



Creighton**LAWYER**

FALL 2013 Magazine

CYBER CONFLICT

Once far-fetched,
now a global threat

The GOAL Program

Summer Abroad:
From Nuremberg to
The Hague

Trading Places:
Faculty Exchange Provides
Students Real-World
International Experience

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Name

E-mail

News

Creighton Lawyer

FALL 2013

Feature Stories

12 Cyber Conflict: Once Far-Fetched, Now a Global Threat

Sean Watts, J.D., LL.M., professor of law, participated as an expert and drafting group facilitator for the Tallinn Manual, a collection of rules and legal commentary to guide states' efforts to apply the law of armed conflict to cyber warfare. In this article, Watts examines the complex legal ramifications of cyber warfare.

16 The GOAL Program

Law students enrolled in Creighton's Government and Leadership (GOAL) program spend a semester in Washington, D.C., where they develop a sophisticated construct of the role of lawyers in government settings. Students in the program earn both a Juris Doctor and a Master of Science in Government and Leadership in three years.

20 From Nuremberg to The Hague

Creighton's summer abroad program to Nuremberg, Germany, and The Hague, Netherlands, gives law students opportunities to explore international criminal law and the prosecution of war criminals for genocide, war crimes and crimes against humanity.

24 Trading Places

This past spring, Creighton School of Law partnered with Carlos III University of Madrid for a faculty exchange. Students at both institutions gained real-world international experience through an international business transactions course.

4 Lawyer News

26 Alumni Notes and Profiles



View the magazine online and check for upcoming School of Law events at

law.creighton.edu

Creighton Lawyer is published by the Creighton University School of Law for alumni, students, faculty and friends.

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Creighton Lawyer is published by the Creighton University School of Law. Postmaster: Send change of address to *Creighton Lawyer*, P.O. Box 3266, Omaha, NE 68103-0078.

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12

16

20

24

A Message from the Dean



I am happy to bring you this edition of *Creighton Lawyer*, made possible by a generous gift from Dick Jeffries, JD'68, chair of the School of Law Alumni Advisory Board. This issue focuses on the global reach of the school and brings you news of faculty, students and alumni from around the world.

The recent recession was hard on law school enrollments nationwide. Applications to schools declined markedly, due to tuition costs, smaller law firm hiring budgets and dismal media reports about employment prospects for new attorneys. Fortunately, Creighton University's School of Law weathered the storm relatively well.

The law school proactively reduced the size of the first-year class to 135, a change that took effect in 2010. Smaller classes have kept our bar passage rate and placement rate strong. Newer programs, including GOAL (our Washington, D.C., externship program), the Werner Institute's dispute resolution training, summer school in Germany, the accelerated J.D. option and expanded 3/3 admissions, continue to draw talented students to the school. Our faculty's reputation for teaching excellence, their open-door policy and the Jesuit tradition of care for the whole person create an atmosphere in which students thrive.

There have been some tough transitions, however. Hardest to bear was the sudden death in 2011 of longtime professor and associate dean Barbara Gaskins, JD'76, who passed away while on an Alaskan cruise with her husband, Ken. We dedicate this issue to her.

This year, Dean *Emeritus* Rod Shkolnick and J. Patrick Green, JD'65, retired after 51 and 45 years at the school, respectively. Both touched the lives of thousands of law students. Milo Alexander retired after five inspiring years as director of the Community Economic Development Clinic. Anne Kitchel left us after 19 years to become director of the Willamette Law Library in Oregon. Bruce Aronson, recipient of a rare second Fulbright fellowship to Japan, decided to remain in Tokyo for the long term.

And there have been additions. Patrick Borchers, former dean, has returned to the law school following six years as Creighton's academic vice president. He teaches Civil Procedure and directs the Werner Institute, while continuing his research. Pat also coaches Omaha's Skutt

High School mock trial team, which placed third in the nation this spring.

Nick Mirkay, who teaches Tax, Business Entities and Trusts and Estates, joined the school in 2011 after practicing law in St. Louis and teaching at Widener University. Nick chairs the school's strategic planning effort.

The law school now has three Jesuits. Chaplain Kevin Kersten, S.J., joined the school from Boston College. Nate Romano, S.J., is an expert in immigration and criminal defense and serves as a staff attorney in the civil legal clinic. Greg O'Meara, S.J., the new rector of Creighton's Jesuit community, joined Creighton from Marquette University, where he was on the law faculty and was a Milwaukee prosecutor for seven years.

Chris Bauer, director of development, and Lauren Ulrick, marketing strategist, are now located within the law school. Chris maintains communication with alumni and other donors. Lauren, who joined Creighton from St. Edward's University in Austin, Texas, works with multiple media to get our story out.

We maintain close ties to the bar. Need evidence? This fall, Mike Fenner will become president of the Nebraska State Bar Association (NSBA), the first academic to serve in that post. Next June, Joe Feller, JD'75, will take the helm of the Iowa State Bar Association. In 2015, Bob Rossiter, JD'81, will assume the NSBA presidency. The Omaha Bar Association has offices in the Creighton law school.

Thanks to the generosity of many, law school faculty and students now enjoy beautifully remodeled classrooms with power outlets at each padded seat, warm wood-toned desks and a much-improved sound system. The new rooms have been named in honor of former deans Rod Shkolnick and Pat Borchers. Thanks to all who contributed to this project. If you have not yet seen the changes, please stop by.

Finally, I am excited about Creighton's move to the BIG EAST and am sure you are, too. The move to the new conference will bring great competition to Omaha and give the University added exposure in the East. As for my favorite sport — basketball — I am happy to report that standouts Doug McDermott and Grant Gibbs will play for the Bluejays in 2013-14.

See you all at Madison Square Garden in March.

Go Jays!

Marianne Culhane, J.D.
Dean and Professor of Law

School of Law Rededicates Gross Appellate Courtroom, Adjoining Classrooms

Thanks to the generosity of alumni, friends, faculty and staff, a renovated Gross Appellate Courtroom in the School of Law and two adjoining classrooms were rededicated in April. The classrooms are named for former Dean Patrick Borchers, J.D., and Dean *Emeritus* Rodney Shkolnick, J.D.

The Borchers Room was a gift of Donald, JD'78, and Daphne Campbell. "It is our sincere hope that the students who fill these classrooms will reflect upon the attributes of these two men, who

represent the best of Creighton's legal and academic communities," Don Campbell said.

Borchers began his deanship in 1999 and was instrumental in the development of the Werner Institute. He became director of the institute this fall, following six years as vice president for Academic Affairs.

For the gift of the Shkolnick Room, Culhane thanked Raymond McGaugh, BA'76, JD'84, of Chicago, who serves on the School of Law Alumni Advisory Board; Raymond Fehringer, JD'84, of Waterloo, Neb.; and a host of law

school faculty and staff eager to thank the dean *emeritus* for 51 years of service.

The courtroom was a 1974 gift of the late Daniel J. Gross, JD'16, founding partner of Gross & Welch. At the time, it was considered state-of-the-art, but over the years, electrical and sound systems could not keep pace with technology. The law firm of Fraser Stryker underwrote improvements that make it possible for students to now access laptops and other electronic devices in class.

For many graduates, the Gross Appellate Courtroom is a symbol of their entrance into the profession, a functional courtroom as well as a classroom.



Photo by Ford Jacobsen

Left to right, Marianne Culhane, Rodney Shkolnick, Patrick Borchers and Timothy R. Lannon, S.J., Creighton president.

Culhane also thanked Senior U.S. District Judge Lyle Strom, JD'53, for the gift of new podiums — a donation befitting his years on the bench, hearing arguments from area attorneys.

New seating for the courtroom was provided by attorneys and firms including: Daniel Cole, BA'66, JD'69, and Katherine Swinarski Cole, BSN'69; The Omaha Law League; Gettman & Mills, LLP; Abrahams Kaslow & Cassman, LLP; Walentine, O'Toole, McQuillan & Gordon, LLP; Neil, JD'51, and Geraldine Welch; Thomas H. Dahlk, JD'77, and Thomas L. Dahlk, JD'12; Brien Welch, BA'82, JD'85, and Jacquie Kruml Welch, BS'82, BSRT'83; Lamson, Dugan and Murray; Bill Lillis, JD'68; Bryan Mick, BSBA'88, MBA'89, JD'89; and the Malek Charitable Trust.

In the week before the dedication, the seven justices of the Nebraska Supreme Court convened in the courtroom to hear arguments in several cases, allowing law students to observe. Several justices of the U.S. Supreme Court have delivered visiting lectures in the courtroom.

"We are indebted to our alumni and friends who generously support us in our mission," Culhane said. "They are influencing the educational experiences of tomorrow's attorneys."

Jesuit Lawyers Join Law School Faculty

This fall, the Creighton School of Law welcomes two Jesuit lawyers: Gregory O'Meara, S.J., and Nathaniel Romano, S.J. O'Meara and Romano will offer Creighton law students and clients of the legal clinic expertise gained through years of practice and teaching in immigration, criminal law and professional ethics. Their presence will also underscore the emphasis Creighton places on consideration of the ethical duties of attorneys and its Ignatian perspective on social justice.



O'Meara



Romano

Greg O'Meara earned a J.D. in 1985 at the University of Wisconsin. He spent seven years as a prosecutor in the Milwaukee County District Attorney's Office, where he second-chaired the trial of serial killer Jeffrey Dahmer; captained the Drug Enforcement Team; and coordinated appellate briefings.

In 1992, he came to Creighton for two years of theology studies and taught Advanced Criminal Procedure at the law school. He completed additional study at Loyola Chicago and the New York University law school, where he earned an LL.M., and completed a Master's of Divinity at the Weston Jesuit School of Theology. He was ordained in 2002.

That year, Fr. O'Meara joined the Marquette University law faculty, earning tenure there in 2010. He left Marquette this summer, following his appointment as rector of Creighton's Jesuit community, a job that entails fostering the spiritual, physical and ministerial health of Creighton's Jesuits. Fr. O'Meara will teach Criminal Law and Professional Responsibility in the law school part time while serving as rector for the next six years.

Nate Romano entered the Society in 2008 and is in formation. Romano earned a J.D. in 2005 at the University of Wisconsin, where he was a student attorney in the Elder Law Clinic.

He practiced criminal defense and family law for several years in a small Wisconsin law firm and volunteered for Catholic Charities in Milwaukee, providing free legal services for low-income immigrants, including applications for visas and asylum, work permits, naturalization and cancellation of removal, with frequent appearances before U.S. immigration courts.

In 2010, he entered Fordham University, where he earned a master's degree in philosophical resources. While at Fordham, he was a volunteer attorney with the Bronx Defenders, representing low-income clients in immigration and criminal cases.

At Creighton, Romano will be a staff attorney in the Milton R. Abrahams Legal Clinic for two or three years, supervising law students who provide free legal services to economically disadvantaged clients. His extensive experience in immigration law will complement the clinic's Domestic Violence Initiative, which helps victims of domestic abuse become independent of their abusers. Threats of deportation and separation from children are frequent tactics in domestic violence cases.

Romano and O'Meara join Kevin Kersten, S.J., the law school's chaplain. Fr. Kersten serves Mass, offers pastoral services at the school and teaches in Creighton's communications program.

The presence of Jesuits in the law school underscores the emphasis Creighton places on consideration of the ethical duties of attorneys and its Ignatian perspective on social justice.

Accelerated Degree

The Creighton University School of Law is offering interested students a unique opportunity to earn their law degree in two years, instead of the typical three years, with its recently created accelerated J.D. program. The inaugural class started in May.

Students accepted into the program take the same courses, from the same faculty, as students enrolled in the traditional three-year program.

Learn more about the program at creighton.edu/accelerated-jd.

MBA/JD Program Ranked 50th in the World

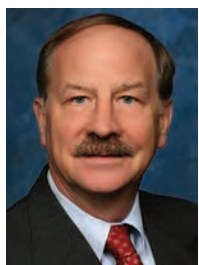
Creighton University's Master's in Business Administration/Juris Doctor (MBA/JD) program is included in the Eduniversal Ranking of best master's programs worldwide for 2012-13.

The J.D. degree from the School of Law paired with the MBA degree offered through the College of Business prepares students for a myriad of professional opportunities through a rigorous academic curriculum with practical experience in both law and business.

The rankings by Eduniversal were compiled based on three criteria: the reputation of the program, the career prospects and salary level of graduates, and student satisfaction. The organization's list looks at more than 4,000 master's and MBA programs in 154 countries.

Creighton Continues Involvement with International Negotiation Competition

Creighton law school continues its long involvement with the International Negotiation Competition for law students, dating back to 1998 when Creighton and Pepperdine University sponsored the



Teply

first competition. Larry Teply, J.D., LL.M., professor of law, has authored several of the competition problems over the years and continues to serve as the chair of the executive committee

administering the competition, which is modeled on the American Bar Association's Negotiation Competition for law students.

The competition provides a unique opportunity for law students to practice and improve their negotiating skills in cross-border transactions and disputes.

In July, teams from Australia, Canada, Denmark, Germany, England, India, Indonesia, Japan, New Zealand, Nigeria, Northern Ireland, Puerto Rico, Ireland, South Korea, Russia, Scotland, Singapore, Switzerland and the U.S. participated. A team from the University of Trier in Germany was this year's winner.

Borchers Named Director of Werner Institute



Borchers

Patrick Borchers, J.D., professor of law, has been named director of the Werner Institute in the School of Law. Borchers is an internationally recognized expert in private international law and international arbitration.

Borchers most recently served as Creighton's vice president for Academic Affairs for the past six years. Prior to that, he was dean of the Creighton law school for eight years. Borchers was instrumental in establishing the Werner Institute during his tenure as law dean.

The Werner Institute was established in 2005 by the Werner family, including alumna Gail Werner Robertson, BA'84, JD'88, to be a leader in advancing the field of conflict resolution, supporting the mission of Creighton University and building a bridge between conflict resolution and the issues faced by people in an increasingly complex world.

Fenner First Academic Elected President of Nebraska State Bar

On Oct. 2, G. Michael Fenner, professor of law, will become the first academic elected president of the Nebraska State Bar Association. This position is a great honor for Fenner and Creighton School of Law.

Fenner joined the Creighton law faculty in 1972 and currently holds the James L. Koley '54 Professorship in Constitutional Law.

"As a teacher I have dedicated my career to helping men and women from all kinds of backgrounds and with all kinds of experiences be the best lawyers they can be," Fenner said. "I hope to contribute in that same way as president of the bar association, with a particular focus on small-town practice and on assisting young lawyers transition from law school to the practice of law."

World Bank Lead Counsel Presents Koley Lecture

World Bank Lead Counsel David Satola discussed "Regulation of Online Freedom: International Internet Governance and Human Rights" during the 2013 Koley Lecture in February at Creighton University School of Law. The lecture can be viewed online at bit.ly/13RECg4.

2040 Initiative

How will projected demographic changes in the U.S. affect current law over the next generation?

A group of Creighton faculty recently received funding from the George F. Haddix President's Faculty Research Fund for the creation of a 2040 Initiative that includes, as a significant component, the creation of a cotaught, multidisciplinary seminar. Faculty members are: David Weber, J.D., associate professor of law; Palma Strand, J.D., LL.M., professor of law; Sue Crawford, Ph.D., professor of political science and international relations; and Rebecca Murray, Ph.D., chair of the Department of Sociology, Anthropology and Social Work.

The seminar will inspire student creativity and original thought connected with the purpose of the 2040 Initiative which was founded to analyze demographic trends and their associative impact on society and current legal structures.

The Creighton faculty group will investigate how demographics and political process combine to

provide current law and consider what legal changes may result from projected demographic changes over the next generation.

The 2040 Initiative is named for the predicted year that today's minorities will become the majority population within the U.S. It will explore specific legal topics including immigration, education, labor, health, housing, gerrymandering and political polarization, criminal justice, tax policy and family protection (child care and preschool as well as elder care).

The seminar component will allow Creighton students to engage in their own investigation of demographic trends, the factors pushing the trends, and the likely short- and long-term consequences, legal and otherwise, of these trends. Students and faculty will examine these demographic trends through a variety of lenses including law, critical race or gender theory, sociology or political science.



Intellectual Inquiry and Moral Reflection at the Heart of Law School's ILAC Trip

Peter-Hans Kolvenbach, S.J., former superior general of the Society of Jesus, once said, "Solidarity is learned through 'contact' rather than 'concepts.' When the heart is touched by direct experience, the mind may be challenged to change."

Nine Creighton University law school students and two professors, Ronald Volkmer, BA'66, JD'68, LL.M., and David Weber, J.D., experienced that precept firsthand in January, when they participated in an immersion trip to Santiago, Dominican Republic. The law school has partnered with the Institute for Latin American Concern (ILAC) since 2002 in

the program, which is designed to answer Fr. Kolvenbach's call to "educate the whole person of solidarity for the real world."

The goals of the immersion program include leading law students to moral reflections in an Ignatian spirituality context and providing an experience in which they are exposed to all aspects of Dominican culture through field trips to locations throughout the country.

Anand Pereira, S.J., joined the group for the first five days of the trip, participating in activities and leading the group in spiritual reflections. Although none of the students had met Fr. Pereira prior to stepping onto Dominican soil, they grew very close to him and came to cherish his vibrant and affirming spiritual guidance, Volkmer said.

In an e-mail to Volkmer after the trip, Fr. Pereira, who had returned to his native country of India, said that he had enjoyed his trip to the U.S., but that his trip to the D.R. with Volkmer

and his students had been "the icing on the cake." He added that he "was impressed by the commitment of these young people."

During the seven-day stay, the law school group traveled to the border of Haiti, the north shore of the island and the capital city of Santo Domingo. In Santiago and the neighboring area, they went to an urban *barrio*, to the local Catholic university, to a *campesino* community in the mountains, to two jails located in nearby cities and, on the last day of the trip, to a monastery in Jarabacoa.

While staying at the ILAC Center in Santiago, students learned how Creighton's ILAC program has aided the *campesino* communities, primarily through healthcare outreach programs, for nearly 40 years. In their travels, students gained an appreciation of the dynamics of third-world poverty, the struggles of a country seeking to establish basic freedoms and the rule of law, and the role that first-world nations play in impacting the lives of those living in a developing country.

One of the more challenging experiences for the students was the visit to the *campesino* community of Arroyo del Toro, where they stayed overnight with guest hosts. Life in a *campesino* community is quite different from life in the U.S., and it was during that visit that many students discovered the wisdom of Fr. Kolvenbach's advice that "students need close involvement with the poor and marginal in order to learn about reality and become adults of solidarity in the future." Fr. Kolvenbach's admonition that personal involvement with innocent suffering and with the injustice that others suffer are catalysts for solidarity, was brought to life.

"Fr. Kolvenbach believed that such experiences would then give rise to intellectual inquiry and moral reflection," said Volkmer, "and that has certainly proven true in the case of our law students, the professors and Fr. Anand. What more could we hope to achieve, as we prepare the attorneys of tomorrow through Ignatian-inspired experiences?"

Photos at top: Left, Kate Kennedy, third-year law student, and right, Sean Danehy, second-year law student, interact with children from Batey Libertad, Dominican Republic.

“When the heart
is touched by
direct experience,
the mind may
be challenged to
change.”
Peter-Hans
Kolvenbach, S.J.

Faculty: Beyond the Clas



G. Michael Fenner, J.D., professor of law and the James L. Koley '54 Professor of Constitutional Law, will become president of the Nebraska State Bar

Association in October (see Page 6).

Fenner's article "The Admissibility of Web Based Evidence" has been accepted for publication by the *Catholic University Law Review*.

Fenner is a member of the Nebraska Supreme Court Committee on Practice and Procedure. As reporter, Fenner has primary responsibility for Nebraska's pattern jury instructions for civil trials, NJI2d Civ., and is the author of the annual supplements to NJI2d Civ. (West).



Jacqueline Font-Guzmán, J.D., Ph.D., associate professor in the Werner Institute, was awarded a research grant by the Office for

Academic Excellence and Assessment at Creighton University to explore and assess students' learning parity by collecting, analyzing and comparing data across two teaching modalities regarding assessment activities. This research will take place in collaboration with Noam Ebner, assistant professor and online program director for the Werner Institute.

Font-Guzmán's article "Confronting a Colonial Legacy: Asserting Identity by Legally Renouncing U.S. Citizenship" was published in the spring 2013 *Centrol Journal*. This summer, the article was listed on the Social Science Research Network's Top Ten downloads: AARN: Latin America & South America.



Michael Kelly, J.D., LL.M., professor of law and associate dean for international programs and faculty research, is president of the U.S. Chapter

of the International Association of Penal Law (AIDP) and represents the U.S. delegation each June at the headquarters meeting in Paris. Next summer, Kelly will lead the U.S. delegation at the five-year congress of AIDP in Rio de Janeiro.

Kelly's article "Prosecuting Corporations for Genocide Under International Law" was published in the *Harvard Law & Policy Review*. His paper presents a unified theory that ties together his prior work in this area, exploring international criminal law's potential use in prosecution of multinational corporations when they are complicit in genocide.

Kelly also presented at numerous conferences in 2013, including "The Case Against Saddam Hussein for the Kurdish Anfal" at the Kurdish regional government offices in Washington, D.C., and "Corporate Criminal Liability for Genocide Under International Law — Forging a New Paradigm" at the International Law and Human Security in the 21st Century Symposium at the University of Denver Sturm College of Law International Law Weekend.



Raneta Lawson Mack, J.D., professor of law, completed work on her criminal procedure casebook entitled *A Criminal Procedure Anthology: Cases, Readings and*

Comparative Perspectives.

Mack also completed work on a

national report on U.S. cyber crime statutes for the International Association of Penal Law (AIDP). As a national reporter, Mack was required to summarize the U.S. law in various cyber crime areas and submit a report in preparation for the AIDP International Congress in Rio de Janeiro in 2014. Her report is entitled "Report of the Cyber-Crime Laws in the United States of America for the International Association of Penal Law (AIDP), Preparatory Colloquium Section II."

Mack spoke in August at the National Association of Chapter 13 Trustees Annual Conference (NACTT) in New York. She was part of a panel discussion on bankruptcy crimes entitled "Bankruptcy Crimes and Ethical Issues: Honesty is the Best Policy."



Nicholas Mirkay, J.D., LL.M., professor of law, had his article "Globalism, Public Policy, and Tax-Exempt Status: Are U.S. Charities Adrift

at Sea?" published in the *North Carolina Law Review*. He also is a contributing editor of the Nonprofit Law Prof Blog (lawprofessors.typepad.com/nonprofit).

He presented at the Delaware Tax Institute in November 2012 and at Creighton's Public Interest Law Forum in February 2013 ("Serving the Community through Nonprofit Organizations," co-presented with Amy Miller, ACLU of Nebraska legal director).

Mirkay has also represented four nonprofit organizations *pro bono*, assisting in their formation and attainment of tax-exempt status.



Edward Morse, J.D., professor of law and the holder of the McGrath, North, Mullin & Kratz Endowed Chair in Business Law, co-chaired the Electronic Payments and Financial Services Committee for the past year for the American Bar Association, Section of Business Law, Cyberspace Law Committee. In March 2013, he was appointed to serve as the editor of the committee's "Survey of Important Developments in Cyberspace Law," which typically spans more than 100 pages in the ABA's flagship publication, *The Business Lawyer*.

Morse is a founding member of the Thomas More Society – Omaha Branch. In October 2012, he was elected president of the Omaha Branch by its attorney members. Together the organization has engaged in *pro bono* representations, including matters involving pro-life and religious freedom issues.

Morse's article "Conscience and Competing Liberty Claims" was published in the peer-reviewed journal *An International Journal of Bioethics* in January 2013. The article focuses on problems for healthcare providers, including physicians and other healthcare professionals, which arise from coercive effects of nondiscrimination laws.



Palma Strand, J.D., LL.M., professor of law, attended the annual meeting of the University Network for Collaborative Governance

(UNCG) at Pepperdine University in early June. There, she presented with a civic engagement colleague Malka Kopell on "Civility and Collaborative Governance: Systems, Networks, and Relationships." Strand was also elected chair of UNCG for 2013-14.



Ron Volkmer, BA'66, JD'68, LL.M., professor of law, recently became the first recipient of an award from the Concord Mediation Center in Omaha.

The award also will carry his name — The Ron Volkmer Practitioner Award — and will recognize practitioners who apply the Concord Mediation Center's mission to their professional or volunteer conflict resolution efforts. Volkmer served on Concord's board of directors when the Mediation Center opened in 1999, and has often volunteered as a mediator there. The award citation notes Volkmer's many years of teaching, the law school's Service and Justice Fund created in his honor and his prior chairmanship of the Nebraska Accountability and Disclosure Commission, which enforces state campaign finance, lobbying and conflict of interest laws.

Shkolnick, Green Retire from Law School Faculty

After a total of 96 years on the Creighton School of Law faculty, Dean *Emeritus* Rod Shkolnick and Professor J. Patrick Green, JD'65, have retired.



Shkolnick

Shkolnick joined the School of Law faculty in 1961, teaching Contracts, Secured Transactions and Mortgages, and becoming a partner at the McGrath North firm. He served as dean from 1977-88, and for many years as a member of the Nebraska State Bar Association's board of governors. He led Nebraska to adopt the Uniform Commercial Code. Dean Shkolnick will be remembered as a wonderful leader who strengthened the faculty and staff, while his kindness and humor earned everyone's lasting affection.

J. Patrick Green joined the faculty in 1971, after working



Green

with the Federal Power Commission in Washington, D.C., and practicing law in Chicago and Omaha. He also served as a judge on the Nebraska Court of Industrial Relations from 1975-79. He is married to Barbara Perlman, a retired Creighton law tax professor. Over the years, Green taught Torts, Insurance, Remedies, Products Liability, Medical

Malpractice and Bioethics.

"We are grateful for their devoted service to the students and mission of Creighton law school," said Marianne Culhane, dean of the School of Law.

A retirement reception for Shkolnick and Green will take place Sept. 26 at 5 p.m. at the Ahmanson Law Center, Schneider Commons. If you plan to attend the reception, e-mail rupert@creighton.edu.



From Court to Court

By Lauren Ulrick

Brice Nengsu Kenfack, BA'08, spent the summer similarly to many incoming third-year law students, clerking in a local firm, treasuring personal time with family and preparing for his final year in law school. However, his storied past is unlike any of his classmates. From growing up in Nkongsamba, Cameroon, or playing collegiate and professional basketball, to his dreams of improving his country's court system — Nengsu is one-of-a-kind.

In 2005, Nengsu was recruited to play on Creighton University's basketball team. As a 6-foot-3 and 200-pound shooting guard, he was the fourth foreign player to ever suit-up for the Bluejays.

"I have many fond memories from this time in my life," Nengsu said. "The Bluejay fans were passionate and my coaches were supportive. I think these early influences at Creighton made a lasting impression on me."

After graduating with a B.A. in organizational communication in 2008, Nengsu began an exciting

career as a professional basketball player for Chorale de Roanne in Roanne, France. He participated in the Eurocup, the highest level of professional basketball in Europe, and traveled throughout the Middle East gaining a valuable international and multicultural experience. Nengsu even represented his teammates in the French Players Union. After a year in France, Nengsu transferred to the Al Jayash basketball team in Doha, Qatar, where he remained until 2011. As the team's captain, he helped Al Jayash reach numerous championship games and even finished on the All National Team.

How does this well-traveled, professional athlete end up back in Omaha studying to become an attorney at Creighton School of Law?

“I knew from a young age that I wanted to study law,” he said. Nengsu’s mother worked as a court reporter in Cameroon for much of his life. Unlike the U.S. legal system, Cameroon does not have court-appointed attorneys. If you cannot afford legal representation, jail time or a fine is inevitable.

“Even at the young age of 6, I understood that the law was for the wealthy in my country. I witnessed many unfair breaches of contracts by wealthier parties, just because no one would speak up for them,” he said. Nengsu wants to find a way to change the court system and provide justice for his countrymen. “I don’t like politics, but I hope to serve as an adviser or legal expert to my country after I gain training and experience.”

At the end of his season in 2011, Nengsu decided it was time to hang up his basketball shoes and pursue his dream of a law degree.

“I considered many law schools, but my fond memories of Creighton as a personal university with caring faculty made the choice easy for me,” he said. “It also helps that my wife, Danyel, loves Omaha. It is a wonderful place to raise our 3-year-old daughter, Kianna Marie. She is our life’s joy.”

“Without scholarship support, attending law school would not be possible. It means the world to continuously feel supported by the Creighton community.”
Brice Nengsu

As a law student, Nengsu has proven that he is exceptional on and off the court. Before beginning classes in fall 2011, he represented his country in the African Cup of Nations on the Cameroon Basketball National Team. His team was delayed in Madagascar following the tournament, forcing him to miss the first three weeks of classes and orientation.

“Many people suggested that I wait a year to begin law school, because the challenge to catch up would be too great and nearly impossible,” Nengsu recalled. “But I had already waited several years to pursue this dream. Waiting another year was out of the question in my mind.”

As though never missing a stride, Nengsu proved that the impossible is possible. Today, Nengsu is in the top 10 percent of his class, a consecutive member of the Dean’s Honor Roll, lead articles editor for *Creighton Law Review* and a law clerk at Pansing, Hogan, Ernst & Bachman, LLP.

“I have found the same sense of support from the Creighton law faculty as when I was an undergrad. Given the choice, I would choose attending Creighton School of Law over and over again,” he said.

He is also the recipient of numerous academic scholarship awards, including the Frances M. Ryan Diversity Scholarship. These awards make it possible for Nengsu, with the help of his wife, to provide for his family while pursuing his dreams at Creighton School of Law.

“Without scholarship support, attending law school would not be possible. It means the world to continuously feel supported by the Creighton community,” Nengsu said. “Thank you for believing in me and for helping me make my dreams a reality.”

To learn more about how you can provide opportunities for law students like Brice Nengsu, please contact Chris Bauer at 402.280.3884 or ChrisBauer@creighton.edu.





CYBER

by Sean Watts, J.D., LL.M.
Professor of Law

CONFLICT

Once far-fetched,
now a global threat

*New frontier has complex
legal ramifications*

Not long ago, popular notions of cyber warfare were limited largely to the imaginings of science fiction and the distant future. The idea that computers and the Internet might be used to yield physical destruction on a scale associated with war seemed impossible to many people or at least far-fetched.

In a short time, however, experience has shown cyber hostilities to be a genuine and persistent threat to international peace. By conservative estimates, U.S. Department of Defense computer networks suffer thousands of attempted hostile intrusions each week.

Malicious cyber operations are no longer the exclusive domain of mischievous hackers or greedy criminals — they have become a routine facet of modern international relations. States now openly acknowledge their capacity to conduct offensive cyber attacks. In fact, governments, including that of the United States, have developed entire agencies and formations of armed forces dedicated exclusively to cyber operations.

In 2007, cyber operations against networks of the small Baltic state of Estonia opened the eyes of many to the possibilities of cyber conflict. Over the course of a week, Estonia experienced widespread disruptions to a number of government and banking sector web services.

Just one year later, the Republic of Georgia experienced similar disruptions and defacements of government websites. The Georgian event proved distinct, however, in that the cyber operations involved were conducted in conjunction with a conventional offensive air and ground campaign by Russia, illustrating the potential of cyberspace to supplement traditional military operations.

More recently, a cyber attack on Iran's nuclear program made clear the military potential of cyberspace. In 2010, a computer virus, later known as Stuxnet, was introduced to Iranian centrifuges allegedly used to refine uranium for nuclear weapons. The virus fed false data to the centrifuge's networked controllers prompting the machines to destroy themselves by spinning out of control. Although no one was injured, analysts estimate Stuxnet destroyed thousands of centrifuges, putting Iran's nuclear program years behind schedule. The origins of Stuxnet remain unclear, although the virus' complexity, its timing and its target suggest to many the involvement of the United States and Israel.

Like the events in Estonia and Georgia, the Stuxnet attack was accomplished exclusively through cyber means. Unlike the events in the former Soviet states, the Stuxnet

attack produced physically damaging consequences, demonstrating the potential of cyber warfare to extend beyond the seemingly ethereal realm of cyberspace into the physical world we observe and inhabit each day.

Cyber warfare provokes consideration of complex technical, diplomatic and political issues. Yet the prospect of cyber warfare also raises significant international legal concerns. The legality of computer network intrusions, cyber espionage, disruptive and even destructive cyber operations have already proven to be contentious issues. What type of cyber intrusions or operations would give states a right to respond in self-defense with force? Would the use of a civilian server or network to launch a cyber attack expose that server to lawful targeting in response?

In 2009, in recognition of these legal challenges, the North Atlantic Treaty Organization's (NATO) Cooperative Cyber Defence Centre of Excellence (CCD COE) invited an international group of experts in the law of armed conflict to draft a manual on the international law applicable to cyber warfare. I had the privilege of being part of this team.

Headquartered in picturesque Tallinn, Estonia, the CCD COE mission is to enhance NATO cyber defense capabilities. CCD COE currently enjoys the support of Estonia, Latvia, Lithuania, Germany, Hungary, Italy, Poland, Slovakia, Spain, the Netherlands and the United States as sponsoring nations.

The group of experts convened to draft the manual met periodically over a three-year timeframe, almost exclusively in Tallinn. The group included academics and military lawyers from Germany, the United Kingdom, Switzerland, Australia, Sweden, Belgium, Canada, the Netherlands and the United States. Organizations including the International Committee of the Red Cross, the United States Cyber Command, the CCD COE and NATO Joint Forces Command sent representatives to participate in discussions and drafting sessions as nonvoting observers. Critically, a team of computer programming and network security experts provided vital technical support to the

Major Treaties of the Law of Armed Conflict

<i>Jus ad Bellum</i>	1945 Charter of the United Nations	prohibition on use of force; collective security; self-defense
<i>Jus in Bello</i>	1907 Hague Convention IV	bombardments; weapons; prisoners of war; belligerent occupation
	1949 Geneva Conventions I-IV	wounded and sick; prisoners of war; civilians; law of war enforcement
	1977 Additional Protocols I & II to Geneva Conventions	internal armed conflict; targeting; prisoners of war; weapons; law of war enforcement

group at each meeting and by correspondence during drafting phases.

In addition, Creighton School of Law and Dean Marianne Culhane contributed important support to the Tallinn Manual by funding four student research assistants (Jennifer Arbaugh, JD'12, Nicole Bohe, MS'11, JD'12, Christopher Jackman, JD'12, and Christine Schaad, JD'12). The students reviewed, fact-checked, supplemented and edited the entire manual, leaving it in excellent shape for final editing.

The overall objective of the Tallinn Manual was to develop a collection of rules and legal commentary to guide states' efforts to apply the law of armed conflict to cyber warfare. The group envisioned a practice-oriented product that would describe the law clearly and illustrate its application to currently known cyber practices.

Early in the project, the group resolved to limit its efforts to cyber operations that rise to the level of warfare. Thus cyber

of self-defense, such as the United States' use of force in Afghanistan in 2001.

The second prong of the law of armed conflict regulates the conditions of armed conflict or how parties actually conduct hostilities during war. Known alternatively as the *jus in bello* and also as international humanitarian law, this prong has historically regulated topics such as respect for the wounded and sick, prisoner of war treatment, protection of civilians, targeting rules and the regulation of weapons. The four Geneva Conventions of 1949 are the most widely known examples of legal instruments from the *jus in bello*.

The challenge faced by the authors of the Tallinn Manual was to interpret and apply these instruments, including the U.N. Charter and the Geneva Conventions, to the novel and idiosyncratic circumstances of cyber warfare. Drafted long before the advent of computers, neither the charter nor the conventions mentions or addresses cyber warfare directly. As a result, the group's most important task was to interpret and evaluate the law, often resorting to the object and purpose of these instruments, and apply it to the novel circumstances of 21st century cyber warfare.

Despite early misgivings, the group found the law largely up to the task. For instance, although the U.N. Charter does not mention cyber attacks as incidents giving rise to the right to use force in self-defense, with the help of our technical experts, the group was able to identify a range of cyber operations that would open the door for a state to use force in self-defense. Thus the Tallinn Manual rule describing self-defense observes, any cyber operation "that injures or kills persons or damages or destroys property" gives rise to the right to use force in self-defense.

Not all issues relating to self-defense in cyberspace were so easily identified, however. For instance, the group of experts could not agree whether a cyber operation that did not produce physical casualties or damage but did produce extensive negative effects could give rise to self-defense. Specifically, the group could not agree whether a cyber operation directed against a major international stock exchange that caused a market crash gave rise to forceful self-defense measures. While some experts were satisfied that self-defense

The Creighton School of Law contributed important support to the Tallinn Manual by funding four student research assistants who reviewed, fact-checked, supplemented and edited the entire manual.

incidents falling short of warfare as understood by the law of armed conflict, such as that occurring in Estonia in 2007, were not the focus of the manual. Furthermore, the group limited coverage chiefly to the international law of armed conflict.

The international law of armed conflict, also known as the law of war, includes two important branches, each regulating a separate topic. The first branch of the law of armed conflict, or as it is often called, the *jus ad bellum*, regulates states' use of force in their international relations. Drawn primarily from the charter of the United Nations, the *jus ad bellum* generally restricts states' lawful resort to armed force to U.N.-authorized missions, such as the 1991 campaign to remove Iraqi forces from Kuwait, and instances

including the use of force was authorized as a response, others were not prepared to go so far. The latter experts argued that a state suffering only economic consequences could only respond with measures short of the use of force, such as economic sanctions.

Turning to the *jus in bello* or rules for the conduct of hostilities, the group managed to achieve consensus on a wide range of topics. Most significantly, the group agreed that the cardinal rules governing the conduct of hostilities translated quite easily to the cyber context. Thus the principle requiring warring parties to limit their attacks to military objectives and to protect civilians from the consequences of attack, known as the principle of discrimination, applied fully to cyber attacks.

The group also achieved consensus on another important issue concerning the conduct of hostilities in cyberspace, the question of so-called “dual-use objects.” The *jus in bello* has long authorized warring parties to target not only military objectives such as tanks and bunkers, but also civilian objects that are converted to military use, such as bridges, power stations and communications antennae.

In practice, many if not all of the major servers that comprise the Internet are dual-use objects. It is estimated that 98 percent of military cyber traffic transits civilian networks and servers. As troubling as the conclusion may be in some circumstances, the majority of the group agreed that when civilian cyber infrastructure is used to achieve military advantage, that infrastructure becomes a lawful target under the law of war.

Still, some *jus in bello* topics defied consensus within the group. In particular, the group split over a number of issues related to using contractors and other civilians in cyber warfare.

For instance, the majority of the group committed to a view that participants in cyber warfare are held to the same rules governing the appearance and conduct of soldiers on a traditional battlefield. That is, cyber combatants must belong to a state’s armed forces, must answer to a superior responsible for their actions, display their arms openly, must wear a uniform and follow the law of armed conflict.

A minority questioned the relevance and utility of these

tradition-bound requirements in a cyber setting, in particular the uniform requirement. The same minority also questioned whether such rules actually regulated participation in cyber hostilities by civilians at all, arguing that such rules were best understood merely as conditions for prisoner of war status upon capture.

Despite occasional internal disagreement, the group managed to produce the first comprehensive analysis of the law of armed conflict in cyber warfare.

Since its release in March 2013, the Tallinn Manual has received extremely positive reviews. Few reviewers, if any, have seriously questioned any of the legal conclusions reached or the analysis provided by the group’s proposed rules and commentary. And a number of states have commented favorably on the manual, indicating intentions to incorporate its rules into legal reviews of their own cyber operations.

Thus the manual is likely to prove a significant contribution to resolving a number of legal issues that arise from states’ cyber activities.

The overall objective of the Tallinn Manual was to develop a collection of rules and legal commentary to guide states’ efforts to apply the law of armed conflict to cyber warfare.

In closing, however, it is crucial to clarify that the Tallinn Manual remains and was always intended only as a contribution to the challenge of applying international law to cyber warfare. As its introduction acknowledges, the manual is not a definitive source of international law. In the final analysis, the opinions and practices of states are what matter most in international law.

There are encouraging signs that major powers including the U.S. and China are willing to begin discussions of how best to regulate and prevent cyber warfare. In July, Chinese and U.S. heads of state held somewhat promising talks on these subjects.

Meanwhile it is gratifying to appreciate Creighton law school’s recent and significant contribution to this complex, important and timely legal subject.



About the author: *Sean Watts, J.D., LL.M., professor of law, teaches Constitutional Law, Federal Courts, Habeas Corpus, International Criminal Law and the Law of Armed Conflict at Creighton University School of Law. He is an Army Reserve member of the faculty of the United States Military Academy at West Point. From 2009-12, Watts participated as an expert and drafting group facilitator for the Tallinn Manual. He is also a Senior Fellow with the CCD COE, working on a second book project.*

GOAL program
allows Creighton
law students to
immerse themselves
in semester-long
externships in
Washington, D.C.

by Eric Pearson, J.D., LL.M.
Associate Dean and Professor of Law

THINK BACK TO YOUR YEARS AT
Creighton School of Law. You surely recall studying long and hard in the law library, making good friends, listening to professors, writing course outlines and surviving troublesome exams.

Current Creighton law students accumulate these same experiences, but some take away even more by participating in Creighton's Government and Leadership (GOAL) program, earning both a Juris Doctor and a Master of Science in Government and Leadership in three years.

Since 2009, the GOAL program has prepared law students for leadership positions with government entities and organizations. The learning experience is both theoretical and practical: Students develop a sophisticated construct of the role of lawyers in government settings and apply what they learn across an array of enterprises. By the time GOAL students receive their degrees, they have an in-depth appreciation of a host of issues and challenges that confront government attorneys.

THE GOAL PROGRAM





Earning both degrees takes initiative and motivation. In addition to the full array of law course offerings, GOAL students must take courses in government law, and they must case study regulatory programs in specific subject areas. They also are expected to master the refinements of administrative process no later than the second year of law school.

Why the time restriction? GOAL students spend the first semester of their third year of law school in Washington, D.C., immersed in semester-long, full-time externships with federal agencies, congressional committees or in the offices of members of Congress.

In these venues, student externs attend hearings and conferences, join in strategy sessions and accompany federal government attorneys to formal and informal meetings. They research law, prepare memoranda, draft federal rules and otherwise become fully engaged partners in the day-to-day professional lives of their externship hosts. The GOAL program provides an intense exposure — from the inside out — of how government works.

While in the nation's capital, Creighton third-year law students also take two academic courses to complement and enhance their practical experiences. One examines issues of leadership and features a selection of speakers in top leadership positions throughout D.C. The other is a semester-long examination of specific ethical issues encountered by attorneys in public service.

Additionally, students enjoy regular seminar sessions on practical aspects of preparing for a career in Washington. These seminars cover topics such as maximizing networking opportunities, the value of nuanced communication, and even proper attire, all with the underlying goal of cultivating a successful Washington career. Finally, externs gather on a weekly basis to compare notes and reflect on the variety of experiences they are encountering.

Much of the richness of the externship experience is due to Michaela Sims, JD'96, who has extensive experience in the internal workings of the federal government. Sims serves as Creighton law school's Washington, D.C.-based director of externships. In this role, she assists students with securing placements and coordinates academics, programming and much more.

A longtime resident of D.C., Sims served for 10 years as legislative director and senior counsel for former Nebraska Sens. Bob Kerrey and Ben Nelson. These positions placed her in a central role in the development of numerous national

initiatives, including healthcare and tax reform. After leaving Capitol Hill, Sims worked for a top-tier lobbying firm, representing clients such as the American Hospital Association and CVS Caremark. Through her advocacy work, she remains closely connected to the power centers of the federal government and last year began her own boutique firm, Chamber Hill Strategies, which represents clients such as GlaxoSmithKline, Blue Cross Blue Shield Association and the American Academy of Adoption Attorneys.

Sims' dedication to the GOAL program comes from her own experience and an appreciation for the value of what this semester can offer students.

"What struck me most, coming from Omaha to Washington, was the value of things that can't be taught in a classroom," Sims said. "While I am forever grateful for the education I received at Creighton, it wasn't until I had been in D.C. for a few years that I realized how much I didn't know about a career in the federal government.

"In today's job climate it is more important than ever to give students opportunities to set themselves apart and to get real-life experience that can help drive a career. I believe that GOAL provides Creighton students with an invaluable mix of career-driven legal experience, professional subtleties that can't be taught from a book and exposure to the inner-workings of our nation's capital," Sims said.

GOAL students have worked at numerous D.C. entities and organizations, including the Department of Justice,

Senate Finance Committee, Senate Banking Committee, Senate Agriculture Committee, Department of Energy, Department of Agriculture, Department of the Treasury, Peace Corps and National Mediation Service. In the coming year, a Creighton extern will work with the Department of State.

Jenn Piatt, MS'12, JD'12, did her externship with the National Indian Gaming Commission, a federal agency responsible for the regulation of gaming activities conducted on Indian lands. Piatt, now a practicing attorney (immigration law) with the Silva Law Office in Omaha, recently filed and briefed an asylum appeal to the Eighth Circuit Court of Appeals where she was admitted, a rarity for a first-year law school graduate.

Piatt found the GOAL experience to be invaluable, working at the National Indian Gaming Commission during the height of its regulatory review process. As a law student, she drafted and edited rules (which are now law), consolidated public comments and formatted the newly minted rules in order to



Michaela Sims, JD'96, directs the law school's externship program in Washington, D.C. Sims has extensive experience in the internal workings of the federal government.



Pictured with Eric Pearson, J.D., LL.M., associate dean and professor of law, are participants in last year's GOAL program, left to right: Katherine Wilson, MS'13 (will finish her law studies in December); Kylie Whitaker, MS'13, JD'13; Robert Heieck, MS'13, JD'13; Jamie Hermanson, MS'13, JD'13; and Kristin Kooima, MS'13, JD'13.

Photo by Ford Jacobson

comply with notice and comment requirements.

"I participated in Freedom of Information Act (FOIA) reviews, learned FOIA exemptions and became acquainted with the Department of Justice division responsible for litigating on behalf of our agency. I can't imagine an experience to better prepare me for the practical realities of a law career," Piatt said.

Today, as an immigration attorney, Piatt works with regulations, statutes and administrative law on a daily basis.

"I developed a foundation in administrative law during my GOAL semester, which helped me refine my legal and analytical skills, made me a more effective advocate and helped my resume shine in this competitive environment," Piatt said.

GOAL opened yet another door for Piatt. Having expressed an interest in political work, she secured a position working with former U.S. Sen. and former Nebraska Gov. Bob Kerrey's 2012 senate campaign. A valuable asset to the team, Piatt served as Kerrey's mock adversary as he prepared for televised debates.

Bob Heieck, MS'13, JD'13, spent his time in the nation's capital working with the Department of Energy (DOE). Like Piatt, Heieck extols the value of the externship experience. While with DOE, he worked on a variety of frontline issues, and extensively on a nepotism controversy within the department, in which a senior staffer allegedly violated nepotism rules by arranging internship opportunities for his children, an action that could be unethical under federal governmental standards.

Kylie Whitaker, MS'13, JD'13, externed at the Senate Banking Committee, which processed numerous controversial items due to recently passed legislation.

"I attended meetings with several senators, congressmen, heads of agencies and even presidents and CEOs of some of the largest companies in the world," Whitaker said. "I sat on the dais behind the senators for committee hearings, attended daily briefings, symposiums, lectures and staff meetings and was even invited to sit in on calls with leading scholars, experts,

economists and various other brilliant minds in the financial world."

Of course there were plenty of hands-on experiences, too.

"I did lots of detailed legal research and worked with the press office to publicize the committee's work. The experience will help set me apart from the competition in a way unlike anything on campus could have," Whitaker said.

While in Washington, GOAL students learn even during off hours. As a group, they visit both senators from Nebraska, and for networking purposes, attend Creighton law school's alumni gathering, typically held at the offices of a prominent D.C. law firm. The students also meet peers from around the country and the world.

As aptly described by Whitaker, the experience "was thrilling and exhausting at the same time while providing me with real-life opportunities deeper than a legal text could offer."

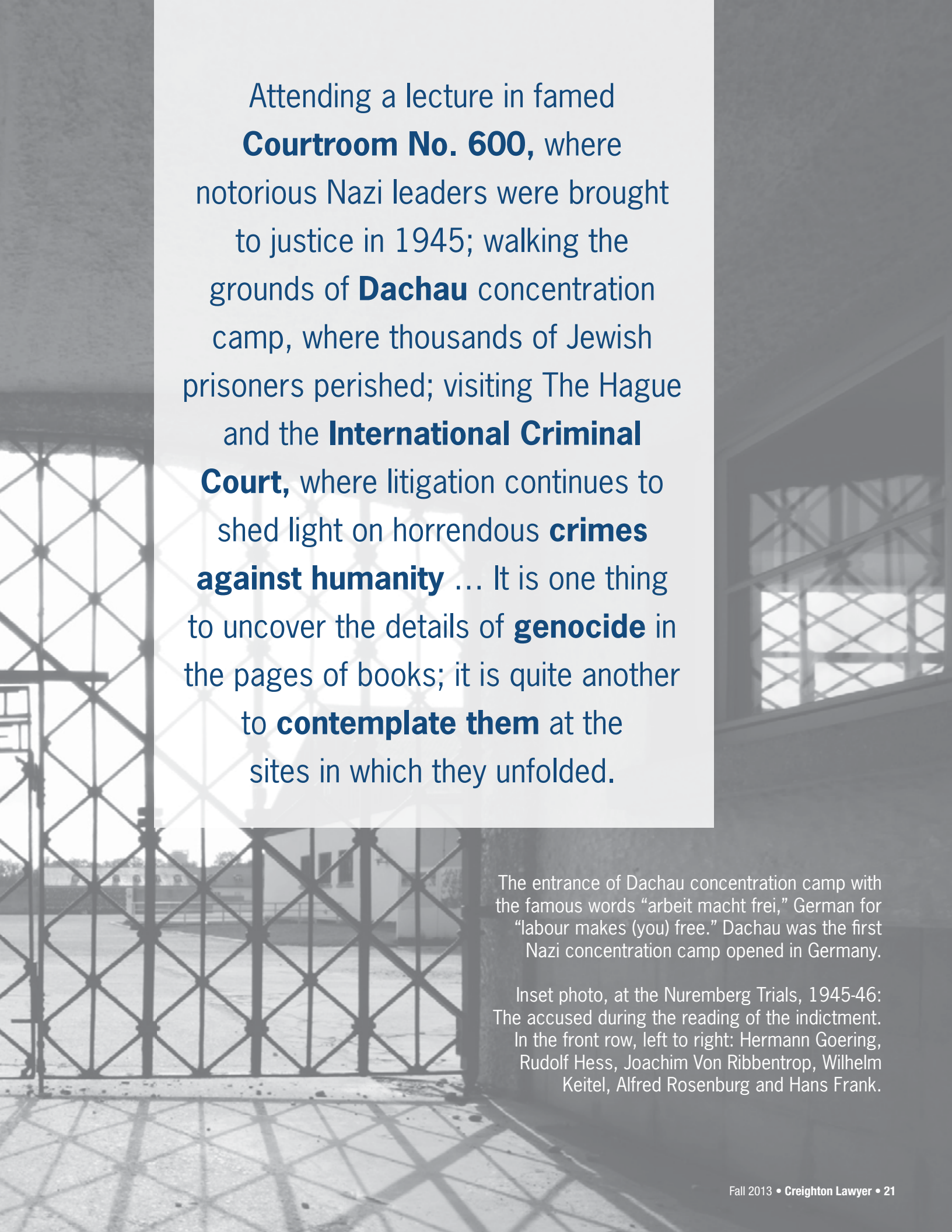
As the GOAL program moves into its fourth year, the School of Law continues to be excited about the program and the value it offers students. It is one way the law school strives to meet its mission-based obligation to help Creighton law students become skilled, ethical and knowledgeable professionals.

About the author: *Eric Pearson, J.D., LL.M., is associate dean and professor of law at Creighton University. He was assistant attorney general, Department of Environmental Resources, for the Commonwealth of Pennsylvania from 1972-76; attorney for the Office of General Counsel, United States Environmental Protection Agency, from 1977-79; and associate chief counsel for the President's Commission on the Accident at Three Mile Island from 1979-80. He joined the School of Law faculty in 1980 and teaches Administrative Law, Environmental and Natural Resources Law, and Property.*

From Nuremberg to The Hague

Summer abroad class brings
law students face-to-face
with Nazi atrocities





Attending a lecture in famed **Courtroom No. 600**, where notorious Nazi leaders were brought to justice in 1945; walking the grounds of **Dachau** concentration camp, where thousands of Jewish prisoners perished; visiting The Hague and the **International Criminal Court**, where litigation continues to shed light on horrendous **crimes against humanity** ... It is one thing to uncover the details of **genocide** in the pages of books; it is quite another to **contemplate them** at the sites in which they unfolded.

The entrance of Dachau concentration camp with the famous words “arbeit macht frei,” German for “labour makes (you) free.” Dachau was the first Nazi concentration camp opened in Germany.

Inset photo, at the Nuremberg Trials, 1945-46: The accused during the reading of the indictment. In the front row, left to right: Hermann Goering, Rudolf Hess, Joachim Von Ribbentrop, Wilhelm Keitel, Alfred Rosenburg and Hans Frank.

“This is such an amazing opportunity for students to deepen their understanding of the legal aftermath of the post-World War II period.”
– Michael Kelly, J.D., LL.M.

Creighton University School of Law offers law students this opportunity through its summer abroad program, “From Nuremberg to The Hague.” Now in its second year, the program’s focus is a unique blend of law and history. Students spend a month in Germany and the Netherlands with leading faculty, exploring international criminal law and the prosecution of war criminals for genocide, war crimes and crimes against humanity.

According to Michael Kelly, program director, professor of law and associate dean, “The law school really began a new focus on war crimes and Holocaust education with the September 2011 visit of Justice Gabriel Bach of the Israeli Supreme Court.”

Kelly arranged for Justice Bach’s appearance at Creighton as part of a commemoration of the 50th anniversary of the trial of Adolf Eichmann in Jerusalem, in which Bach served as deputy prosecutor. During a lecture to a standing-room only crowd in the Harper Center, and as the featured speaker at the law school’s annual dinner, Bach vividly recalled Eichmann’s capture and trial in 1961.

“Justice Bach’s visit touched so many

people so deeply,” Kelly said. “It pointed the way for us to develop a serious academic program that worked to further legal education and Holocaust education simultaneously. We are proud to be the only law school in the country with a program like this. For a Catholic, Jesuit law school like Creighton with a mission like ours, it was a no-brainer to develop this program.”

The following year, the law school launched its study abroad program, focusing on international criminal law and the Holocaust in Nuremberg, Germany. The choice of subject matter and location was a confluence of expertise and opportunity. Creighton had long held the only legal externship at the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen, Germany. Law school externs regularly spend their summers at the center assisting military professors who train East European and Russian officers in the laws of war and the Geneva Conventions.

As discussions progressed between Creighton faculty and faculty at other universities in Germany, it was decided that a summer program could be achieved and based in Nuremberg

Participants in this year’s study abroad program at the International Criminal Tribunal for the Former Yugoslavia in The Hague. From left to right, are: Michaela Lissowski (Nuremberg Principles Academy), Lydia Adude (Kenya), Tyler Berger, Michael Kelly (faculty), Crystal Abbey, Madison Lisotto and Molly Carmody; second row: Michael Bryant (faculty), Sean Danehey, Ikechukwu Igbokwe, Ellysa Gosar and Tonya Whipple; top row: Justin Richardson, Peter Zagota, Kevin Wesley and Makambo Makabila (Kenya).





At left, the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen, Germany. The Marshall Center still trains East European and Russian military officers in international humanitarian law.

At right, the main International Criminal Court building in The Hague.

with staff support from the Nuremberg Principles Academy, logistical support from the German Foreign Office and academic support from the University of Erlangen-Nuremberg, which provides classroom space, and Philipps-University Marburg, home to the War Crimes Documentation Centre.

The inaugural class was held in June 2012 and included 23 Creighton students together with law students from other universities and two law students from Nairobi, Kenya, who were sponsored by the German government.

Kelly and Sean Watts, J.D., LL.M., professor of law at Creighton, taught the International Criminal Law class, and Michael Bryant, Ph.D., associate professor of history and law at Bryant University in Smithfield, R.I., taught a blended law/history course entitled From Nuremberg to The Hague: The Impact and Legacy of the Holocaust on the Law.

Classroom instruction was punctuated with frequent guest lectures on specialized topics from John Barrett, professor of law at St. John's University in Long Island, N.Y., the foremost expert on Justice Robert Jackson — the chief prosecutor during the Nazi war crimes trial; Wolfgang Form, Ph.D., project coordinator at the International Center for the Research and Documentation of War Crime Trials (ICWC) at Philipps-University Marburg, who lectured on the German experience of the Holocaust and denial; Christoph Safferling, Ph.D., professor of criminal law, criminal procedure and international law, and vice-director of ICWC, who lectured on

structural options for criminal tribunals; and Markus Krajewski, Ph.D., professor of public and international law at the University of Erlangen-Nuremberg, who lectured on humanitarian intervention.

The class took field trips to enhance their classroom experience. These included a daylong trip to the Nazi concentration camp at Dachau, a working weekend at the War Crimes Documentation Centre at Marburg, a visit to the Nuremberg trials museum and lecture in Courtroom No. 600 where Justice Jackson prosecuted Hermann Goering and 20 other Nazi leaders in 1945, and a trip to The Hague, where they met with the president of the International Criminal Court, toured the International Criminal Tribunal for the Former Yugoslavia and visited the International Court of Justice.

The American Bar Association (ABA), which accredits all new summer programs at U.S. law schools, sent an evaluator to assess the new program. Upon spending a week with the class in Nuremberg and The Hague, the accreditor observed that Creighton's program was the most substantial and impressive program he had evaluated in 10 years. Soon after, the ABA accredited the law school's program, approving all credits earned to be counted toward law school graduation.

"We were extremely pleased with the ABA's feedback," Kelly said. "There are obviously going to be logistical hurdles that occur in every first outing, but the fact that we achieved the recognition

we did during that first summer is a testament to the hard work our students, faculty and partners put in to make this a valuable experience for law students."

In 2013, five German law students joined the American and Kenyan law students, further internationalizing the class and broadening its outlook. Moving forward, the law school will seek

Creighton is the only law school in the country with an academic program that furthers legal education and Holocaust education simultaneously.

funding support to provide scholarships for more students to enroll in the program.

"This is such an amazing opportunity for students to deepen their understanding of the legal aftermath of the post-World War II period," Kelly said. "It would be a shame if some were to feel they could not take on the financial commitment to participate. I hope we can garner financial sponsorship to send students to Nuremberg to learn about all the important developments that occurred there in 1945 and appreciate how these same ideas are still being used in The Hague to bring tyrants and dictators to justice."



TRADING PLACES

by Lauren Ulrick

Faculty exchange provides law students real-world international experience

Creighton School of Law recently expanded its international profile through the school's first international faculty exchange. In the 2013 spring semester, a Creighton faculty member taught in Madrid, while a Spanish professor spent the term in residence at Creighton.

At the student level, Creighton has participated in a Spanish exchange for the past eight years. The School of Law has partnered with Universidad Pontificia Comillas, a Jesuit university in Madrid, to offer students from both law programs the chance to study in another country. Under the program, Creighton and Comillas law students enjoy a resident semester at the opposing university. These opportunities allow students to study comparative law from a new perspective while experiencing another culture.

After hosting a number of the Comillas students in their international law courses, Stephen Sieberson, J.D., Ph.D., professor of law, and Michael Kelly, J.D., LL.M., professor of law and associate dean for international programs and faculty research, realized Creighton law faculty could also benefit from an international exchange experience.

"Taking the exchange idea to the next level was something we were really excited about," Kelly said.

Sieberson and Kelly quickly gained the support of Creighton law leadership and began putting their idea into action.

Photo above: Professor of Law Stephen Sieberson (middle with tie) and his students at Carlos III University of Madrid. Sieberson taught an International Business Transactions class at Carlos III last spring.

"Dean Marianne Culhane liked the concept and felt it would be good for the faculty, students and community to have a foreign professor teaching at the law school for a term," Sieberson said. "Without this encouragement, the project would not have happened."

Sieberson, with assistance from Werner Institute Associate Professor Jacqueline Font-Guzmán, J.D., Ph.D., identified Universidad Carlos III de Madrid to serve as Creighton law's first faculty exchange partner. A native Spanish speaker, Font-Guzmán had lectured at Carlos III and was in an excellent position to arrange introductions between Creighton and the Spanish university.

It soon became evident that Manuel Alba Fernández, professor of commercial law at Carlos III, was willing and eager to represent his university at Creighton, while Sieberson was ready to head for Spain. Sieberson was no stranger to overseas lecturing. Prior to joining the Creighton faculty, he was a Fulbright Scholar in Slovakia for a year, and had also lectured in the Netherlands, Italy, Indonesia, Norway, Serbia, Portugal and the Netherlands Antilles.

Many decisions had to be made as the program embarked on its first year. Among them — what should each faculty member teach? A natural fit was International Business



At the heart of the International Business Transactions course was an exercise in which teams of Creighton students were paired with teams of Carlos III students, and the corresponding groups were required to negotiate a realistic cross-border business transaction.

Transactions (IBT), because both Alba and Sieberson had taught the subject and it was already offered as an advanced course at each institution. Moreover, Sieberson and a co-author had just completed the draft of a new textbook focusing on the negotiation and preparation of international business contracts. The new text would be used in tandem, following nearly identical course schedules.

In addition to IBT, Alba would teach a course in European Union law at Creighton, while Sieberson shared his expertise in an introduction to the American legal system at Carlos III, a course he had taught overseas on many previous occasions.

The IBT course taught by Sieberson and Alba justifiably received much attention for its contemporary emphasis on legal theory enhanced by “hands-on” experience. Students studied various types of cross-border transaction, such as sales, agencies, distributorships, license agreements and loans. Each chapter had a sample agreement to analyze, and individual drafting assignments gave students a chance to prepare documents as they would in law practice.

At the heart of the IBT course was an exercise in which teams of Creighton students were paired with teams of Carlos III students, and the corresponding groups were required to negotiate a realistic cross-border business transaction. Negotiations were carried out using Skype and other visual technology, and the teams were on strict timetables to come to agreement on business and legal points. The teams were then required to draft a mutually acceptable contract.

“The IBT course was one of the best parts of the experience for the students, because they were learning the material together,” Kelly said. “Students were directly being enriched by this opportunity — and that should be the ultimate goal of anything we undertake at Creighton.”

At Carlos III, one of Sieberson’s students in the IBT and American legal system course was Rocio Garcia-Garcia. She

reflected that learning these subjects from an American law professor was a great opportunity.

“When you face a new legal system and a professor trained in that system, it is very useful to ask yourself how and why a specific point has been reached, as though you had never heard about anything legal before,” she said. “You can then bring your own country’s law concepts to mind and the result is a critical and rewarding law formation. I learned this tactic and so much more from Professor Sieberson.”

Meanwhile, Alba shared his knowledge of European law with Creighton students. Most European countries, including Spain, have civil law systems, meaning their laws are based on civil codes prepared by legislatures, instead of the U.S. system that relies more heavily on case law.

“The philosophical manner in which civil law is taught especially benefits Creighton students, because it is a very clear way of experiencing how a European lawyer thinks and deals with legal concepts,” Sieberson said.

Creighton students also had to be prepared to learn from someone whose first language is Spanish. Sieberson notes that although Alba speaks excellent English, “being exposed to a nonnative English speaker is an invaluable experience for Americans. Communication is critical in international law practice and in our society today, so it is good for our students.”

With the first faculty exchange having come to an end, both law schools feel fortunate to have participated in this venture. As Sieberson reflects on his time abroad, he is grateful for the chance to grow as an educator and the numerous lessons he can share.

“The philosophical manner in which civil law is taught especially benefits Creighton students, because it is a very clear way of experiencing how a European lawyer thinks and deals with legal concepts.” – Stephen Sieberson, J.D., Ph.D.

“Teaching abroad always provides me with a broader perspective on the importance of what I do at Creighton,” Sieberson said. “I also learned to appreciate how well our law school is administered and organized, as well as the tremendous support our law school faculty receives. We are truly blessed.”

Alba is equally enthusiastic about his time at Creighton.

“The students and faculty made me feel so welcome,” he said. “They spent time visiting with me, took me to dinner, and generally offered wonderful friendship and assistance. I had many opportunities to explore legal concepts with my Creighton colleagues.”

Creighton law hopes to again partner with Carlos III in a future faculty exchange program. With a curriculum, process and collaboration already in place, there are faculty members from both universities interested in repeating this year’s experience.

“And,” Sieberson said, “Manuel and I will always be ready to do it again.”

AlumniNotes

1963

Michael J. Mooney, BA'59, JD, Omaha, was selected for inclusion in *Great Plains Super Lawyers 2012* and *The Best Lawyers in America 2013* in the area of personal injury litigation.

1969

Jerome A. Merwald Sr., JD, Omaha, has joined Gross & Welch, P.C., L.L.O., as of counsel and will be practicing in the areas of estate planning, probate, elder law, Social Security disability, real estate and corporate law.

1973

Ronald L. Eggers, BA'71, JD, Elkhorn, Neb., was selected for inclusion in *The Best Lawyers in America 2013* in the area of commercial transactions/UCC law.

1975

Marc Salle, JD, Kansas City, Mo., joined Stinson Morrison Hecker LLP as a partner in the Corporate Finance Division in the Kansas City office.

1976

Charles S. Caulkins, JD, Fort Lauderdale, Fla., managing partner for Fisher & Phillips LLP Fort Lauderdale's office, was selected to *The Best Lawyers in America 2013* in the areas of labor and employment.

Anastasia M. Higgins and **James H. Bernard Jr., JD**, were married Sept. 6, 2012, and are living in Overland Park, Kan.

Daniel E. Monnat, JD, Wichita, Kan., was named by Chambers USA 2012 as one of Kansas' most notable litigators in the area of white-collar crime and government investigations and was selected to *The Best Lawyers in America* for the 25th year. He also co-wrote the article "To Protect and Serve and Lie? Why Even 'Good' Police Lies are Bad for Kansas Justice." The article was published in the *Journal of the Kansas Association for Justice* in July 2012.

1977

Hon. Ronald L. Brown, JD, Omaha, retired in August 2012 after serving 18 years on the bench of the Nebraska Workers' Compensation Court.

Herbert E. Hames III, BA'74, JD, Omaha, development director at Boys Town, was a recipient of the 2012 FBI Director's Community Leadership Award. Hames attended a formal ceremony on April 5 in Washington, D.C., where FBI Director Robert Mueller presented the award to Hames and other recipients from across the country. Hames was selected by the Omaha Division of the FBI for his community leadership and volunteer activities.

Dr. Thomas J. Purcell III, BSBA'72, JD, Omaha, received the Outstanding Faculty Advisor Award for his contributions to the professional growth and development of business financial information students from Beta Alpha Psi during its 2012 annual meeting in Baltimore.

1978

Thomas A. Grennan, BA'75, JD, Omaha, was selected for inclusion in *Great Plains Super Lawyers 2012* and *The Best Lawyers in America 2013* in the areas of insurance law and personal injury litigation.

William J. Lindsay Jr., BSMth'75, JD, Omaha, was selected for inclusion in *The Best Lawyers in America 2013* in the areas of tax law, trusts and estates.

1979

K. Randy Hood, BSBA'77, JD, Omaha, has joined SMITH HAYES as the vice president director of compliance.

'92 Law Grad Embarks on Second Career



For more than 20 years, the law has been Lisa Fosler Kelly's career — her "profession," she clarifies, "but not necessarily my passion."

Her passion is more likely found in the luscious pink peppercorn and pineapple cake that she can describe in mouth-watering detail: "a delicate balance between the sweet and savory — the nice spiciness of a mild peppercorn with the sweet acidity of a pineapple — lots of texture, lots of moisture ... really, very nice."

Fosler Kelly's fledgling career as a Chicago restaurateur is not a replacement to her current one — more like an add-on, she says — but definitely a passion.

"This is not a case of burnout. I wanted to become an attorney so I could support myself and I have done that. I have always liked my job, felt good about my career and won most of my cases, but my heart just wanted to do something else, in addition to the law."

As the only female child in her family, Fosler Kelly helped with the cooking and, along the way, became good at it. She worked her way through the University of Nebraska at Omaha and law school at Creighton University by waiting tables, cooking, and selecting and handling wines. "I worked for a time at V. Mertz in Omaha, an experience that defined my interest in food and wine."

Following law school, she moved to Chicago, where she worked briefly at the Board of Trade before moving to the firm of Augustine Kern & Levens, where she developed a specialty in licensure law. Her clients consisted of doctors, dentists, attorneys and others trying to obtain or retain professional licensure, or navigate the process of censure, loss of a license or reinstatement.

James P. Waldron, BA'73, JD, Omaha, was selected for inclusion in *The Best Lawyers in America 2013* in the areas of corporate and real estate law.

1980

Denise A. Hill, JD, Omaha, was appointed to the Centris Federal Credit Union board of directors.

1981

Richard L. Lavery, BSBA'78, JD, Evanston, Wyo., was appointed by Gov. Matt Mead to the Third Judicial District Court, Sweetwater County.

John E. Pierce, MSGUID'72, JD, Omaha, associate vice president for Affirmative Action and Diversity Outreach at Creighton University, received the Urban League of Nebraska's 2013 African American Leadership Award in Education. Pierce also is a member of the School of Law Alumni Advisory Board.

Robert H. Woody, JD, Omaha, wrote the book *Legal Self-Defense for Mental Health Practitioners: Quality Care and Risk Management Strategies*, published by Springer Publishing Company in June.

1983

John W. Iliff, JD, Omaha, was selected for inclusion in *The Best Lawyers in America 2013* in the area of workers' compensation law.

Stephen Shapiro, JD, Denver, was selected for inclusion in *The Best Lawyers in America 2013* for his insurance recovery practice.

1984

Hon. Darryl R. Lowe, JD, Omaha, was the recipient of the 2013 African American Leadership Award from the Urban League of Nebraska. Lowe is a Douglas County Court Judge, 4th Judicial District.

1985

Casey Tighe, JD, Golden, Colo., was sworn in as Jefferson County commissioner in January. Tighe also retired from the Colorado Department of Transportation after 24 years of service in April 2012.

1987

Hon. Douglas F. Johnson, JD, Omaha, received the 2012 Commissioner's Award from the Administration on Children, Youth and Families during the annual conference in Washington, D.C.

1988

David C. Nelson, JD, Omaha, was selected for inclusion in *Great Plains Super Lawyers 2012*.

1990

Michael J. Whaley, JD, Omaha, was selected for inclusion in *The Best Lawyers in America 2013* in the area of bankruptcy and creditor debtor rights/insolvency and reorganization law.

1993

Joseph Acierno, BS'83, MD'87, JD, Omaha, was appointed by Nebraska Gov. Dave Heineman as the chief medical officer and director for the Division of Public Health for the state of Nebraska.

1994

Col. Mary M. "Meg" Foreman, JD, Falls Church, Va., began a yearlong deployment in July to the U.S. Embassy in Kabul, Afghanistan, where she will work as part of the Interagency Rule of Law Division at the embassy.

John L. Pemberton, JD, Atlanta, was elected senior vice president and senior production officer at Georgia Power by the board of directors.

1996

Elizabeth L. Eynon-Kokrda, JD, Omaha, was named chairwoman of the National School Boards Association's Council of School Attorneys during its 2012 annual meeting in Boston.

But dreams of owning a restaurant dogged her, until she met another young mother who was also nurturing a dream.

Now, three years later, Fosler Kelly and Jennifer Wisniewski, a former fashion model, own and operate Bread & Wine in Chicago's northwest neighborhood, an American fare, farm-to-table establishment. Homegrown, farm-raised ingredients are delivered directly to the door and transformed into the stuff of fine dining. Seasonal offerings such as rhubarb find their way onto the menu in the form of rhubarb mustard, a complement to seared lamb heart verde.

Determined to qualify her dream with credentials, Fosler Kelly enrolled in a professional certificate program at Kendall

Located in Chicago's northwest neighborhood, Bread & Wine's market carries its own private label house-made retail items, as well as food items from local artisans and a selection of cheese, wine, beer and spirits.

College — advertised as the No. 1-ranked program in Chicago for preparing students for careers in the culinary arts and the 2008 Academy of the Culinary Arts "School of the Year."

At Kendall, Fosler Kelly says she was "atypical"—older than many students and more serious. "I approached it like I did law school," she said.

The wine side of the house is close to Fosler Kelly's heart. Bread & Wine stocks several small production wines, something she is adept at choosing. The wine list includes a description of each,

which customers find helpful in matching selections to individual tastes.

The menu piques an interest in the culinary quirks of the people behind it. Southern Fried Duck Balls are "just what they sound like," she said, "and very popular. We have this whole idea that if you buy an animal, you should cook the entire animal. We don't waste anything."

Surprisingly, given the amount of meat on the menu, 70 percent of the clientele consists of women, perhaps reflective of the intimate atmosphere. Reviews have been positive and repeat customers plentiful.

Among employees, Fosler Kelly looks for the skills she sought at the law firm: honesty, self-motivation and ingenuity — the ability to think through a situation and resolve it. But as a manager, her legal background has not always been helpful. "I have a hard time stepping back from situations; I'm always thinking about the rebuttal and sometimes a rebuttal doesn't serve the situation."

Fosler Kelly continues to practice law, providing counsel for a downtown firm, selective in the cases she handles.

"I have transferred some skills from one career to the other, but I have also had to acquire new ones, to be able to flourish in this environment.

"I treasure my Creighton education. The Creighton experience is personal. My two favorite law professors have both eaten at my restaurant. Professor Eric Pearson came in for dinner. He has always been a very special person. Professor Mike Fenner has been in also. His words are always in my head. And some of my classmates have been in.

"I think Jenny and I do a good job of building a comfortable house. We have been well-received in the neighborhood. All in all, I feel like I am doing what I was meant to do."



Photo by Lee Prohovsky

O'Meara Developing New Products to Assist Attorneys

Andrew O'Meara, BSBA'02, JD'04, had no trouble deciding where to go to college. Creighton had the definite edge, both for its reputation and the fact that his grandfather and stepfather were both Creighton graduates. But O'Meara was interested in both law and business. Creighton's 3/3 program allowed him to earn degrees in both, ultimately helping him land his current position working on new products designed to help corporate legal departments manage information and collaborate on legal matters.

"The 3/3 program was very helpful in preparing me for my career," O'Meara said. "The combination of a business

degree and law degree gave me the background knowledge and experience to be immediately familiar with many concepts and issues that come up in the corporate world. Having such broad knowledge is incredibly helpful in my daily work."

Initially, O'Meara opened his own private practice after graduating from law school, handling civil litigation, family law, criminal trial work and trusts and estates. After a year, he joined a small law firm, but after six months he knew he wanted to use his law degree in a different way.

During law school, Raneta Lawson Mack, J.D., professor of law, introduced him to legal research. "For me, practicing

law was not nearly as satisfying as involving myself in the research for it. I loved diving into a subject and finding all the underlying causes," he said.

He found a job posting for a reference attorney for Thomson West (now Thomson Reuters) in Eagan, Minn., where former classmate Brian Mathey, BA'99, JD'03, was working at the time. The company offers Westlaw, one of the primary online legal research services for lawyers and legal professionals in the U.S., providing proprietary database services and legal document indexes. Mathey said he thought the job would be a great fit.

O'Meara agreed. "I found a home here," O'Meara said. "I loved the culture and environment. This company is designed to help attorneys do their job." On the first day at his new job, he met his future wife, Alyson, in a training class.

As a reference attorney, he assisted Westlaw and WestlawNext (the next generation legal research platform) to efficiently search and share information among their colleagues.

"Our focus is to create services and solutions that allow attorneys easier access to information and that match the various workflows of practicing law," he said.

O'Meara now works on development of new products to help corporate legal departments manage information and collaboration. He said he has seen a number of trends evolving in the practice of law.

"Practitioners today are very interested in mobile access to information. They want to

Joseph F. Vitu Jr., JD, Wilmette, Ill., was elected president of Phi Delta Phi International during its 2012 annual convention in Washington, D.C.

1999

Teddi Ann Miskulin Barry, BA'96, JD, Denver, has launched Teddi Ann Barry, P.C., with offices in Denver and Avon, Colo. She practices family law throughout the state of Colorado.

Joseph M. Caturano, BA'94, JD, Fairfax, Va., joined Bean, Kinney & Korman, P.C., in Arlington, Va., as a domestic relations attorney.

2000

Shilee Therkelsen Mullin, JD, Omaha, has joined Spencer Fane Britt & Browne LLP as an of counsel member of the litigation and dispute resolution group.

Michael W. O'Hare, BSBA'97, JD, and Rebecca O'Hare, Omaha, welcomed a son, Elliot John, on Oct. 5, 2012.

2002

Jeana S. Goosmann, JD, Sioux City, Iowa, is owner of Goosmann Law Firm, PLC. Goosmann's firm was honored with Preservation Iowa's "Preservation at Its Best Award" for restoring the historic Lerch Building in downtown Sioux City.

Kenneth Kirby and **Amanda Weir Kirby, JD**, Shallotte, N.C., welcomed a son, Cameron Ross, on April 9, 2012.

Jacob "Jake" Steinkemper, JD, and **Molly Wickham Steinkemper, JD'03**, Omaha, welcomed a daughter, Shelby Jane, on June 22, 2012.

2003

Nathan S. Busch, JD, Lincoln, Neb., has been appointed protection and safety policy chief in the Children and Family Services Division of the Department of Health and Human Services in Lincoln.

Paige M. Dempsey, JD, and Matt Lofdahl, were married May 11, 2012, and are living in Omaha.

Eric W. Tiritilli, JD, Omaha, has joined the law firm of Gross & Welch as a director.

2004

John P. D'Angelo, BSBA'01, JD, Green Bay, Wis., has become a shareholder at Stelplflug Law, S.C., in De Pere, Wis. His current practice areas are criminal defense and family law.

Steve Henderson and **Rachel Brodersen Henderson, BA'99, JD**, Elkhorn, Neb., adopted a son, Henry Dean, on Oct. 23, 2012.

2005

Kendra Quinn Bowman, JD, Anchorage, Alaska, became a partner at the law firm of Delaney Wiles, Inc., in Anchorage.

Matthew J. Cimino, JD, Minneapolis, was promoted to general counsel and secretary of Welsh Property Trust, LLC. Matthew and his wife, Katie Cimino, welcomed a son, Luca Valente, on Oct. 22, 2012.

be able to pull up a case or brief wherever they happen to be working,” O’Meara said. “It is challenging to keep up with the expectations of young lawyers who have grown up with technology.”

Attorneys also want quick access to information, the ability to search for something and have answers within minutes or seconds, he said.

“It’s not the type of information that has changed, but the speed in which it is obtained,” O’Meara said. “We’ve gone from taking two days to get on a docket to being able to log in and gain instant access to information in five minutes.”

Westlaw is also working on the challenges of meeting the needs of lawyers handling global issues and contracts that require a “whole new concept of law.” The challenge, he said, is to find comparisons with other cultures and their legal concepts. Westlaw, for example, has a Chinese platform, and there is a rapidly growing increase in Latin American law.

Future challenges may also include privacy and confidentiality issues. O’Meara said the law profession, rather than simply being reactive, has to look at privacy issues in light of counterterrorism or social media usage, such as Facebook and site hacking in cloud-based systems.

“It is constantly evolving,” he said, “and right now there is a slight gap between increasing technology capabilities and existing laws.”

Damien A. Gang, JD, and **Alicia B. Feldman, MD’04,** Fort Collins, Colo., welcomed a daughter, Ailey Augusta, on April 12, 2012.

Justin T. Wayne, BSBA’03, JD, Omaha, was elected president of the Omaha Public School Board of Education. Wayne is assistant director in Labor Relations at Union Pacific.

2006

Nicholas A. Prenger, BA’03, and **Holly Wolf Prenger, JD,** Omaha, welcomed a son, Simon Andrew, on June 1, 2012.

2007

Michael D. Lindeman, BSBA’03, MBA’04, JD, and **Paula Faber Lindeman, BA’03,** New York, welcomed a daughter, Lyla Catherine, on July 3, 2012.

Jonathan J. Twidwell, BSBA’04, JD, and **Jaclyn Schulte Twidwell, BA’04,** Lenexa, Kan., welcomed a daughter, Charlotte Jo, on April 26, 2013.

Photo by Wendy Eisele



Spence’s Family Business Receives Community Service Award

When Mark Spence, JD’90, graduated from the Creighton School of Law, he intended to practice law. And he did, for two and a half years, working at a small firm in Kansas City, Mo., and then in the Kansas City office of a large St. Louis-based firm.

Spence said the position at the larger firm was a “wonderful opportunity,” but that he came to a realization: “I just knew in my heart that the day-to-day practice was not what I was best suited for.”

Today, Spence is the chief operating officer for Faultless Linen, in partnership with four of his siblings in the fourth-generation family business begun by his great-grandparents in 1896. His office is in Kansas City; he is licensed to practice law in Missouri and Kansas.

Faultless services the healthcare textile needs of hospitals and medical offices throughout Kansas City, St. Louis and Denver and has some 520 employees. “Our business is both capital and labor intensive, and we have a significant amount of state and federal regulatory compliance,” he said. “My legal background has been a huge asset for me professionally, and I believe the business has benefited as well.”

The range of expertise Spence exhibits is extensive. On any given day, he could be involved in issues related to transportation, state and local waste water compliance, natural gas futures, risk management, and, of course, employee regulations and benefits.

Recently, Spence’s Creighton connection led to learning more about one of the most rewarding projects in which his company has been involved.

“Last fall, I was coming out of one of our St. Louis plants, and two young men were loading sheets into a van. I introduced myself to the one wearing a Creighton sweatshirt, saying, ‘Hey, I hear that is a pretty good school.’ He agreed, and I laughed and told him I graduated from the law school. He then asked me if I remembered Marianne Culhane. Of course, I told him, I knew Dean/Professor Culhane. He then said he is Marianne’s son.”

Spence learned that David Culhane, BA’09, is an AmeriCorps volunteer. Faultless has been washing linens for AmeriCorps’ St. Louis homeless shelters for a number of years, amounting to more than 1,500 pounds of laundry per week.

Spence said he remembers some years ago when AmeriCorps “... asked us if we could wash sleeping bags for them periodically. I was told by one of our managers that we were charging only a slight fee to do this. If I remember correctly, I said something like, ‘We don’t charge those doing God’s work here on planet Earth.’”

What began with Faultless laundering soiled linens at no charge for a few area shelters in St. Louis has now grown to 19 shelters. The project is a team effort among AmeriCorps, Faultless and the shelters. AmeriCorps nominated Faultless for a service award from the Missouri Community Service Commission, which it won in the spring of 2013.

Faultless Linen services the healthcare textile needs of hospitals and medical offices in Kansas City, St. Louis and Denver. The company also washes linens for AmeriCorps’ St. Louis homeless shelters free.

Nathan J. VonAhsen, DPT'04, and **Jenna Hite VonAhsen, BSBA'04, MBA'07, JD**, Elkhorn, Neb., welcomed a daughter, Adalyn Christina, on July 13, 2012.

2008

Colleen L. Byers, BA'05, MBA, JD, Winston Salem, N.C., was elected vice president of the Forsyth County Women Attorneys' Association.

Michael J. Kelly and **Konni K. Cawiezell, JD**, Omaha, welcomed a son, Kruz Michael, on July 23, 2012.

Andrew C. Stevens, MD, and **Jennifer J. Stevens, JD**, Indianapolis, welcomed a daughter, Sadie Adelis, on Feb. 26, 2013.

Lowell M. Zeta, JD, Riverside, Calif., was named a 2013 Southern California "Rising Star" by *Super Lawyers Magazine* and *Los Angeles* magazine in the area of business litigation. Zeta is an attorney with Best Best & Krieger LLP in Riverside.

Katie Weichman Zulkoski, JD, Lincoln, Neb., was elected to the University of Nebraska at Lincoln Young Alumni Board. Zulkoski is currently an associate at Mueller Robak LLC.

2009

Bradley E. Wolters, JD, Alexandria, Va., is the White House liaison for the U.S. Department of Health and Human Services. Wolters previously served as chief of staff to Assistant Secretary for Health Howard Koh, advising on strategic planning and policy matters, as well as emerging public health and management issues. Prior to joining the Obama administration, he was a legislative aide to then-U.S. Sen. Barack Obama.

2010

Noah Bieber, BA'07, JD, Lincoln, Neb., received a Master of Professional Accountancy degree from the University of Nebraska at Lincoln in May 2012 and joined the Nebraska Department of Revenue in January 2012.

2011

Christopher J. Welch, JD, Dubuque, Iowa, received the Rising Star Award from the *Telegraph Herald BizTimes* in August 2012 and was featured in an article in the *BizTimes* September 2012 issue.

2012

Laura Goracke, OTD, and **Zachary W. Anderson, JD**, were married Oct. 13, 2012, and are living in Phoenix.

Abbie M. Schurman, JD, Omaha, joined the law firm of Gross & Welch as an associate.

Cassie W. Kleinsmith, JD, MS'13, and Anthony M. Watson, were married Nov. 3, 2012, and are living in Pittsburgh and Lakewood Ranch, Fla. Cassie was admitted to the Colorado Bar Association in 2012 and currently works for the Neighborhood Legal Services Association in Pittsburgh.



Do you have alumni news to share?

Please send to Lauren Ulrick at
LaurenUlrick@creighton.edu.

In Memorium

Jerome P. Grossman, BSC'46, JD'47, Omaha, March 18, 2013.

Philip T. Morgan, JD'48, Lincoln, Neb., Aug. 29, 2012.

John P. Regan, JD'48, Lincoln, Neb., July 3, 2012.

John F. "Jack" Kinney, JD'50, Sioux City, Iowa, Jan. 18, 2013.

Ronald T. Spangler, BSC'49, JD'50, Merrillville, Ind., March 25, 2013.

Thomas R. Burke, JD'51, Omaha, June 14, 2012.

John E. Clark, JD'51, Omaha, Jan. 19, 2013.

Donald L. Stern, JD'51, Omaha, Sept. 16, 2012.

William J. Hollander, BSC'48, JD'52, Arvada, Colo., April 8, 2013.

Richard A. Kern, JD'52, West Des Moines, Iowa, Dec. 1, 2012.

David F. O'Brien, JD'53, Santa Ana, Calif., July 20, 2012.

Louis E. "Ed" DePauli Sr., LAW'54, Albuquerque, N.M., Oct. 23, 2012.

Michael J. Yudelson, JD'63, Seattle, Aug. 26, 2012.

David J. Cullan, JD'65, Omaha, June 10, 2012.

James M. Boyce, JD'69, Indianola, Iowa, Jan. 1, 2013.

John J. George, JD'70, Santa Clara, Calif., May 31, 2013.

James D. Owens, JD'70, Longmont, Colo., Nov. 28, 2012.

John K. Palmer, JD'70, Overland Park, Kan., Oct. 4, 2012.

John L. "Jack" De Lorenzo, JD'71, Kingwood, Texas, May 12, 2012.

Richard W. Hanson, BA'68, JD'71, Galveston, Texas, June 17, 2012.

Richard A. "Dick" Douglas, BA'68, JD'73, Scottsbluff, Neb., April 12, 2012.

C. Randy Endelman, JD'73, Omaha, Feb. 23, 2013.

William H. Stadtwald, LAW'76, Bellevue, Neb., June 12, 2012.

Capt. Joseph D. Scranton, JD'77, Annapolis, Md., Nov. 8, 2012.

Mary McHugh Morrison, BA'74, JD'79, Minneapolis, Feb. 20, 2013.

Michael T. Hanna, JD'80, Omaha, Jan. 17, 2013.

Patrick M. Lutz, JD'80, Omaha, June 22, 2012.

Emily Scherr Scott, BA'71, JD'80, Omaha, April 14, 2012.

Raymond E. Speer II, BA'76, JD'80, Omaha, Dec. 4, 2012.

Robert W. Ginn, JD'83, MA'99, MA'01, Omaha, Aug. 14, 2012.

Charles B. Jaksich, BA'84, JD'89, Omaha, March 23, 2013.

Tyce S. Markussen, JD'03, Omaha, May 22, 2012.

The Annual School of Law Red Mass

Tuesday, Oct. 1, at 5:30 p.m.
St. John's Church, Creighton University Campus

Reception immediately following ~
Schneider Commons, Ahmanson Law Center

The Red Mass dates to the 13th century when it officially opened the term of the court for most European countries. It is an occasion of prayerful petition and thanksgiving for all members of the legal profession and for all who pursue justice in their daily lives, regardless of religious affiliation. Creighton alumni, friends, staff and students are invited.



McKay on State Department Assignment in West Bank

Former U.S. Attorney John McKay, JD'82, now a Seattle University law professor, is on assignment from the U.S. State Department to spend 18 months in the West Bank helping Palestinians set up their court system in preparation for statehood. McKay was asked by the State Department Bureau of International Narcotics and Law Enforcement (INL) to



McKay

lead the Rule of Law program in the West Bank. He arrived in the city of Ramallah on June 4 and expects to leave by December 2014.

As senior consultant, chief of the State Department team and coordinator of the Rule of Law

program, McKay acknowledges that the Gaza Strip is a complex region with a long history of warfare, occupation and injustice. The U.S. government, in cooperation with other donor nations, operates programs to assist the Palestinian people under the direction of the U.S. Consulate in Jerusalem and in coordination with the U.S. Security Coordinator.

McKay said he is living and working in Ramallah to assist the courts, prosecutors and police in promoting security, public safety and human rights. "An important goal is to enhance the law enforcement and security capacity of the Palestinian Authority in anticipation of two states, Israel and a future Palestinian state."

McKay is working with what he describes as a "veteran and accomplished group of Palestinian professionals." They include "highly regarded lawyers with

contacts throughout the West Bank in legal and judicial circles, former police officers, information technology experts and program analysts, a number of whom are imbedded with the Attorney General's Office and chief prosecutors in Bethlehem or other Palestinian cities." International counterparts from Canada and Europe are doing similar work, as well as State Department and INL and Federal Bureau of Investigation colleagues.

The rule of law, McKay believes, can be an "instrument of peace" in the troubled

"It is not for governments alone to impose the rule of law on a people. Rather it is the human embodiment of our God-given freedoms, order, security, peace and justice that compels all people to seek it."

John McKay, JD'82

region. "It is not for governments alone to impose the rule of law on a people," he explained. "Rather it is the human embodiment of our God-given freedoms, order, security, peace and justice that compels all people to seek it."

Laws, he said, "can be wrongful, discriminatory and unjust — these are not truly the rule of law as we mean it in liberal society. Laws and the ability to make and execute them fairly, justly and in accord with universally shared human rights are necessary for peace in our world." In his brief time there, McKay said he is "focusing on hope, humility and a conviction that we can be made 'instruments of peace' as St. Francis prayed."

"It's hard not to feel sadness here, in spite of all the beauty and the meaningful places in history that have significance to many faiths," he said.

McKay said he feels safe in Ramallah, which he described as a "beautiful place, though marred by its history of violence and occupation." The people are "incredibly hospitable," he said.

Being a non-Arabic speaker is challenging for him, but most professionals and young people speak English and McKay said he hopes to learn some Arabic during his time there. Moving around the city can be difficult, requiring what he described as a "confusing array of identification cards, passports, permits,

vehicle plates and lots of good luck. Israeli checkpoints and limited access to certain roads around settlements can be confusing and time consuming."

McKay knows there is a lot to do and 18 months will not be time enough to claim total success. "My work here was begun by others and I hope will be continued by others long after I am gone. My hope is that I can do some good while I am here, learn much from the aspirations of the people who live here, including Palestinians and Israelis, and leave having advanced the rule of law."

The population of the West Bank, including the Gaza Strip, is both Muslim and Christian. "For our programs to succeed," McKay said, "we must work with people of all faiths while respecting their traditions and allowing them to be the principal designers of their justice sector."



The Recently Renovated Dean Patrick J. Borchers Classroom

"The life of the law has not been logic; it has been experience."
Oliver Wendell Holmes Jr, *The Common Law* (1881)

Former Dean Patrick Borchers said that he selected the quote that appears on the back wall of the classroom "because it is a good reminder to law students and former law students that the genius of the common law is that it adapted to changing circumstances. It did not grow in a purely logical fashion. Of course, what goes with that is the law you learn does not always make perfect sense the first time you encounter it."

Oliver Wendell Holmes Jr. is one of the most famous U.S. Supreme Court justices and legal thinkers in U.S. history.