgia State University's College of Law. She conducts research in a variety of areas in health and public health law and ethics, with a particular focus on research ethics. She has conducted empirical research on conflicts of interest, research with stored biological materials, Certificates of Confidentiality, IRB web guidance, and HIV-related laws and policies. Prior to joining the law school, Professor Wolf taught medical ethics and research ethics at the University of California, San Francisco, where she also served on the UCSF institutional review board and advisory committee regarding stem cell research. She also previously was selected as a Greenwall Fellow in Bioethics and Public Policy and as a Greenwall Faculty Scholar.

**Hometown:** Holliston, MA (about 26 miles southwest of Boston)

**What brought you to GSU College of Law?** The opportunity to return to my disciplinary home (I spent the last 9 years in a medical school at a health sciences campus) and work with other faculty interested in health law in the Center for Health, Law & Society.

**Favorite musical group:** Billy Joel, U2

**Name of 3 CDs that are currently in your stereo:** Essential Yo-Yo Ma (iTunes download), Jesus Christ Superstar, and Fine Young Cannibals

**Favorite movie:** Depends on my mood, but perennial favorites are: Casablanca, the original Star Wars trilogy, the Princess Bride and Strictly Ballroom

**Favorite book:** One that I regularly reread is The Lord of the Rings trilogy

**Favorite author:** Isabel Allende, Dick Francis, & Lawrence Sanders ("The Burglar Who..." series).

**Favorite legal TV show:** LA Law (it was on when I was in law school)

**Favorite sport:** To do, scuba; to watch, football

**Favorite vacation spot:** The Kohala Coast on the Big Island of Hawaii

**If you were not a Professor, you would be:** Unemployed! I don't know what else I would do now because I really like the combination of teaching and research.

**Favorite class when in law school:** Trial Advocacy Workshop. This skills based class was intensive (3 weeks 2-9pm), but gave me skills that transcended the topic. We had to stand up every day to practice the assigned skill in front of our classmates and, at least once a week, had to review our performance on videotape with an instructor to critique it. It helped me to have more confidence in public speaking and to be a better, more constructive critic of both myself and of others. I also developed specific skills that I could use in my litigation practice, although I never actually went to trial.

**Habit in law school that looking back probably was not such a good idea:** Eating raw chocolate chip cookie dough during times of stress (i.e., all the time). Now there are pasteurized eggs to make this a safer practice.

**A Professor's annoying habit that you hated as a student that you now find yourself doing on occasion:** Hmm, I've forgotten those annoying habits over the course of time (which means I can't recognize them in myself).

**Favorite Professor in law school and why:** Charles Ogletree. He directed the Trial Advocacy Workshop. Although, because of the structure of class, his formal teaching to the class was limited, what he did was brilliant. He demonstrated how we needed to break down questioning by asking the class to direct him on how to make a peanut butter and jelly sandwich and misconstruing what we said whenever it was reasonable to (e.g., putting the whole jar of peanut butter on top of the bread, instead of spreading it on a piece of bread like we thought we'd told him). In addition, his selection of other top trial lawyers to demonstrate and teach us skills was superb. Not only did we observe exceptional talent, they encouraged us to find our own style (rather than to try to replicate those we saw).

**Name of law schools that you were not admitted to:** Yale and Stanford

## 25th Anniversary Initiative: Pro Bono Recognition Program

Courtesy of the COL Website

In honor of our 25th Anniversary, our goal is to achieve 25,000 hours of pro bono service during the anniversary year (July 1, 2007 through June 30, 2008). For information purposes only, that breaks down into roughly 35 hours per member of the College of Law community (faculty, staff, or student). As a comparison, ABA Model Rule 6.1 provides that "[a] lawyer should aspire to render at least (50) hours of pro bono publico legal services per year."

We recognize, of course, that some members of the community will do much more than 35 hours and others will do less or choose not to participate at all. No one is asked to make an individual pledge; the 25,000-hour goal is for the community as a whole.

An essential part of the professional development of lawyers is the inculcation of the fundamental values of the profession, and an important component of these values is support for and participation in pro bono service.

Pro bono activities include not only those that ensure adequate legal services for moderate and low income individuals but efforts that enhance the capacity of law and legal institutions to do justice, and activities in the local community that promote justice. The College of Law's pro bono recognition program is designed to encourage students to engage in such activities while in law school and thus conduct themselves in accordance with highest values and standards of the legal profession.

### How Pro Bono Participation Will Be Recognized

Students who complete 50 hours or more of pro bono service during law school will graduate with "pro bono

distinction". There are three levels of recognition: *With Distinction* is awarded to students who complete between 50 to 99 hours of pro bono service; *With High Distinction* is awarded to students who complete between 100 and 149 hours of pro bono service; *With Highest Distinction* is awarded to students who complete 150 or more hours of pro bono service. Recognition will include a notation in the graduation program and students will receive a special certificate of recognition.

### What Constitutes Pro Bono Service?

For purposes of its Pro Bono Initiative, the College of Law is defining pro bono service broadly, using the same definition provided to our students for their Pro Bono Recognition Program:

"Pro bono service consists of external (i.e. outside the law school) service rendered in the public interest and for the public good without receiving a fee or earning academic credit. Services that qualify as pro bono service under the Pro Bono Recognition Program include such services as service: to the poor or to organizations that have as a principal purpose promoting the interests of the poor; or to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights; or in connection with activities for improving the law, the legal system or the legal profession; or to charitable groups or organizations; or to community groups or organizations; or to classes in any K-12 program."

Despite this broad definition, we encourage College of Law faculty, as trained attorneys, to devote some of their

pro bono hours to law-related work. ABA Model Rule 6.1 provides, in part, that a lawyer may fulfill his or her pro bono responsibility by providing legal services, without fee, to persons of limited means or to various organizations in matters designed to address the needs of persons of limited means; or by participating in activities for improving the law, the legal system, or the legal profession. Regarding the latter category, a comment to the rule provides: "Serving on bar association committees, serving on boards of pro bono or legal services programs, taking part in Law Day activities, acting as a continuing legal education instructor, a mediator or an arbitrator and engaging in legislative lobbying to improve the law, the legal system or the profession are a few examples of the many activities which fall within this [definition]."

We know that many members of the faculty already perform significant pro bono work. Continued performance of such work certainly qualifies as pro bono service for purposes of the Initiative. In recognition of the College's heightened commitment to public service during its 25th Anniversary Celebration, however, we encourage members of the faculty to consider spending some of their pro bono hours on a new or different project.

### Reporting Pro Bono Hours

To record pro bono hours, access the web-based self-reporting system. Access is controlled with the MyLaw ID system. All pro bono hours should be reported in the semester in which the work is performed.

## Street Law: A Way to give back to the Atlanta community

By Paul Barsness

The presidents of the American Bar Association and the Association of American Law Schools are calling on every law school in America to make a commitment to helping their law students and law faculty understand the importance of educating the public and identifying ways of encouraging future lawyers to participate in public legal education programs.

-- Joint Resolution made by ABA and AALS presidents William Paul and Elliott Milstein, Spring 2000.

In celebration of GSU's 25th anniversary, the school has pledged to provide 25,000 hours of service to the community. As a public legal education program, Street Law is a perfect part of that commitment. On October 26, 2007, at Midtown Bowl, the Child Advocacy Society will host a critically important fundraiser for this remarkable program. Street Law enables law students at Georgia State to teach practical law lessons to high school students at the Academy of Law and Social Justice.

The Street Law model began in 1972 when a group of Georgetown University law stu-

dents developed practical law curriculum to teach to students at a DC high school. Now, more than 70 law schools around the country have Street Law programs, with similar initiatives in over 30 countries.

The Academy of Law and Social Justice, which has splintered off from South Atlanta High, began last year with 55 ninth graders. 100 new freshmen will join the Academy each year. The Child Advocacy Society partnered with the Academy in its first year, and the Street Law program was an instant success earning a public service award from Georgia State.

Street Law benefits everyone. Students at the Academy love the program. Since many of them have dreams of one day attending law school, the chance to interact with law students is invaluable. In addition to learning about the law, they benefit from having access to positive role models. GSU also benefits. The program helps law students develop the skills they need to be successful practicing attorneys. Lawyers are communicators, and Street Law gives students ample opportunities to practice through interactive presentations and teaching. By coaching students to develop arguments,

law students learn more about the law and enhance their ability to make practical applications of legal concepts.



South Atlanta High School students pose for the camera at the Street Law Kick-Off Event.

At Georgetown and many other law schools, Street Law is run through the school, students are eligible for school credit, and funding is more stable. At GSU, the program is in its infancy and is run through a student organization. As such, funding is less secure, and private funds are essential. The goal of the October fundraiser is to raise funds to ensure continuation of the program through the 2009-2010 year when the Academy will have its first graduating class.

The 10th grade "seniors" at the Academy recently returned to GSU to encourage law students to continue the program and expand the relationship to help them develop the skills they need to succeed. This is a request that everyone at Georgia State needs to take seriously.

\*If you are interested in participating in Street Law or making a donation, please contact Nichole DeVries, Street Law Director, at [ndevries10@gmail.com](mailto:ndevries10@gmail.com).



Students listen attentively as information is given about this year's Street Law program.

### Next Issue:

Question of the month:  
 Why I came to  
 Law School...  
 Email  
[slee88@student.gsu.edu](mailto:slee88@student.gsu.edu)  
 with your answer!

In the  
 Works:  
 The Docket  
 Online!

Next Issue:  
 AIDS Walk  
 Atlanta

Read the  
 Docket:  
 Earn Rewards  
 See your WestLaw Rep  
 For Details!

## Defending the Guilty? The Legal Dilemma that Isn't.

By Stephen Payne

Criminal defense lawyers are arguably the most maligned and reviled of the legal profession. Unfortunately, their infamy springs more from well-publicized trials of celebrities than from the day-to-day reality of criminal defense work. However, it does raise an interesting question about the motivation of defense attorneys. Since statistically many defendants will in fact be guilty of the crime charged, why would any well-meaning lawyer choose to represent them? Furthermore, why would they represent them when there is substantial evidence of guilt? Of course, motivations such as money or renown would be the obvious answers. Contrarily, there are easier ways to make money, and few people actually want to be known as the next Johnnie Cochran. For those seeking more sublime motivations for criminal defense work, or just looking for an excuse not to despise defense attorneys, there are several good reasons that one might choose to defend the apparently guilty.

The first motivation would be where an attorney feels that the law the defendant is accused of violating is unjust. Henry David Thoreau posited that, "It is not desirable to cultivate a respect for law, so much as a respect for right." For example, many attorneys have deep problems with drug legislation. Thus, to these attorneys, defending someone accused of marijuana possession is a just cause regardless of whether or not the defendant actually had a dime bag of weed in his pocket. With multitudes of controversial laws such as sodomy statutes, statutory rape laws, oppressive tax codes, so-called "three-strike" legislation, et cetera, it seems likely that there will always be an abundance of laws that are at least questionable. Likewise, there will always be attorneys willing to fight the negative effects of the enforcement of such laws.

The next reason why an attorney might defend the apparently guilty is that apparent guilt is not synonymous with actual guilt. Evidence can be planted or misinterpreted. Eyewitnesses are notoriously unreliable. Confessions can be coerced. The entire accumulation of evidence against a defendant on any given day may be one big coincidence. Unless the defending attorney has firsthand knowledge of the defendant's guilt, it is almost always theoretically possible to account for all of the evidence in a manner that leaves the defendant innocent of the crime. Even where evidence is facially overwhelming, history has shown us that false convictions are still possible. Recent DNA exonerations such as those of Robert Clark and Pete Williams



Stephen Payne

are strong reminders of that fact. Thus, to the extent that a given defendant could be innocent, it is a just cause to provide him or her with a vigorous defense.

Finally, the most compelling reason for defending the guilty and innocent alike has more to do with the role of defense attorneys than with their job description. Most people would describe defense work as "getting an innocent verdict" or "getting the best deal possible." Although the role of criminal defense in our adversarial system of law is to make the government convincingly prove its case and do so without disregarding civil rights. If the government is not required to do so every time it seeks to deprive a person of life, liberty, or property, then we, as a society, can never be comfortable that we are consistently punishing the right people. If the government can disregard our civil rights any time there is a criminal investigation, then the freedom we seek to protect is already lost. Our criminal justice system necessarily demands that the evidence used to convict be reliable, that the arguments put forth be sound, and that our civil liberties be respected in all stages of prosecution.

**"The...reason an attorney might defend the apparently guilty is that *apparent* guilt does not equal *actual* guilt."**

While complete certainty that only the guilty are punished is not currently possible, the more thorough the defense of any given defendant, the more at ease society may be when that defendant is convicted and punished. Additionally, if the government is prohibited from using evidence gained while violating civil rights, the closer we are as a society to upholding the fundamental rights put forth by our founding fathers. Benjamin Franklin once wrote that, "it is better 100 guilty Persons should escape than that one innocent Person should suffer." Different versions of this maxim have been promulgated by a number of commentators over the years, but the underlying principal has remained the same. We must take great steps to establish the guilt of those that we intend to strip of their freedom and even greater steps to protect the lives and liberties of the innocent. It is the defense attorney who scrutinizes the government's actions and brings accountability to the justice system.

## Ruling allows schools to legally censor student speech

By John Gunn

On June 25th, 2007 Chief Justice John Roberts writing for the U.S. Supreme Court held that the government may intervene to protect students from speech about illegal drugs. The decision was *Morse v. Frederick*, otherwise known as "BONG HiTS 4 JESUS" and several Justices voiced vehement disagreement.

Justice Breyer wrote "(The holding) in this case is, in my view, unwise and unnecessary." Justices Alito and Kennedy in concurring with the result but not the analysis cautioned "the argument...strikes at the very heart of the first amendment." Justices Stevens, Souter and Ginsburg argued in a joint dissent: "(T)he schools interest in protecting its students from exposure to speech...cannot justify disciplining Frederick... The First Amendment requires more, indeed, much more."

You may recall the brief facts: A high school kid in Juno Alaska unfurls a 14 foot banner stating "BONG HiTS 4 JESUS" just prior to the passing of the Olympic torch. He wanted to be on TV. The result: A new doctrine purporting that "schools may take steps

**"Students (now) have a right to speak in schools except when they don't."**

to safeguard those entrusted to their care from speech...." In this case it was speech encouraging illegal drug use. Justices Stevens, Souter and

Ginsberg dissented: "If there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

Underscoring the strained reach of the ruling, both the concurring and dissenting Justices agreed the school would probably not be held liable for disciplining Frederick or taking down his banner under the current doctrine. As Justice Breyer put it: "The upshot is that the school board's (disciplinary actions) may well have been justified on non-speech related grounds." In other words, even if the speech was protected Frederick's "disruptive behavior" and "belligerent attitude" alone probably justified the school's actions.

As to the danger of the speech in this case, the three dissenting Justices pointed out: "(Students) do not shed their brains at the schoolhouse gate, and most students know dumb advocacy when they see it. The notion that the message on this banner would actually persuade either the average student or even the dumbest one to change his or

her behavior is most implausible." They went on to say: "Whatever the better policy may be, a full and frank discussion ... is far wiser than suppression of speech because it is unpopular."

Justice Roberts justified his holding in part due to the "war on drugs." Justices Alito and Kennedy in their concurrence cautioned: "(The argument) can easily be manipulated in dangerous ways, and I would reject it before such abuse occurs." In recent decades, the U.S. Government has formally declared war on: Poverty (1964), Drugs (1970), Cancer (1971), Terror (2001), Iraq (2003) and informally on Korea (1950), Vietnam (1959) and against HIV, Organized Crime, Homelessness and Illiteracy. Should we protect students from speech regarding all of these?

In *Bong Hits for Jesus* a fractured court created a nebulous anti-drug speech doctrine that can be "easily manipulated in dangerous ways." Justice Breyer complained "I cannot find much guidance in today's decision" and the dissent wrote: "...the principle it articulates has no stopping point." But it was Justice Thomas who precisely expressed the expansiveness of the holding it when he argued "our jurisprudence now says that students have a right to speak in schools except when they don't...." And that, I would argue, is an untenable doctrine.

<sup>1</sup> *Morse v. Frederick* 127 S.Ct. 2618 U.S.,2007 p 2634

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*, \*2638

<sup>4</sup> *Id.*, \*2637

<sup>5</sup> *Id.*, \*2643

<sup>6</sup> *Id.*, \*2622

<sup>7</sup> 127 S.Ct. 2618, \*2645 citing *Texas v. Johnson*, 491 U.S. 397, 414, 109 S.Ct. 2533, 105 L.Ed.2d 342 (1989).

<sup>8</sup> *Id.*, \*2643

<sup>9</sup> *Id.*, \*2643

<sup>10</sup> *Id.*, \*2649

<sup>11</sup> *Id.*, \*2628

<sup>12</sup> *Id.*, \*2637

<sup>13</sup> State of the Union Address, Lyndon Johnson 14 January 1969

<sup>14</sup> 22 Seattle U. L. Rev. 175, \*221

<sup>15</sup> On January 22, 1971, during President Nixon's State of the Union Address, the President declared a "war on cancer." 13 Alb. L.J. Sci. & Tech. 681, \*689

<sup>16</sup> 87 B.U. L. Rev. 323, \*332

<sup>17</sup> The United States declared war on Iraq on March 19, 2003, 16 Pace Int'l L. Rev. 193, \*218

<sup>18</sup> The World Almanac, 2005, p.549. Truman ordered Air Force and Navy to Korea June 27th, 1950. See also United Nations Security Council Resolution 82, enacted on June 25th, 1950.

<sup>19</sup> The World Almanac, 2005, p.523. US forces in Vietnam peaked at over 500,000 in April 1959.

<sup>20</sup> 127 S.Ct. 2618, \*2637

<sup>21</sup> *Id.*, \*2640

<sup>22</sup> *Id.*, \*2649

<sup>23</sup> *Id.*, \*2634

**New School Year, New Call for Submissions!**

**Do you have an issue that you would like to discuss, debate or vent about?**

**Or would you like to respond to something you've read today?**

**Email your editorial to: [slee88@student.gsu.edu](mailto:slee88@student.gsu.edu). Subject line: Editorial**

## 25TH ANNIVERSARY QUESTIONNAIRE

by Suzanne Lee-Jackson

### How Much do you know about the COL?

Test your knowledge about the history of the College of Law:

First Dean:

Founder:

Students the school was trying to attract:

Name of the 25th Anniversary commitment to public service:

Current professors who have been with the school from the beginning:

Number of grads hooded in December 1984:

Second Dean:

GSU was the first Georgia law school to win which National Competition:

NEXT ISSUE: LAW-THEMED MOVIE TRIVIA

If you are interested in writing an article for The Docket, sign up on TWEN. The next edition will be published on November 5, 2007. The deadline for article submissions is 10 days prior to publication date. If you have any questions, email: [slee88@student.gsu.edu](mailto:slee88@student.gsu.edu).



### iPhone Give-A-Way

LexisNexis is giving away an iPhone to a law student in the South!

In order to enter the raffle you need to do one of the following:  
 1) Perform 100 searches on LexisNexis by November 30th; or  
 2) Attend 2 Lexis training classes this semester. Complete both requirements and you will earn 2 entries into the raffle.

The drawing will be held December 7th and the prize will be given in the form of a \$500 Apple Gift Card.

#### Lexis classes being offered in October:

Advanced Research Skills class, Drafting Resources on Lexis and Area of Law classes. Check out the dates and times at [www.lexisnexis.com/myschool](http://www.lexisnexis.com/myschool) and look at the Training Calendar.

Are you writing a paper, law review note, moot court brief or doing research for a professor this semester?

If you need help with your research, e-mail our Lexis representative, Tracy Templeton to schedule an individual training session: [tracy.templeton@lexisnexis.com](mailto:tracy.templeton@lexisnexis.com).

All of the answers to the trivia questions can be found on the COL website or in the many historical documents located throughout the school!



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For more information or to register, email Sue Moore at: [sue.moore@thomson.com](mailto:sue.moore@thomson.com) or sign up on [lawschool.westlaw.com](http://lawschool.westlaw.com) and click on "Check out the Westlaw Training Calendar" link.

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