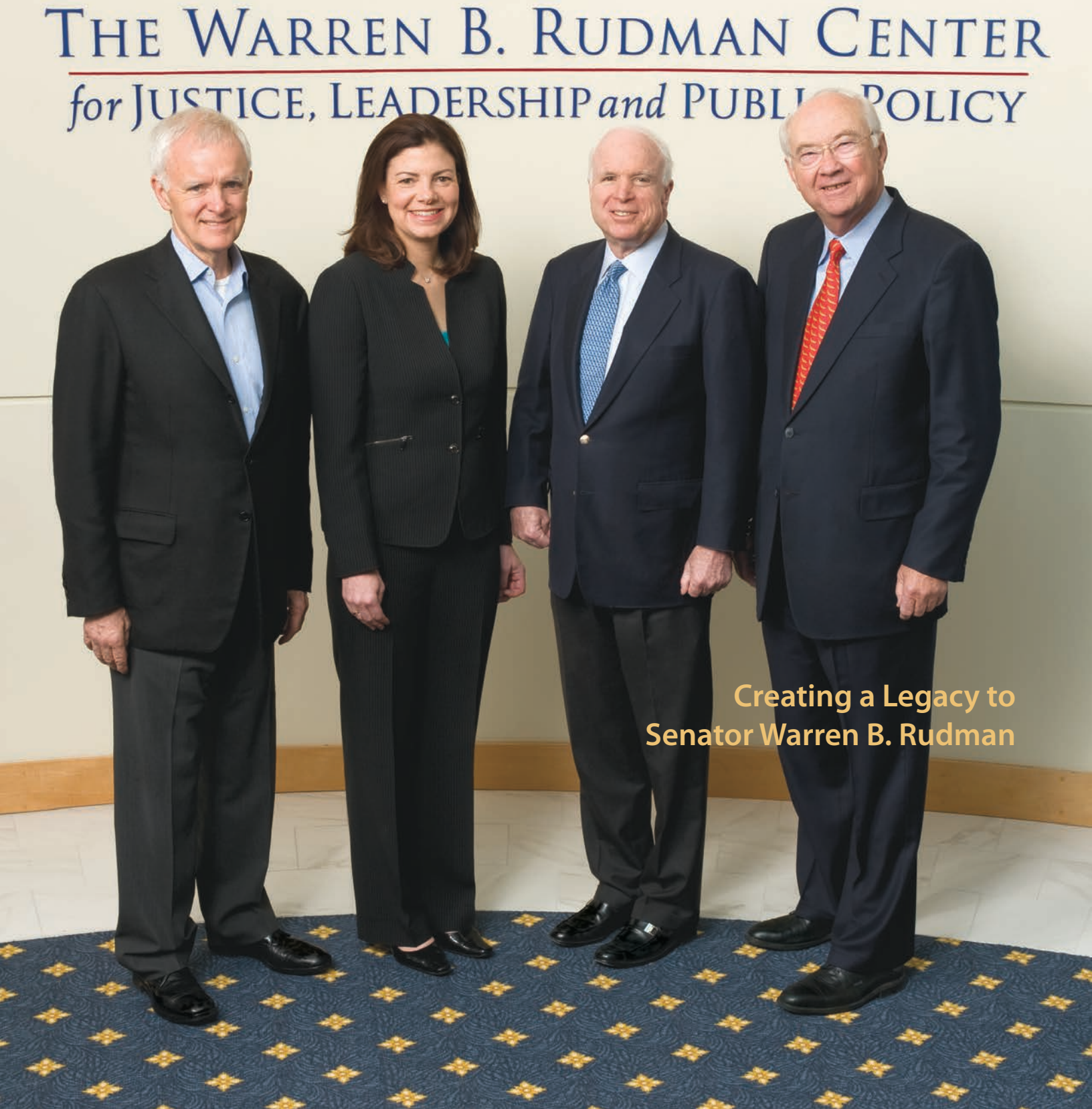
UNH LAW

UNIVERSITY OF NEW HAMPSHIRE SCHOOL OF LAW MAGAZINE • Summer 2013

The America Invents Act

Legal Ethics from Every Angle

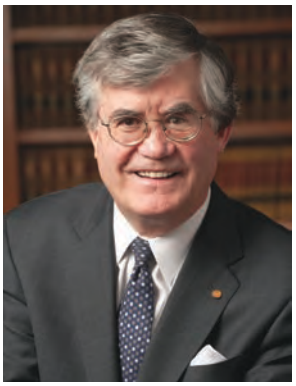


Creating a Legacy to Senator Warren B. Rudman

Dear Alumni and Friends,

On a gorgeous, sun-splashed May afternoon, the Class of 2013 proudly took their seats with family and friends under the traditional tent in White Park. This culmination of their hard work and commitment was made all the more special because this year's graduation marked the 40th anniversary of the law school's founding.

A well-represented Class of 1978 marched in the procession and presented the law school with a generous and much appreciated class gift. While the sun shone and a light breeze blew outside the tent, the graduates heard from UNH President Mark Huddleston, our student and faculty speakers, our honorary degree recipients and, finally, from our distinguished commencement speakers, attorneys Ted Olson and David Boies.



This memorable occasion was the culmination of an exciting year on White Street. Under the leadership of Michael McCann, who recently joined our faculty, we have opened a Sports and Entertainment Law Institute. A widely published scholar and regular contributing writer to *Sports Illustrated*, Mike is a nationally recognized sports law expert and a frequent commentator for regional and national media. Cyclist Lance Armstrong reached out to him this past spring for a private interview at his home in Austin, Texas. In addition, Mike appeared on ABC-TV with Katie Couric and the Paterno family to discuss the myriad legal issues at Penn State. Look for the Sports and Entertainment Law Institute's first sports law conference this fall.

This spring, we hosted several high-profile events. In March, US Supreme Court Justice Antonin Scalia offered his views on the future of legal education at the annual alumni dinner held in New Castle, NH, and attended by more than 300 alumni and friends. The public launch of the Warren B. Rudman Center for Justice, Leadership and Public Policy in April featured a dinner and conference on our nation's fiscal challenges, which was attended by many dignitaries and generous supporters. *(Please read the article on the Rudman Center beginning on page 2).*

In April, the Franklin Pierce Center for IP hosted the inaugural Robert Shaw International IP Symposium, sponsored by Sughrue Mion. The highly successful symposium will be held again next spring to coincide with the annual meeting of the International Trademark Association.

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DEAN

John T. Broderick Jr.

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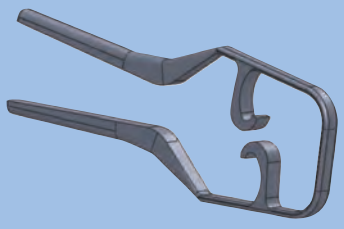

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Front cover

Pictured (l.-rt.): Senators Bob Kerrey, Kelly Ayotte, John McCain, and Phil Gramm joined the more than 300 guests who attended the events celebrating the grand opening of the Warren B. Rudman Center for Justice, Leadership and Public Policy.

Back cover

Dressed in his cap and gown for this photo, Tyler Goss JD '13, celebrates graduation with parents Steven Goss JD '92 and Lora Goss; Brenner Webb JD '13 poses with his parents, Ann and Peter Webb, both 1979 UNH Law graduates; Senator Olympia Snowe accepted the inaugural Warren B. Rudman Center Award at the opening of the Warren B. Rudman Center for Justice, Leadership and Public Policy in April; the Class of 1978 celebrated its 35th anniversary and joined the procession to White Park during commencement ceremonies in May.

Credits

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UNH Law's New Warren B. Rudman Center

A Legacy of Leadership and Public Service

By Danielle Barrick, Associate Director of Marketing & Communications and Professor Erin B. Corcoran, Executive Director, The Warren B. Rudman Center for Justice, Leadership and Public policy

UNH Law has furthered its historic commitment to advancing social justice and equipping public interest lawyers with the practical skills they need to succeed: The school formally launched its new Warren B. Rudman Center for Justice, Leadership and Public Policy on April 22 and 23.

The kickoff featured a star-studded dinner honoring Rudman, the late U.S. senator from New Hampshire, followed by a national conference on fiscal responsibility. The Center also announced its inaugural class of summer Rudman Fellows, who will receive a stipend for their summer work in public interest and government service positions.

The Center aims to train lawyers to lead and serve the public interest in the thoughtful, bipartisan style for which Rudman was famous. Rudman, who also served as the state's attorney general, gave the Center's creation his blessing and support before he passed away in November 2012.

"Senator Rudman's legacy had its foundation in principled leadership tempered with pragmatism, high ethical standards, and an unceasing devotion to the public good," said UNH Law Dean John Broderick. "His extraordinary example of public service should inspire a new generation of lawyers to seek and fulfill the high calling of public leadership, intent upon finding real answers devoid of mindless partisanship."

Rudman's colleagues and friends gathered at a dinner to honor him April 21. Senators John McCain, Jeanne Shaheen, and Kelly Ayotte, former Senators Judd Gregg, Phil Gramm, and Bob Kerrey, and former New Hampshire Governor Stephen Merrill were among those who spoke about their late colleague and mentor. And several guests came bearing gifts for the new Rudman Center: Governor Maggie Hassan presented Dean John Broderick with a New Hampshire flag, Senator Shaheen presented a US flag that had been flown over the Capitol, and Senator Ayotte presented a US Army flag.

Afterward, Senator Angus King presented the inaugural Warren B. Rudman Center Award to former Senator Olympia Snowe, who was well known for her willingness to cross the political aisle, as Rudman had been.

Also in attendance were Congresswomen Donna Edwards JD '89, Carol Shea Porter, and Annie Kuster.

On April 22, the Rudman Center hosted its inaugural conference, "The Federal Budget and the Law: Finding a Way Forward." The event was funded by the Peter G. Peterson Foundation as part of a $1 million grant to the Center to support programming on fiscal responsibility. The conference was co-hosted by The Concord Coalition and New Hampshire Public Radio.

The Rudman Center's executive director, Professor Erin B. Corcoran, opened the conference by announcing the students who have been named the inaugural summer Rudman Fellows *(see photo and caption on page 3)*.

"These summer fellowships will provide an invaluable, hands-on work experience for law students committed to a career in government service or public interest," Corcoran said. "Students will have the opportunity to serve not only the state of New Hampshire but a variety of organizations and needs around the country."

Hosted by Ari Shapiro, White House correspondent for National Public Radio, the conference featured two all-star panels, focused on political challenges and solutions, respectively. The former featured Senators McCain and Ayotte, former Senators Gramm and Kerrey, and noted economist and national budget expert Alice Rivlin. The second panel, focused on finding a way forward, featured Rivlin, former Senator Pete Domenici, Concord Coalition Executive Director Robert Bixby, and G. William Hoagland, a national budget expert and senior vice president at the Bipartisan Policy Center.

The conference featured keynote speakers Senator Snowe and David Walker, former comptroller general of the United States. Former US Commerce Secretary Pete Peterson, who founded The Concord Coalition with Rudman and whose foundation donated $1 million to the Rudman Center, also spoke, about his late friend the senator.

"Senator Rudman's legacy had its foundation in principled leadership tempered with pragmatism, high ethical standards, and an unceasing devotion to the public good. His extraordinary example of public service should inspire a new generation of lawyers to seek and fulfill the high calling of public leadership, intent upon finding real answers devoid of mindless partisanship."

—*Dean John Broderick*



The recipients of the inaugural Rudman Summer Fellowships were announced at the grand opening of the Warren B. Rudman Center this spring. Pictured (l.-rt.) with visiting dignitaries are: 1st row: Callan Maynard '14; 2nd row: Jessica Canter '14, Senator Bob Kerrey, Senator Kelly Ayotte, Senator John McCain, Senator Phil Gramm; 3rd row: Christian Ansah '15, Shea Sennett '15, David Kolesar '14, Aaron Frides-Mitchell '14, Sean List '15, Timothy McKernan '14, Andrew Jabaji '14, student Patrick Ives, and Dean John Broderick. The 2013 Rudman Summer Fellows not pictured are: Vitali Anfimov '14, Juli Hincks '15, Jillian Lawrence '14, Rahkiya Medley '14, Lina Shayo '14, and Jennifer Shea '14.

"Warren Rudman was the rarest of public servants, not only in office but when he left office," Peterson said. "He did everything he could, and way before it was in fashion, to encourage both parties to become serious about our fiscal reality. The Center will serve as a living tribute to Warren's legacy of bipartisan leadership, efficient government, justice, and fiscal responsibility."

In attendance at both events was Margaret Rudman, the late senator's widow, to whom many speakers paid tribute. Senator Snowe, who ended the conference with a talk about the importance of returning bipartisanship to Washington, DC, closed by telling Rudman how much her husband was loved and missed.

The Rudman Fellows will be encouraged to pursue one of the many areas of public policy in which Warren Rudman was engaged, including legal services, fiscal accountability, government service, and assistance for veterans. In addition to the opportunities available for Rudman Fellows, five or six one-year post-graduate fellowships will be made available to all UNH School of Law graduates each year, to be completed at organizations that fulfill the Rudman Center's mission.

The Rudman Center has created a Fiscal Responsibility and the Law Certificate, which will teach students about federal budgeting, spending, and policymaking. Specialized coursework and practical skills training will create future lawyers and leaders who can make thoughtful and effective decisions on public sector issues and address the ongoing budget and fiscal crisis.

Former Senator Bob Dole recently joined efforts with the Rudman Center to support the creation of the Robert J. Dole Veteran Fellowship, which will enable an exemplary veteran, committed to assisting veterans, to attend the University of New Hampshire School of Law by providing financial assistance to aid with tuition costs and summer fellowships.

For more information on the Rudman Center, please visit law.unh.edu/rudman-center.











Far left: *Conference panelists and attendees listen to the morning keynote address by David Walker, former United States Comptroller General, at the opening of the Warren B. Rudman Center for Justice, Leadership and Public Policy.*

Top left: *Pictured (l.-rt.): Professor Erin B. Corcoran, executive director of the Warren B. Rudman Center for Justice, Leadership and Public Policy; Ari Shapiro, White House Correspondent for National Public Radio; Mark Huddleston, president, University of New Hampshire.*

Top right: *Pictured (l.-rt.): Jean Gale, Warren Rudman's sister; Margaret Rudman, Warren Rudman's widow; Arizona Senator John McCain.*

Above: *Former Senator Olympia Snowe, New Hampshire Governor Maggie Hassan*

Right: *New Hampshire Senator Jeanne Shaheen*



Advising the Nation's Experts on 'All that is Sports Law'

Professor Michael McCann to Head UNH Law's New Sports and Entertainment Law Institute

BY SHARON CALLAHAN

When UNH Law sports law expert Michael McCann was contacted by Lance Armstrong via Twitter earlier this year, he thought someone was impersonating the famed and controversial cyclist.

"I thought it was a little odd because I don't cover cycling and the times I've written about Armstrong's legal issues I've often sharply criticized him. Nonetheless, I was intrigued. After some due diligence, I realized that he was in fact one of my newest Twitter followers," says McCann.

"We began corresponding privately and he invited me to his house in Austin for an interview in March." It was the first and, to date, the only interview granted by Armstrong following his conversation with Oprah Winfrey in January.

McCann wrote about his meeting with Armstrong for *Sports Illustrated* (March 6, 2013, print edition) and later talked about it on NPR's *All Things Considered* (March 16, 2013)

McCann told NPR that Armstrong "definitely expressed contrition about those that believed in him and that now are extremely disappointed in him. But he did argue that if you look at, for instance, all of the lying that he had done, he's noted that he was asked the question about doping much more often than other cyclists, that the media and the public awareness was focused on him and not others who he argues were doing the same things that he was doing. And I think that was a theme that he tried to raise: that his achievements were extraordinary and his cheating was only ordinary."

McCann is as comfortable talking about sports law in a broadcast studio as he is about writing about it for a national publication or teaching it in the classroom. During what has been a relatively short career, he has quickly become one of the nation's go-to experts for sports law—an authority to the authorities. He has talked about basketball, football, cycling, baseball, boxing, and even luge with many of the world's most illustrious broadcasters including: HBO's Bob Costas and Bryan Gumbel; ABC's Katie Couric; CNN's Wolf Blitzer and CNN International's Don Riddell and Hala Gorani; CBS's Russ Mitchell, Fox News' Glenn Beck, and MSNBC's Tamron Hall.

During the last year, McCann has covered such divisive issues as: the NFL, NBA, and NHL lockouts; the Jerry Sandusky scandal at Pennsylvania State University and the resulting NCAA penalties and litigation; Ed O'Bannon's antitrust and intellectual property class action lawsuit against the NCAA; NFL concussion litigation; Roger Clemens' and Barry Bonds' perjury trials; Jonathan Vilma's lawsuit against Roger Goodell over "Bounty Gate"; the sale of the Los Angeles Dodgers through federal bankruptcy law; and how litigation settlements in the Bernie Madoff scandal impact the New York Mets, among many other topics.

In late June, McCann analyzed the possible charges against Patriot's tight end Aaron Hernandez, in connection to the death of Odin Lloyd for *Sports Illustrated* (SI.com).

In conclusion McCann wrote, "If Hernandez is charged, some of the possible crimes would carry very lengthy maximum sentences. Hernandez's attorneys, however, would offer defenses and points of information that rebuke law enforcement's assertions. Also, if Hernandez is convicted, he would likely receive a much lesser penalty than the maximum because he would be a first-time offender. Cooperation with law enforcement, willingness to implicate others, acceptance of fault and demonstration of contrition would also be viewed favorably by a sentencing judge."



Sports & Entertainment Law Institute to Open in the Fall

This fall, McCann will bring his passion for sports law and its many law related topics to UNH Law's new Sports & Entertainment Law Institute.

As the former founder and director of the Sports Law Institute at Vermont Law School, McCann knows his subjects and how to present them to his students.

According to McCann, "Sports and entertainment law are ideal for teaching law and helping students see how the law works in fact-patterns that interest them. For example, the Sherman Antitrust Act and the Non-Statutory Labor Exemption sound like challenging topics to understand. But when viewed through leagues and players' associations collectively-bargaining rules for maximum salaries and age restrictions, they become a lot clearer."

"I am thrilled to join UNH Law. We are going to build one of the best sports and entertainment law programs around."

– Professor Michael McCann

"The Sports & Entertainment Law Institute will provide opportunities for students who demonstrate a talent and passion for sports and entertainment law to develop core knowledge and engage in thoughtful discussion of contemporary legal issues in both fields," adds Alexandra Roberts, the new executive director of the Franklin Pierce Center for Intellectual Property. "The Institute will help students gain real-world skills that will help them obtain, and succeed in, careers in sports and entertainment law. Students will have the opportunity to enroll in a wide range of core and supporting courses."

Beginning in 2014, the Institute plans to offer several new courses including:International and Comparative Sports Law, Examining Law and Sports from a Global Perspective; Pro Sports Law: The Unique Relationship between Leagues, Teams and Players; and Amateur Sports Law: Legal Issues in Youth, College, and Recreational Sports.

McCann has already helped two students, who will be 3Ls in the fall, secure NCAA compliance externship opportunities at universities.

"I am ecstatic about my sports externship," says Chelsea Lamberson.

"I will spend the fall semester at Eastern Washington University in the athletic department working with the assistant athletic director on compliance and with the general council on other sports related issues. I will also have the opportunity to work with marketing, which is exciting because that's what I studied in college. I hope to continue with this route and work in sports at the collegiate level. I have a lot to learn about this field, and I'm excited to see where the semester takes me."

"I volunteered at the athletic compliance office at the UNH in Durham, beginning in the fall of 2012," says Cherylyn Enger. "It was a wonderful opportunity. Working with the UNH compliance staff provided great insight into the NCAA. I was able to learn first hand how the compliance office interacts with its athletic conference and the NCAA. I developed an understanding of how many little things go into keeping an athletic department in compliance with both the law and the NCAA bylaws."

Social and Broadcast Media Bring Sports Issues Front and Center

McCann takes advantage of today's social and broadcast media to share his expertise with his students and with the world.

UNH Law students can add to their classroom learning by following McCann on Twitter (@McCannSportsLaw). With over 12,000 followers, he offers timely analysis on breaking sports issues. He became a household name in Sacramento, CA, and Seattle, WA, with his tweets on the potential, and ultimately failed, relocation of the Sacramento Kings to Seattle this past spring.

A seasoned blogger, McCann also contributes to two award-winning blogs, the *Sports Law Blog,* which he edits and publishes, and *The Situationist*, which he co-founded while attending Harvard Law School.

McCann serves as legal analyst for *Sports Illustrated* and a sports law columnist on SI.com (CNNSI), and as a legal correspondent for the nationally syndicated *Dan Patrick Show*. He provides on-air legal analysis for NBA TV.

Recently McCann offered expertise on the charge that the NFL was trying to screen out gay players during the pre-draft

process. During the "NFL combine," teams interviewed college players and put them through various physical and mental drills. McCann explored how at this stage in their careers, college players are not yet protected as members of the NFL Players' Association and are vulnerable to questionable treatment. In his article, "Loaded Question," in *Sports Illustrated* (March 25, 2013), McCann argued that while federal law does not bar NFL teams from asking college players about their sexual orientation, laws in many states and cities do.

"In an earlier article for the *Yale Law Journal*, entitled 'American Needle v. NFL: An Opportunity to Reshape Sports Law,' I wrote about whether the NFL and its teams are really one corporate entity—like Pepsi and Mountain Dew, a parent and wholly-owned subsidiary—or a joint venture of competitors," explains McCann.

"It analyzes what is arguably the most important sports law case in US history," adds McCann. "I asserted—and the US Supreme Court would ultimately agree—that pro sports leagues are not single entities because teams are individually owned and compete in many ways. Therefore, they are subject to Section 1 of the Sherman Act."

McCann's Expertise Outside of Sports Law

In addition to his sports law knowledge, McCann is an authority in media and broadcasting law, antitrust law, contract law, criminal law, law and psychology, food and drug law, and law and analytics. Along with Jon Hanson, the Alfred Smart Professor of Law at Harvard Law School, he co-founded The Project on Law and Mind Sciences at Harvard Law School. He taught a sports law and analytics reading group at Yale Law School, the first such course to be offered at any law school, and taught sports law and administrative law courses at Boston College Law School. He also chaired the Association of American Law School's Section on Law and Sports in 2008.

McCann served as legal counsel and senior advisor to Congressman Marty Meehan, a member of the House Judiciary Committee. He also litigated antitrust, trademark, and software disputes at two Boston law firms. Prior to attending law school, McCann was a press aide to Massachusetts Attorney General Tom Reilly.

McCann holds a BA from Georgetown University, a JD from the University of Virginia School of Law, and an LLM from Harvard Law School. He served as the distinguished visiting hall of fame professor of law at Mississippi College School of Law, where he was an assistant professor of law from 2005 to 2008 and continues to teach a sports law course every summer.

"I am thrilled to join UNH Law. We are going to build one of the best sports and entertainment law programs around," says McCann.

McCann has received numerous honors and accolades, including:

Tapped by *Sports Illustrated* to rank the "15 Most Influential Sports Agents" and write capsules for each in May 2013

Tapped by *Sports Illustrated* to rank the "Most Powerful Law Firm in Sports" in April 2013 and detail his selection (Proskauer Rose)

Ranked #23 by *The Huffington Post* among the "Top 40 Must-Follow Twitter Accounts for NBA Fanatics"

Named by *The Sporting Chart* as a "Top 50 NBA Mind"

Recipient of the Society for Social Psychology and Personality's 2011 Media Prize for excellence in writing and legal commentary

The *American Bar Association Journal* named McCann's *Sports Law Blog* as a "Top 100 Law Blog"

Fast Company honored McCann's *Sports Law Blog* as one of "Three Best Sports Business Blogs"

His sports law commentary has attracted national acclaim, with honors from *The American Lawyer*, the Newhouse School of Public Communications, and the Society for Social Psychology and Personality (2011 Media Prize) for excellence in journalism and broadcasting.

Mississippi College of Law Teaching Awards

2008 AALS Teacher of the Year Award

2008, 2007 Professor of the Year Award

2008, 2007, 2006 Professor of the Year for First-Year Courses Award

2008 Shirley Norwood Jones Faculty Award

2008 Phi Delta Phi Professor of the Year Award

Patents on Center Stage in the 21st Century



by Judge Arthur Gajarsa, Distinguished Jurist-in-Residence

The United States Congress enacted a major revision to the United States Patent Law when it adopted the Leahy-Smith American Invents Act (AIA). The President signed the AIA into law on September 16, 2011. This statutory enactment is a major and greatest overhaul to the patent system since 1952. The two most notable changes, among others, are the first inventor to file provisions and the post grant procedure. These two changes will have a major impact on the patent law landscape and will cause major strategic changes to the procedure pursued by inventors, and subsequently patentees.

First inventor to file provisions apply only to applications filed after March 16, 2013. This provides patent applicants in the United States the benefit of the first to file systems used in the rest of the world by moving the US closer to a first to file system and making the filing date that which is most relevant in determining whether an invention is patentable. This new procedure and substantive law is encompassed by Section 3 of the AIA. The USPTO is required to establish new procedural rules detailing and addressing the examination issues raised by the changes adopted in Section 3. The new rules were proposed for public comment and final implementation.

These rules add definition from the AIA to the rules of practice amending Title 37 of the Code of Federal Regulation(s). They amend existing affidavit and declaration provisions for showing attribution of a disclosure to an inventor or joint inventor, prior disclosure or derivation under 35USC102(b). It should be noted that the first to file system eliminates the venerable but "complex" interference practice which prior to the AIA was the process by which the first to invent was determined. The interference practice provided the means to determine the first inventor to conceive and reduce the invention to practice. In some cases interference continued for decades before the inventorship was determined. The first to file system no longer requires a determination of first inventorship. The new system does, however, provide for a process by which a determination must be made as to whether or not the applicant derived the invention from someone else.

The derivation practice most likely will emulate the prior interference practice. Therefore, the new administrative proceeding, derivation, was created to assure that the first person to file is actually the true inventor. Congress intended that the actual inventor, albeit not the first to file, should be able to obtain a patent. The statue provides for administrative proceedings before the new Patent Board to resolve the conflict. According to Congress, "the derivation proceedings allow for a process that is fair, reliable and permits the PTO to make a decision based on a solid record of relevant evidence." The AIA requires the PTO to issue rules for the exchange of relevant information for both parties. This will require discovery to be available for all parties to the derivation proceedings. It seems that the law has substituted derivative for interference proceedings without making it less "complex" but probably creating more complexity and less certainty.

The second major change implemented by the AIA is the revision made under Section 6 to the inter partes re-examination (IPR) and a new post grant review procedure (PGR). The new procedures took effect on September 16, 2012. There are key differences including the timing of the filings, the threshold showing to initiate the proceedings, and the evidence required to support the petition.

The new PGR procedure is available within nine months of the grant of a patent. IPR by contrast becomes available after nine months of the issuance of the patent or after the expiration of PGR proceeding, while ex parte examination remains available anytime after the issuance of the patent. There are some procedural limitations, which need to be considered first. If the petitioner or challenger in a PGR or IPR has initiated a declaratory judgment challenging the validity of the patent, no PGR or IPR can be filed with the PTO. Moreover, if the declaratory judgment action is filed after the PGR or IPR, it will be automatically stayed unless: (1) the patentee moves to lift the stay; (2) files a counterclaim for infringement or (3) moves to dismiss the action.

There are different thresholds that must be overcome: (1) in an PGR proceeding showing that "it is more likely than not" that at least one claim will be found invalid; (2) in an IPR the petitioner must show that there is "reasonable likelihood" that he/she will prevail with respect to at least one claim. There is also one basic difference between the present ex parte proceedings and the PGR and IPR proceedings, in that the challenger in the present ex parte proceeding can remain anonymous throughout the proceedings, while in the new proceedings under the AIA, namely the PGR and IPR proceedings, there is a requirement to determine and to

identify the "real party in interest," including anyone in privity with the petitioner. The new proceedings create an estoppel against any petitioner in the PGR or IPR proceedings. The estopped applies "to any ground that the petitioner raised or reasonably could have raised" before the PTO in the PGR and IPR proceedings. This will limit the petitioner's ability to raise any new grounds in future proceedings relating to the same patent(s) before the PTO, the federal courts and the International Trade Commission.

Further substantive determination between the two proceedings must also be recognized and considered when a particular challenge to a patent by the petitioner is being prepared. In the IPR proceedings, like the current ex parte re-examination proceedings, the patent's validity can only be challenged on grounds of 35USC Sections 102 and 103, and encompassed by and limited to evidentiary sources of patents and printed publications.

court litigation. Moreover, PGR and IPR proceedings will likely be much faster than most district court proceedings with the requirement that the PTO proceedings be completed with a maximum of one and one half years.

Another consideration is that the validity proceedings will be held before the PTAB before a panel of three administrative law judges experienced in the patent law and in the science, in contrast to a district court generalist judge and a jury of lay people. Also the PTO will review the claims with a broad interpretation versus a narrow construction that may be given by the district courts to avoid the prior art. The burden of proof in IPR and PGR proceedings will also differ from the district court proceedings. In the former, the petitioner must prove invalidity by a preponderance of evidence, which is a lower burden than the clear and convincing standard required by the district court and also where the patent

"… AIA has changed the landscape of patents in how the applications are filed and how they can be challenged. This shall require all of the practitioners to recalibrate their advice to their clients in the future."

– Judge Arthur Gajarsa, Distinguished Jurist-in-Residence

In a PGR proceeding the petitioner can assert more grounds for invalidity than the IPR. The AIA limits IPR, in contrast the new statutory provision allows the petitioner in a PGR proceeding to assert invalidity on "any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim.)" Thus, issues of patentable subject matter under 35USC, section 101 and invalidity for failure to comply 35USC section 112 (except, apparently, for best mode).

Both the PGR and IPR are presented before the Patent Trial and Appeal Board (PTAB) and must be completed within 12 months of the acceptance of the petition by the PTO or if extended by the PTO an additional six months.

With the new post grant procedures now available anyone who is advising a client must consider new strategic alternatives. These add new arrows to the quiver of the patent law practitioner.

A party must consider the cost and the time to resolution of the PGR proceeding. The PTO's proposed rules set the filing fee based upon the number of claims with the fee for 20 or fewer claims being $35,800. The fee increases with each additional set of 10 claims up to $89,500 for 51 to 60 claims, with an additional fee of $38,500 beyond that point.

Although these filing fees seem to be extremely high, the total cost of litigation should be substantially less than district

enjoys a presumption of validity. In certain circumstances the lower burden of proof might make the PTO proceeding a more desirable forum.

One important factor to consider in PGR and IPR proceedings is the estoppel effect on the petitioner. Estoppel applies to any issue raised or one that could have been raised before the PTO. In a PGR proceeding, the petitioner can assert prior art as well as argue grounds of invalidity, i.e. lack of utility, enablement, written description, and indefiniteness. The Board, however, in an IPR proceeding will only consider patents and printed publication. The estoppel effect, therefore, is diminished in IPR proceedings compared to PGR, in which the petitioner can challenge the patent on different grounds.

The PTO has also issued regulations allowing limited discovery in the various proceedings before the PTAB. This is another strategic consideration in the strategic analysis in determining and selecting the avenue to pursue. There are limited discovery proceedings, which albeit more expensive in district court proceedings, extensive discovery might be more desirable in certain instances.

In conclusion, the AIA has changed the landscape of patents in how the applications are filed and how they can be challenged. This shall require all of the practitioners to recalibrate their advice to their clients in the future.

Student Wins Prestigious UNH Startup Competition

Craig Litherland's Latest Invention May Help Save Lives

By Danielle Barrick, Associate Director of Marketing & Communications



UNH Law's Craig Litherland JD '14 won the University of New Hampshire's Paul J. Holloway Prize-Innovation-to-Market competition, which included a grand prize of $25,000. He is pictured at the competition making his presentation on the CranioVation clip he invented to stop brain aneurysms.

UNH Law student Craig Litherland is exactly the kind of student the school's founder, inventor Robert Rines, would have loved.

Litherland, who will graduate with his JD in 2014, recently won first place, and $25,000, in the prestigious Holloway Prize-Innovation-to-Market Competition at the University of New Hampshire. His winning invention: CranioVation, a specialized clip to stop brain aneurysms that won't obscure medical scans.

Litherland's path to law school has been long, and interesting. After receiving his bachelor's degree in aerospace engineering and his master's degree in mechanical engineering from Stanford, he spent a decade in the San Francisco Bay Area working at medical device startups. His R&D experiences span a variety of technologies, including glucose monitors, inhalable insulin, and spine implants.

For Litherland, the draw wasn't necessarily the healthcare aspect.

"I'm more of a technologist. I'm just interested in solving interesting problems. Everybody asks me if I'm a biomedical engineer. I am for now," says Litherland with a smile. "That's the good thing about startups—you learn on the fly. It's been a good trial by fire."

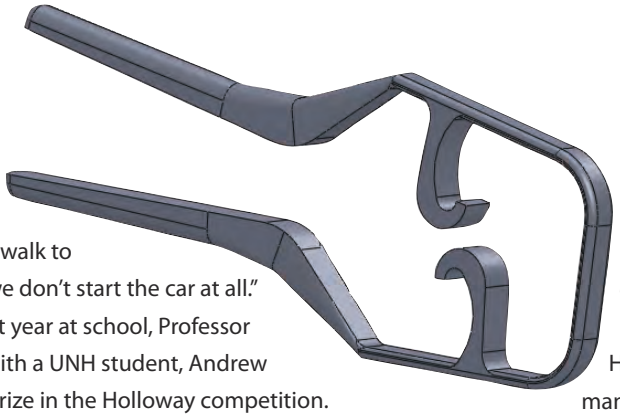
After thinking for several years about taking some time to learn a new language, Litherland decided to head to law school.

For a man who holds multiple patents, the decision was a practical one. "I thought, maybe I should learn the language of law because I'll actually use that," he says.

UNH Law was the perfect fit—and the only school Litherland applied to—for three reasons: the school's renowned IP program, his wife's desire to reconnect with her Vermont roots, and New Hampshire's spectacular outdoors offerings.

"I wouldn't move anywhere that doesn't have good mountain biking," Litherland says. "And living in Concord has been the

"I think it's important for schools to encourage entrepreneurs and give them the flexibility to try new things." *– Craig Litherland '14*



perfect antidote to a decade in a major urban area. After being in traffic for years, I can walk to school—and there are days we don't start the car at all."

Following Litherland's first year at school, Professor John Orcutt connected him with a UNH student, Andrew Jaccoma, who had won first prize in the Holloway competition. It was Litherland's first exposure to the competition, and he helped Jaccoma with patent searching and strategy.

"In the information age, entrepreneurs must possess multiple areas of expertise," says Orcutt. "They need technical expertise to create inventions, business expertise to render the inventions commercially viable, and legal expertise to protect their inventions and navigate our increasingly regulated world. It is rare to find a Craig Litherland, who possesses all three areas of expertise. Most successful entrepreneurial ventures require finding ways to link inventors, business people, and lawyers. One reason UNH developed its JD/MBA program is to create more of these links."

Last fall, Litherland decided to enter the Holloway competition himself. Working with a friend, neurosurgeon Dr. Vijay Agarwal, who had pinpointed the need for a "zero artifact" aneurysm clip, Litherland and Agarwal had already entered a similar competition at Duke University and won second place.

According to Litherland, subarachnoid hemorrhage or bleeding on the brain is a significant problem for about five percent of the US population. It often causes leaking aneurysms in brain arteries, which is an emergency condition.

In clip litigation, the surgeon manually places a titanium clip across the aneurysm to prevent it from bleeding. But these clips can cause blurred images on medical scans, preventing accurate diagnosis and treatment. Litherland's clip remedies the problem.

"I was really surprised to win the Holloway Prize because there were so many good ideas," says Litherland. "The UNH contest was great. I've entered similar competitions over the years and I thought a lot of the UNH undergrads were better presenters than I was. I was happy just to run the idea through the process and get it in front of the judges."

Litherland's invention kept the 2L busy last semester. In addition to his regular course load and contest preparation, he had to file a patent because the provisional application on CranioVation was set to expire. For assistance, Litherland turned to UNH Law alumna Claire Zopf JD '08, owner of Z IP Law PLLC in Manchester, NH.

But the work paid off: Litherland now has $25,000 to develop prototypes of CranioVation and one more year of law school to hone his patent knowledge. After that, Litherland envisions pursuing entrepreneurship endeavors where he can integrate his intellectual property knowledge.

"I think it's important for schools to encourage entrepreneurs and give them the flexibility to try new things," Litherland adds. "I would encourage those law students with entrepreneurial interests to either enter the competition or join with a Holloway team next year."

Ferdinand M. Negre MIP '93:

An Innovative Approach to IP



Ferdinand M. Negre MIP '93 earned his JD degree at Ateneo Law School in Makati City, Philippines in 1991. Today, he teaches at his alma mater, where he first learned the law more than two decades ago.

"I never dreamed when I was enrolled in law school, that someday I would be teaching these courses," says Negre. "I currently teach Copyright Law and Intellectual Property Enforcement to junior and senior students. In the Philippines, the JD program is for four years. Before teaching these courses, I taught Trademark Law, most of which I learned from Professor Bill Hennessey."

In addition to his work with JD students, Negre teaches intellectual property workshops for lawyers as part of the Mandatory Continuing Legal Education required by the Supreme Court, and also offers workshops for judges conducted through the Intellectual Property Office.

Negre has been cited by the legal profession guide *Chambers and Partners* as one of the key individuals in IP practice, and described as "well respected for his considerable experience in IP law…his innovative approach. He doesn't just focus on the traditional areas of trademarks. He has a special practice that is a glimpse into the future."

Negre, along with his partners, founded Bengzon Negre Untalan Intellectual Property Attorneys (BNU) in 2001, the only law office in the Philippines focused exclusively on intellectual property law.

"BNU has grown to be one of the most progressive law firms doing IP practice in the Philippines, and has consistently been ranked by *Chambers and Partners* as one of the top IP firms in the country," explains Negre.

As trustee and president of the Licensing Executives Society of the Philippines (LESP), Negre has steered the organization to new heights by working very closely with the Intellectual Property Office and the Department of Science and Technology.

"LESP has been conducting trainings, seminars, and workshops all over the country, going to every region to advance IP education," says Negre.

"I owe FPLC (UNH Law) most, if not everything, of what I am today as an IP lawyer," says Negre. "My great professors—all of them—taught me a lot about IP and life. Twenty years have passed, but the friends I met there remain in my heart. The fond vivid memories of Concord are fresh in my mind, as if the events happened yesterday."

Negre and Dr. Stanley Kowalski JD '05, director of the International Technology Transfer Institute (ITTI), are currently exploring possible collaborative programs for advancing IP education and technology transfer capacity building in the Philippines. These efforts exemplify practical implementation of the ITTI global mandate to foster knowledge-based innovation-driven international development.

Ethics From Every Angle

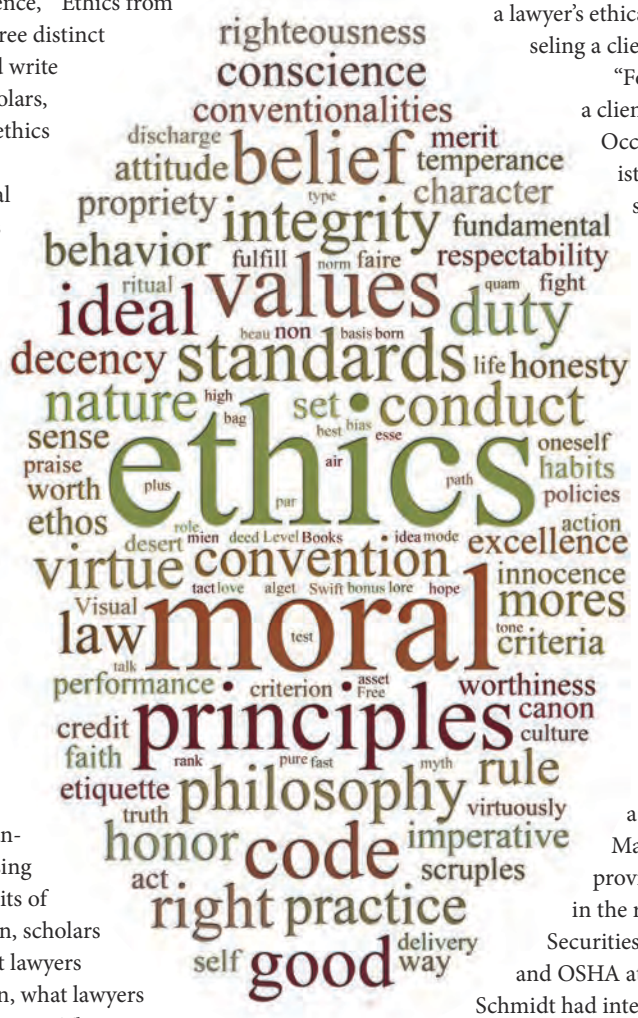
BY SHARON CALLAHAN

Legal ethics was the focus this spring at UNH Law's "Ethics From Every Angle," a first-of-its-kind, interdisciplinary scholarly dialogue attended by nine scholars from Australia, Canada, and the US.

According to Professor Kimberly Kirkland, who conceived and hosted the conference," 'Ethics from Every Angle' brought together three distinct groups of scholars who study and write about legal ethics: normative scholars, who think and write about legal ethics theory (what does it mean for a lawyer to act ethically?), empirical scholars, who study what lawyers actually do in the real world of practice, and scholars who write about the regulation and discipline of lawyers."

The conference was a rare opportunity for theorists, empiricists, and regulatory scholars to discuss the competing theories about what a lawyer's ethics should be, how those theories compare with what lawyers actually do in real-world practice, what conduct the rules currently encourage or require, and what we might learn from the gaps between the three.

Four sessions were offered: Integrity of the Legal System, Transubstantive Legal Ethics, Addressing Lawyer Dishonesty, and The Limits of Zealous Advocacy. In each session, scholars were asked a question about what lawyers should do in a particular situation, what lawyers actually do, and what the rules require. The conversation then began in earnest as panelists asked one another questions and explored ideas and understandings.



Integrity of the Legal System

Kirkland moderated the first session, Integrity of the Legal System. Cornell Law School Professor Brad Wendel, one of the leading legal ethics theorists in the United States, was asked what a lawyer's ethical obligations should be when counseling a client.

"For example, when a lawyer counsels a client about what environmental laws or Occupational Safety and Health Administration (OSHA) regulations require, should the lawyer be looking for loopholes, or should the lawyer advise the client to comply with the intent or spirit of the regulations, notwithstanding that there might be a way to argue around them?" explains Kirkland. "Or, if a certain regulation is not regularly enforced, should the lawyer tell the client corporation that it probably will not be penalized if it violates the law?"

In the session, Wendel explained his theory about a lawyer's ethical duties when counseling a client and described the differences between his views and those of other leading ethics theorists. Patrick Schmidt, a professor of political science at Macalester College, St. Paul, MN, provided insights about what lawyers do in the real world based on his studies of Securities and Exchange Commission (SEC) and OSHA attorneys. Many of the SEC lawyers Schmidt had interviewed believed that lawyers who had worked for the SEC before entering private practice had a different approach to counseling than did lawyers who had begun their careers in private practice. Dean Emeritus Brent Cotter,

professor of law at the University of Saskatchewan in Canada and a regulatory scholar, raised questions about the differences between the duties of a lawyer counseling a client about what the law requires *before* the client takes action and the duties of lawyers making legal arguments designed to defend what a client has already done.

Transubstantive Legal Ethics

The second panel addressed the appropriateness of the existing rules, which are transubstantive, meaning all lawyers, regardless of practice area, are subject to the same ethical rules. Panelist Lynn Mather, professor of law and political science at the SUNY Buffalo, NY, discussed her and other scholars' empirical work. These studies suggest that even though the same ethics rules apply, in practice, lawyers' ethical approaches vary significantly depending on context of their work (practice area, practice setting, identity of the client, etc.). Mather noted that a client who is not a regular player in the legal system—for instance, a client faced with divorce or facing deportation, or someone injured in a car accident—needs a lawyer to play a very different role than does an in-house counsel for a Fortune 500 company who comes to outside counsel looking for representation in complex litigation.

Mather explained that our unitary system of rules require clients to set the 'objectives' for the representation while the lawyer determines the strategy. However, an in-house corporate counsel is far more capable of setting objectives than an individual who is facing his first encounter with the legal system and who may be scared, injured, or otherwise highly vulnerable. As a result, the lawyers who represent the latter types of client tend to be much more active in setting objectives for legal representation than do lawyers representing large corporations.

Dana Remus, visiting professor of law at the University of North Carolina, Chapel, NC, and a former UNH Law professor, provided perspective about the organized bar and ethics theorists' competing views about the pros and cons of a unitary system of rules. John Steele of John Steele Law, Palo Alto, CA, and founder of the blog *The Legal Ethics Forum* discussed transubstantive ethics from the regulatory perspective.

A patchwork of ethics rules specific to particular practice areas is developing, according to Steele, who also teaches legal ethics at Berkeley and Santa Clara. Thus, Steele points out, although there is a default system of unitary rules of professional conduct, lawyers increasingly are subject to additional requirements specific to their practice areas, and those regulations are coming from regulatory agencies.

Addressing Lawyer Dishonesty

The third panel brought a comparative perspective. Kath Hall, professor of law at the Australian National University in Canberra, Australia, discussed her study of the causes and disciplinary treatment of lawyer dishonesty in Australia. Remus added a theoretical perspective, and UNH Law Professor Mitchell Simon talked about disciplinary treatment of dishonesty in the United States.

"The panelists' perspectives led to an interesting discussion about how enforcement regimes in the US and Australia capture wrongdoing by small and solo-firm practitioners rather than large-firm lawyers, and the possibility that regulating firm structure might be a way to bring large law firms within the ambit of the enforcement scheme," Kirkland says.

The Limits of Zealous Advocacy

The final panel, moderated by Simon, addressed the limits of zealous advocacy. Wendel talked about the theoretical perspectives on the limits of zealous advocacy. Kirkland then discussed her own and others' empirical studies of corporate litigators' conceptions of their obligations to the truth and to the procedural integrity of the legal system in the discovery process. Steele noted that although courts and regulatory bodies have, on occasion, disciplined lawyers in large cases for what many of the lawyers have seen as legitimate gamesmanship in the discovery process, it is not clear that those decisions have changed lawyers behavior—at least not in big, complex, expensive cases.

The participants were uniformly enthusiastic about the format of the conference, which gave them the rare opportunity to expand and test their thinking in light of the normative, empirical, and regulatory perspectives brought by their fellow panelists.

"Part of the goal of the conference was to create a forum for these intimate, in-depth conversations and at the same time to make those discussions available to others, so we recorded the conference," Kirkland says. "From these recordings, we will produce a series of edited videos, which we will provide free to legal ethics faculty around the country for classroom use.

"The videos will be designed to introduce students to scholarly takes on ethical themes through lively discussions that model the kind of openness to other viewpoints and the capacity for self-reflection that ethical conduct requires."

The videos will also be available to alumni through the UNH Law website, law.unh.edu. Kirkland hopes to make the workshop a biannual event.

"The panels were enthralling and personally generative of project ideas.... I think you're on to something very good with these small, 'exclusive' legal ethics retreats—an Aspen Institute for legal ethics—and with your hospitality and the wonderful New Hampshire setting, they'll soon be the most sought after invitation in the field."

– Participant, "Ethics from Every Angle"



Legal ethics faculty gathered at UNH Law's first "Ethics from Every Angle" conference held this spring. Pictured (l.-rt.) facing the camera are: UNH Law Professor Kimberly Kirkland, who hosted the event; Brad Wendel, professor of law, Cornell Law School, Ithaca, NY; Dean Emeritus Brent Cotter, professor of law, University of Saskatchewan, Canada, and Patrick Schmidt, professor of political science, Macalester College, St. Paul, MN; with their backs to the camera are: Kath Hall, professor of law, Australian National University, Canberra, Australia; UNH Law Professor Emeritus Mitchell Simon; Visiting Professor of Law Dana Remus, University of North Carolina, Chapel Hill, NC; John Steele, John Steele Law, Palo Alto, CA; and Lynn Mather, professor of law and political science, SUNY Buffalo, NY.

Class Gift Competition Raises Over $32,000 for the Law School

BY ERIN DESMARAIS, ASSOCIATE DIRECTOR FOR ANNUAL GIVING AND SPECIAL DEVELOPMENT PROJECTS

This spring, the UNH Law class agents led the school's first Class Gift Competition for the highest participation among their classmates with gifts honoring the law school's 40th anniversary. Hundreds of alumni responded, from across the US and abroad, with gifts of all sizes. In total, alumni gave over $32,000 to celebrate their law school's four decades of legal education. These funds will help support strategic priorities such as scholarships, law library resources, experienced faculty, and the engagement of professional partners for externships, fellowships, and career placement.

We would like to recognize the following classes for achieving the highest participation levels this spring:

1977 with 22.2% participation, led by class agents Deborah Rein and David Pinsonneault

1993 with 16.8% participation, led by class agents Cheryl Driscoll and Robert 'Jonesy' Worrall

1986 with 15.7% participation, led by class agents Brian Champion and Jon Rogers

1985 with 13.8% participation, led by class agent Paul Morrow Sr.

1989 with 13.6% participation, led by class agent Cynthia Ickes

We extend a special thank you to the members of these classes who showed exemplary dedication to supporting the school.

Alumni gifts to the school are not a direct factor in the law school rankings of *US News & World Report*, but they do make a statement to the legal and higher education communities about how much our alumni believe in the work and mission of our law school. This statement impacts the reputation and public perception of your alma mater, which in turn affects rankings and prospective student applications. Thank you to all who gave, both to this campaign and others. Your gifts keep UNH Law moving forward during this challenging time for legal education.

The 35th Reunion of the Class of 1978

The Class of 1978 celebrated its 35th reunion at graduation this May, and raised $28,000 for its reunion gift to UNH Law. This is the largest 35th reunion gift in the school's history and the funds were raised entirely through the time and effort of the Reunion Committee. The 35th reunion, held in conjunction with graduation, has become an important tradition at UNH Law. We hope the members of the Class of 1978 enjoyed their trip down memory lane as they welcomed the newest group of alumni into their ranks.

Proud of the Past
Embracing the Future



Members of the Class of 1978 *attended several events in honor of their 35th reunion, including graduation. Pictured (l.-rt.) are: 1st row: Thomas Nale, Kris Durmer, James Long, Steve White, Richard Haaz, Carol Ann Conboy, Terrie Harman, John Lassey, Christopher Wood, William Franks, Kenneth Brown, and John Thomas; 2nd row: Nancy Geiger, Crocker Bennett, Lewis Lindenberg, Thomas Watson, Linda Goldstein, Howard Schain, Mindy Werner, and David McIlwain; 3rd row: James Doyle III, George Casale, Robert Parodi, Gerry Slagle, Alan Kuntze, Michael Marino, Gerald Eaton, and Alice Chamberlin.*

Class of 2013 Honored at Commencement Ceremonies

Students from 30 states and nine countries were awarded degrees during the school's 38th commencement ceremonies held in May.

UNH Law Dean John Broderick opened the ceremonies by honoring three retiring faculty members: Professors Mitchell Simon, Cynthia Landau, and Mary Pilkington-Casey. According to Dean Broderick, "Given our relatively short history, we have not experienced the retirement of many faculty members, especially those who have been instrumental in building the school. Together these faculty members have contributed approximately 81 years of service to this institution. We are certainly grateful for their many contributions to this community, including their wisdom, dedication, and collegiality."

Professor John Orcutt, who was selected by the graduating class as this year's faculty speaker, urged students to take a long-term view of their careers.

Rodrigo Moreno Gutierrez of Bolivia, the graduate student speaker said, "Life at UNH Law is special. UNH is a part of us now, and we are a part of UNH."

Jacob Sullivan of North Carolina, speaker for the juris doctor students, had the audience laughing before he even took the podium, as he signaled the band to play "I Wish I Was in Dixie."

"Whatever compelled you to come here, I think we can all agree that this school is a special place, and we have some pretty amazing faculty and staff, except for Buzz Scherr," he said to laughs, naming a law professor particularly known for his sense of humor. After Sullivan concluded his speech, to a standing ovation from his fellow students, three members of the Class of 2013, Geoffrey Gallagher, Andrew Morabito, and Sarah Wait, presented Dean Broderick with a class gift of $1,000.13.

Four distinguished guests received honorary degrees, including former New Hampshire Governor John Lynch, retired federal judge Arthur Gajarsa (now the law school's first distinguished jurist-in-residence), and legendary attorneys David Boies and Theodore Olson, the commencement speakers. In addition, former US Senator Warren Rudman of New Hampshire, who passed away in November, was awarded an honorary degree posthumously.

"Today is Warren Rudman's 83rd birthday," said his widow, Margaret Rudman, who accepted the degree on his behalf. "Thank you for remembering him and honoring him today, and including him in your celebration. If he were here today, he would tell you to reach for your challenges and strive to make the world a better place."

Professors Landau, Pilkington-Casey, and Simon Retire

At the conclusion of this academic year, Professors Cindy Landau, Mary Pilkington-Casey and Mitchell Simon retired and were granted professor emeritus status.

Landau, who served as associate director of the law library, joined UNH Law shortly after earning her JD from the school in 1980. She has been responsible for library collection development, in addition to teaching Legal Skills and advising the Moot Court board.

Pilkington-Casey earned her JD from UNH Law in 1986 and joined the school in 1988, directing both the Children and the Law Clinic and the Administrative Law and Advocacy Clinic. A former social worker, she has been honored for her work on child abuse and neglect.

Simon came to UNH Law in 1988 after a decade at New Hampshire Legal Assistance. Among the courses he taught were Professional Responsibility, Torts, Health Law, and Fundamentals of Law Practice. Simon will not completely retire, as he will return next year to teach a section of Torts in the fall and Professional Responsibility in the spring. He will also continue to be available for counseling on bar admission.

"John Broderick's plan for the Rudman Center strikes us as something of a model for recognizing our best public servants. Continuing someone's work to better the republic is hard, and expensive. Broderick and many others took on that task because someone needed to, and they were not going to leave it undone. That in itself is a lesson worth imparting."

— *Union Leader* editorial, April 7, 2013



Several dignitaries were awarded honorary degrees at commencement ceremonies. Pictured (l.-rt.) are: retired federal judge Arthur Gajarsa, UNH Law's first distinguished jurist-in-residence, attorney Theodore Olson, Dean John Broderick, former New Hampshire Governor John Lynch, and attorney David Boies. Former US Senator Warren Rudman of New Hampshire, who passed away in November, was awarded an honorary degree posthumously. The school's new Warren B. Rudman Center for Justice, Leadership and Public Policy honors his legacy.



IP Center Welcomes Executive Director

This spring, the Franklin Pierce Center for Intellectual Property welcomed its first executive director, Alexandra J. Roberts.

Prior to joining UNH Law, Roberts served as visiting assistant professor at Boston University School of Law, where she taught Trademarks & Unfair Competition. She earned her JD at Yale Law School and practiced IP litigation with Ropes & Gray in Boston and New York.

As executive director, Roberts will be responsible for coordinating the IP Center's internal and external operations, including conferences, events and the IP Center's major programs, which include the International Technology Transfer Institute, the Intellectual Property Valuation Institute, the IP Summer Institute, and the Sports and Entertainment Law Institute. She will also work on the development and execution of new strategic initiatives, including collaborative partnerships with national intellectual property offices, major educational institutions, and international organizations. In addition, Roberts will teach courses in the law school's IP curriculum.

"UNH Law has been an intellectual property powerhouse since its inception, offering an IP curriculum with a breadth and depth unmatched by other programs. Historically, the program has emphasized experiential learning, helping students acquire the skills and competency to hit the ground running," says Roberts. "In the future, we'll continue to capitalize on those strengths while simultaneously expanding educational opportunities in areas including sports and entertainment law, IP management and valuation, and international trade. Our IP alumni play a crucial role in the UNH community; I look forward to getting to know many of them in the coming months."

Student Selected to Report on ABA's IP Law Conference

Mannu Harnal JD '13, was one of only a dozen students nationwide selected to participate in the Annual Law Student Reporters Program of the American Bar Association Section of Intellectual Property Law. As a participant in the program, Harnal attended the 28th Annual Intellectual Property Law Conference in Arlington, VA, in April, where he reported on the legal programming offered during the Conference via Twitter and blog entries.

This honor recognizes both Harnal's abilities and his potential for future leadership in the ABA-IPL and offers opportunities for growth in the substantive practice of IP law.



UNH Law and NHPR Launch Justice & Journalism Series

In cooperation with New Hampshire Public Radio, UNH Law recently launched Justice & Journalism, a new series of public events that invite the law school community, NHPR listeners, and the general public to better understand contemporary issues in a thoughtful forum.

The series opened in January with NPR's Counterterrorism Correspondent Dina Temple-Raston, who had just returned from a reporting trip to Pakistan. She described the planning, decisions, and, often, adventures, that go into the making of her news reports. Drawing on examples from her work in Pakistan, Iraq, Jamaica, and the US, she described the lengths they go to get interviews with real people who are living in the midst of often extraordinary circumstances. Temple Raston joined NPR in 2007, after serving as a foreign correspondent for Bloomberg News. She is the author of several books, including *The Jihad Next Door* and *A Death in Texas*.



Pictured at the first event of the Justice & Journalism series are: National Public Radio Correspondent Dina Temple-Raston (l.) with New Hampshire Public Radio President and CEO Betsy Gardella and Dean John Broderick.



UNH Law Rises in *US News* Rankings

In the law school rankings released this spring by *US News & World Report* in the 2014 edition of *America's Best Graduate Schools*, UNH Law rose to No. 119, a significant increase over last year's No.142 position.

"While there's certainly cause to question the importance these rankings have assumed in legal education, we cannot deny their influence," says Dean John Broderick. "Our improvement in the rankings is consistent with the progress we are making at UNH Law, such as admitting the strongest class of students in our history this year. We are committed to strengthening our reputation as a global pioneer in providing hands-on legal education."

According to an analysis published by the *National Law Journal*, UNH Law was one of a handful of law schools, and the only school on the East Coast, that increased more than 20 positions in the rankings.

In the *US News* specialty rankings, UNH Law has again been named a top 10 school for the study of intellectual property law, continuing the tradition of Franklin Pierce Law Center being ranked among the nation's top IP schools every year since the specialty law school rankings began in 1992.

Franklin Pierce Center for IP Holds First Robert Shaw International IP Symposium

This spring, the IP Center hosted the inaugural Robert Shaw International IP Symposium on International IP Practice and the America Invents Act. Experts from around the country participated in the day's panels featuring discussions of the risks, implications, and potential strategies for assisting clients and companies in an age of significant change for US and international patent practice. Sponsored by Sughrue Mion, LLC, the Symposium honored the memory of the late Robert Shaw, who founded the Franklin Pierce Law Center Patent Practice Program.

"This event brought together a fascinating mix of top intellectual property professionals from around the world," says Mary Wong, former professor and faculty chair for Global IP Partnerships and chair of Intellectual Property Graduate Programs. "There were lots of lively exchanges and many who attended were notable alumni from our school, including several from China, Korea, and elsewhere. This is truly the type of event that highlights the global nature of IP practice today and the leading position that UNH Law occupies in that world."

Panels topics included: "Views from the Judiciary," "International Perspectives on the AIA," and "Patent Litigation Strategies & the AIA."

In addition, Professor Emeritus Karl F. Jorda was honored at a luncheon featuring tributes from his former colleagues Professors William Murphy and William Hennessey JD '86.



Sughrue Mion sponsored the first one-day Robert Shaw International IP Symposium. Participants on Patent Litigation Strategies & the AIA panel included (l.-rt.): UNH Law Professor J. Jeffrey Hawley; Kenneth Burchfiel, partner, Sughrue Mion; William Shaw JD '87, partner at Sughrue Mion; Gary Ganzi, managing IP counsel, Siemens Corp; and Guy Donatiello, vice president, IP, Endo Pharmaceuticals.



Jin Zhang, IP counsel, Marvell Semiconductor, Inc. (USA/China) spoke on the "International Perspectives on the AIA" panel.



The Honorable Jimmie V. Reyna of the United States Court of Appeals for the Federal Circuit was a panelist on "Views from the Judiciary."



During the Symposium, the Jorda family participated in a ribbon-cutting ceremony dedicating the Karl F. Jorda Conference Room in the IP Center. Pictured are Professor Emeritus Karl Jorda and his wife, Alice.

Two New Members Appointed to Board

Cathy Green JD '77 recently announced the appointment of two alumni to the Board of Trustees. They are **Michael B. Ray JD '90** and **William Mandir JD '87**.

"We know both of these alumni, with their extensive patent law experience, will be valuable additions to the Board of Trustees," says Green.

Ray is managing director of Sterne, Kessler, Goldstein & Fox, Washington, DC, where practices in the firm's Electronics Group. He provides clients with strategic intellectual property counseling and risk assessment, including pre-litigation analysis and negotiations, analyzing patents for infringement and validity, providing legal opinions, and handling post-grant proceedings (such as reexamination and inter partes review) before the USPTO. Ray earned a BS in electrical engineering from the University of New Hampshire and currently serves as an adjunct professor at UNH Law, where he taught a Master Class on Patent Office Litigation. He also served on the Dean's Advisory Council.

Mandir is a partner in the Washington, DC, office of Sughrue Mion, PLLC, where he is a member of the Management Committee and one of the leaders of the Litigation Practice. Focusing primarily on intellectual property litigation, Mandir has litigated over 50 cases filed in the US Court of Appeals for the Federal Circuit, the US District Courts, and the US International Trade Commission. He maintains a significant prosecution practice, which focuses on prosecuting patent matters in the electrical, software and mechanical arts, including reexamination and reissue applications before the USPTO. Mandir holds a BS in electrical engineering from the University of Maryland's College of Engineering. He also served on UNH Law's Intellectual Property Advisory Council.

Justice Scalia Critiques Legal Education at Annual Alumni Dinner



US Supreme Court Justice Antonin Scalia offered an extensive critique of several trends in contemporary legal education during his keynote speech at UNH Law's annual alumni dinner attended by more than 300 in March. The event marked the school's 40th anniversary.

Scalia lamented courses that move beyond the traditional curriculum to incorporate other disciplines, and how this allows students to graduate without having studied all the necessary areas of the law. He warned that too few law professors have significant experience as practitioners, citing his own review of the Harvard Law School faculty roster. "The academic mindset is too far removed from the practice of law," said Scalia.

In concluding his analysis of the shortcomings of American legal education, Scalia joked, "I hope that most of what I said has no application to this wonderful law school."

"It does not," said Jordan Budd, associate dean for academic affairs at UNH Law. "It was music to my ears because it is a critique we fully embrace and that our law school has long been at the forefront of advancing." *(See photos from the alumni dinner on page 36)*



Justice James E. Duggan (center) is pictured with members of the University of New Hampshire Law Review *at a special reception:(l.-rt.) Beth Smith '14, John McCormick '14,* ***Matthew Burrows JD '13****, Christopher Baxter '14, and* ***Elizabeth Gray JD '13****.*

Justice James Duggan Honored

In April, the *University of New Hampshire Law Review* honored James E. Duggan, former associate justice of the New Hampshire Supreme Court, with the publication of a special issue detailing his work and legacy. At a reception held at the law school, former colleagues, students, and clerks of Justice Duggan paid tribute to his work as a justice, as a law professor, and in creating the New Hampshire Appellate Defender Program. Duggan served on the UNH Law faculty from 1977 to 2000 and was the law school's interim dean from 1997–1999. Prior to his appointment to the New Hampshire Supreme Court in January 2001, he was selected "Outstanding Teacher of the Year" by the members of the Class of 2001. He retired from the New Hampshire Supreme Court in January 2013.



Junior IP Academics Gather for Boot Camp

Intellectual property faculty members from law schools around the country attended UNH Law's three-day IP Academics' Boot Camp held in New Hampshire's Lakes Region. Senior UNH faculty led discussions on several topics, including: Developing and Advancing an Agenda of Scholarship; Empirical Research as an Approach to Scholarship; Identifying and Accessing Relevant Public and Private Databases; and Creating Scholarship That Courts Will Find Helpful. **Pictured (l.-rt.) are: 1st row:** Janewa Osei Tutu, Florida International University College of Law; Mary LaFrance, IGT Professor of IP Law, University of Nevada at Las Vegas, guest faculty; Deirdre Keller, Claude W. Petit College of Law; Shontavia Johnson, Drake University Law School; Mary Wong, UNH Law former faculty chair for Global IP Partnerships; Jennifer Carter-Johnson, Michigan State University College of Law; Christine Guerrini, Chicago-Kent College of Law; **2nd row:** Peter Yu, Kern Family Chair in IP Law, director IP Law Center, Drake University Law School, guest faculty; Alexandra Roberts, executive director of the Franklin Pierce Center for IP; Jessica Kiser, Gonzaga University School of Law; Eva Subotnik, St. John's University School of Law; Yaniv Heled, Georgia State University School of Law; Karen Sandrik, Willamette University School of Law ; and Patricia Judd, Washburn University School of Law; W. Keith Robinson, SMU Dedman School of Law; **3rd row:** Michael Meurer, professor of law, Boston University School of Law, guest faculty; Kenneth Port, director, IP Institute, William Mitchell College of Law, guest faculty; Paul Gugliuzza, University of Florida Levin College of Law; Michael Madison, faculty director, Innovation Practice Institute, University of Pittsburgh Law, guest faculty; Christal Sheppard, University of Nebraska College of Law; Jonas Anderson, Washington College of Law; Amanda Reid, Florida Coastal School of Law; Lucas Osborn, Norman Adrian Wiggins School of Law; and Jake Linford, Florida State University School of Law.

"The question for our generation, and now for the US Supreme Court, is this: Do the Fifth and Fourteenth Amendments of the US Constitution require that the freedom of the choice to marry not be restricted by invidious sexual orientation discriminations? I argue, it absolutely does."

—from a column by **Professor Erin Corcoran**, executive director of the Warren B. Rudman Center for Justice, Leadership and Public Policy, in the *Concord Monitor*, May 3, 2013



Twenty-two members of UNH Law's Daniel Webster Scholar Honors Program and the Class of 2013 were inducted into the New Hampshire Bar in May in a ceremony held at the New Hampshire Supreme Court and presided over by justices. The students completed rigorous practical preparation in addition to traditional legal education, created portfolios of their work, and met with bar examiners. Pictured (l.-rt.) are: **Caroline Lyons, Petar Leonard, Gordon Landrigan, Jonathan Killeen, Lauren Jenkins** and **Robert Hornung**. The 2013 Daniel Webster Scholars not pictured are: **Brian Bouchard, Matthew Burrows, Patrice Casian, Geoffrey Gallagher, Barbara Hernon, Griffin Mesmer, J. Ryan O'Rourke, Peter Park, Kathryn Reynolds, Kyle Robidas, Jamie Rogers, Alison Slater, Sarah Warecki, Nathan Warecki, Mary Weber,** and **Joseph Young**.

Across the Nation



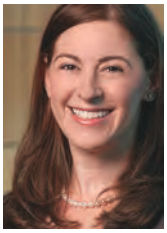
Ashlyn Lembree, director of the Intellectual Property and Transaction Clinic, participated in the planning committees of the 12th Annual Transactional Clinical Conference held in Austin, TX, in April, and the Culture One Stop Conference held in New Hampshire, in May. Lembree also presented a lecture on "Interdisciplinary Pedagogical Approach: Creating Lawyers as Problem-Solvers, Appreciating the Risks and Benefits, Clinical Examples of Non-Traditional Transactional Clinic Matters" at the Austin event. In April, she gave a presentation on "Wines and GIs" at the Arthur J. Gajarsa Inn of Court.

Patricia Morris, associate director of admissions and adjunct faculty member, was the keynote speaker at Vermont Law School's Annual Animal Law Symposium this spring.

Professors William Murphy and **John Orcutt** published "Using Valuation-Based Decision Making to Increase the Efficiency of China's Patent Subsidy Strategies," in the current *Cardozo Law Review de novo*.

Professors Susan Richey and **John Greabe** published "Stolen Valor and the First Amendment: Does Trademark Infringement Law Leave Congress an Opening?" in the current issue of the *New England Law Review*. Richey and **Trustee Gordon Smith** completed their book *Trademark Valuation: A Tool for Brand Management*, forthcoming from John Wiley & Sons, Inc.

Alexandra Roberts, executive director of the Franklin Pierce Center for IP, recently published an article on "How To Do Things with Word Marks: A Speech-Act Theory of Distinctiveness" in the *Alabama Law Review*. In June, she participated on a panel on "IP & Culture" at the Law & Society Conference held in Boston, MA, where she discussed her essay, "Goodwill U: School Name Change and Trademark Law," which was published in *IP Theory*.



In May, **Professor Albert "Buzz" Scherr** presented a lecture on "Genetic Privacy & Suppression: Surreptitious Harvesting, Rogue Databases and Familial Searching" at the National Association of Criminal Defense Lawyers held in New York, NY. In June, Scherr presented the article at the Privacy Law Scholars' Conference held at the Berkeley School of Law, Berkeley, CA. An article by Scherr entitled "Genetic Privacy & The Fourth Amendment: Unregulated Surreptitious DNA Harvesting" was published this spring in the *Georgia Law Review*.

Professor Mitchell Simon was the recipient of the Albert Schweitzer Leadership Award this spring. The award is given annually to an individual who lives the values of UNH Law's Schweitzer Program, now in its 10th year. In May, he was a panelist at the ABA National Conference on Professional Responsibility held in San Antonio, TX, where he presented a talk on the use of remorse in lawyer discipline and bar admission cases. Simon's article entitled "Limiting the Use of Expunged Offenses in Bar and Law School Admission Processes: A Case for Not Creating Unnecessary Problems," was published in the summer edition of the *Notre Dame Journal of Law, Ethics and Public Policy*. The article examines the challenges presented when a bar applicant's list of past criminal offenses differs from those listed on the applicant's law school application.



Professor Sophie Sparrow shared her views on ways to improve legal education as an invited guest at an ABA Task Force on Legal Education meeting in April, in Indianapolis, IN. She also conducted the plenary session on teaching at the AALS Workshop for New Law School Teachers held in June in Washington, DC. Her latest coauthored book, *What the Best Law Teachers Do* (Harvard University Press) will be available in August 2013.

Around the Globe

Jennifer Davis, professor of legal skills and co-director of the Graduate Programs Legal Skills, presented a talk on "Using Field Trips to Introduce Graduate Students to the American Legal System" at the Global Legal Skills Conference held in San Jose, Costa Rica, in March.

Professor John Orcutt will teach patent and technology valuation in a regional masters program in Argentina this September.



Professor Stanley Kowalski, director of the International Technology Transfer Institute, recently consulted in the Philippines with the International Intellectual Property Institute, which is working with the USPTO on the Innovation Opportunities Project in the Philippines to promote job and wealth creation.

ALUMNI PROFILE

Saving America's Wetlands



Robert Sokolove JD '77 is the CEO of Wetland Creation & Ecology Innovations, LLC (WCEI), an industry leader in the creation of wetland and stream restoration banks. Based in Rehoboth Beach, DE, the company promotes a for-profit approach to environmental protection serving both industry and governmental entities.

"WCEI works primarily with large corporate partners on their company-owned land, which is otherwise under-utilized or disposable. By restoring wetlands and streams on these corporate lands, WCEI is able to produce revenue and goodwill for the companies I partner with on these projects," says Sokolove.

Sokolove developed the concept of "wetland mitigation banking" in 1991, when he wrote an article for the ABA's *Journal of the Environment and Natural Resources*. Since then, he has worked primarily in the eco-development field, after having practiced environmental law following graduation from law school.

"Under federal and state laws," explains Sokolove, "any time a wetland or stream is going to be impacted, the party causing the impact such as a highway department, seaport, pipeline company, or developer is required to mitigate or offset the ecological loss of the affected wetland or stream. WCEI has developed a concept known as wetland mitigation banking whereby projects, often in excess of a few hundred acres, are developed to produce restored wetlands and streams, typically using corporate or government-owned property. These projects are approved by the representative government agencies and each is then granted a certain number of wetland and stream 'credits.' My company then sells these credits to governmental or private developers of projects which will impact wetlands and streams, thus providing them with the necessary mitigation."

"These substantial wetland and stream projects are built years in advance of their impacts and typically serve much later as community open space and ecological parkland," notes Sokolove. "Our corporate partners/landowners share in the revenues produced by the projects and also gain appropriate recognition. The sites are later donated to the community or a local land trust."

Today, the company that Sokolove created more than 20 years ago can claim nearly 1000 projects in 38 states and an excess of $3 billion worth of environmental credit.

"It is really amazing to me to see how the idea of finding incentives to produce better ecological results has captivated both the industry and the environmental community," says Sokolove, who will soon open a second office in Pittsburgh, PA. "My work now is just a 35-year extension of what I started as a third-year law student, when I was an intern with the regional planning district commission in Southern New Hampshire."

Sokolove resides in Rehoboth Beach, DE. He can be reached at bob.sokolove@wceieco.com

1977

Clifford M. Rees JD received the Public Lawyer of the Year award from the Public Law Practice section of the State Bar of New Mexico at a special ceremony held this spring in Santa Fe, NM. The award recognizes Rees' distinguished career dedicated "to legal services and state government, especially in advancing the state's public health and procurement law."

1978



Thomas R. Watson JD, Portsmouth, NH, was awarded the 2013 E. Donald Dufresne Award for Outstanding Professionalism from the New Hampshire Bar Association for "devoting countless hours to the cause of improving the administration of justice and the practice of law in New Hampshire, as well as educating others in the legal profession."

1985

Jennifer Tegfeldt JD, Charlestown, MA, was recently honored by the Friends of the Charlestown Navy Yard with a community service award for her work over the last decade to ensure the creation and completion of the northern gateway to the Charlestown Harborwalk. Her efforts involved the passage of special legislation to allow the walkway to cross the historic harbor line.

1988



Karin A. Gregory JD of Furman Gregory Deptula, Boston, MA, recently joined the Food and Dietary Supplements Committee of the Food and Drug Law Institute, Washington, DC. She was a guest speaker at the Institute's February conference on nutrition labeling.

Save the Date

September 27
Annual Alumni Dinner
Manchester, NH

September 27–28
Alumni Weekend

October 4
Rudman Center Conference

October 20-26
Bruce E. Friedman
Pro Bono Week

October 24
Washington, DC, Alumni Reception
Hosted by Arent Fox

Mark your calendar and visit alumni.law.unh.edu for information on these events.

1989

Susana Lorenzo-Giguere JD, an attorney with the disability rights section of the civil rights division of the US Department of Justice (DOJ), Washington, DC, published an article in the *Legal Intelligencer* (June 13, 2012) regarding the DOJ's settlement on its first Americans with Disabilities Act hepatitis B bias claim. The settlement agreement resolved allegations that the University of Medicine and Dentistry of New Jersey rejected applicants to its medical school and school of osteopathic medicine because the applicants have hepatitis B. This settlement marks the first ADA enforcement action by the Justice Department on behalf of people with hepatitis B.

Tina L. Nadeau JD, Concord, NH, was awarded the 2013 Caroline L. Gross Fellowship, allowing her to attend a three-week seminar for state and local officials at the John F. Kennedy School of Government at Harvard University.

1991

Christopher Largay JD helped to organize the State of Maine's first Lawyers In Libraries program this spring. On May 1, more than 70 attorneys spent two hours in more than 40 libraries around the state to offer advice on various legal issues to members of the general public. The program is the culmination of years of work by the Maine Justice Action Group, which includes judges, lawyers, librarians, social service providers, and representatives from advocacy groups, with a goal to improve access to justice in Maine

1996

Matthew Jacobs JD in-house counsel at Black Duck Software, Inc., Burlington, MA, wrote about open source technology in an article entitled "Just Ducky" for the *National Law Journal* (May 27, 2013).

1998

James Judd JD/MIP is an artist in residence at All for One (AFO), NY, NY, a nonprofit organization dedicated to the advancement of solo performance. AFO presents an annual festival offering extraordinary solo theater, workshops, and panels to increase awareness and appreciation of the form and works year around to book AFO shows in order to create sustainable opportunities for solo artists and teachers.

2000



Daniel V. Williams JD, Washington, DC, has been promoted to special counsel at WilmerHale.

2002



Shelly L. Hokenstad JD is now a shareholder with Howard & Howard Attorneys, PLLC, Royal Oak, MI.

ALUMNI PROFILE

Practicing International Law in Rome

Since March, **Sabrina Segal JD/MIP '05** has called The Eternal City her home. As a program legal advisor for the International Development Law Organization (IDLO), headquartered in Rome, Italy, Segal can appreciate some of Europe's most renowned sites as she travels to her office located on Viale Vaticano, just steps away from Vatican City.



Segal currently serves as the legal advisor to the Afghanistan Justice Transition Training Program (JTTP) funded by the US Department of State, Bureau of International Narcotics and Law Enforcement, and implemented by IDLO. IDLO was established in 1983 "to enable governments and empower people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity," and it has extensive experience working with countries that are emerging from conflict or striving towards democracy.

"I have always wanted to work in the international development and international law fields," says Segal. "And when I was considering careers after law school, I knew I wanted to go into public service. I applied, and was accepted, to the Presidential Management Fellow (PMF) Program and was selected to be a Fellow at the Department of State. Not only was I excited about being the first PMF from UNH Law, but I was chosen to join the most highly selective, and highly sought after department in the US government."

While at the Department of State, Segal worked on public diplomacy programs focusing on reducing Islamic extremism and providing information about democracy to youth using technology. She later left the Department of State on a rotation into the Office of the General Counsel (OGC) at the US Agency for International Development (USAID).

"I was lucky to be transferred to the USAID permanently," says Segal. "While there, I was in the general law section of the OGC, working on technology, security, litigation, procurement, and programs. I enjoyed the varied work and loved not knowing what would land on my desk any given day. I also had the opportunity to work with international development programs and international law concepts first-hand, while I saw parts of the world I never thought I'd visit, including Iraq, Kazakhstan, Pakistan, Nigeria, Angola, Zambia, and Guatemala—just to name a few."

"One of the best lessons I learned while at the OGC was to volunteer for everything," says Segal. "As a young attorney there is nothing better that you can do than to demonstrate you are a team player and learn as much as you can about the organization you are working for. It makes you a better lawyer and provides you with a breadth of experiences, from which you have a better understanding of what you don't like and what you can't wait to do next."

From USAID, Segal had the opportunity to become the general counsel to the inspector general and chief criminal investigator at the US International Trade Commission (USITC).

"My time at USITC was great because I had the opportunity to be in a senior management and leadership role and, not only improve upon my legal skills, but also to network and become more involved in the wider federal legal community in Washington, DC," adds Segal.

During her career, Segal has received high praise for her work. In 2010, she was honored with an inaugural Causey Award, given by Federal News Radio, recognizing her work with cloud computing and new media implementation. She was also named one of the Federal Bar Association's 2010 Younger Federal Lawyers of the Year.

Now enjoying life as an expat, with numerous opportunities to travel to Afghanistan for implementation of IDLO programs, Segal says she often looks back and appreciates the support she received from UNH Law.

"I know that without people like Professor Ellen Musinsky and her focus and support on externships and the practical application of the law, I definitely would not be where I am today," says Segal.

For more information about IDLO, visit: www.idlo.int

2003



Aziz Burgy JD has been elected partner at Arent Fox LLP, Washington, DC, where he works primarily on Hatch-Waxman and ITC 337 cases. His litigation experience has involved medical devices, pharmaceuticals, Internet security systems, industrial robotics, computer software and hardware, and GPS technology.

Kalyan Kankanala MIP, Bangalore, India, has written a new book, *Road Humps and Sidewalks: The Path Less Traveled*, which has received praise from *The Hindu*, a leading national newspaper in India, as "an engrossing fast-paced legal thriller depicting the veritable battle between generic and patented life-saving drugs." The book is available on Amazon.

Sylvance A. Sange MIP, Nairobi, Kenya, was appointed to the position of deputy managing director/technical services department for the Kenya Industrial Property Institute. He holds a bachelor of law degree from the University of Nairobi in Kenya.

Rachel C. Santarias JD was promoted to counsel in Wolf & Samson's Intellectual Property and Media and Technology Groups, Hoboken, NJ, where she counsels both domestic and international clients in a variety of areas, including fashion, perfume, clothing, music, entertainment, media, Internet, spice, food and beverage industries, as well as non-profit organizations.

2005

Enrique F. Mesa JD, Nashua, NH, was included in the New Hampshire *Union Leader's* "2012 Forty Under Forty" for his work at the immigration firm of LawServe in Manchester. "Enrique is an invaluable asset to not only the Latino community of New Hampshire, but also the entire populace of the state," according to Sanford Leavenworth, one of many people who nominated Mesa for the honor. "His volunteer efforts have had a positive impact and touched countless lives of those both within and from outside the Latino community."

Jeffrey C. Royer JD has joined Burak Anderson & Melloni in Burlington, VT, where he will focus on commercial finance, banking, and corporate transactions.

2006

Elizabeth K. Featherman JD, Philadelphia, PA, recently became a partner at Cozen O'Connor.

2007

Matthew Hintz JD, Servilla Whitney, LLC, Iselin, NJ, is the incoming vice chair of the Young Lawyer Action Group of the American Bar Association's Intellectual Property Law section.



Nathaniel W. Lucek JD, Buffalo, NY, has accepted a post as senor associate with Hodgson Russ LLP.

Suni Sukduang JD, a parter at the Houston office of Novak Druce, Connolly Bove & Quigg, was one of 25 named by *Texas Lawyer* magazine as a "2013 Legal Leader on the Rise".

2009

Michael Farah JD/LLM is manager of The Farah Law Firm, PC, and director of Farah Real Estate, LLC, Arlington, TX.

Shashwat Purohit LLM is a partner at Mindspright Legal of Mumbai and Jaipur India, recently ranked by *Bloomberg Global Legal Adviser* in the top ten in the India Equity IPO Issuer Advisers category.

Kiera Slye JD, Boston, MA, recently opened Kiera Slye Photography. Visit: www.kieraslyephotography.com



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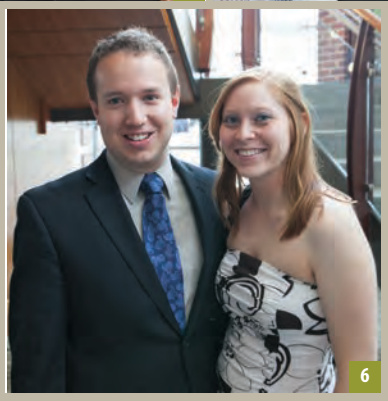
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Class of 2013 Champagne Toast

1. *UNH Law Trustee Chair Cathy Green JD '77, Matthew Cessna, recipient of the Howard James Nedved Commencement Award donated by Ginny Nedved Cook (far right), Dean John Broderick*
2. *Elizabeth Gray, Caroline Lyons, Mary Weber, Griffin Mesmer, Robert Lamberti, Adam Woods*
3. *Guest, Brendon Thurston, Brian Rosenberg, guest*
4. *Guest, Sarah Wait, Anne Shannon*
5. *Halley Kueffer, guest*
6. *Kyle Robidas, guest*
7. *Jeung "Jacob" Huh '15, and guests, Jaewon Yoon, Misung Lee, Hee Sagong, and Jayong Yoon*

IN THEIR OWN WORDS

Alexandra Spurr JD '09

In general, lawyers are reluctant to accept change. Maybe this is due to our respect for precedence. As a result, the legal profession remains predicated on many old-school ways of doing business that never anticipated the Internet and the transformation it would bring. The question becomes whether our adherence to tradition is unnecessarily discouraging lawyers from using technology to develop more business savvy ways to practice law.

The reality is the Internet is quickly changing the market for lawyers. As an article in the *ABA Journal* (July 2011) pointed out, "…the [change in the practice of law] reflects an urgent need for better and cheaper legal services that can keep pace with the demands of a rapidly globalizing world." The bottom line is that the majority of individuals and businesses in America can no longer afford, nor are they willing to pay for, legal services like they were 10 or 20 years ago.

By embracing this trend, my business partner, **Brent Sausser JD '09,** and I launched a new type of law firm earlier this year—a law firm that runs completely online. Based out of South Carolina, our firm, www.OnlineTrademarkAttorneys.com, provides copyright and trademark registration services on a flat rate basis. As we see it, one of the more pressing problems facing law firms today is the ability of lawyers to relate to the consumer and offer services that the consumer feels are worth their investment. With trademark applications on the rise there is a clear need for access to experienced trademark attorneys. But for many of these applicants, hiring a law firm at the traditional hourly-rate, where the ultimate cost is unknown, is not a cost they can effectively budget for. So we recently turned to the Internet to help create a solution. By relying on the Internet for our online-based law firm, not only are we able to keep our overhead low, but we also have increased the accessibility of our services to a much larger population. The result is that we can offer a more realistic flat rate fee that clients can more easily afford.

Ultimately, the future success of many small to mid-sized law firms will hinge on their ability to develop creative ways of using the Internet to make their services more convenient and affordable to the client. With do-it-yourself companies like LegalZoom increasing in popularity, it is clear that consumers are now turning to the Internet to find more economically efficient ways to meet their legal needs. Lawyers recognize reliance on these 'one-size-fits-all' services can be problematic. But from the consumers' perspective, LegalZoom is giving them exactly what they're looking for, a simple and affordable solution that is accessible online. Admittedly, I recognize that the concept of an entirely online-based law firm is not a workable solution for every lawyer or law firm.



Alexandra Spurr JD '09 and Brent Sausser JD '09

With new Internet-based companies starting to surface that offer services directed at law firms, establishing a more Internet-friendly practice has never been easier. At the end of the day, law firms are just like any other business and if we are going to keep pace with the rest of the world we must start to embrace the changes the Internet brings to the practice of law.

The Law Firm of Sausser & Spurr is located in Charleston, SC. Visit them at: www.OnlineTrademarkAttorneys.com


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New Castle, NH Annual Alumni Dinner

1. *Stephanie Stella JD '08, Rick McPartlin JD '10, Joey Mattson JD '09, Amy Manchester*
2. *Pictured (l.-rt.) seated: Guest Michelle Roccio, David Roccio JD '08, Thomas McGinnis JD '08, guest; standing: Julia Mathis JD '10, Greg Gerstenstang JD '07, Chris Largay JD '91, Beth McDonald JD '89, guest, Sandra Congdon JD '06, guest Brad Congdon*
3. *Judge Arthur Gajarsa, distinguished jurist-in-residence, US Supreme Court Justice Antonin Scalia*
4. *Young Wook Ha MIP '90/JD '92, recipient of the Dean's Alumni Award 2013*
5. *UNH Law Board of Trustee members: The Honorable Carol Conboy JD '78, Cathy Green JD '77, chair, Sherilyn Young JD '82, vice chair*
6. *The Honorable Richard Galway, trustee, University System of New Hampshire and UNH Law*
7. *Guest, John Boyle JD '91, Keith Noe JD '91, guest, Nicole Palmer JD '05; standing: Michael Crosby JD '97, Young Wook Ha MIP '90/JD '92, Peter Lando JD '91, James Price JD '98, Michelle Lando JD '90*

2010

Christian C. Barker VS, Nashville, TN, recently founded Capri Nashville, an artist management firm in Nashville.

2011

Courtney R. Hickson JD/LLM recently accepted a post as in-house counsel at American Tower Corporation's Woburn, MA, office.

2012

An article by **Matteo Mancinella LLM,** entitled "Copyright Subject Matter and a 'Light' For Designers' Rights," was published in the *Santa Clara Computer & High Technology Law Journal*.

MARRIAGES

Caitlin M. Calder JD '08 to The Honorable José Suárez, June 2012.

Carolyn L. Shea JD '11 to Gregory Carl Finch, December 1, 2012.

CRIB NOTES

Jakub M. Michna JD '07 and **Heather L. Devine JD '09**, a daughter, Lydia, May 30, 2012.

Jaya Murthy Josyula MIP '07 and husband, Subbu, a boy, Akshay Sriram Kuchibhotla, August 10, 2012.

IN MEMORIAM

Joseph L. Lakshmanan JD '88
Michael E. Donnelly JD '91
Ann Haggerty JD '96

Please send news of your job promotions and changes, awards, marriages, etc. to: alumninews@law.unh.edu

Boston, MA Happy Hour

1. *Nathan Harris JD '09, Julia Mathis JD '10, Kiera Slye JD '10, Frank Liu JD '09, Jack Wessel JD '10*
2. *Lauren Montana JD '11, Emily Moscati JD '12, Brian Daigan JD '11*
3. *Christopher Kroon JD '04, Andrew Warner JD '04, William Shaw JD '04, George Haight JD '04*








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Dallas, TX Alumni Reception (INTA)

1. *Gonzalo Barreda YEAR, Debra Beauregard, director of graduate programs, Jose Barreda LLM '09*
2. *Matthew Hintz JD '07, Caroline Carter Smith, adjunct professor, Alexandra Roberts, executive director of the Franklin Pierce Center for Intellectual Property*
3. *Anjie Vichayanonda JD '13, guest, Carrie Olson JD '00, Jack Wesel JD '10, Cathy Lueders JD/MIP '95, William Morris LLM '05*
4. *Jeffrey Kobulnick JD '03, Anne Yates JD '03, Professor Susan Richey*
5. *Gustavo Andrade LLM '10, Luis Alcaraz LLM '10*
6. *Hong Shen LLM '03, Jie Xu LLM '12, Chenyan Wu MIP '11*
7. *Gaston Richelet LLM '04, Ricardo Richelet III LLM '00*
8. *Maria Ines LLM '12, Bahar Buber LLM '12*


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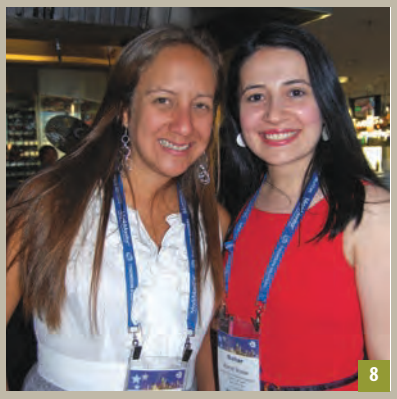
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Cont'd from inside front cover

In May, Alexandra Roberts joined us as the first executive director of the Franklin Pierce Center for IP. She comes to us via Yale Law School, Ropes and Gray, and Boston University Law School, where she taught Trademarks & Unfair Competition. She will teach entertainment law next year while spending most of her time reaching out to IP alumni, working with our IP Advisory Council, organizing conferences, and strengthening our relationships with law schools and patent offices, with a special emphasis on Asia. You are likely to meet her at upcoming IP conferences both here and abroad. She is a wonderful addition to the school and its IP mission.

We were delighted to learn that UNH Law rose 23 slots in the *US News & World Report* law school rankings this year. This dramatic rise was due to the strategic and substantive work of our students, faculty, and staff, as well as the steadfast leadership of our Board of Trustees.

We are very proud of our advance in the national rankings because it confirms that we are moving forward in the most challenging of times for American legal education. We also kept our position in the Top 10 ranking for intellectual property law for the 21st consecutive year (only one other law school can make a similar claim). In addition, the LSAT/GPA average of our 1L class this year is perhaps the highest we've ever had.

A lot of good things are happening at UNH Law, and many of you have played a big part in our success —by mentoring a student, hiring a graduate, offering a legal residency, preparing our students for moot court competitions, or simply by making a donation. Without you, this progress is not possible.

I welcome your ideas and thank you for your support. With your help and commitment, we can continue our forward march.

Best regards,

John T. Broderick Jr.
Dean

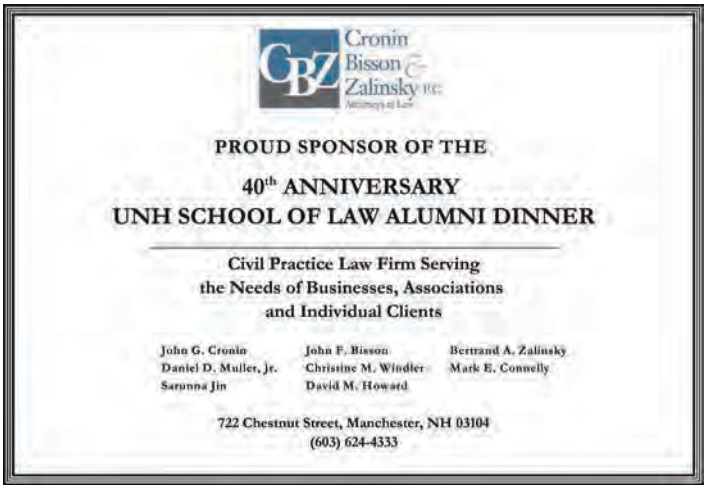


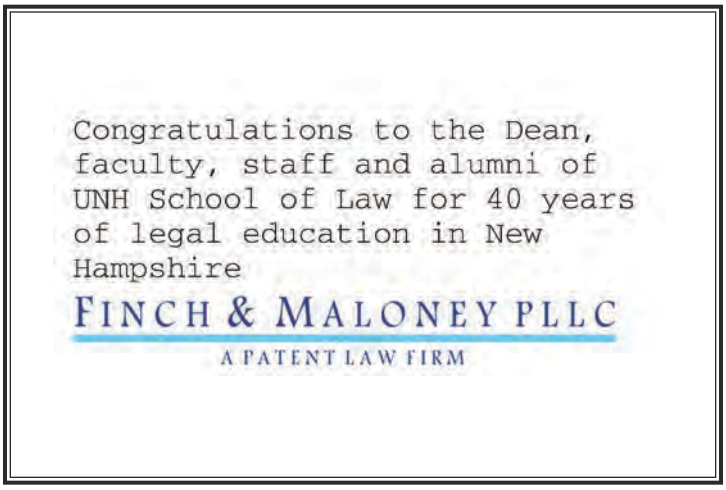
Annual Alumni Dinner

March 2013

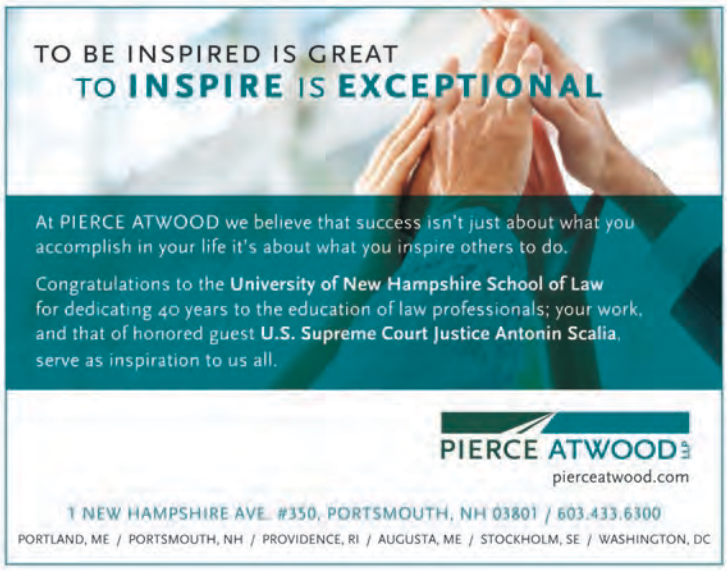
Wentworth by the Sea
New Castle, NH

Thank you to our generous sponsors. We are grateful for your continued support and commitment to UNH Law.
Your gifts make a difference and are valued by us all.











United States Supreme Court Justice Antonin Scalia and Dean John Broderick

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