

TULANE

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RECLAMATION

THIS ISSUE

AN INTERVIEW WITH
DEAN PONOROFF

WINDS OF CHANGE

A DAY TO REMEMBER



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On the cover: Porter Nolan (L'07) and Jason Hammer (L'07) volunteer at Habitat for Humanity's Musicians' Village on an eight-acre tract in the Upper Ninth Ward. The Village will consist of 81 homes for displaced New Orleans musicians. Photography by Rick Olivier.

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RECLAMATION

THE LAW SCHOOL COMMUNITY MOVES BEYOND THE WOES OF KATRINA

Friday, Aug. 26, was one of those bright, sunny days New Orleans is known for. As 302 1Ls wound down their first week of classes, the Student Bar Association finalized plans for its first “Bar Review” at the Goldmine Saloon in the French Quarter for the 1,026 law students enrolled at Tulane. By midafternoon, though, news of an approaching storm started to pop up on websites and email. A hurricane previously headed to Florida now seemed to be taking a path towards New Orleans. People turned to the tracking map on the National Hurricane Center’s website for more information, and the picture wasn’t reassuring. Could this be the catastrophic storm long predicted for the New Orleans area?

Less than 72 hours later, the world had changed for Tulane University, southeast Louisiana and the Mississippi Gulf Coast. The wrath of Hurricane

Katrina, coupled with the devastating collapse of the New Orleans area’s hurricane protection system, turned what most thought would be a three-day evacuation into a semester-long interruption in the carefully charted lives of the inhabitants of Weinmann Hall.

Once the waters began to drain, the administration, faculty, staff, students and alumni got to work on the twofold job of keeping the law school connected during the fall while planning for a reopening in January. The result of this hard work was gratifying: 85 percent of the student body returned, including two-thirds of the first-year students, and the campus has been energized by the struggle.

Although their stories carry a common thread, each member of the law school community played a unique and important role in the recovery effort.

Dean Lawrence Ponoroff’s first reaction to the news that a major hurricane was taking aim at New Orleans was to

evacuate his family to safety. After the storm hit, Tulane University President Scott Cowen summoned Ponoroff to Houston, where he assembled a team of top administrators and others to assess the university’s situation and take quick action to get Tulane up and running. Ponoroff was named chairman of a task force to work on the university’s academic plans for the spring semester.

Ponoroff asked Deputy Dean Gary Roberts to come to Houston to aid him in constructing the law school’s spring semester. Through e-mails and conference calls with faculty, Roberts devised a comprehensive schedule that included the core courses usually taught in the fall semester plus the spring course offerings.

Ponoroff faced a pressing communication challenge. He needed a way to tie together 1,000 students, 50 faculty members and 150 staff. Dean Frank Alexander of Emory University School of Law gave Tulane Law School a presence on its web server, and within 24 hours, 750 people had registered.

Many of those were students looking for advice as they scrambled to figure out their next moves. Ponoroff advised 1Ls to seek internships or jobs rather

ONCE THE WATERS BEGAN TO DRAIN, THE ADMINISTRATION, FACULTY, STAFF, STUDENTS AND ALUMNI GOT TO WORK ON THE TWOFOLD JOB OF KEEPING THE LAW SCHOOL CONNECTED DURING THE FALL WHILE PLANNING FOR A REOPENING IN JANUARY. THE RESULT OF THIS HARD WORK WAS GRATIFYING: 85 PERCENT OF THE STUDENT BODY RETURNED, INCLUDING TWO-THIRDS OF THE FIRST-YEAR STUDENTS, AND THE CAMPUS HAS BEEN ENERGIZED BY THE STRUGGLE.



There's no shortage of opportunities to get involved in the recovery of New Orleans. Students get hands-on experience rebuilding neighborhoods and court systems and shaping urban planning policies. Photograph by Ron Calamia.

than enroll in law classes elsewhere.

"The 1L experience is unique, and part of that is going through it with your classmates," says Ponoroff. He assured them that come January, they could begin a "compressed" first year that would run from January through June and get them back on track to begin their second year. Second- and third-year students were encouraged to visit at other law schools until they could return to Tulane. Law schools all over the country reached out to these students, accepting them into their programs without transcripts or test scores. Nearly 700 Tulane students attended 120 schools in 40 states, Washington, DC, Puerto Rico, Canada and England.

"The compressed first year plan has gone remarkably well," Ponoroff says. "The coursework was demanding and very intense, but students remained upbeat and positive, and the small faculty-student ratio made for an intimate academic experience."

The law school also faced repairing damage caused by Katrina's wind and rain. Although John Giffen Weinmann Hall did not sustain street-level flooding, it took on quite a bit of water through the

roof and broken windows. The first, fifth and sixth floors had to be recarpeted, 450 chairs in first- and second-floor classrooms were replaced and damp and moldy sheetrock in the dean's suite had to be replaced.

ALUMS STEP UP

Ellen Brierre, director of alumni affairs, says she wasn't surprised at the outpouring of help the alumni provided in the wake of the hurricane. Numerous alums contacted her and other colleagues in her department to ask what they could do to help.

Typical were Bryant Gardner (L'00) and Heather Hodges (L'01), chair and vice chair respectively of the alumni group in Washington, DC. The two assembled a list of Tulane students who had been displaced to the DC area and quickly assessed their needs. Housing, clothing and jobs topped the list, Hodges says, and alumni were called upon to help. They also held a reception at which Ponoroff answered questions via phone.

"We wanted to reassure them," Hodges says. The reception also gave students a chance to bond with one

another, which is an important part of the Tulane Law School experience.

Alumni in New York, Los Angeles, Atlanta, Chicago, Houston and Baton Rouge also held firm-sponsored receptions, Brierre says, as well as donated laptops, secured internships with their firms and simply came to the rescue of students scattered across the country.

NOT BUSINESS AS USUAL

Katrina couldn't have hit at a worse time for the law school's admission recruitment effort, which heats up right after Labor Day and continues through Thanksgiving. After the storm, associate dean Susan Krinsky realized her admission and career development staff had relocated to 15 different states, and most of her recruitment materials were at the shuttered Tulane campus. Krinsky set up shop in Newton, Pa., the location of the Law School Admission Council, which offered her a home base. Despite the obstacles, the team managed to attend every scheduled admission recruitment event but one.

"We knew our only option was to

LAW SCHOOLS ALL OVER THE COUNTRY REACHED OUT TO THESE STUDENTS, ACCEPTING THEM INTO THEIR PROGRAMS WITHOUT TRANSCRIPTS OR TEST SCORES. NEARLY 700 TULANE LAW STUDENTS ATTENDED 120 SCHOOLS IN 40 STATES, WASHINGTON, DC, PUERTO RICO, CANADA AND ENGLAND.

recruit a fall class,” Krinsky says, but it occurred to her that there might be students interested in starting in January for the compressed first year. With an announcement only on the temporary website, the law school received 100 applications. “We took 20, and 90 percent accepted. They all genuinely wanted to be here in New Orleans and witness this [rebuilding].”

Fall is also an extremely busy time for the Career Development Office (CDO). Director Carlos Dávila-Caballero says that traditionally, about 140 employers come to New Orleans during the fall to recruit. Once Katrina hit, Dávila-Caballero and his staff had to come up with “Plan B”—rescheduling interviews until spring, contacting students visiting at other law schools with recruiting employers, and developing or communicating opportunities for displaced students across the country.

Many organizations aided in the effort. For example, the U.S. Department of Justice created paid fall clerkships for displaced students; the Federal Reserve Bank in New York created paid internships with corporations in the greater New York City area, and 14 1Ls, 2Ls and 3Ls found themselves with jobs in Hawaii thanks to an attorney’s web posting for “one” intern.

Heather Heilman (L’08) spent her first law school semester as an intern with the Department of Justice. From September through December she helped department lawyers with research but she also had the chance to sit in on a few trials. She says, “It was an amazing experience.”

The spring interview season afforded the opportunity to hold interviews with Gulf Coast employers at the law school, Dávila-Caballero says. In fact, interviews for the upcoming fall season will take place in Weinmann Hall as well, since

some hotels that hosted recruiting events and employers are still closed or have limited capacity.

The landscape of the New Orleans legal market is also changing. Some practice areas are experiencing growth, like insurance, but others are not, like family law. For the 30 percent of graduates who usually stay in New Orleans, job opportunities may not be the same. Therefore, it is essential for alumni practicing in the region to alert the CDO about market trends and jobs for Tulane graduates.

“Alumni are our focus,” Dávila-Caballero says. “They will become the pillar in the support structure. More than ever, we need their presence here.”

FLOODED WITH QUESTIONS

In the chaotic days after the flooding, displaced students were eager for news from the law school. Tondra Netherton, dean of students, posted her contact information on the Emory website and received hundreds of messages within minutes. Questions ranged from “What should I do about my health insurance?” to “Where can I find a school that can accommodate my disability?” Colleen Timmons, director of academic services, answered questions about whether courses taken at other law

The Appellate Moot Court Room, the largest lecture space in Weinmann Hall, was completely refurbished with new drapes, chairs and carpeting.





All six floors of Weinmann Hall including the Law Library underwent a thorough decontamination process after the storm. Photograph by Kim Glorioso.

schools would satisfy the requirements of Tulane certificate programs and how to convert quarter hour credits to semester hours. Questions about scholarships, loans and grants also abounded, and the university's entire financial aid department was brought to Houston to sort out the financial implications of the cancelled fall semester. Georgia Whiddon, director of law financial aid, dealt with these complications on virtually a student-by-student basis.

Tulane students received an "incredible outpouring of support," Netherton says; some universities offered free housing, free books, credit at bookstores, and gift certificates.

To help students stay in the loop, Ashley Hugunine, president of the student bar association, formed a Student-Administration Task Force so students and administrators could talk about plans for spring and keep the law school community informed about progress at the university.

GIVING SOMETHING BACK

Since 1987, community service has been a requirement for all JD students at Tulane Law School. After Katrina, this aid became even more important, says Julie Jackson, assistant dean for public interest programs. The hurricane led to myriad legal problems, including landlord/tenant

issues, actions against insurance companies, bankruptcy filings, disability claims, succession, jury pool challenges and small business issues. Students volunteered with individual attorneys, legal service providers and nonprofits.

Some students worked with organizations the law school has aided in the past, such as the ACLU, AIDS Law, New Orleans Legal Assistance Corp., the City Attorney's Office, Federal Public Defenders and the Immigration and Refugee Service of Associated Catholic Charities.

Others contributed *pro bono* hours to organizations that arose in response to Katrina, such as Common Ground, which provides screening, referral and legal advice to the underserved members of the metropolitan community; Second Wind, an advocacy group focusing on small businesses; and the Louisiana Leadership Initiative, which focuses on rebuilding proposals.

Joseph Steinberg (L'06) volunteered to work with the Entertainment Law Legal Advice organization, which helps local musicians deal with such legal issues as intellectual property rights. ELLA's office was flooded, so the organization set up shop on top of Tipitina's. Steinberg says because of the chaos caused by Katrina, volunteers like him ended up going beyond researching property rights to helping musicians find used instruments or deal with FEMA.

The city's music scene is legendary, and getting the local musicians back was vital to the city's recovery, and Steinberg says he was happy to do all he could.

Some students did their volunteer work while attending law school away. Stephen Miles (L'06), who spent the fall semester at the University of Alabama Law School in Tuscaloosa, worked at a FEMA Disaster Recovery Center there to help displaced New Orleanians handle legal issues. Miles says he thinks he was actually of more help out of the city than he would have been here in New Orleans because so many evacuees sought legal advice.

Jackson says the total number of *pro bono* hours hit 12,814—an impressive achievement in view of the fact that so many students were still dealing with fallout from the storm in their own personal lives. Thanks also goes to the many lawyers supervising the students, especially alumni, who make the *pro bono* program possible.

Now that the law school has rebounded, Ponoroff envisions a school that may be smaller but stronger for having endured this crisis. The emphasis is on maintaining high academic standards and diversity in the student body. Katrina has provided an opportunity for Tulane, like many other New Orleans institutions, to take stock of its strengths and plan for a post-Katrina world.

FACULTY MOBILIZE IN AFTERMATH

As with many along the Gulf Coast, members of the Tulane Law School faculty found themselves faced with a wide array of problems. Professors and their families were scattered across the country, and many were uncertain about the condition of their

bond and offering help to students who had been forced to flee New Orleans after only the first week of classes.

The emergency website hosted by Emory allowed information to begin to flow within the Tulane law community, says Griffin. "We learned that Weinmann Hall had not flooded," he says, which was very reassuring. Dean Ponoroff communicated regularly through the website and conference calls. That

All faculty leaves and sabbaticals were canceled, Griffin says. Almost every faculty member taught during the spring semester and most taught well into the summer. But the action was cathartic for many. "It felt better coming back to work," he says.

Housing was a major issue for many students and Dean Ponoroff asked Professor Stacy Seicshnaydre and some of her colleagues to help Tulane students handle landlord/tenant problems and disputes. Between October and December, they screened 451 student emails and referred 207 of them to local lawyers who volunteered to help with housing questions.

"A lot of students just didn't know what their obligations were," Seicshnaydre says. Some were unable to contact their landlords, while others were concerned their landlords were throwing their property away.

Seicshnaydre also helped the university monitor bills related to landlord/tenant issues that were introduced in the Louisiana Legislature's special session and contributed to a report issued by Mayor Ray Nagin's Bring New Orleans Back Commission.

Professor Brooke Overby recalls the strangeness of returning to New Orleans two months after the hurricane. "Only a few grocery stores were open," she says. "There was an incredible amount of uncertainty." But like Griffin, she felt that getting back to work was therapeutic. Once the spring semester began, she and several others formed a Student Outreach Committee to help students looking for community- and legal-service opportunities. It was a stressful time for students, Overby says, yet they rose to the occasion, helping others in the community.

By mid-February, things seemed to be returning to normal, although some faculty members still had spouses working in other cities. All in all, says Griffin, the actions by the faculty not only went a long way toward getting the law school up and running, they reinforced the law school's connection to its students and to its community.



Professors Catherine Hancock (left) and Stephen Griffin (below) cross paths with students in the final days of the extended school year.

own homes as they made arrangements to get their children into schools and other necessary tasks of day-to-day life. Cellphones and e-mail that were based in or routed through New Orleans were knocked out, so communicating with family, friends and colleagues was at first nearly impossible. Beyond that, almost everyone shared the growing awareness that it would take months of hard work to even begin to see normalcy return to their lives and work.

Even so, faculty members pulled together and despite many personal challenges, helped guide law students through the chaotic post-Katrina period to start classes in January.

Vice Dean Stephen Griffin, who lives just outside of New Orleans in Mandeville, says displaced faculty members began quickly to find each other. Some were in Louisiana, and others had clustered in Atlanta, Charleston, Washington, DC, New York and Boston, among other cities. From these outposts, they contacted law school students in their areas, re-establishing the Tulane



helped to rally the troops, Griffin says.

As New Orleans reopened, faculty returned to assess their homes, their campus and their city. "There was so much work to be done," Griffin says. Five professors had to cope with totally destroyed homes, while others began to remove what possessions they could from their wind- and water-damaged houses. All the while, everyone was gearing up for the unusual January term, preparing syllabi and placing book orders.



Scenes from *Katrina Stories*:
 Left: Playwright Mary Nagle
 (center) with Jeffrey Levine
 (L'07) and Mary Reichert (L'08).
 Right: Professor Oliver Houck.



TAKING THE STAGE BY STORM

Pretend you're a 1L again. Remember how great it felt to finish your first week of class? Imagine now having to evacuate before Hurricane Katrina, finding out your first semester is canceled, and learning that New Orleans has fallen victim to floods, fire and looting.

This true-life scenario has been deftly reimagined in *Katrina Stories*, a play created and produced by Mary Nagle, a first-year law student.

The idea came to Nagle after watching the drama in New Orleans unravel on CNN. "I was talking to Professor [Oliver] Houck and he thought a play would be a good way to bring students together to digest what was happening," Nagle said. As an undergraduate at Georgetown University, Nagle majored in justice and peace studies and was actively involved in theatrical productions.

"Acting comes naturally for a lot of law students, Nagle says. "So much of practicing law involves presentation and performance."

The cast includes 14 students—different characters all telling the same story at the same time but from different perspectives. "None of it is my own writing," Nagle explains. "It's compiled from student diaries, interviews and news clippings." All of it is true, she adds.

The 90-minute program dramatically recounts the experiences of displaced law students, from listening to storm warnings to evacuating to uncertainty. Lots of uncertainty. While students portray

a number of law school faculty and administrators, Professors Oliver Houck and Jancy Hoeffel portray themselves.

Dean Larry Ponoroff was impressed. "Somehow, in the course of 90 minutes, the students managed to capture the power, the fear and the enormity of this horrible tragedy," Ponoroff says. "Yet, they did so in a manner that ultimately redeemed faith in basic human kindness and sent a positive message

of hope and opportunity for the institution and our city."

Tulane alumni are depicted as generously buying business suits for students, hosting receptions at their law firms and looking out for the fledgling barristers temporarily housed across the country.

While *Katrina Stories* tells of displacement and uncertainty, it is ultimately about being grounded and supported in difficult times.

You have to remember that New Orleans isn't the Superdome, it isn't the French Quarter, it isn't the Garden District. Right now, all of those physical structures remain empty and hold little meaning because their inhabitants are elsewhere. Like beads from a Mardi Gras parade, New Orleans has been scattered all over the U.S. in these past few weeks.

New Orleans is a dude from Gentilly who went to Brother Martin and can't wait to get back home.

New Orleans is a woman from Treme, sitting in a shelter in Baton Rouge, waiting to get back home.

New Orleans is a teenager from Uptown, missing her senior year at Dominican, waiting to get back home.

New Orleans is a group of guys from the Bywater who play trumpets, trombones and tubas, who are waiting to get back home.

New Orleans is a couple several months away from retirement from Lakewood South waiting to get back home.

New Orleans is a Mardi Gras Indian who lives in Central City waiting to get back home.

New Orleans is an architect from Uptown who wants to get back home.

New Orleans is a housewife from Gert Town waiting to get back home.

New Orleans is a group of police officers and firemen from the Lower Ninth Ward waiting to get back home.

New Orleans is a group of law students, scattered all across the country, separated and wandering aimlessly, awaiting the day they can return to their blessed Crescent City.

New Orleans is you and me.

—Excerpt from *Katrina Stories*

Organizers Ashley Hugunine (L'06) and Kathlyn Perez (L'06) planned the weekend program while attending fall classes at Duke and the University of Texas, respectively.



HOSTING THEIR HOSTS

Call it southern hospitality or simply the desire to repay a kindness. Or maybe it was triggered by a deeper need to continue a shared experience during a time of crisis. In any case, more than 100 law students and administrators who played host to Tulane Law students last fall took advantage of the invitation to come to New Orleans to participate in a weekend entitled “Pro Bono Publico: An Expression of Gratitude and Renewal,” a series of events designed to educate participants about the issues facing New Orleans through a panel discussion, bus tour and community service project.

“We wanted to thank these institutions and give them an insider’s experience of the city,” explains Ashley Hugunine, president of Tulane Law School’s Student

Bar Association. Hugunine and 3L Kathlyn Perez contacted law schools across the country in October to test their interest in such an event. The response was overwhelming.

More than 20 schools participated in the two-day program on post-Katrina New Orleans, which also included some socializing and local food and music. The weekend began with a panel discussion by area elected officials. The guests heard true stories of heroic rescues and also of missteps, bureaucracy and frustrations over levees, rebuilding and race relations—firsthand accounts that are shared only in New Orleans. The next morning, the group toured some of the hardest hit parts of Orleans and St. Bernard parishes before pitching in to help. Volunteers spent the afternoon painting three

public schools in Orleans Parish.

Adam Cohen, president of the student bar association at American University, had seen images of the devastation on television. But when Cohen saw the damage in New Orleans up close, he could hardly believe his eyes.

“The images were eerily similar, but one still couldn’t imagine a similar level of devastation on American soil,” says Cohen. “Seeing it firsthand is an experience I will always treasure. It reminded me that no one is immune from the wrath of nature, and that we must all do our part in the wake of tragedy.”

For Josh Cooper, student services coordinator at Boston University Law School, the reunion provided an opportunity to learn. “My favorite part of the weekend was seeing many of the Tulane students who spent the fall semester at BU Law,” says Cooper. “Spending time with them in New Orleans, where they were meant to be all along, and still finding time to thank me for just doing my job could not have been a more rewarding experience.”

The weekend was funded by donations from law firms and corporate donors from around the country, gathered by Hugunine and Perez, both with ties to the area.

Many of the guest students were so moved by the issues facing post-Katrina New Orleans that they have created their own projects to help. American University set up an Internet form letter (<https://www.wcl.american.edu/sba/>



Like so many visitors to New Orleans since the storm, program participants pitch in to help with the recovery.

congress.cfm) and a booth at the school to facilitate letters of support.

Students from Northwestern Law School stayed a few extra days to volunteer. Annie Wallis, originally from Beaumont, Texas, knew the potential force of hurricanes. She and other Northwestern students returned to Chicago and initiated a fundraising drive to provide school supplies for schools in Plaquemines and St. Bernard parishes.

Students from Villanova Law School returned to New Orleans to volunteer during spring break. According to Hugunine, even those law schools that were unable to participate in the weekend's events planned their own volunteer trips to New Orleans.

"What has been most rewarding have been the e-mails in these days afterwards to see what students are taking back across the country," Hugunine says.



RON CALAMIA

STUDENT VOLUNTEER NETWORK BLOOMS

Hundreds of law students have converged on the Gulf Coast since Hurricane Katrina, all coordinated by a network founded by Tulane Law students. The Student Hurricane Network was formed shortly after the storm to support Katrina legal aid groups and monitor the rebuilding process.

"The legal problems are amazing. People don't understand the magnitude," says co-founder Morgan Williams, a 2L native New Orleanian.

In just a matter of months, the Student Hurricane Network had grown into a national organization of law students and

administrators dedicated to assisting the hurricane relief effort. Over winter break, 240 law students from 50 schools volunteered their legal skills. Students worked with more than 18 public interest organizations to conduct massive intake interviews and research. They assisted with projects involving criminal justice, housing, immigrant labor and FEMA claims. During spring break, another 700 volunteers arrived to work in 23 different cities along the Gulf Coast.

A major undertaking is "Project Triage," an effort to alleviate the public-defender crisis in Orleans Parish, where thousands of people remain



Above: Students from Fordham University School of Law took inventories at residential sites scheduled for demolition without proper notification to homeowners. Their work helped ensure that homeowners would be allowed their due-process rights.

Left: Student Hurricane Network organizer Morgan Williams (L'07) received the 2006 Tulane Crest Award for Service & Leadership.

in jail without representation.

"Some have been in prison since Katrina, longer than the maximum possible sentence for which they are charged," explains Williams. He is working with Tulane Criminal Law Clinic Director Pamela Metzger, who was appointed by the criminal court system to sort out the population of defendants serving time since Katrina.

"The Student Hurricane Network support has been invaluable," Metzger says. "Students both in the Tulane Criminal Law Clinic and in the network performed the backbone of our efforts to guarantee all defendants their constitutional rights regardless of their income."

The Student Hurricane Network has plans for a busy summer, too. Williams says the network plans to continue to support nonprofits and hopes to schedule a conference in Washington, DC, to further unify.

The volunteers are not discouraged by the overwhelming amount of need. "The crisis continues," says Williams. "Residents and evacuees are trying to put their lives together in a broken system with unimaginable obstacles every step of the way. We are here to help."

For more information visit <http://studenthurricanenetwork.org>.

LAW STUDENT WINS NATIONAL OFFICE

Tulane law student Michael DePetrillo is the new leader of the American Bar Association Law Student Division. His role in this national office puts him in a position to help the city in its recovery.

As chair, DePetrillo will lead the student division and serve as a spokesperson for the nation's more than 50,000 law students. When he takes office in August, however, DePetrillo says he won't lose sight of the issues playing out close to home.

"One of my top initiatives will be to continue the focus that law students have had on the recovery of this

facilitate law students who want to come to the area to help out by offering free legal assistance and advice.

"Personally, I think there is a lot of energy and momentum, as law students want to be active in this part of the country," he says.

As chair of the student division, DePetrillo says he also will remain focused on another issue that he has pursued as a delegate—loan repayment. "We have been working on loan repayment for law students at the federal level and are trying to expand it to the state level," he says. In early May, DePetrillo traveled to Washington, DC, to lobby



While he was in Washington, DC, recently to lobby before Congress on behalf of students, DePetrillo met Supreme Court Justice Ruth Bader Ginsburg.



region," says DePetrillo, who has served in the ABA Student Division House of Delegates since entering law school in 2004. "We have had a tremendous outpouring of support and have been a clearinghouse for what students are doing."

According to DePetrillo, law schools around the country have sent more than \$300,000 in student-raised funds to the area. He says he will be involved in the Hurricane Network and other groups to

before Congress regarding an increase in the amount of Stafford loans given to law students.

DePetrillo says he can see himself getting into politics eventually. A native New Yorker, he hasn't decided if he will remain in New Orleans after his graduation in 2007, but "staying is an option, particularly now. I like being involved in the community effort. There is no better place to be than in New Orleans and Louisiana."



WHEN THE GOING GETS TOUGH...

DEAN LAWRENCE PONOROFF DISCUSSES ALUMNI, STUDENTS, FACULTY AND FRIENDS WHO “GOT GOING” IN RESPONSE TO THE HIT DELIVERED BY HURRICANE KATRINA.

Typically, commencement at Tulane Law School signals a new cycle in the academic world that sees faculty and students disperse to pursue academic and other opportunities across the country and, indeed, across the globe. This year, however, the law school is operating at full speed, as 1Ls and 2Ls make up for time lost during an extended semester that will reach well into the summer. It was toward the end of this unprecedented semester that Dean Lawrence Ponoroff sat down with Tulane Lawyer to discuss the state of the law school after Hurricane Katrina. Ponoroff was

one of a handful of administrators who was called to Houston, Texas, in the days and weeks immediately following the storm to help in devising a universitywide plan for recovery. Here, Ponoroff tells what recovery means for the law school.

TULANE LAWYER: *It's been a pretty amazing year. How has Tulane Law School fared during the months after Hurricane Katrina?*

LARRY PONOROFF: *Despite the disruptive impact of what we went through—and are still going through—this crisis also presents an opportunity*



The last class of the fall semester was held on Friday, Aug. 26. Four and a half months later, students were welcomed back on Monday, Jan. 9, 2006, for the start of spring classes.

for the institution to focus on its values and priorities, and really seize control over its direction in the future. I think we are emerging from this tragedy a more focused institution that is stronger and more vital. Katrina has forced us to do a very careful and a very rigorous self-analysis that is difficult to do without urgent external pressure. We have been looking at the whole program and are identifying certain goals two years, four years, six years out. We are contemplating what it takes to reach those goals in terms of students, faculty and infrastructure.

Can you give an example of the kinds of goals you are referring to?

A specific example is that we are targeting a much smaller entering class next year—275 instead of 325. That has long been a strategic goal—to get smaller. We have now been forced to do that in order to maintain and build on the qualitative benchmarks we have achieved. The next challenge is to identify and make the kinds of changes necessary to allow us, without compromising institutional integrity, to remain at this leaner level of student enrollment and use that as a plat-

form to continue building on quality. To that end we have put in place a strategic planning committee that will be working through the summer with the charge of setting strategic goals and objectives.

Will this planning committee be looking at changes to curriculum or programs?

Programmatically we are not going to deviate from the objective of providing the highest quality legal education we can. We are not going to fundamentally change our curriculum. But, everything is on the table and it is certainly true that there are going to have to be some changes. For example, we are increasing by 50 percent the required number of community service hours to graduate. The requirement is now 20 hours but we are increasing to 30 hours. There also are changes to the curriculum that are emphasizing courses that look at the legal aspects of building a healthy urban community and that include disaster recovery, insurance, environmental law, land-use planning and civil rights.

It's probably safe to assume the law clinics have already hit the ground running.

Our clinics have always served a dual role. One is providing a unique applied educational opportunity for our students. The other is providing a public service by in effect subsidizing the resources available to support indigent populations who otherwise have no access to the justice system. In an environment where those resources have now diminished appreciably, our clinics are playing an even larger role in offering guidance, support and representation to indigent populations in the city dealing with post-Katrina issues. And that includes the criminal law clinic, because the public defender system has been basically eviscerated; the domestic violence clinic, because studies have shown an increase of domestic violence after any kind of crisis; and the civil litigation clinic, because indigent people are dealing with housing, insurance, and FEMA issues. And there are environmental questions that are hitting the front page all the time. So our clinics are right now providing an even better educational experience and at the same time providing a critical public service in many areas where there is no alternative.

What do you know about the incoming class for fall 2006?

The quality is as least as strong as last year. As we anticipated, our applications are down, but what we are finding is that despite making 20 percent fewer offers of admission, the yield—the percentage of students who have indicated they intend to enroll—is actually up.

Is there any indication that the class is shaping up to have a particular kind of character?

Anecdotally, at this point there is. I am convinced to a certainty that just as there are a group of students who would have applied before Katrina who have now not done so, there is another cohort of prospective students whose radar screen we might not have been on a year ago but who are now applying, and are very likely to enroll, precisely because they want

to be part of this rebuilding effort. And obviously, these are men and women with a strong sense of community and public service, which is exactly the character of the student body we want.

Has your role at the school changed since last August?

Oh, yes. I am much more internally focused on the school now than I had been before. Unfortunately this also means I am less externally focused on our alumni and friends because I simply haven't had the time to get out and travel as I did in the past. It also has put a real premium on the need for us to, in a very vigorous way, identify and pursue key strategic objectives, some of which we already discussed. We have to strategically position ourselves in an intelligent and thoughtful manner or the market will do it for us in a more random fashion.

How would you characterize the mood of the law school?

Let's first take a step back from that. We made a decision in the fall when putting together the spring program at the law school that we would design it in a fashion that would allow each and every student who wanted to get caught up on their program to do so. In terms of all the pieces that went into the spring curriculum it is a program that is



WE HAVE TO STRATEGICALLY POSITION OURSELVES IN AN INTELLIGENT AND THOUGHTFUL MANNER OR THE MARKET WILL DO IT FOR US IN A MORE RANDOM FASHION.

unprecedented in American legal education—and has in application worked better than we dared even to hope. We designed it in the fall from whole cloth because there was no instruction booklet or manual on how to do this. After 9/11 the New York schools were closed for a couple of weeks and had to catch up. We had to close for an entire semester.

Now, I think there is no question that adversity has brought people together. We have seen our faculty step up in meeting teaching overloads this semester. There has also been a deliberate outreach by faculty to students beyond the classroom both in terms of attentiveness to their overall health and state of mind as well as really augmenting the educational experience in the classroom with a lot more contact outside the classroom. And remember, unlike our students, our faculty owned homes in the community and

were dealing with a much broader set of problems. I am very proud of the way the faculty stepped up.

And in point of fact, despite what they went through, student morale and attitude this semester has been extraordinarily upbeat and positive—including ILs who are essentially doing the entire first year between January and June. I suppose the key is to maintain and build on that. We want a lot of things to return to "normal," but this "esprit de corps"—one happy byproduct from this disaster—is something that we hope will become a permanent part of our culture.

The third-year clinic experience right now is about as hands-on as you can get. The criminal law clinic is certainly involved in a way they never expected they could. The city needs their help. The criminal court system needs their help and the students are right in the middle of it.

Discuss the graduating class and what they've been through.

The thrust and focus of my comments at this year's commencement ceremony was that it is characteristic of all law students to wonder if they are going to make it or not and rarely is the concern justified. Our students, however, had a legitimate basis for concern last fall. Yet by and large they did all get back on track, which I think showed an extraordinary amount of resourcefulness, mettle, fortitude and character. I am extremely proud of how the students responded to and recovered from what I think would have caused a lot of other people to throw in the towel.

Accepted applicants for Fall 2006 break for lunch during one of several visiting days last spring organized by the Admission Office.





16 + 1—Despite fall semester dislocations and numerous other logistical obstacles, dedicated students, faculty advisors, and journal staff succeeded in publishing all sixteen issues of Tulane's eight journals on or ahead of schedule. Added to those, an extra issue of the Tulane European and Civil Law Forum honoring Professor Shael Herman's career as a jurist and international scholar is nearing press date. Photo by Luis Castrillo.

How important was the alumni response to Tulane Law School?

In view of the fact that during the previous four years I put the bulk of my time into alumni relations it was extremely gratifying to see such an outpouring of support. And whatever time and effort I put in, it was a return that exceeded that effort many-fold. In addition to assisting in acquiring internships for our students, we had alumni in six or seven cities who, completely of their own initiative, expense and time, put together receptions for our displaced students in those communities. Many used our emergency website to reach out to our students, making them aware of housing opportunities, in some cases, in their own homes. The level of interest, concern and

compassion provided was heartwarming, comforting and a critical component in our being able to successfully rebound from a fall semester that was something other than we had been planning on.

I might add that our adjunct faculty, that draws deeply from our local alumni base, were a marvel. Almost all of our adjuncts who normally teach in the spring semester, many of whom were dealing with their own personal and professional issues as a result of the storm, taught this spring, as well as some who normally teach in the fall but were asked to teach this spring to offer classes to students needing to satisfy particular program requirements.

There were so many who helped. During the fall we began hearing from a lot of students who were having significant difficulties with landlords and were at a loss on how to deal with them. I went to alumni from eight New Orleans-based firms to ask if they would serve as a resource to these students by providing them with advice, guidance and even some representation in terms of dealing with recalcitrant landlords. Over the course of the following months we made at least a couple of hundred referrals to these firms—and it wasn't just law students soliciting help, it was students from across the university. It was our alumni at those firms who did what was necessary internally at the firms to make it happen.

What about the community of law schools across the country and the help they provided?

If you look at the entirety of what has transpired to this point—and this is universitywide—we have received little help from anyone other than from alumni and higher education. And the response of the higher education industry was nothing short of magnificent. If I may say so, it was really the law schools that lead the way in terms of the model that was eventually adopted by the AAU [Association of American Universities] and the other educational institutions for admitting our students as one-semester visitors on, in

most cases, a tuition-free basis, which was extraordinary.

Unlike the other divisions, which had not yet started classes, the law school was in class an entire week before the storm hit. Our students were already underway when the rug got pulled out from under them. So they were quick on their feet knocking on doors. They were on the phone with other schools while still on the road evacuating.

Earlier in the conversation you noted that you have been more focused on internal aspects of the school. Does that include admission?

That's interesting because the thing we've noticed that is peculiar to this admission cycle is that more parents are coming down to be part of the process. And because we were seeing so many more parents and it seemed like most questions were coming from the parents I asked Susan Krinsky, our dean of admission, to set up special parent sessions, where I went in to talk to them. The reality is I am more or less about the age of most of our parents and have children about their children's ages. So I can empathize. I told them, "I know what is on your mind, what you are concerned about. Let's talk about it." I explained to them the extraordinary steps the university takes in case of an emergency to make sure students are safely evacuated. I also talked about risks, but then we discussed the unique educational opportunity we now offer that no law school in the country can replicate in terms of opportunities for applied experiences



Publisher and President of New Orleans CityBusiness Mark Singletary recognizes Dean Ponoroff as a "2006 Leader in Law." Photograph by Ben Bullins.

in the community to augment what the students are learning in the classroom.

What was the response?

My impression was that the sessions were appreciated, they were constructive and that the reaction was very positive. I think and hope in some cases the session helped to alleviate the understandable concerns that some parents had. They were very frank discussions.

You have lived in New Orleans for 12 years. How do you feel about the city in terms of what happened to it and about its ability to come back?

It's heartbreaking to see what has happened in the city. The area in which my family is fortunate enough to live and where the university is located is basically fine but it is like an island, now called the "sliver by the river." In other areas, to see square mile after square mile of such utter desolation of once vibrant neighborhoods and communities is tough for anybody to take, whether you are from here or not. I think it is particularly difficult for people who grew up in those neighborhoods, and secondarily, for those of us to whom the city is home. I remain optimistic about the city coming back better than ever, yet it is impossible not to be affected by the magnitude of the loss and suffering, and it is still going on ten months later.

Do you feel that you are living through an historic moment?

Well, all things being equal, I would rather not live in historic times. But there is a certain exhilaration about being here right now and being part of the renaissance of the city. I just remain sanguine that the city ultimately will show the same kind of resilience that the university has demonstrated in coming back in a healthy way, preserving those aspects of New Orleans that have always given it its charm and character and make it unique, but also using the opportunity to remediate some of the issues and problems such as public education—that we all know have plagued the city in recent decades.



What can alums continue to do to support the school and city?

First, I think it is very important that they visit the city and see firsthand what is taking place on campus and what is going on around the city. Secondly, we need their support more than ever in assuring prospective students in their communities that it is not only OK to come here for law school, but it is in fact now a better place to come to law school because we are basically a living laboratory. Part and parcel to all that is that we also need their help more than ever in working with our Career Development Office to ensure that we are able to offer matriculating and graduating students appropriate career options. Ultimately we are finding that one of the most significant factors influencing students' choice of a law school is their perception of what kinds of job opportunities and careers are available to them.

We're entering hurricane season even as we speak. Is that on your mind?

Once we get through this current hurricane season it will have a significantly positive effect on everyone's perspective and outlook. Yes, we all went through a traumatic experience and you don't recover from something like this overnight. Sure, no one wants to see a

hurricane in the Gulf anytime soon, but I believe that here at the law school we have transitioned from recovery and are now focusing on response. We are responding to this historic hand that has been dealt us and we will be better for it.

So all-in-all this has been a tough year?

Yes, this has been a tough year, but not because of that storm; we'll recover from that and, in the long-run, be better off for the sharper focus it has demanded of us. What we cannot recover from any time soon is the loss of three beloved friends and colleagues this year: Professors David Gelfand and Dan Posin, and Dean John Kramer. These are individuals who cannot simply be replaced; they were each in their own way part of the fabric of the institution. Indeed, John Kramer, by sheer force of personality, remade Tulane Law School. We will miss them all and our hearts go out to their families. So, yes, it's been a tough year. However, after I finish teaching summer school and finally take a few days off in July, we will be back and ready to start a new era as well as a new academic year. It's a daunting and exciting challenge that won't always be smooth sailing, but I am confident that as a community—students, faculty, staff, and alumni—we are equal to the task.

NEW FACULTY

STARTING A NEW JOB IS ALWAYS A CHALLENGE, BUT TANIA TETLOW AND GABE FELDMAN HAD NO IDEA WHAT THE UPCOMING SCHOOL YEAR WOULD BRING.



TANIA TETLOW

Tania Tetlow grew up in New Orleans. When it came to hurricanes, she knew the drill—or at least she thought she did.

Just a couple of months into her job as the new director of Tulane Law School's Domestic Violence Clinic, Tetlow evacuated to Gramercy, about 50 miles from New Orleans. She moved back into the city in October as soon as she could.

"This city is my heart," says Tetlow, "and it keeps me from grieving to be part of getting it back on its feet."

Tetlow spent the fall semester researching an article on how the criminal justice system fared during Katrina. The verdict? "Not well," she says. She also volunteered her legal services at a

local FEMA disaster center. As chairwoman of the New Orleans Library Board, she has spent much of her personal time working to restore the city's public library system.

"Being chair of the Library Board went from a nice civic activity to an enormous challenge," she says. "The city is close to bankruptcy and laid off 90 percent of the library staff. I've been working since Katrina with the remaining staff to reopen the few branches that did not flood, to start a major national fundraising campaign to replace our soggy books, and to design a vision for rebuilding."

With a court system in an equally depressed state, Tetlow says clients of the Domestic Violence Clinic are suffering.

"Now, more than ever, I can't imagine a more important place to be."

"Most of our clients evacuated to locations all over the country and are having great difficulty coming back," she says. "They are also facing a laundry list of legal needs. Domestic violence victims are making choices about sharing scarce housing and FEMA money with their batterers, or trying to go it alone when they have just lost all of their possessions and their family and friends are scattered."

With *magna cum laude* credentials from Harvard Law School, Tetlow returned home to New Orleans to clerk for the Honorable James Dennis of the Fifth Circuit Court of Appeals. She practiced commercial litigation at Phelps Dunbar in New Orleans for three years. Then, it was on to the U.S. Attorney's Office, where she worked as a prosecutor in the violent crimes unit. Assistant U.S. Attorney Tetlow was responsible for the first domestic violence protective order gun conviction in the Eastern District of Louisiana.

Tetlow's resume also includes previous academic experience. She taught Constitutional Law and Race as an adjunct professor at Loyola Law School for six years. She published an article in the *Loyola Law Review* on *Batson* and its progeny and a separate article on race relations in the *Loyola Journal of Public Interest Law*.

Clearly Tetlow is settling in as a full-time clinician in a city with enormous needs. "Now, more than ever, I can't imagine a more important place to be," she says.



G A B E F E L D M A N

Gabe Feldman had planned on unpacking boxes at his new condominium the weekend before Katrina struck New Orleans. A moving van had just delivered his furniture from Washington, DC. Instead, he evacuated to Memphis.

Tulane Law School's newest professor of sports law spent his fall semester back at Williams and Connolly, the Washington, DC, law firm he had left just a few weeks earlier. "My nameplate was still on the door," he jokes. Feldman used the down time for research and to do *pro bono* work.

Despite the delay, Feldman says he's delighted to be teaching at Tulane. "It's a perfect match," he says. "It offers me the opportunity to continue doing what I enjoy doing and I'm excited about the prospect of helping Gary Roberts build the sports law curriculum and the sports law program."

The switch to teaching wasn't so

much a career change for Feldman as the further pursuit of one of his lifelong hobbies: sports. He was the official mascot at Duke University. Yes, Gabe Feldman was the Duke University *Blue Devil* during his junior year. The basketball team was among the best in the nation that year. "I had the best seat in the house for each game," he recalls. Once the team had made it to the Final Four, Feldman says, "I had little left to accomplish so I hung up my pitchfork and retired."

Feldman practiced sports litigation at Williams and Connolly for almost five years before accepting the job at Tulane. He worked closely with the U.S. Olympic Committee (USOC) and recalls fondly one project of international stature—the controversial challenge by Korea to American gymnast Paul Hamm's gold medal in the 2004 games.

"We flew to Switzerland for the arbitration," he recalls. "Everyone was represented—the International Gymnastic Federation, the International Olympic

"This is just New Orleans, the only way I know it. I'm excited to be here because it's great to be part of the rebuilding process."

Committee, the Korean Olympic Committee, the USOC, the Olympic judges and the gymnasts, to name a few. Five different languages were spoken and there was no official interpreter. It was a bit of a zoo." But most importantly, Feldman adds, the USOC won and Paul Hamm retained the gold medal.

While in private practice, Feldman found time to teach sports law as an adjunct professor at the University of Virginia School of Law and Catholic University School of Law. Prior to that, he clerked for the Hon. Susan H. Black of the Eleventh Circuit Court of Appeals. In addition to obtaining his law degree from Duke, Feldman also earned a master's degree in psychology.

As for living in a changed New Orleans, Feldman finds it energizing. "Everything is new to me so nothing has changed," he says. "This is just New Orleans, the only way I know it. I'm excited to be here because it's great to be part of the rebuilding process."



WINDS OF CHANGE

FOR SO MANY IN THIS CITY AND AT THIS LAW SCHOOL, AUG. 29, 2005 DREW A SHARP LINE BETWEEN WHAT WAS AND WHAT IS. BEFORE KATRINA, AFTER KATRINA—THE EVENT NOT ONLY RESET THE CALENDAR BUT ALSO GAVE VIGOR TO PUBLIC DEBATE AROUND FUNDAMENTAL SOCIAL ISSUES. AT TULANE, THIS IS EVIDENT IN NEW COURSES, SUCH AS *HURRICANE KATRINA: DISASTER PREVENTION, RESPONSE AND RECOVERY*, AND *DEVELOPMENT AND DISASTER: PUBLIC DECISION-MAKING AND ENVIRONMENTAL VULNERABILITY IN A GLOBAL CONTEXT*, AS WELL AS AN ABUNDANCE OF SCHOLARLY ACTIVITY RELATING TO ISSUES OF HOUSING, ENVIRONMENT, GOVERNANCE AND OTHER LEGAL AREAS IN WHICH THE HISTORIC AND UNPRECEDENTED CONSEQUENCES OF THE STORM PRESENT BOTH CHALLENGES AND OPPORTUNITIES. HERE, WE SHARE THOUGHTS FROM MEMBERS OF THE TULANE LAW FACULTY AS THEY PONDER LAW AND LIFE AFTER KATRINA.



In March, Katherine Mattes, deputy director of the Criminal Defense Clinic, documented the flood damage to the evidence rooms at the Orleans Parish Prison in a 90-minute video. Document restoration is underway to provide evidence needed in criminal trials.

CLINIC BATTLES FOR RIGHTS OF INDIGENT PRISONERS

BY MADELINE VANN *from New Wave, Tulane's online daily publication 5/1/06*

Pamela Metzger believes that constitutional rights exist even for impoverished people in jail during natural disasters, and she is determined to protect those rights. Recently, Metzger, director of the Criminal Defense Clinic at Tulane Law School, led a team of third-year law students in filing a lawsuit that alleges the Louisiana system of funding its public-defender system is unconstitutional.

Louisiana is the only state that pays public defenders primarily with money collected from traffic and court fines, a system that Metzger believes creates a conflict of interest.

In the wake of Hurricane Katrina, with no fines collected in Orleans Parish and other parishes in the hurricane zone, the public defense system ground to a halt due to lack of money. Metzger estimates that 4,000 indigent Orleanians sat in jails throughout Louisiana, waiting for legal representation and news of their homes and families. The ratio of those in need of a lawyer to existing lawyers prompted Orleans Parish Chief Judge Calvin Johnson to ask the criminal law clinics at Tulane and Loyola to provide representation.

"We are unique among law clinics nationally because we are one of the very few clinics that handles felony matters with law students. We are one of the very few law clinics that has a very strong and successful state supreme court practice where our students go in and argue," says Metzger, who sees these days not only as a chance to transform the legal system in Louisiana but as prime training ground for future lawyers.

She points out that most of those waiting on a lawyer have not committed violent crimes but were arrested for a variety of offenses from unpaid court fines to prostitution.

"The Orleans Parish public defense system was tremendously disadvantaged before the storm," says Metzger. "I don't think it's too strong to say that the storm destroyed it. The real problem existed before Katrina. Katrina just held a magnifying glass up so we could really see the flaws. People used to wait four weeks to see a lawyer and now it's more like four months."

Metzger's clinic produces prosecuting attorneys as well as criminal defense lawyers. In many ways, she says, the alumni who became prosecutors are the

most appalled by the current situation.

"I get more students every year who want to be good prosecutors, and in many ways they are the people who are most outraged," Metzger says. "They want to know how any prosecutor with any sense of ethics can tolerate being part of this. And we are not arguing that any charges must be dropped but that where it's clear that there is no lawyer and no lawyer coming, you can't hold people in jail. We're not saying you can't continue to prosecute."

Even those who get legal representation and an order for release from prison find themselves behind bars, "forgotten," says Metzger, because the Orleans Parish Prison often fails to send the release orders to the jails that house them. Metzger and the clinic filed an order to hold the Warden of Orleans Parish Prison in contempt of court for failing to release prisoners when ordered to do so.

Metzger believes it will take years to untangle the mess exacerbated by Katrina. "It's going to be transformative," Metzger says of the possibilities that lie ahead. "It's all part of this ongoing social experiment we have, to have a working adversarial system of justice."

STOP FEDERALISM BEFORE IT KILLS AGAIN

BY STEPHEN M. GRIFFIN

Stephen Griffin is the Rutledge C. Clement Jr. Professor in Constitutional Law at Tulane Law School. This article is adapted from a longer article prepared for the St. John's University School of Law Conference on "Federalism Past, Federalism Future," March 3, 2006, which will be published in the St. John's Journal of Legal Commentary.

In the aftermath of Hurricane Katrina, President George W. Bush remarked, "It's very important for us to understand the relationship between the federal government, the state government, and the local government when it comes to major catastrophe."¹ The President was correct in seeing federalism as central to what was

largely a government-created disaster. Hurricane Katrina operated like a CT or MRI scan on governance in the United States and the results were not pretty. It is widely agreed that our separated system of federal, state and local jurisdictions did not work together and simply did not work well.

On Wednesday, Aug. 31, 2005, two days after Hurricane Katrina made land-fall on the Gulf Coast, Secretary of Homeland Security Michael Chertoff held a press conference at which he was asked a question about the chain of command and how conflicts among levels of government are worked out during a national disaster. He responded: "[W]e come in to assist local and state authorities. Under the constitution, state and local authorities have the principal first line of response obligation DHS has the coordinating role, or the managing role [T]he president has, of course, the ultimate responsibility for all the federal effort here I want to emphasize the federal government does not supersede the state and local government. We fit . . . in a comprehensive response plan."²

Secretary Chertoff was reflecting the official policy of the federal government, as embodied in the "National Response Plan," adopted in late 2004.³ In the plan, the emphasis was on having the lowest level of government possible handle disaster response. The plan states under "Planning Assumptions and Considerations": "Incidents are typically managed at the lowest possible geographic, organizational and jurisdictional level."⁴

One of the most unusual characteristics

Hurricane Katrina operated like a CT or MRI scan on governance in the United States and the results were not pretty. It is widely agreed that our separated system of federal, state and local jurisdictions did not work together and did not work well.



Louisiana Superdome, Aug. 30, 2005. Photo taken by the New Orleans Fire Department.



In Katrina's wake, many victims also became first responders. Photo taken by the New Orleans Fire Department, Aug. 30, 2005.

of Hurricane Katrina was how it blasted away nearly all of the local government infrastructure in New Orleans and on the Mississippi Gulf Coast. It therefore removed the basis on which the National Response Plan was built. Katrina challenged assumptions going back many decades as to how the federal structure should operate, not just during a crisis, but also in preparing for crisis situations.

In its report on Katrina, the House of Representatives Select Committee concluded: “The catastrophic nature of Katrina confirmed once again that the standard ‘reactive’ nature of federal assistance, while appropriate for most disasters, does not work during disasters of this scale. When local and state governments are functionally overwhelmed or incapacitated, the federal government must be prepared to respond proactively.”⁵

The committee was referring to what is known as a “pull” system, in which federal authorities wait for state authorities (who are supposed to combine local requests) to request resources in an emergency. This was a fundamental

assumption of the National Response Plan.⁶ Hurricane Katrina posed multiple challenges for this philosophy, ultimately grounded in values of federalism.

Because local governments and communications had been wiped out, state authorities did not know what to request. The extent of the crisis meant that state officials were themselves overwhelmed and unable to cope.⁷ The committee noted that a “push” system, in which federal authorities try to anticipate state needs in advance of a storm, is not a new concept, but it has rarely been tried.⁸

Unless we learn some lessons, Katrina will happen again. It may be a massive earthquake, an influenza pandemic, a terrorist attack, or even another hurricane, but the same ill-coordinated response will indeed happen again unless some attention is paid to the constitutional and institutional lessons of Katrina. We need to “stop federalism” before it kills again. That is, we need to stop our customary thinking about what federalism requires in order to prevent another horrific loss of life and property.

NOTES

1. CNN Reports, *Katrina: State of Emergency* 128 (2005).
2. *Id.* at 46.
3. See generally U.S. Department of Homeland Security, *National Response Plan* (Dec. 2004), <http://www.dhs.gov/interweb/assetlibrary/NRPbaseplan.pdf>.
4. *Id.* at 6.
5. U.S. House of Representatives, *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina* 132 (February 15, 2006), <http://www.gpoaccess.gov/katrinareport/mainreport.pdf>.
6. See *id.* at 15, 30.
7. See *id.* at 187, 324.
8. See *id.* at 136.

THE LOCAL LAND USE VETO: DEMOCRACY IN ACTION OR NIMBY?

BY STACY SEICSHNAYDRE (L'92)



Stacy Seicshnaydre is associate professor of law and director of the Civil Litigation Clinic. She clerked for the U.S. Fifth Circuit Court of Appeals and then worked as a staff attorney for the Lawyers' Committee for Civil Rights Under Law in Washington, DC. In 1995 she became the first executive director of the Greater New Orleans Fair Housing Action Center Inc., and in 2001 became general counsel for the organization. She has served on the boards of directors of the National Fair Housing Alliance and on the Louisiana Advisory Committee to the U.S. Commission on Civil Rights.

In the wake of Katrina, housing scarcity has emerged as one of the most critical challenges facing those working at the local, state and federal levels to facilitate the return of New Orleans area residents. Yet, efforts to provide both temporary and permanent housing to displaced residents have been stymied by the exercise of a kind of veto power over a variety of site selection decisions and government initiatives. This “veto power” is being exercised primarily at the local level and bears closer examination to determine whether it represents a necessary check and balance over the use of federal resources in the recovery effort, or if it is symptomatic of a “Not in My Backyard” phenomenon that was alive and well in New Orleans pre-Katrina.¹ No one is advocating that we place blind trust in the federal government to make rational

decisions in the positioning and allocation of housing opportunities, including affordable housing opportunities for low-income residents?² But should we adopt a system of absolute deference to those at the local level, whose efforts to block this trailer site³ or that apartment redevelopment⁴ have resulted in the kind of inertia that contributes to our reputation as a place without a plan?

To be sure, in an environment in which no one is willing to bear the costs associated with the creation of housing for displaced residents, displaced residents will remain displaced. How do we create a post-Katrina mechanism that ensures appropriate participation by neighborhoods and communities in land use decisions without creating the kind of veto power that puts displaced residents at a disadvantage?

The idea of a community exercising

Not all communities have resisted the siting of trailers in their neighborhoods. This Mid-City neighborhood threw a welcoming party for the displaced city employees occupying these trailers.



“veto power” over particular land uses—and neighbors—has a long and checkered history. In the past, African-American families in New Orleans (and elsewhere) who wanted to purchase homes in white communities were required to obtain the written consent of “a majority of white persons inhabiting said community.”⁵ This kind of explicit, race-based form of the veto may be out of vogue, if only because of its legal infirmity.⁶ But what are the legal limits, if any, on other, less outlandish expressions of community veto power over, say, trailers?

When amending the Fair Housing Act in 1988 to cover housing discrimination on the basis of disability and familial status, Congress expressed its intention that “the prohibition against discrimination . . . apply to zoning decisions and practices. The Act is intended to prohibit the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of [protected] individuals to live in the residence of their choice in the community.”⁷ Thus, fair housing law may prohibit the exercise of veto power not only when it is based on an intention to exclude those protected by the Act, but also when the veto has the effect of excluding those protected.

There is nothing in the Fair Housing Act to prevent communities from exercising their right to speak in opposition to or petition their duly elected representatives concerning a particular land use. But those duly elected representatives



To be sure, in an environment in which no one is willing to bear the costs associated with the creation of housing for displaced residents, displaced residents will remain displaced.

may not give effect to any prejudices on the part of their constituents that are based on race, color, national origin, sex, religion, disability or familial status. Even more to the point, when local officials reject proposals to provide housing to displaced residents, their actions must be carefully examined to ensure that protected groups are not disproportionately excluded.

Not every development project or trailer site will be of equal merit. Some communities historically have been asked to bear more than their share of government-sponsored housing developments and programs. But in the current realm, we tend to require unanimity for any project or program to gain traction. With population estimates in New Orleans at less than half of pre-Katrina levels,⁸ we cannot afford, and the Fair Housing Act may not allow, the veto.

NOTES

1. Prior to Katrina, several moratoria were in place that limited or prevented the development of multi-family housing in certain councilmanic districts.
2. In post-Katrina New Orleans, the term “affordable housing” has been euphemized and replaced with “workforce housing.” The idea that workforce housing is a necessity appeals less to a sense of altruism than to a desire to resuscitate a post-disaster economy.
3. See “Nagin halts trailer site work: Algiers confrontation prompts shutdown,” Times Picayune, Tuesday, April 4, 2006.
4. See “Housing program worries some in East: Residents had worked to limit apartments,” Times Picayune, Monday, February 27, 2006.
5. Sybil J. Cooksey, *Race-ing Space: Segregation as a Modernist Project in New Orleans 47* (May 1998) (UNO Thesis – CUPA).
6. See *Shelley v. Kraemer*, 334 U.S. 1 (1948).
7. House Report, 100-711, 100th Cong., 2d Sess. (June 17, 1988).
8. See Emergency Operations Center, City of New Orleans, “Rapid Population Estimate Project: January 28–29, 2006 Survey Report (http://www.cityofno.com/Resources/RPEP_Draft%20Report_Jan2.pdf).

THE KATRINA NEXT TIME

BY OLIVER HOUCK



Professor Oliver Houck heads the environmental program at Tulane Law School. He was selected as the recipient of the 2006 American Bar Association Award for Distinguished Achievement in Environmental Law & Policy. The annual award recognizes individuals who have made a major contribution in the field. His article "Can We Save New Orleans" was published in Volume 19 of the Tulane Environmental Law Journal.

The terrible thing about Katrina is how predictable it was, one of the least kept secrets in Louisiana. By the 1970s, Louisiana State University scientists were documenting the alarming rate of land loss between New Orleans and the Gulf of Mexico. They were dismissed as Cassandras, marketers of doom. Opposition to the Mississippi River Gulf Outlet and similar channels across South Louisiana that threatened to bring the Gulf to our doorsteps was treated as treason, offenses against the State. I recall a hearing in Morgan City on the Chene, Boeuf and Black canal where the lady speaking before me took off her shoe and pounded it on the podium, Nikita Khrushchev style, declaring, "When God made environmentalists, he should have had an abortion!" She brought the house down. The Louisiana delegation fought coastal protections tooth and nail, and took the lead on weakening them. The Corps of Engineers was too busy

keeping the delegation happy to pay serious attention to land loss, hurricanes or, for that matter, deaths. The nation's water resource system was designed to make money and elect the folks who kept it coming. It was not designed to save coastal Louisiana or New Orleans.

The predictions kept coming. Studies by the Environmental Protection Agency, science colloquiums, feature articles in *The Times-Picayune*, lead stories in the *National Geographic* (cover photo: man standing up to waist in water on a New Orleans street); programs on "Nova," "NOW" and "60 Minutes" (in one, a Louisiana hydrologist went around with a surveyor's rod marking flood lines on New Orleans houses) were tossed away like Mardi Gras beads. A year and a half before Katrina, federal, state and local planners met in the city to war game their responses to a Category 5 storm. Following which, nothing happened. They were off by about one year, one hurricane category and one degree latitude.

The breach on the eastern floodwall of the 17th Street Canal allowed Lake Pontchartrain to spill into much of New Orleans and parts of Old Metairie and Old Jefferson. Photo by Brett Duke/The Times-Picayune.



Here is what we know: Levees around New Orleans are necessary, but they will never be sufficient. Unless they, in turn, are protected by natural marshes they will get pounded, undercut, overwashed and fail.



At the beginning of the spring semester, Oliver Houck organized a multidisciplinary lecture series on the ramifications of Katrina.



All of this is now history, very sad history to be sure. The call for Category 5 protection is center stage, the Corps is struggling desperately to patch up its long-neglected levees around the city, and by now (almost) everyone seems able to connect the dots between storm surge and saving the coastal marshes that are our first line of defense. The question now is how we approach this, and it is going to be one of the most expensive, difficult and consequential items on the agenda.

Here is what we know: Levees around New Orleans are necessary, but they will never be sufficient. Unless they, in turn, are protected by natural marshes they will get pounded, undercut, overwashed and fail. The Gulf Outlet levees behind marshes held; the ones on open water crumbled. We had 80 miles of marsh protection south of the city only 80 years ago. What we have now is about 50 miles of torn rags. The same is true below Raceland, Houma, Morgan City, Lake Charles, around the coast. Beyond the immediate salvage job in New Orleans and the surrounding parishes, repairing the coast is Job One.

We also know this: Our coastal losses have been catastrophic, averaging more than 20 square miles a year, up to 50 square miles when dredging oil and gas

canals was in its heyday, and there is no real plan to turn that tide. To be sure, we have something called Coastal 2050, but if all of its projects are fully funded and its ambitions achieved (a tall assumption), it will reduce the rate of loss from 500,000 acres to 400,000 acres, over 50 years. However reasonable losing nearly half a million more acres of wetlands seemed pre-Katrina, it seems absurd today. Katrina took out an estimated 135,000 acres of coastal marshes in a single blow, most of them below New Orleans. We need to think bigger.

Here are the thoughts on the table: One consists of a Maginot Line of levees around coastal Louisiana, stretching from Mississippi to Texas. The Corps is actively parading it around the coastal parishes, offering hopes of ultimate protection, to say nothing of accelerated real estate development. The lands behind these levees will subside; the marshes ahead of them, cut off from water flows and sediments, will erode and die as well. The costs of building such structures will be enormous, and the costs of maintaining them on sinking soils against an encroaching sea will be greater yet. But there is a great attraction to the illusion of safety from levees, and to the idea of beating Mother

Nature. We have dedicated entire agencies to those quests. When they fail, we double their funding.

Here is the alternative: We start with restoring the coast, the maximum, and we let nature do it for us. Let the Mississippi River out, as well as the Atchafalaya and the rest. We don't micromanage with diversions and pipelines, we just open up gaps and let the rivers go, as they used to go, for millennia. They built this place once. They can do it again. We continue to work in the zone, as fully as before, but we don't live there. We can't live everywhere and hurricane-protect ourselves and keep the zone alive. We live instead in raised houses, as before, and behind ring levees. We can afford this, long term. And we can continue to reap the benefits of the most productive coast in America for centuries.

The Katrina next time may not strike New Orleans head on. But it will strike South Louisiana, and is likely to come soon, and likely to be followed by others, more vicious than before. Every hurricane forecast predicts them. We can fight them, tooth and nail, or we can design the landscape to live with them. One will work, but it is politically hard. One will not work, but will make us feel better. The choice is ours, and it is large.

A DAY TO REMEMBER

Few lawyers have been fortunate enough to celebrate their law school graduation with as much fanfare as the class of 2006. It was a day of momentous celebration to commemorate the end of an extraordinary senior year.

It began that morning at the New Orleans Arena with an emotional university wide commencement featuring keynote speeches from Presidents George H. W. Bush and William J. Clinton, a surprise visit from television talk show host Ellen DeGeneres, tributes to New Orleans music culture, reminisces about a difficult but meaningful year and a balloon drop and confetti the likes of a presidential national convention.

That afternoon, in a more intimate ceremony on campus, the 324 JD and LLM graduates received their diplomas, officially transitioning from Tulane law students to alumni. For the last fifteen years, the event has been held off campus in larger venues; but since most facilities suffered extensive damage during Hurricane Katrina, Tulane's Fogelman Arena was gracefully transformed from a mere basketball gym into a stately setting.

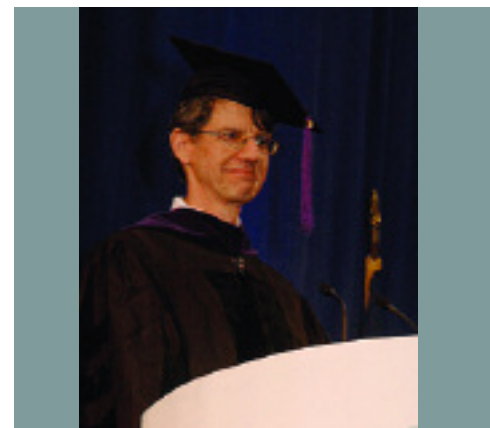
Irvin Mayfield, founder and artistic director of the New Orleans Jazz Orchestra and spouse of JD graduate Fatimah Conley opened the ceremony with the national anthem. Dean Lawrence Ponoroff then summed up his admiration for this "Katrina class" with a compliment: "It's frequently said that dealing with tragic experiences builds character," Ponoroff told the audience. "I think that's wrong; what it does is reveal character, and the men and women

receiving their degrees today have shown their resourcefulness, their resilience, their mettle, and their character."

3L President Jane Lee delivered her farewell with appropriate observations. "No other class can know what it is to feel like a 1L again in a new school as 3Ls," Lee acknowledged. "However, I firmly believe that the Class of 2006 will not be remembered as merely the "hurricane class" but we will be remembered for what we've accomplished at Tulane Law School and in our community. We will also be remembered for the accomplishments we will make in our career, in the legal profession, in nonprofits, in help saving the environment, and in whatever path we choose. All of this, which we have been equipped to accomplish with our Tulane education, will, undoubtedly, be our true legacy."

Jeffrey Brooks spent his fall semester at NYU Law School and was glad to return to Tulane in the spring, storm-tossed as it was. "Sure, things were different," he said. "The air conditioning sometimes would shut down, there were no traffic lights to speak of, and through some of the windows in the law library you had panoramic views of devastated homes. But we still had snowball socials, the annual Crawfish Boil and Barristers' Ball, classes with our favorite professors...It was my class, not a class-on-loan, and I wouldn't have it any other way."

By the end of graduation day it was clear to all—faculty, staff, family, and friends, that the Class of 2006 was destined to return to New Orleans not just to finish their degrees but to properly conclude an experience they will never forget.





This row, left to right: Grads pose for last photo; Presidents Clinton and Bush chat on stage; academic procession leaves Weinmann Hall for Fogelman Arena.



This row, left to right: Tulane President Scott Cowen snaps a quick pic with a 'robed' Ellen DeGeneres; law grads rise for one of many ovations; five gentlemen from L'56 celebrate their 50th reunion.



This row, left to right: Stephen Miles wins Faculty Medal for graduating first in his class; Charmaine Neville performs at Wave Goodbye; Wise Guys rock Dean's Party at House of Blues.



This row, left to right: Keith Werhan is honored with Frankfurter Award for Distinguished Teaching; Irvin Mayfield opens diploma ceremony with National Anthem; unified ceremony ends with fanfare.

TRIBUTE TO A FRIEND, DAVID GELFAND

BY WENDY BROWN SCOTT

When asked to define democracy in one word, David responded, “access.” In typical lawyer style, he continued, “equal access.” These two words truly defined his mission.



I'll never forget the day I met David Gelfand. After accepting a position on the faculty, I came to New Orleans in April 1989 to look for housing. (Having lived in New York City for 11 years, I knew it would take months to find a place to live—it took four days!) At the law school, I heard that David was looking for me. He knew from my resume that I had been involved in City Charter revisions in New York—so had he. In his characteristic fast-talking style, he came out of his office with an arm full of papers talking like a whirlwind about charter revision, getting together for lunch and then dashing off. “Wow,” I thought, “he talks faster than John Kramer!”

This was the beginning of a long and precious friendship. David got me involved in all kinds of work designed to preserve racial and gender equality in New Orleans. He worked hard and played hard. He loved his wife of almost 34 years, Mary, and adored his daughter Katie. He cared for his mother with the kind of devotion I pray my son will have for me. His relationship with Andrea Brigalia—his assistant for many years—was special. He respected and protected her, and she kept him straight.

David's credentials were impeccable. In high school, David excelled at debate, oratory and acting. He was chosen valedictorian for his high school graduating class and majored in political science and urban studies at Columbia University. After graduating from Columbia with honors, David was

For reasons I dare not explain, I remain cautiously optimistic that New Orleans will regain some of her faded-elegance character, and that we will again be reminded that the uniqueness of our city is derived from the spirit and vitality its people (of all races, ethnicities, and classes), not just from the configuration of its buildings. But even if that vision proves to be a chimera, I know that on Feb. 28, 2006 (Mardi Gras Day), or sooner, real gumbo will tantalize my tongue, Nicholas Payton's trumpet will thrill my ears, I will catch throws from a parade on the Avenue, I will sing (as loudly and poorly as ever), and I will second-line while waving my handkerchief in the air—all in my beloved New Orleans. But that handkerchief also must dry the river of tears I have shed for flooded neighborhoods and my lost neighbors. —DAVID GELFAND

Excerpt from “The Need for Caution, Creativity and Cooperation in Rebuilding New Orleans after the Flood Waters Recede,” published on Findlaw.com, Sept. 19, 2005. David Gelfand died six days later in Pensacola, Fla.

awarded a scholarship to Oxford University. He graduated from Pembroke College of Oxford University with a Masters of Philosophy in 1974. In 1976, David graduated from Columbia Law School. He joined the Tulane Law faculty in 1978.

Despite his stellar accomplishments, David never retreated to the lofty ivy tower. Instead, he chose to affirmatively seek out ways to advance our rights to free speech, freedom of religion, equality and due process. Mary Gelfand shared a story with me about David's high school speech contest, which illustrates how far back David demonstrated his commitment to a truly democratic society. When asked to define democracy in one word, David responded, “access.” In typical lawyer style, David continued, “equal access.” These two words truly defined David's mission.

At the law school, David advocated for racial diversity in the student body and on the faculty. In 2004, he served on

the university committee to design a new diversity admissions plan, following the Supreme Court decision in *Grutter v. Gratz*. He chaired numerous faculty committees and helped many students learn constitutional and land use law as his research assistants. Weeks before his death, David founded the nonprofit organization, *From the Lake to the River Foundation*, to get the Tulane community involved in providing legal help to the citizens of New Orleans in the wake of Hurricane Katrina. The Foundation's mission is “to facilitate the fair and equitable distribution of disaster relief to New Orleanians wherever they may be” post-Katrina. In talking with David about the foundation I was inspired to propose the Disaster Relief & Recovery course that is now part of our curriculum. I miss David. We who had the privilege of knowing him will always miss him. But the best way to honor David is to “do justly and love mercy.” We owe him and this city no less.

From the day he arrived he was a brilliant classroom teacher, and he displayed great ability to make his students laugh and enjoy his classes.

REMEMBERING DAN POSIN

BY HOFFMAN FULLER (L'56)

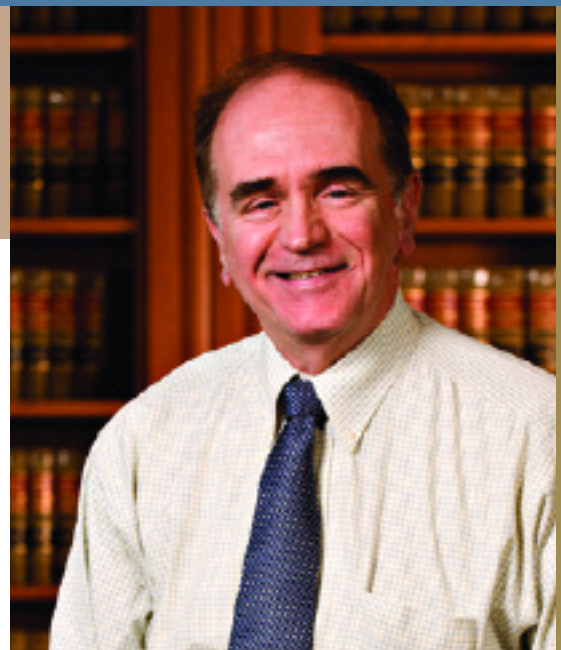
Our friend and colleague Dan Posin died on April 19, 2006. With his passing we lost a special person and Tulane Law School lost a great strength.

A summary of Dan's life's work is truly impressive, and yet it does not begin to express all that he really was. He graduated from Berkeley, Yale, and NYU; he was staff counsel to Ralph Nader at the beginning of Nader's career. He taught law in Nairobi, Kenya; he served as legal assistant in the Congress; he practiced law in San Francisco. In 1974 Dan began his odyssey of American law schools, teaching at Hofstra, San Diego, Southern Methodist, Catholic University, and finally finding his law school home at Tulane. He was with us for 15 years, which, of course, was too short a time.

Dan was my nominee for a faculty appointment at Tulane. We needed help in federal taxation, and although I did

not know him, I was familiar with his published work. He was widely respected as a teacher and scholar. From the day he arrived he was a brilliant classroom teacher, and he displayed great ability to make his students laugh and enjoy his classes. After a few years, however, Dan began to move toward teaching and writing exclusively in the area of corporations. His book on takeovers and leveraged buyouts is not only instructive, but interesting for the nonspecialist to read. He became known to the press as a good source for comments on mergers and takeover battles, and we saw his name often in the *Wall Street Journal* or the *New York Times*. His comments were insightful, and frequently witty.

In fact, one of Dan Posin's most notable characteristics was that he was fun. He had a droll sense of humor. He was an amiable colleague, and we liked him. He also was a truly private person. He loved



his wife and children, and protected his private time with them. He did his work well, as his career testifies, but when it came to time, Dan's family came first.

Two years ago, Dan and Kathe suffered a terrible loss when their young son died. We all grieved with them in their sorrow, but no one could have thought that Dan himself would be taken so soon. He was in the prime of life and of his career; he was working on projects, as always, and had just created an imaginative summer program in London. His illness and death were tragic, but his life was a quiet affirmation. All of us are thankful that we had Dan with us for these years.

ENDOWED SCHOLARSHIP HONORS WILLIAM A. PORTEOUS, III

An adjunct faculty member for over twenty years, Bill Porteous (L'62) was a devoted alumnus of Tulane Law School from the moment he graduated first in his class in 1962. He died at his home on March 30 in New Orleans, leaving a legacy of legal excellence in the field of maritime law, an achievement honored by his firm's endowment of a scholarship in his memory.

"Billy was an integral part of Tulane and proud of his Tulane connections," said Patrick DeRouen (L'90), Porteous's law partner and member of the law school's trial advocacy faculty. "By establishing the scholarship, we found a way to remember Billy and touch people's lives in the way he did. Billy could have gone anywhere and done anything, but he stayed in New Orleans. This scholarship is going to help a Louisiana law student with an interest in either maritime or environmental law."

Bill Porteous was a partner at Porteous, Hainkel and Johnson, L.L.P., a New Orleans law firm co-founded by his father in 1928. While at Tulane, he was a member of the Order of the Coif and an editor of the *Tulane Law Review*. For more than forty years he practiced throughout south Louisiana.

Dean Ponoroff remembered Bill Porteous as "an extraordinarily popular and effective teacher, who put his soul into his teaching and who always gave his students extra time." A lawyer and a scholar, he wrote a two-volume text for his course "Vessel Finance and Documentation." He frequently taught the course at Tulane's summer law program in Greece.

To contribute to the fund, please contact Jim Grieshaber at 504-314-2968.



John was a joyful, exuberant dean; he “lived large” before that phrase was coined.

REBEL WITH A CAUSE—DEAN JOHN KRAMER

BY JANE JOHNSON (L’74)

When John Kramer passed away in March, Tulane Law School lost one of its most vibrant leaders. Many of us knew John as dean of Tulane Law School, but he had a rich professional career before assuming that position. His resume read like a fake, but it wasn’t:

Magna cum laude Harvard College,
 Harvard Law
 Fulbright Scholar
 Clerk for Thurgood Marshall at the
 NAACP Legal Defense Fund
 Clerk at the 9th Circuit Court of Appeal
 Counsel for Rep. Adam Clayton Powell
 (D-NY), House Committee on
 Education and Labor in 1965,
 handling antipoverty legislation
 Executive Director of the National
 Council on Hunger and Malnutrition

Assistant U.S. Attorney
 Litigator in private practice
 Lobbyist on Capitol Hill
 Leader in the American Bar Association
 and Association of Law Schools, espe-
 cially the Section on Legal Education
 Professor at Georgetown Law School for
 16 years, and associate dean for 10.

John Kramer arrived at Tulane Law School in 1986 as a force of nature. Think of a benevolent King Kong set loose in New Orleans, picking up the law school and giving it a shake. The place would never be the same. Under John’s deanship, many flowers bloomed, including certificate programs in European Legal Studies, Sports Law, Maritime Law and Environmental Law. He initiated new summer schools abroad and began the Corporate Law Institute and the Public Law Center. New journals

were begun, including the *Law and Sexuality Journal*, the first of its kind in the country. John established a loan forgiveness program to pay down the educational debt of graduates who work in public interest jobs, and he instituted the law school’s first mandatory community service program, which became a national model across the United States.

John was a joyful, exuberant dean; he “lived large” before that phrase was coined. He became known for his big laugh, big smile, big new building, bigger faculty and student body, big budgets and big parties.

John loved it all, but his favorite part was the law school clinics—the place where law students get to represent real people with real problems. The clinics represented his perfect storm, an intersection between his scholarly commitment to innovative legal education and

his passion for social justice. At Georgetown in 1971, he helped create one of the largest, most admired clinical programs in the country. But his reach transcended Georgetown. He was the godfather of all clinics by virtue of his role in legislation to secure funding for clinical education under Title IX.

When John became dean at Tulane in 1986, the law school had a small clinic. Not everyone shared his dream to expand the clinical programs—there were fights, big ones, at faculty meetings. But John never ran away from a good fight. Under his watch, the clinics expanded to eight programs with more than 100 students, working in criminal defense, civil rights, juvenile law, immigration, legislative and administrative advocacy, appellate, and environmental law. More than 4,000 indigent clients have received legal services from more than 2,000 students.

John pushed for the clinics because, as he said, “they made students active instead of passive.” But the real reason for his passion for the clinics was because they were advocates for the poor. They often became hot spots for good causes and good fights, and the more controversial they got, the better he liked it. In fact, if we didn’t kick up enough dust, he thought we weren’t doing our jobs. Once when I forewarned him of a complaint I knew was coming, his reply was typically salty: “Bleep him! Tell him to take his bleeping complaint and bleep-bleep-bleep-bleep-bleep.”

If lawyers asked John to rein in a clinic engaged in unpopular causes, he wouldn’t—not only because he supported the cause, but also because he understood that such attacks were an assault on academic freedom. When the Environmental Law Clinic came under attack for its work in the area of environmental justice, John took to the streets in its defense. One of my favorite photographs of John is at a protest march in support of the clinic, beaming broadly in front of a sign

The law school clinics represented his perfect storm, an intersection between his scholarly commitment to innovative legal education and his passion for social justice.

reading “People for Equal Justice.”

Hardest for me to describe is what an incredibly huge heart this man had. John truly loved people. He knew the name of every single person who worked at the law school, from the highest to the most humble, and their children, whom he often asked about by name. He went to all the staff meetings to keep up with everyone’s work, and all the staff parties to keep up with the gossip.

John’s last year was not easy. His health was precarious, and then Hurricane Katrina caused him to evacuate and bounce around the country

before returning to his beloved New Orleans. But he never quit working, he never complained, he never lost his sense of humor, and never called retreat. He was John to the end.

There are lessons to be learned from John that we should keep in mind during the difficult times that lie ahead for the law school and New Orleans: Never give up. Fight for justice and for the poor. Love our institutions and our profession, but challenge them as well. Love life, and laugh every chance we get. In this way we will celebrate the life of John Kramer, and celebrate his legacy.



The portrait of Dean Kramer was unveiled at a dedication ceremony on March 5, 2004. It was painted by Mississippi artist Jason Bouldin.

THE I.D. AS ART

Normally a student I.D. card doesn't hold much meaning, but when issued by a law school for the

This unprecedented catastrophe was followed by one of the brightest moments in the history of higher education in the United States. Rising to the occasion, hundreds of colleges, universities, and professional schools took in students and faculty affected by Katrina and gave them a fall semester they will always remember. This wonderful act of enlightened generosity will stand forever as an example for the rest of the nation in responding to natural disasters.

—STEPHEN GRIFFIN, PROFESSOR OF LAW

Katrina semester, it becomes a treasured keepsake. Recognizing this, 2L Jennifer Hoekstra developed a collage of I.D. cards that now hangs in the Dean's suite.

Hoekstra amassed quite a personal collection of I.D. cards by the time she enrolled at Wisconsin Law School. "As I was looking at them I realized that they were all fairly worthless slips of plastic which had a lot of sentimental value and that perhaps we could do something with them when we returned to Tulane."

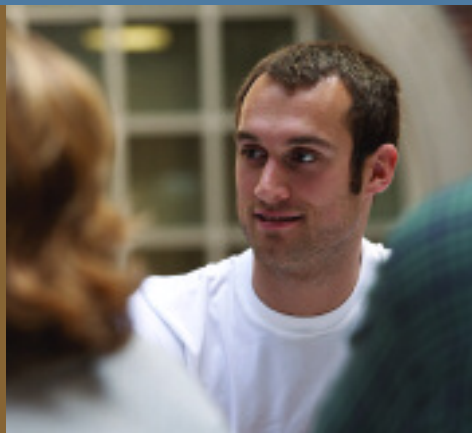
Hoekstra, a member of the law school's student morale committee, started working on the collage last fall. "It seemed like a great way to commemorate and thank the schools that had taken us all in, while at the same time having

a tangible symbol at the law school of our unique fall 2005 semester."

After the I.D.s were collected, 3L Ashley Hugunine arranged for the cards to be scanned so they could be returned to students. Another 2L, Lauren Hassler, came up with the artistic design for the collage. A quote from Tulane Law Professor Stephen Griffin holds the heart of the piece.

Hoekstra felt Griffin's statement was both powerful and illustrative. "It summed up perfectly what we were trying to do—express in our own way the gratitude we felt to those who stepped forward and allowed us to continue our education after the hurricane made it impossible to return."





2006-07 CALENDAR OF EVENTS

DATE	EVENT TITLE	LOCATION
2006		
Sept. 28-29	NEW ORLEANS FALL MARITIME LAW SEMINAR	Wyndham Canal Place
Sept. 29 5 p.m.	GAUTHIER LECTURE "The Judicial Function in European Law and Pleading in the European Courts" by Ian Forrester, Q.C. (LLM'69)	Weinmann Hall
Oct. 25-27	TULANE TAX INSTITUTE	Hotel Intercontinental
Oct. 27-28	TULANE HOMECOMING WEEKEND AND FALL REUNIONS for Law Classes of 1961, 1971, 1975, 1976, 1981, 1986, and 1996. A reunion is also planned for the War Years (1944-1945-1946). Questions about fall law reunions? Contact Ellen Brierre at 504-865-5920 or ebrierre@law.tulane.edu .	Various locations
Oct. 27 5 p.m.	LAW SCHOOL HOMECOMING COCKTAIL PARTY	Weinmann Hall
Oct. 28 1 p.m.	HOMECOMING GAME: Tulane vs. Army	Louisiana Superdome
Nov. 17	TULANE ESTATE PLANNING INSTITUTE	TBA
2007		
Jan. 5 6:30 p.m.	WASHINGTON, DC ALUMNI RECEPTION in conjunction with the Association of American Law Schools' Annual Meeting	TBA
Mar. 14-16	ADMIRALTY LAW INSTITUTE	Dixon Hall
Mar. 16	ADMIRALTY ALUMNI REUNION	TBA
Mar. 23-24	SPRING 2007 ENVIRONMENTAL LAW CONFERENCE	Weinmann Hall
Mar. 26 6 p.m.	DEUTSCH LECTURE by Luzius Wildhaber, President of the European Court of Human Rights	Weinmann Hall
Mar. 29-30	CORPORATE LAW INSTITUTE	Ritz-Carlton Hotel
Mar. 31 5:30 p.m.	LAW REVIEW BANQUET	Plimsoll Club
May 19	COMMENCEMENT	New Orleans Arena



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“...we will be back and ready to start a new era as well as a new academic year. It’s a daunting and exciting challenge that won’t always be smooth sailing, but I am confident that as a community—students, faculty, staff, and alumni—we are equal to the task.”

Dean Lawrence Ponoroff

ADDRESS UPDATE / CLASS NOTE

Send to Ellen Brierre, Director of Alumni Relations
 Tulane University Law School
 6329 Freret St.
 New Orleans, LA 70118
 Fax 504-862-8578

Or fill out the form online at <http://www.law.tulane.edu/alumni/alumni/noteschangeform.cfm>

Name _____ Class Year _____

Home Address _____

City _____ State _____ Zip _____

Phone _____ Is it new? _____

Employer _____

Employer Address _____

City _____ State _____ Zip _____

Phone _____ Is it new? _____

E-mail _____

Comments _____

