



**GERALD J. FORD '69**  
*Chairman of Hilltop Holdings Inc.*

Just two years earlier, Mr. Gerald J. Ford '69 stood behind the podium in Hillcrest presenting his comments on the financial crisis of 2008 and remarking that the situation in the banking industry was “more troublesome than I have ever seen it.” This year, Ford discussed the current economic situation, but he also shared personal experiences that led him from a small town in the Texas panhandle to SMU, SMU Dedman School of Law, and now the high rankings of the Forbes List.

Ford took a forward-looking view on the economy, advocating deleveraging by the government and corporations, recapitalization, finding equilibrium in the housing market, and maintaining faith and resilience as a nation. He acknowledged that this is not an easy task by any measure, but had a positive take on the actions of the current administration. “There is no silver bullet,” he said. “We didn’t get here overnight and we’re not going to get out overnight, but the good news is that we are here to fight.”

Looking back, Ford recalled his experience as a law student at SMU Dedman School of Law. His candid account of the fear he felt as a 1L, the distractions as a 2L, and the uncertainty as a 3L evoked empathy and laughter

from the crowd of over 125 students. He encouraged the students to “learn from other people’s experience” as they start their careers as legal professionals and to stay positive. “There will always be a place for good people and people who are willing to work hard and do a good job.”

Mr. Ford was selected as a Distinguished Alumnus of SMU in 1995 and was honored with the Storey Award for Distinguished Achievement by SMU Dedman School of Law in 2002. He was named the 2008 Laureate to the Dallas Business Hall of Fame, and currently serves on the Executive Board of SMU Dedman School of Law and the Trusteeship Committee of SMU. Additionally, the Gerald J. Ford Stadium is named after Mr. Ford in recognition of his generous support of SMU.



**JANE C. GINSBURG**  
*Martin L. Janklow Professor of Literary and Artistic Property at the Columbia University School of Law*

It is J.K. Rowling’s copyright that keeps Harry Potter “from becoming an ax murderer” at the hands of a random screenwriter, joked Jane C. Ginsburg during her presentation entitled “The Author’s Place in the Future of Copyright

Law.” Professor Ginsburg is one of the world’s leading authorities on the law of copyright, artistic property, and intellectual property and is the Martin L. Janklow Professor of Literary and Artistic Property at the Columbia University School of Law. She shared her vision for future authors with a group of students and faculty this past winter at SMU Dedman School of Law as part of the Phi Beta Kappa Visiting Scholars Program.

According to Professor Ginsburg, vesting copyright in authors was an innovation of the 18th century that made authorship the functional and moral center of our culture. But, all too often, authors neither possess control over the content nor derive much benefit from their works by having copyright. Authors’ lack of bargaining power with publishers and a revenue model that has drastically changed with the advent of new technologies have significantly encroached on the ownership rights authors can retain. The expansion of social networking websites and the common practice of blogging or commenting on internet threads have led to a “Wikipedia-fication” of authorship. Instead of readers looking to one author for a story’s origination, creative content has taken on more of a “poly-vocal” nature. For example, according to Professor Ginsburg, thousands of unauthorized Harry Potter stories are circulating the internet, all spin-offs created by readers who wish to tell their versions of the story.

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“But reports of the death of the professional author have been greatly exaggerated,” said Ginsburg. Readers still value individual genius, and sometimes they want to sit back and enjoy a story

the old-fashioned way. That is where the Kernochan Center for Law, Media and Arts comes into play. Professor Ginsburg, along with her colleagues at the Columbia University School of Law, has established a website that provides authors with a plain-English translation of confusing contracts with publishers. Called [www.keepyourcopyrights.org](http://www.keepyourcopyrights.org), the site is dedicated to helping authors make informed decisions and maintain ownership rights in their work as the means for distributing content continues to evolve with the rapid growth of technology and its ramifications on society. With the help of people like Professor Ginsburg, authors should be able to maintain their important role in



educating and entertaining society for generations to come.

**THOMAS A. BARTHOLD**  
*Chief of Staff for the U.S. Congressional Joint Committee on Taxation*

Students, faculty, and guests were privy to an inside look at the complex issues and processes behind tax legislation thanks to Mr. Thomas A. Barthold, the Chief of Staff for the Joint Committee on Taxation. Mr. Barthold began his career as an economics expert for Dartmouth University, after which he considered academia, but ultimately found himself intrigued by an opportunity to work on

relevant and interesting issues at the Committee, where he has now served for more than twenty years.

The Joint Committee on Taxation is a non-partisan committee that provides research, advice, and analysis to members of both sides of Congress. The Committee staff is composed of ten members of Congress, twenty attorneys, and a number of CPAs and economists. Mr. Barthold explained the challenges of working with four distinct factions of lawmakers: House Republicans, House Democrats, Senate Republicans, and Senate Democrats. With multiple sides to every issue and important confidences to keep, the Committee has a difficult job to perform while avoiding taking a particular political stance. “We are a resource for every member of Congress, but we work most closely with the committees of jurisdiction—the Ways and Means Committee in the House and the Finance Committee in the Senate.” The Joint Committee on Taxation designs proposals, drafts committee reports, researches legal issues and legislative history, and performs studies on relevant issues, such as tax shelter strategies being used by multinationals.

Although in theory there is a “regular order” that dictates the procedure for making laws, Mr. Barthold remarked, “Regular order is not how things get done, typically.” However, Mr. Barthold used the American Recovery and Reinvestment Act (ARRA) to show a bill that did pass by “regular order” and to illustrate the importance of compromise in the tax policy process. He stated, “Compromise is rational in our system of government,” and necessary to move legislation forward. For example, the ARRA originated to fulfill a presidential campaign promise, but in order to make that bill a reality, the two houses of Congress had to compromise with each other to find support for the ideas each side believed were important. And last but certainly not least, “There is always a budget constraint in the tax legislation process.”

The lecture was held October 25, 2010, as part of the 2010-2011 Tax Policy

Colloquium Series organized by Professors Christopher H. Hanna and Henry J. Lischer, Jr. Through this program, SMU Dedman Law hosts leading academics in the field to lead discussions on various issues of tax policy with students, professors, and members of the business community.



**JEFFREY BREINHOLT**  
*Attorney for the United States Department of Justice National Security Division*

Mr. Jeffrey Breinholt opened the presentation by stating that “U.S. prosecutors are a human rights enthusiast’s best friend because we can do things no other organization or country can do.” He paused to let this sink in because many people find it hard to believe that counterterrorism supporters and human rights protectors could be on the same side of any initiative. Mr. Breinholt explained to students and faculty how these seemingly disparate areas are growing closer together as criminal law enforcement becomes a frequent resource for preventing terrorists and corrupt leaders from subjecting populations to inhumane treatment. “The essence of being an American is human rights protection because it goes directly to the quality of life,” stated Mr. Breinholt.

In addition to presenting this lecture, Mr. Breinholt led Professor Kahn's edited writing seminar, "Perspectives on Counterterrorism," in a multi-media, role-playing exercise that Mr. Breinholt created to train FBI agents. The students spent two hours with Mr. Breinholt examining constitutional and statutory constraints on a fictitious federal investigation. After the exercise, the students enjoyed an opportunity to meet informally with Mr. Breinholt over dinner at Professor Kahn's home.

Mr. Breinholt currently works with the Counsel for Law and Policy at the National Security Division of the United States Department of Justice and has served with distinction in the Department for over twenty years, specializing in white-collar fraud, tax crimes, and terrorist financing. He is a graduate of Yale University and the UCLA School of Law, and has authored numerous books and articles in his areas of specialty.



## DARWIN BRUCE

*The Potter's House of Dallas, Inc., Chief Operating Officer*

The word "entrepreneur" is derived from a French term meaning "to undertake risk." This is a concept that law students today can identify with—committing three or more years of their lives and

taking on significant debt amidst a tumultuous economic situation to pursue a J.D.

Mr. Darwin J. Bruce '95, an entrepreneurship and business strategist, spoke to students about how a law degree uniquely prepares them to succeed as entrepreneurs and to represent the interests of other innovators. There is often a disconnect between the entrepreneur and the practical aspects of business, and the principles and critical thinking skills learned in law school can turn a visionary idea into a reality. "Lawyers have a huge comparative advantage due to the knowledge they bring to the table, and many times they are unaware of it," added Dean Attanasio. Mr. Bruce emphasized that this type of analytical strength is needed now more than ever because "entrepreneurship is the most critical driving force in the economy." He added, "Innovation is no longer competing against old products, but figuring out how to do more and better as a whole."

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Mr. Bruce received his J.D. from SMU Dedman School of Law and holds a Bachelor's degree from Texas A&M University. In 2009, he was a recipient of the Distinguished Alumni Award from SMU Dedman School of Law and was recently featured in *D CEO* magazine. Mr. Bruce has been honored by the *Dallas Business Journal* as one of the top forty business executives and entrepreneurs under the age of forty in the DFW area. He also serves on the Executive Board of SMU Dedman School of Law and the Advisory Board of Directors of SMU School of Engineering.

## EIGHTH COURT OF APPEALS FOR THE STATE OF TEXAS

*Hears Cases via Webcast from SMU*

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On October 7, 2010, the Appellate Court in El Paso heard oral arguments in five cases, but the attorneys never left Dallas. Instead, the arguments were presented via webcast from SMU.

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As the crowd searched for seats in the Godwin Gruber Courtroom, a disembodied voice from the television suddenly ordered everyone to stand for the Justices of the Eighth Court of Appeals for the State of Texas. "All rise," the bailiff bellowed. The group quickly realized they were not just watching a case on a television in Florence Hall; they were in court.

On October 7, 2010, the Appellate Court in El Paso heard oral arguments in five cases, but the attorneys never left Dallas. Instead, the arguments were presented via webcast from SMU. Thanks to the latest technology, the court can hear cases argued by attorneys from Dallas and surrounding areas without requiring the attorneys to make the trip to El Paso. Students, faculty, and guests received an authentic appellate court experience as they watched the attorneys argue procedural and substantive issues in real cases pending before the court. "SMU Dedman School of Law is honored to host the appellate court arguments, and we look forward to using our technology and resources for similar events in the future," said Dean John B. Attanasio. ■

## ARGUMENTS MOOTED AT SMU DEDMAN SCHOOL OF LAW

*Next Stop: United States Supreme Court*



Left to Right: PAUL THEISS '06, Associate, Jones Day; JENIA TURNER, Associate Professor of Law, SMU Dedman School of Law; JEFFREY BELLIN, Assistant Professor of Law, SMU Dedman School of Law; JOEL PAGE, Assistant Federal Public Defender; WILLIAM BIGGS, Assistant Federal Public Defender

Their terms as justices were short-lived, but Professors Armour, Bellin, Bridge, Eads, Ryan, and Turner traded in their professor titles for a day to serve on a mock Supreme Court panel. Joined by Jason Hawkins, Joel Page, and William Biggs from the Dallas Public Defenders' office, the SMU Dedman Law faculty members listened to oral arguments and challenged the attorneys with tough questions to help prepare them to argue

before the United States Supreme Court on October 4, 2010.

The moot arguments were held on the law school campus, giving more than 100 students and faculty the unique opportunity to watch attorneys from several Texas firms prepare oral arguments in two separate cases. David Horan, a partner at Jones Day in Dallas, argued the petitioner's positions in *Gould v. United States*, a case involving

mandatory sentencing requirements. The late Greg S. Coleman, a partner at the Austin firm of Yetter Coleman, LLP, argued the District Attorney's position in *Skinner v. Switzer*, which involved prisoners' rights to DNA testing.

Dean Attanasio commented, "It is a true privilege for us to be hosting this. It is a great educational experience, very close to the real thing." ■

## 45TH ANNUAL AIR LAW SYMPOSIUM

*Oldest and Largest Aviation Legal Conference in the World*

The 45th Annual SMU Air Law Symposium, sponsored by the *Journal of Air Law & Commerce*, was held March 31-April 1, 2011, at the Omni Mandalay Hotel in Las Colinas. The Symposium is the oldest and largest aviation legal conference in the world.

The Symposium drew more than 450 registrants, including nationally and internationally recognized aviation trial lawyers from both sides of the docket; United States government attorneys from the Department of Justice, Federal Aviation Administration, and branches of the armed forces; and executives from foreign and domestic insurance companies and major airlines.



Third from Left: CHARLES TARPLEY, President, Air Law Symposium (ALS) Board of Advisors, THE HONORABLE LORETTA A. PRESKA, Chief Judge, U.S. District Court, Southern District of New York, KATHLYNN FADELY, Retired, U.S. Department of Justice, ALS Board of Advisors, with students from the SMU Law Review Association.

Distinguished judges and law professors from noted U.S., Canadian, and European law schools were in attendance, along with representatives of aircraft and component manufacturers, economists, engineers, meteorologists, and test pilots.

The keynote speakers were the Honorable Loretta A. Preska, Chief Judge, U.S. District Court for the Southern

District of New York; and Captain Robert Lee "Hoot" Gibson, former NASA astronaut, retired Naval Aviator, and airline captain.

The Symposium provided the attendees with a review of significant developments in aviation law and a presentation on legal ethics. ■