

Faculty Accomplishments

Three More Professors Named to Prestigious Academy



BRUSSACK



DUPRE



LARSON

This past fall, Professor Bob Brussack, Associate Professor Anne Dupre and Russell Professor Ed Larson were inducted into the university's prestigious Teaching Academy. This honor is bestowed on faculty who have demonstrated, over a period of not less than five years, a significant commitment to the teaching-learning enterprise. Membership is by invitation only from other members of the academy.

This trio joins professors Carlson, Coenen, Ellington and White in pursuit of the academy's goals of promoting faculty leadership to

enhance teaching and learning, advocating for effective educational environments and fostering a community of scholars.

Extraordinary Teachers

Extraordinary Teachers: The Essence of Excellent Teaching taps into the memories and experiences of distinguished classroom teachers with the goal of identifying specific elements that enable teachers to excel. This book features essays by two of the law school's own, professors Dan Coenen and Ron Carlson.

UGA Terry College of Business' Fred Stephenson asked the two to contribute to his book. According to Stephenson, the essence of excellent teaching is based on skill, not just knowledge of the subject matter. He said the essays stress passion, flexibility, humor and the ability to empower as essential characteristics of excellent teachers.

– Adapted from the Athens Banner-Herald

Award Established in Honor of Patterson



This summer, Brock Professor Ray Patterson will have an award established in his honor by the American Library Association. The L. Ray Patterson Medal in Support of Users' Rights

and the Information Commons will initially be presented to Patterson on June 16 at the association's annual conference in Atlanta.

ALA Copyright Specialist Carrie Russell said the L. Ray Patterson Medal will not be an annual medal awarded by the association. "It will only be presented when someone who works in the public policy aspect of copyright is deserving of such recognition."

Patterson Recognized for Copyright Work

Brock Professor Ray Patterson has also been recognized for his extensive work in the area of copyright law. In November, the Society of Georgia Archivists presented him with their Presidents Award.

The society's Secretary Jill Severn said the award is given to an individual or group which furthers the cause of archival work through activities outside of the archival profession. "Patterson was presented with this award for his presentations and work on such items as the university's *Regents Guide to Understanding Copyright*, which have helped archivists and other custodians of cultural heritage to understand and apply the law's provisions and limits in their work," she said.

Kurtz Appointed as NCCUSL Commissioner



Associate Dean Paul Kurtz has been appointed by Governor Roy Barnes (J.D.'72) as a commissioner to represent Georgia on the National Conference of Commissioners on

Uniform State Laws (NCCUSL). Kurtz succeeds another UGA law faculty member, Cleveland Professor Ron Ellington, in the appointment.

The NCCUSL is a non-profit organization whose 300 members review state laws and determine which areas of law should be uniform. The commissioners draft specific acts and recommend acts to state legislators. While some commissioners also serve as state legislators, the majority of members are practitioners, judges and law professors, and all of them are members of the bar.

Kurtz has been a member of the UGA law faculty since 1975, specializing in criminal, family and constitutional law. He has served as the law school's associate dean since 1991 and, in 1994, was named as J. Alton Hosch Professor of Law. He served as reporter for the NCCUSL for the Uniform Interstate Family Support Act from 1988-92. This statute is now law in each of the 50 states. In addition, he also served as reporter to the NCCUSL drafting committee on the Status of Children of Assisted Conception from 1987-88. Kurtz is a member of the American Law Institute and served as adviser on the ALI Project on Principles of Family Dissolution in 1998-99.

– Molly Barrett

Alan Cook, interim director of the school's Prosecutorial Clinic, gave lectures to the Northeast Georgia Police Academy on the topic of major felonies and to the Georgia Department of Human Resources on the topic of child sexual abuse. He also was a guest speaker at the District Attorneys' Association summer and winter meetings.



Dorinda Dallmeyer served as editor and contributing author of *Values at Sea: Ethics for the Marine Environment*. In addition, she wrote "Toward a Sea Ethic"

to be published in *Marine Conservation Biology: The Science of Maintaining the Sea's Biodiversity*, "Working with Political Scientists: A Lawyer's Perspective" which will be published in *International Studies Review* 12-14 (2001), and a book review of *Women and International Human Rights Law* to be published in 95 *American Journal of International Law* 1001-1002 (2001). Dallmeyer also actively participated in four professional conferences.

Anne Dupre published an article, "Education Transformation: The Lesson From Argentina," in 34 *Vanderbilt Journal of Transnational Law* 1 (2001). In addition, she gave several presentations: "From Swastikas to School Prayer: The First Amendment in the Public Schools" at the Education Law Institute; "Fighting the Bully in Academe" at the Higher Education Scholars Roundtable, University of Houston College of Law; "Academic Freedom?" at the International Alliance of Teacher Scholars Conference of Higher Education; and "School Violence and the First Amendment" at the Association of American Law Schools Annual Meeting.

Tom Eaton finished a manuscript for the book *Remedies for Constitutional Violations* (with Professor Michael Wells) which will be published later this year. He also presented a paper, "The Impact of Requesting Punitive Damages on the Processing of Tort Claims," at the Annual Meeting of the Law and Society Association in Budapest, Hungary. Professors Suzette Talarico and David Mustard coauthored this paper. In addition, he organized and served as moderator of a program on constitutional torts, deterrence and corrective justice at the annual meeting of the AALS. He also wrote the introduction to the symposium on this subject which appeared in the *Georgia Law Review*.

Ron Ellington completed a revision of the first two volumes in the set of teaching materials for his course on Georgia Practice and Procedure. He also served as a panelist at Mercer's professionalism conference on the ABA Section of Litigation's Draft Ethical Guidelines for Settlements. The proceedings, including his remarks, were published in 52 *Mercer Law Review* 891 (2001). In addition, Ellington spoke at the Transition into Practice Mentor Dinner in Atlanta. He has played a leading role in organizing and administering this pilot mentor project for the State Bar of Georgia.

Paul Heald completed two articles during the calendar year. "The Extraction/Duplication Dichotomy: Constitutional Line Drawing in the Database Debate" was published in 67 *Ohio State Law Journal* 933-949 (2001) and "The Rhetoric of Bio-Piracy" was submitted for publication. He also gave the following presentations: "The Rhetoric of Bio-Piracy" at the Conference on Traditional Knowledge, Intellectual Property, and Indigenous Culture at the Cardozo Law School in New York City; "Public Interest Advocacy by American Law Professors" at the University of Bournemouth Institute for Intellectual Property Law in England; and

"Setting Sail with the Bio-Pirates" at the Conference for Teachers of Intellectual Property Law at the University of Warwick in England.



Walter Hellerstein published *Electronic Commerce and Multijurisdictional Taxation* (coauthored by Professor Richard Doernberg, et al.)

and the seventh edition of his book *State and Local Taxation, Cases and Materials*. In addition, he completed a supplement to *State Taxation* and a teacher's manual on state and local taxation. Hellerstein authored several chapters and articles including: "The Business-Nonbusiness Income Distinction and the Case for its Abolition" in *State Tax Notes*; "Role of States/Provinces in Taxation in the Canada/U.S. Context" in *Symposium on the Impact of Federalism and Border Issues in Canada/U.S. Relations*; "State Aid Control in the American Federal System" in the *European Competition Law Annual 1999: Selected Issues in the Field of State Aids*; and "Sales Taxation of Electronic Commerce: What John Due Knew All Along" in *State Tax Notes*. He also gave over a dozen presentations at various venues throughout the world.

Paul Kurtz published an article, "Thirteenth Annual Survey of Periodical Literature" in 34 *Family Law Quarterly* 809 (2001) and prepared an article, "Fourteenth Annual Survey of Periodical Literature," which will be published by the same quarterly this summer. He also served as the reporter of Georgia Supreme Court's Commission on Indigent Criminal Defense Reform, a member of the Governor's Task Force on Public Interest Loan Repayment and a commissioner on the National Conference of Commissioners on Uniform State Laws.

Faculty Accomplishments

Ed Larson completed *Evolution's Workshop: God and Science on the Galapagos Islands* and a revised edition of *Trial and Error: The American Controversy Over Creation and Evolution*. He also wrote 11 articles and chapters which are in various stages of publication. They are: "The Meaning of Human Gene Testing for Disability Rights," "Congressional Power over Presidential Elections: Lessons from the Past and Reforms for the Future," "The Scopes Trial," "Relations of Science and Religion," "Clarence Darrow," "Scopes Trial," "The Scopes Monkey Trial," "The Old Eugenics and Its Meaning for Human Geonomics," "At Anchor in Galapagos," "Charles Darwin's Zoology Notes" and "Window on Nature's World." In addition, Larson gave 12 lectures to various audiences in the United States.

Julian McDonnell completed two works, "Secured Credit and Insolvency Law in Argentina and the U.S.: Gaining Insight from a Comparative Perspective" which will be published in the *Georgia Journal of International and Comparative Law* this year and the "2001 Supplement for Commercial and Consumer Warranties" which was published October 2001. In addition, he finished 11 new and revised chapters for his multiple-volume treatise, *Secured Transactions Under the Uniform Commercial Code*.



Chuck O'Kelley published *Corporations and Other Business Associations: Selected Statutes, Rules and Forms* (2002 edition). This book was coauthored with Professor Robert Thompson. In addition, O'Kelley presented some of his research at the Georgetown-Sloan Project on Business Institutions' Conference on Corporations as Producers and Distributors of Rents.

Ray Patterson wrote several articles: "The Theory of American Copyright Law" in the book *Copyright and Consequences: Central European and U.S. Perspectives*, "Understanding the Copyright Clause" in 47 *Journal of the Copyright Society* 365 (2000), "Copyright in the New Millennium: Resolving the Conflict between Property Rights and Political Rights" in 62 *Ohio State Law Journal* 703 (2001), "Nimmer's Copyright in the Dead Sea Scrolls: A Comment" in 38 *Houston Law Review* 1 (2001), and "*Eldred v. Reno*: An Example of the Law of Unintended Consequences" in 8 *Journal of Intellectual Property Law* 223 (2001).

Jim Ponsoldt published "Antitrust & Class Actions in the Bar Review Course Cases" in the *Journal of Business Economics Research*, Vol. 3, (2001).

Ann Puckett, director of the law library, maintained the national survey of law school computer staffing in which 164 law schools participate. This survey has received much favorable comment from other law librarians. In addition, she continued her biweekly updates on her bibliography of law review articles on disability law. Both of these works can be found on the law school's Web site, www.law.uga.edu.



Margaret Sachs published "Harmonizing Civil and Criminal Enforcement of Federal Regulatory Statutes: The Case of the Securities Exchange Act of 1934" in the *University of Illinois Law Review*. This article will be reprinted in *Corporate Practice Commentator*. In addition, Sachs was both a speaker and moderator of a panel on applying socio-economics to the teaching of securities regulation at the 2002 AALS annual meeting and was a participant

in the Roundtable on Corporate Law at the Conference on Socio-Economics held at the University of California at Berkeley School of Law.

Tom Schoenbaum completed his book *Japanese-American Economic Relations - From Confrontation to Cooperation* (in Japanese) as well as the fourth edition of his book *Environmental Policy Law*, coauthored with Professor Ronald Rosenberg. He also authored articles and chapters including "International Trade and Genetically Modified Organisms" in *Environment, Human Rights, and International Trade*, "Coastal Zone Management: The North Carolina Model" in *Proceedings of Conference, 2001, International Center for the Management of Enclosed Coastal Seas (EMECS)*, "International Trade and the Environment" in *International Law and the Environment* and "Admiralty and Maritime Law." In addition, Schoenbaum gave five presentations in Japan.



Alex Scherr, director of the school's Civil Clinic, edited and produced a handbook for new clinicians. He also published an article, "Lawyers and Decisions," in the *Villanova Law Review* and completed another annual update for *Georgia Law of Evidence*. In addition, he participated in the SEAALS Annual Conference last summer as a panelist in a session on "Integrating Dispute Resolution into Substantive Law Classes."

Perry Sentell published three articles: "Statutes in Derogation of the Common Law: In the Georgia Supreme Court" in 53 *Mercer Law Review* 41-80 (2001), "Dissenting Opinions: In the Georgia Supreme Court" in 35 *Georgia Law*

Review (2001), and "Survey of Local Government Law" in 53 *Mercer Law Review* 389-440 (2001), plus his monthly feature, "Towns and the Law in Georgia," in *Georgia's Cities*, the official publication of the Georgia Municipal Association (Atlanta). He also gave a presentation to the Annual Institute for Georgia City and County Attorneys titled "Recent Judicial Developments in Georgia Local Government Law."

David Shipley chaired the American Bar Association's annual seminar for new law school deans and spoke at the ABA's annual workshops for deans in San Diego and Tucson. He published an article in *Toledo Law Review* on the personal side of being a dean as well as a short piece in the *Arkansas Bar Journal* on liability issues on the Internet. Shipley spoke at the UGA Institute of Higher Education's annual conference on copyright issues facing educators. In addition, he spoke about developments in legal education to bar groups throughout the state. He also chaired the ABA/AALS inspection of St. Mary's University School of Law in San Antonio and will be chairing the University of Maryland School of Law inspection next spring.



Jim Smith completed several works including the second edition of his book, *Real Estate Transactions: Problems, Cases, and Materials*, as well as a supplement and teaching manual to accompany *Real Estate Transactions* with the help of Robin Malloy. He also published supplements to "Friedman on Contracts and Conveyances of Real Property" and "Neighboring Property Owners." In addition, he published seven property law lessons on CDs and online with the Center for Computer-Assisted Legal

Instruction. Smith gave two papers on "Non-Uniform Provisions in Revised Article 9" at ICLE seminars and presented a lecture "How to use CALI Authorware" at the AALS Annual Conference in San Francisco.

Ned Spurgeon completed a number of works that are in various stages of publication. They include *2001 Cumulative Supplement to Federal Taxation of Trusts, Grantors & Beneficiaries* (third edition) with John Peschel, "Lawyers Acting as Guardians: Policy and Ethical Considerations" with Mary Jane Ciccarello, "Integrating Tax and Elder Law into Elder Law and Tax Courses," and "Forward to Symposium, Joint Conference on Legal/Ethical Issues in the Progression of Dementia." He also participated in the National Guardianship Law Reform Conference at Stetson University School of Law in addition to speaking on the Economic Growth and Tax Relief Act of 2001 at the University of Utah.

Alan Watson published two books, *Society and Legal Change* and *The Evolution of Western Private Law*. He wrote six articles: "Legal Education Reform: Modest Suggestions," "The Spirit of Justinian's Law," "Peritia Censeri, J. 1.2 pr," "Three Texts for Jop," "'Ius naturale, ius gentium, ius civile,' Status Familiae," and "Peritia Censeri." In addition, Watson also gave various lectures at the following universities: Stockholm, Uppsala, Manitoba, Dublin and Lund in addition to presenting at the Annual Stair Society Lecture in Edinburgh. He is also receiving honorary doctorates this spring from the University of Pretoria and the University of Edinburgh.

Michael Wells published an article with Professor Bernard Dauenhauer about the role of corrective justice in constitutional

tort law in the *Georgia Law Review* symposium on constitutional torts and wrote a paper, "Were There Adequate State Grounds in *Bush v. Gore?*," which will be published by *Constitutional Commentary*, a faculty-edited journal of the University of Minnesota. In collaboration with UGA Terry College Professor Jeff Netter, he also wrote a paper, "Article II and the Florida Election Case: A Public Choice Perspective," which was solicited for a symposium in the *Maryland Law Review*. In addition, Wells finished his book, *Constitutional Remedies*, with Professor Tom Eaton, and published another article in *Georgia Law Review* on Section 1983, the First Amendment and employee speech.



Rebecca White completed work on the the book, *Employment Discrimination*, with professors Charles Sullivan and Mike Zimmer in addition to finishing "International Encyclopedia of Labour Law and Industrial Relations (United States entry)" with Professor Alvin Goldman. White also wrote "Whose Motive Matters?: Discrimination in Multi-Actor Employment Decision Making" published in 61 *Louisiana Law Review* 495 (2001) with Professor Linda Krieger. Plus, she presented a paper, "Understanding Ellerth," at the Oxford Roundtable, an invitation only academic conference on labor and employment law.

Eugene Wilkes produced six publications including two volumes of the second edition of his book *State Postconviction Remedies and Relief* and four magazine and newspaper articles. In addition, he has completed three other articles to be published in *Legal Systems of the World: A Political, Social, and Cultural Encyclopedia*, *Flagpole Magazine*, and *The Georgia Defender*.

Editor's Note:

Many UGA law students in the late 1940s and early 1950s served our nation in World War II and the Korean War with bravery and heroism. They returned from these wars to lead Georgia with great distinction through the remainder of the 20th Century and into the new millennium. They also played substantial roles in making Georgia into one of the nation's most dynamic and prosperous states. Below, Professor Wilkes reviews a book about a UGA student from Jefferson, Ga., who was part of this "Greatest Generation."



Professor Wilkes with his personal copy of The War Journal of Major Damon "Rocky" Gause.

An Epic Tale of Heroism and Daring Flight

"This magnificent book fills one with pride just for being a human being," wrote noted World War II historian Stephen Ambrose in the foreword to a fabulously interesting book, which is impossible to read without immense pleasure and I want to tell you about. *The War Journal of Major Damon "Rocky" Gause* is the unspeakably exciting, true story of a 5-foot-6-inch, 165-pound Georgian who as an American soldier in World War II not only survived a series of heart-pounding adventures combating the Japanese but also carried out one of the greatest escapes of the war and, indeed, of all time.

Rocky Gause was born in Jefferson, in Jackson County, in 1916. After graduating high school in Jefferson, he attended the University of Georgia while also taking flying lessons at the Athens airport, then called Ben Epps Field. In 1941, with America poised to enter the war, Rocky enlisted in the Army and qualified as a pilot in the Army Air Corps. On Nov. 7, 1941, he departed San Francisco aboard a troop ship bound for the Philippines, then an American possession. He arrived in Manila three weeks later.

On Dec. 8, 1941, immediately after Pearl Harbor, Japanese planes began bombing military bases in the Philippines. Although several bombs exploded close to him, spraying shrapnel everywhere, Rocky was unhurt and telegraphed his Georgia bride (who he had married less than two months previously), "Am alive and giving them hell – Rocky." Two weeks later, 43,000 Japanese troops invaded the Philippines.

From then until April 1942, Rocky was a foot soldier with the American and Filipino troops who, although short of ammunition, food and medical supplies, engaged in fierce combat with the Japanese Army on the Bataan Peninsula. On April 11, 1942, Rocky was captured and placed in a prison pen but escaped the same day by stabbing a Japanese guard to death and fleeing through a hail of bullets. He then swam three miles through shark-infested waters to the island fortress of Corregidor where the Americans and Filipinos were making their last stand against the invaders.

For the next month, he endured the terrors of siege warfare with enemy artillery shells and bombs continually raining down on the island. On one occasion, a shell burst immediately above Rocky, killing a Marine with whom he was conversing - "a piece of shrapnel the size of a fist struck the man in the back and came out through his chest, leaving an ugly gaping hole as big as a water glass." On May 5, when the island's defenders surrendered, Rocky received permission from his commanding officer to try to escape to Australia. He left the underground tunnel where he was quartered minutes before the occupying Japanese troops arrived. Using a native outrigger canoe, Rocky fled Corregidor, narrowly avoiding the Japanese searchlight beams sweeping the waters and the patrol boats circling the island. Behind him, Rocky could see parts of Corregidor enveloped in a sea of flames.

For the next three months, Rocky hid out in various places in the Philippines, helped and guided by Filipinos, barely eluding the Japanese soldiers in hot pursuit. After many amazing adventures and close calls with death or capture, Rocky and another Army officer named Osborne commandeered a 20-foot native-built wooden motorized skiff (which they christened the *Ruth-Lee*, in honor of their wives). In this leaky, rickety craft, they set out on Aug. 20 for Australia, more than 3,200 miles away.

Rocky's account of their incredible 52-day journey through Japanese-controlled waters in the exotic Pacific – the South China Sea, the Sulu Sea, the Celebes Sea, the Makassar Strait, the Sagu Sea and the Timor Sea – occupies about half of his 183-page book. They encountered and dodged enemy patrols. They ran aground on coral reefs. They struggled through typhoons and monsoons. They came under machine gun and cannon fire from Japanese aircraft ("a bullet

zinged so close to my ear [that it] grazed Osborne in the shoulder”) and the *Ruth-Lee* was raked with bullets and once caught fire. They ate coconuts, bananas, rice and raw fish and drank rain water. The blazing hot sun blistered their skin and they were tortured by mosquitoes and other biting insects. Nevertheless, on Oct. 11, 1942, they arrived in Wyndham, Australia. It had been 159 days since Rocky had escaped his captors at Bataan. Ten days later Rocky and Osborne were personally decorated with the Distinguished Service Cross by General Douglas MacArthur “for extraordinary heroism in action.”



The Ruth-Lee in which much of Rocky's heroic tale took place.

On returning to America, Rocky, using the *Ruth-Lee's* log and a diary he had kept on his sea journey, sat down and wrote *The War Journal of Major Damon "Rocky" Gause*. The book did not appear in print during his lifetime, although excerpts of it were published in a New York magazine in 1943 under the headline “An Epic Tale of Hopeless Heroism and Daring Flight.”

Rocky's orders on his return to the United States were to spend the duration of the war traveling around the country, talking about his escape and appearing at war bond rallies. In the summer of 1943, however, at his own request, he was allowed to return to active duty and assigned as a pilot to a fighter squadron stationed in England. Shortly before shipping out, he paid one last visit to his home state, coming to St. Mary's Hospital in Athens on Dec. 9, 1943, to visit his wife and two-day old son. It was the only time he saw his son and the last time he saw his wife.

Rocky arrived in England in late December 1943. In January and February 1944, he flew five daylight missions over Germany in his P-47 Thunderbolt fighter, serving as one of the escorts for American bombers. On March 9, 1944, while practicing dive-bombing in preparation for D-Day, he put his plane into a vertical dive at a height of 30,000 feet. Then he apparently lost consciousness and his plane plunged headfirst into the countryside south of London. He is buried in the American Military Cemetery in Cambridge, England.

The War Journal of Major Damon "Rocky" Gause is much more than a book of high adventure. It is also a book about the unforgettable people Rocky encountered in the Philippines and on various Pacific islands. Some of them were Georgians. For example, James Oestricher, an 18-year old Army private from Quitman, who constructed a movable machine gun emplacement disguised as a haystack to ambush attacking Japanese planes. He shot down two enemy dive bombers this way. “About two days before Bataan fell, Oestricher was killed by a direct bomb hit that was dropped from a plane as he fired point-blank at it.”

Another Georgian was Millie Dalton, an Army nurse on Corregidor who had gone to high school with Rocky in Jefferson. The last time Rocky saw her was shortly before he escaped the doomed island fortress with the Japanese closing in. “I'm horribly afraid of what will happen to us when the Japs arrive,” were among the last words Rocky heard from her lips. Later, Rocky learned the day the Japanese took over the island, three American nurses and one Filipino nurse joined hands, walked into the ocean and “drowned themselves rather than endure the ravishes of the barbarous Japs.” Was Millie one of them?

But, and Rocky would have emphatically agreed with this, the most admirable people in the book are not the Georgians or other Americans but the Filipino people. No one can read this book without being filled with respect for the Filipinos. Their courage, their honor and their loyalty is a central theme of the book. While the fighting was going on, the Filipino troops loyally adhered to the American side, volunteering for the most dangerous assignments and fighting with superhuman valor. Shortly after the Japanese had subdued the Philippines, when American soldier prisoners were suffering agonies at the hands of the Japanese, Filipino civilians would bravely risk shooting, bayoneting or beating to bring the prisoners of war food and water. Without the Filipinos' unselfish assistance, provided by young and old at great risk to themselves, Rocky could never have avoided capture or been able to set sail for Australia. “They were all my friends,” Rocky wrote of the people of the Philippines. “Yes, every man, woman and child ... I felt a personal duty to every one of them. ... It was not by expert navigation or favorable winds or even courage, but by the grace of God and the Filipinos, that I [made it to Australia] ... Mabuhay las Filipinos! [Long live the Filipinos!].”

– Professor Eugene Wilkes