



Texas Law Magazine FALL 2024 · SPACE LAW

Texas Law Magazine

THE UNIVERSITY OF TEXAS SCHOOL OF LAW

FALL 2024

NIL CHANGES THE GAME

CONSTITUTIONAL CONVENTION 2.0

OUT OF THIS WORLD

BY MICHAEL GRESHKO





DISCOVERY \ **PROOF**

There's no place like Texas. ¶ Within Texas' borders, the nation's eastern habitats transition to western, and southern subtropical zones connect to northern temperate ones. Annual rainfall in the state varies from 8 inches in the deserts of far west Texas to 56 inches in the swamps of east Texas. ¶ "Living in Texas broadens your perspective on energy and the environment," says **Professor David Spence**. His latest book, *Climate of Contempt*, focuses on wrenching energy policy out of partisanship. ¶ "With its vast range of both climates and viewpoints, Texas is an incredible place to lead the nation."

Caddo Lake by Mark Boname

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ON THE COVER
SpaceX rocket launch, Boca Chica, TX.
Photograph by Dan Winters



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In the changing world of college athletics, money has a front row seat, and lawyers are the new playmakers. *by Joe Nick Patoski*

art by CRISTIANA COUCEIRO

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Going for Bold

As I write this note, I'm enjoying the happy sounds of new ILs milling about the Dee J. Kelly Courtyard just outside the windows of my office. It gets loud, but it's good to have the constant reminder of what our school is all about. ¶ That's not all that's new. When you're next in the building, you'll see the newly renovated classrooms on the main floor of Townes Hall. Thanks to the generosity of Doug Bech '70 and Sam Loughlin '98, these formerly worn-out, workhorse classrooms are now beautiful showcases worthy of our amazing students and faculty. ¶ Other exciting developments include the arrival of Prof. Eliot Cotton '10 to lead a major new initiative supporting business and transactional careers; an array of exciting, timely new courses, for example, about law and artificial intelligence; and a huge boost to our loan-forgiveness program for students in public service careers of all sorts. ¶ Of course, I care deeply that we innovate without losing sight of what has made this place amazing for generations. For example, those new programs and courses slot in alongside the standards, including those still taught by the incomparable Stanley Johanson! And we remain justly famous for our culture of collegiality, civility, and commitment to inquiry. ¶ Still, I think constantly about the future and what we can do to ensure lifelong success for our students and all of you reading these words. That quest for the bold, new, and impactful idea is threaded throughout this issue of *Texas Law Magazine*. I hope you enjoy it.

Hook 'em,

BOBBY CHESNEY
Dean, The University of Texas School of Law

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1

Robin BERGHAUS

“Unusual Suspects,” p. 36

A 2024 Ferriss–UC Berkeley Psychedelic Journalism Fellow, Berghaus writes feature stories and produces documentaries and podcasts on advances in science, medicine, and technology. Berghaus serves as a film envoy for American Film Showcase and her projects have shown at international film festivals and on PBS.

2

Matthieu BOUREL

“Unusual Suspects,” p. 36

Matthieu Bourel is a French-born artist living and working in Berlin, Germany. His data-ism style gives life to the promise of psychedelic therapies. Drawing upon the surreal, his work has been displayed in museums in Berlin, Hamburg, and New York, and published in *The New Yorker*, *The New York Times*, and *ZEIT Magazine*.

3

Cristiana COUCEIRO

“Offense is the Best Defense,” p. 20

An award-winning artist who illustrates visual stories through collage with a slight mid-century modern flair, Cristiana Couceiro’s work has been published in *The New York Times*, *The Washington Post*, *WIRED*, and *The New Yorker*. A collage artist from childhood, Couceiro lives and works in Lisbon, Portugal.

4

Michael GRESHKO

“Out of This World,” p. 26

A Washington, D.C. science writer whose work has appeared in *The New York Times*, *The Washington Post*, *Science*, *Nature*, *Scientific American*, *Atlas Obscura*, and *National Geographic*, where he worked as a staff writer for seven years covering space, Michael Greshko received a 2023 National Arts and Entertainment Journalism Award.

5

Dan WINTERS

“Out of This World,” p. 26

Austinite Dan Winters, renowned for his stunning celebrity portraiture, has had a lifelong love affair with space flight. As part of a multi-year *National Geographic* project, Winters is documenting NASA’s Artemis project. His work has won hundreds of national and international awards and is in the permanent collections at various museums.

COURTESY OF CONTRIBUTORS



Rudy Metayer '06
Boots on the ground.

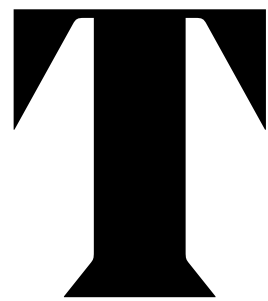
portrait by DREW ANTHONY SMITH

Openings
Statements

Follow him on social media, and you’ll see him get more done in one day than most do in a month. The son of Haitian immigrants, Rudy Metayer is the first in his family to go to college (BA ’03) and earn not one but two (JD ’06, MPA ’16) higher degrees from UT Austin. Metayer’s optimistic energy informs his varied roles, including lawyer, Pflugerville City Council member, director of both the Texas Lyceum and State Bar of Texas, Texas Law adjunct faculty, mentor, and Alumni Executive Committee member, community advocate, youth soccer official, husband, and girl dad.

Winning Is Just the Beginning

Mike Golden '01 talks advocacy.



The Advocacy Program brings home plenty of hardware. Recent victories include national championships in the prestigious 2023 Martin Luther King, Jr. National Civil Rights Trial Competition, 2023 Georgetown White Collar Crime Invitational, and the 2024 Duberstein Bankruptcy Moot Court Competition, placing finalists (2d place) at the 2024 IP Moot Court National, taking regional championships at 2024 IP Moot Court, the Phillip C. Jessup International Law Moot Court in 2023, and the TYLA National Trial Competition in 2024, as well as a host of individual bests for student advocates.

"I'm really proud of what this program does," enthuses Mike Golden '01. Golden took the reins as director of the Advocacy Program in 2022. "And it's me now standing on the shoulders of giants like Tracy McCormack '86, Pat Hazel '71, and Larry Niemann '62. I didn't build this Cadillac. I didn't put the gas in the tank or fill the tires with air. I'm just the lucky guy who gets to drive it around. Now we're driving this Cadillac and we're going to take it out for a spin. We're going



ABOVE Students celebrate with the 2023 Judge John R. Brown Admiralty Moot Court Competition Cup.

to see how far and fast we can go." How far and fast for Golden means impact. Lasting impact. "I believe we have a responsibility as a law school, and as an advocacy program, to defend our constitutionally protected right to a jury trial. And as more companies try through things like arbitration agreements to find ways around juries, we have an obligation to protect this constitutionally enshrined right to a jury trial in civil

cases. And the only way we can do that is with excellent trial lawyers." That powerful vision translates into equipping students to "become their most persuasive self," says Professor Tracy McCormack, Texas Law Senior Lecturer. McCormack, who led the Advocacy Program for over two decades (2000 to 2022), garnered support and resources for advocacy at Texas Law that brought together courses, adjunct faculty, and

coaches, mostly Texas Law alumni, into a single program delivering what is now a gold-standard for experiential learning. Texas Law's course offerings go well beyond intro classes with advanced courses specifically focused on civil and criminal cases, taking depositions, dealing with expert witnesses, and advanced strategic planning in civil litigation. The Advocacy Program offers 11 classes each year. That's two to three

times more than typically are offered at other law schools. Beyond formal instruction, the program offers an extensive calendar of informal learning opportunities such as the Fall Litigation Institute and, for 1Ls, the Public Speaking Workshop. With the more in-depth courses and informal options, students are better prepared not only for competition, but are day-one ready for practice. In the Advocacy Program, "we



Professor Mike Golden '01 Lecturer and Director, Texas Law Advocacy Program.

"IF YOU WANT TO STUDY COURTROOM ADVOCACY WITH SOME OF THE SMARTEST STUDENTS IN THE WHOLE COUNTRY, THIS IS THE PLACE TO DO IT."

give students the skills and the confidence – and even the vocabulary – to convince senior lawyers early in their career, "I'm someone you can trust to do a direct exam. I know I'm a second-year lawyer, you can trust me to stand up in front of this judge, to argue this motion, to take this witness. Because I know what I'm doing," says Golden.

The students agree. "The classroom is a great place to learn new concepts," observes 3L Noah Hoffman, a member of the six-person national championship MLK Competition team. "Competition quickly exposes your weaknesses in a way that is hard to replicate. When the lights are on and there is no safety blanket, you get to see what you're really made of," he added.

"My coaches and teammates made it possible, even fun, to jump into the deep end and come out victorious round after round," says 3L Monica Dike, also a member of the MLK national championship team. "I fell in love with the experience; now I am confident that I have a future in trial law."

Emily Chang '24, a clerk for Chief Judge Stacey G. C. Jernigan at the U.S. Bankruptcy Court for the Northern District of Texas, participated in competition as both a 2L and 3L. She, Abby Rogers '24, and current 3L Temi Fayiga won the Duberstein Bankruptcy Moot Court Com-

CONTINUED

CONTINUED petition in March 2024. “Duberstein was by far my favorite law school experience,” Chang said. “From practice all the way to competition, for both years I competed I felt supported and challenged in the best ways. Winning was just the icing on the cake!”

To Golden, this is a deeply personal refrain.

“It is no exaggeration to say that my entire career path was shaped by the Advocacy Program,” Golden said. “I learned that I was meant to be in the courtroom the first time I tried a mock trial round.” Golden was on the national championship team winning the 2000 Tournament of Champions.

A Chancellor and member of Texas Law Review, Golden built his career on trying cases, first at one of the nation’s top Big Law firms then forming his own, Boulette Golden & Marin.

“Tracy McCormack helped me – like so many others – with a simple piece of advice: the best way to reach and persuade an audience, to connect with them, is to be your genuine self,” Golden said. “Tracy, whom I count as a close friend, was my mentor and one of my very favorite teachers in law school. But she taught me very early on that I couldn’t aspire to be her; if I wanted to be successful, I needed to be me.”

While Golden notes that the Advocacy Program is aimed at those wanting to spend their careers in a courtroom, “there is an enormous benefit for anyone. Every lawyer has clients, and advocacy is universal. All lawyers can employ the skills of persuasion in a job interview, while pitching clients, interacting with opposing counsel, or when speaking to the media,” he noted.

“No matter how far you think your legal career will be from a courtroom, sooner or later, something is going to go wrong,” he said. “And when things go wrong, they get settled in a courtroom. Our students are ready for that.”

So just how far and how fast will this Cadillac go? For Golden, it’s simple.

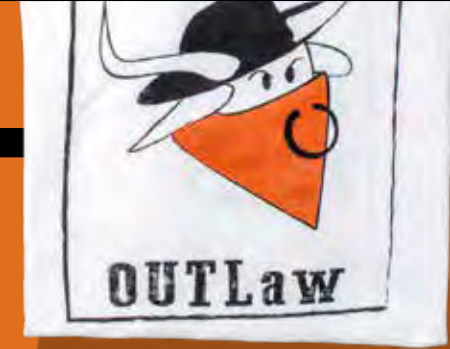
“I judge our success by students who come up to us and say, ‘This program made a difference to me; this program literally changed my life.’”

Shareable Wearables

BY TEXAS LAW MAGAZINE STAFF

Quick-witted law students — are there any other kind? — capture the essence of law school in quips, quotes, memes, and cartoons featured on these student-designed t-shirts. The t-shirts are part of a special collection of Tarlton Law Library housing law school history. ¶ “Students today, like earlier generations, know they’ll work hard in law school,” says Admissions Dean Mathiew Le. “But they also want to come to a place where they will find friends, fun, and encouragement. Our culture in that regard is the best in the country.” Though there are lots of ways that vibrant student culture gets created, student organizations, and the events they host, are top of the list. ¶ Texas Law students over the years have punned, parodied, and printed t-shirts to share — and wear — life together at Texas Law.

GENERATIONS OF STUDENTS HAVE WORN THEIR TEXAS LAW PRIDE FOR ALL TO SEE, THROUGH DOZENS OF WHIMSICAL T-SHIRTS DESIGNED TO DELIGHT.



2014

SIGN OF THE TIMES

Two-dimensional, stick figure animation surged in popularity with the early spread of the home computer in the early 90s. The aesthetic was all over popular culture and inspired this darkly comic Student Bar Association shirt from 1994.



Date Unknown



1987



Date Unknown



When you hear that the law school center dedicated to public interest work is called the

Justice Center, you could understandably assume that's a reference to the center's mission: connecting students to pressing issues of social justice.

In fact, the William Wayne Justice Center for Public Interest Law – which provides students with scholarship support, stipends for summer work, and pro bono opportunities – honors one of our most esteemed graduates: Judge William Wayne Justice '42.

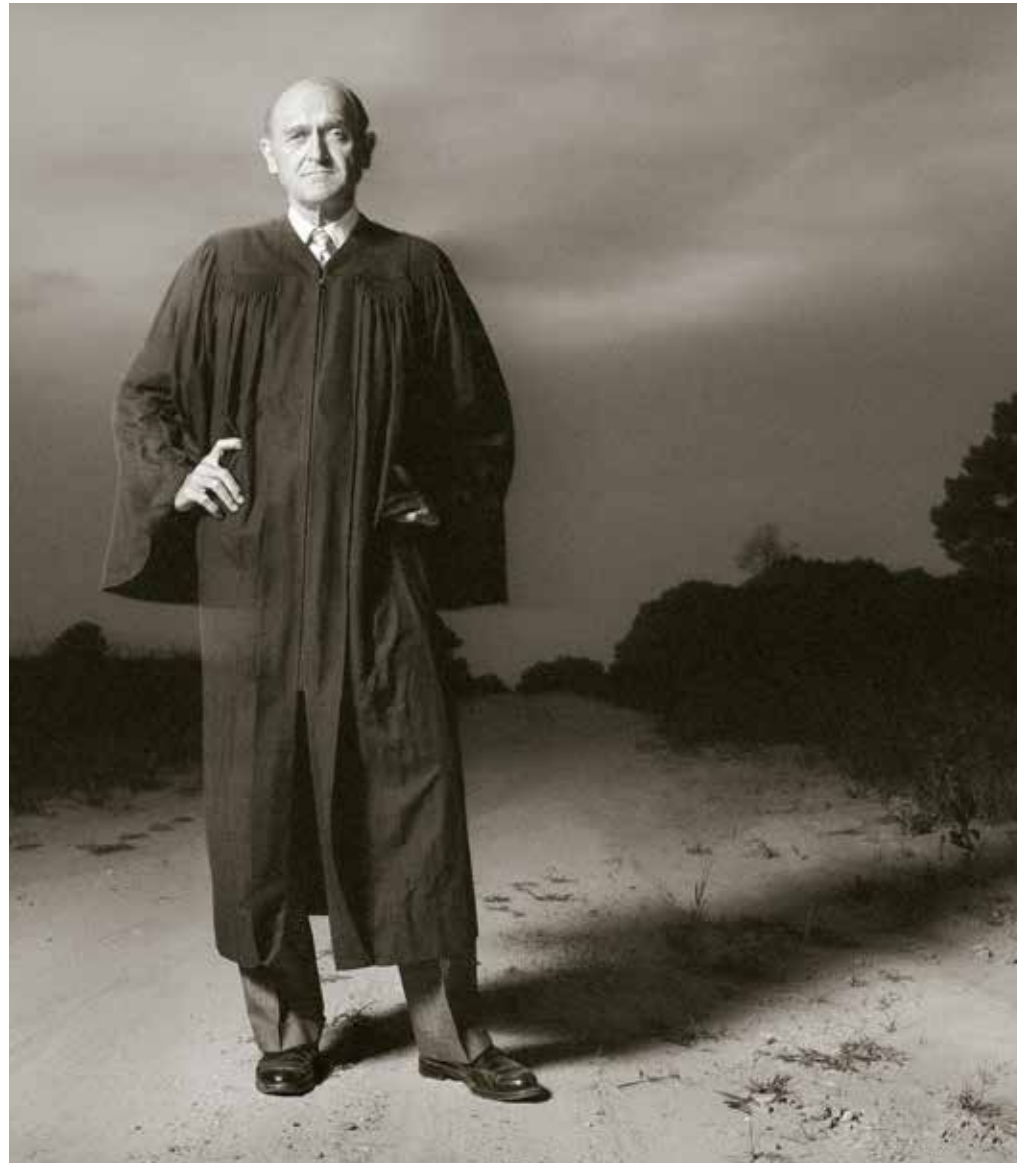
After serving in World War II, the young man from East Texas joined in law practice with his father. He later became city attorney for Athens, then United States Attorney for the Eastern District of Texas. In 1968 he assumed the role for which he became famous: United States District Judge. He served in that capacity for more than 40 years.

Of the nearly 100 young lawyers who clerked for Judge Justice during those four decades, many were Texas Law graduates. A group of them wanted to honor their beloved boss – and advance the principles that animated his tenure on the bench – with a center bearing his name.

The law school was receptive. "We thought, 'What a wonderful idea, to create an endowment and center that would have an enduring life,'" says Eden Harrington, the center's founding director and Associate Dean for Experiential Education.

Since the center opened, it has steadily expanded its programming and scope. "It's really become the go-to resource for students exploring public interest paths," she says.

A key component of the center's many offerings is pro bono service. Established by Richard Mithoff '71 and his wife Ginni, the Mithoff Pro Bono Program is one of the largest in the country. In just the past 10 years, students have collectively put in nearly 180,000 hours of pro bono client representation.



William Wayne Justice '42
Celebrating
20 years in his
footsteps.

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BRIAN BIRZER

The work is more than a feel-good gesture for those who participate. "Pro bono provides a kind of expertise for law students that we might not otherwise get," says Justin Atkinson '24. "I came to law school to better understand how institutions try to keep people safe from harm, and without (my) pro bono project I wouldn't have seen what did or didn't work in dozens of cases."

The Center is now directed by Nicole Simmons '07, who availed herself

“WHAT I REALLY WANT IS FOR EVERY STUDENT TO HAVE AN ENCOUNTER WITH THE JUSTICE CENTER AND ITS PROGRAMMING.”

of the center's offerings during law school and who now seeks to make the legacy of Judge Justice a reality for every generation of Texas Law students.

"What I really want is for every student who comes through Texas Law to have an encounter with the Justice Center that inspires them to use their knowledge and skills to advance equal justice as law students and graduates," she said. "That's the goal."

The center is doing that, and then some, educating students, faculty, and attorneys about public interest legal issues while delivering critical legal services to underserved populations – veterans, homeowners, hurricane victims, and immigrant detainees – and increasing access to justice across the state of Texas, while making clear that public interest lawyering is a viable career.

Just as Judge Justice himself would have wanted it. 🦋

10 on the Forty Kay Bailey Hutchinson Energy Center celebrates innovation.

Energy is Texas. That fundamental truth is the driving force behind the innovation and expansion taking place at the KBH Energy Center at UT Austin. Aventure launched 10 years ago as a collaboration between Texas Law and the McCombs Business School, the center is undergoing a burst of activity. ¶ The KBH Energy Center is celebrating 10 years by adding the Cockrell School of Engineering and the Jackson School of Geosciences as partners, launching a podcast and new events for both students and executives, and bringing on industry veteran Jack Balaglia '76 to serve as its new executive director. ¶ "I'm excited," says Balaglia, the former general counsel of Exxon Mobil. "We are the only energy center in America that has the law, business, engineering, and geoscience schools working together. It's an unbeatable combination."

¶ The center is laser-focused on mak-

ing an impact, and being at the university is no coincidence for Hutchinson '67, a two-time Longhorn, a longtime trustee of the Law School Foundation, and a former president of the Texas Exes. "Texas is the greatest laboratory for energy innovation in the world," she says. "Having the center on The Forty Acres, with its high-powered partners and their resources, lets the center develop new ideas, shape policy, and produce leaders." ¶ The enthusiasm and ambition Hutchinson has for her namesake center is infectious. "She's the energy at the center of the energy center," notes Jackson's Dean Claudia Mora. ¶ "Kay is a quintessential Texan, and this center is truly her legacy at this university, even with all the other amazing things she's done," observes Texas Law Dean Bobby Chesney. "It's better than ever and just getting stronger."

– TEXAS LAW MAGAZINE

BELOW
Kay Bailey Hutchinson's namesake center is entering a new era of leadership on The Forty Acres.



Unlocking Freedom Parole Project offers second chance.

Back in 2019, Maria Alvarez (not her real name) was up for parole after serving seven years for aggravated assault stemming from a domestic altercation with an abusive partner. In prison, Maria had taken classes, held a job, and mentored incarcerated younger women. She had worked hard to improve herself and, if a case for her rehabilitation could be argued before a parole board, she might have a chance, just a small one, of earning her release. But Maria had no lawyer and, ultimately, her application was rejected.

“We have no idea precisely how many women have legal representation for parole reviews in Texas, but it is a very small percentage,” says Helen Gaebler, a lecturer and senior research attorney at the William Wayne Justice Center for Public Interest Law.

That’s where Texas Law’s Parole Project comes in – a pro bono initiative, now in its sixth year, in which students, supported by supervising attorneys, prepare comprehensive parole packets on behalf of incarcerated women and represent them in hearings. Gaebler directs the program and touts its remarkable success: approximately 70% parole approval rate over the project’s lifetime.

It’s now the largest provider of pro bono parole services in the entire state of Texas.

Justice for All

“They’re instrumental,” says Elizabeth

Henneke ’07 of the Parole Project’s efforts. Henneke is the founder and chief executive officer of the Lone Star Justice Alliance, an advocate for reforms in the criminal justice system who is steeped in the problems plaguing Texas’ overwhelmed parole and pardon processes.

“Women are especially disfavored in the parole system,” Henneke observes, “because the most critical elements relevant to parole release – for instance, the mitigating circumstances of the original offense – might not be in the record due to prior prejudices around women who were victims of crime or intimate partner violence.”

Lone Star Justice Alliance is part of a broad and bipartisan coalition seeking to reform parole and pardons, including groups as varied as The Texas Public Policy Foundation and the interfaith policy network Texas Impact. Polls show that Texans overwhelmingly support pardons and timely parole for those who demonstrate rehabilitation and pose no threat to others.

Texas Governor Greg Abbott also made a significant gesture to ease pathways for women out of prison when, in 2020, he established a clemency application for survivors of human trafficking and domestic violence. “Gubernatorial pardon plays an important role in the redemption process,” said Abbott at the time. “It offers a second chance for survivors with criminal convictions resulting from their abuse or exploitation.”

Parole reform is also an economic imperative. Recent analysis suggests that it costs taxpayers up to \$62,000 a year to hold a person in prison. “That’s a lot of money if people are ready to return home,” notes Henneke, “but are instead languishing in cells and costing taxpayers increasing amounts as they age.”

A Second Chance

When Maria, the woman denied parole in 2019, came up for parole again in 2020, she had Karen Yang ’23 and Danny Woodward ’23, both 1Ls at the time, fighting on her behalf. They reworked Maria’s case, up-

CONTINUED



TEXAS LAW EXCELS IN SPORTS NEGOTIATION, WIN NATIONAL TITLES

When Jaron Petreas and Hixon Frank won the Fordham National Basketball Negotiation Competition in New York last March, they were the only 1Ls in a field of 44 teams. The simulation had them managing a series of real-life scenarios representing a shoe manufacturer in an endorsement deal, an NBA team in a trade agreement, the NBA in a broadcasting rights discussion, and a player in a contract negotiation. ¶ “I’ll be using these skills throughout my legal career,” says Petreas, who was named Best Advocate in the competition. ¶ Sports-themed competitions are incredible skill-builders, but they’re also just plain fun. ¶ “Oh, it was a blast,” says Wade Witcher ’25 of his trip to February’s Tulane International Baseball Arbitration competition and his subsequent guest spot on the cult-favorite *Foul Territory*, a daily streaming show on baseball and the business of the game hosted by MLB veterans. ¶ Witcher and teammates Ken Ardito and Ryan Faulkner ended up finishing second out of 40 teams, but they got the experience of a lifetime, meeting real-life baseball executives, agents, and arbitrators as they argued both the player-side and team-side cases for superstars such as 2023 World Series champ Adolis Garcia. And Witcher, who’ll be clerking on the U.S. District Court for the Eastern District of Texas after graduation, is motivated to go back and win the whole thing. ¶ “We want to bring the arbitration title back to Texas and light the Tower orange!”

– TEXAS LAW MAGAZINE



CONTINUED dating her parole packet with new letters of support and a stronger presentation. This time, parole was granted.

“Sometimes the board simply wants to see how such clients handle extra time in prison,” Yang says, explaining that Maria “excelled in her last year in prison with the same hope and courage that made her a model prisoner in the previous years.”

“Parole is unique in that it’s mitigation work,” says Gaebler. “You’re trying to humanize the client and provide a fuller picture of the context of their life, what brought them (there) to begin with.”

“I tell students to think of it as a closing argument,” Gaebler adds.

Building on Success

With more than 70,000 parole cases reviewed in Texas every year, demand for the representation Parole Project students can offer is high. Gaebler has her sights set on expanding the program by forging partnerships across Texas.

That effort is led, in part, by Cassie Geiken ’22. “The Parole Project was my favorite part of law school,” says Geiken, who served as a fellow with the project for two years, supervising students and leading outreach to encourage the private bar to take on parole cases.

“An attorney can step in and make a huge difference in someone’s life,” Geiken says. “There is a massive need.”

Geiken is now an attorney at Texas Defender Service helping the organization launch a new statewide pro bono parole network. She hopes this network will both address parole representation and offer a resource for people to better advocate for their own parole or on behalf of a loved one coming up for parole review.

Achieving reforms in pardon and parole systems as large and complex as Texas’ will take years of progress, setbacks, and recalculations. In the end, all parties want what’s best for Texas and Texans. That goal remains the animating force driving students and alumni to take it on and stay the course. 🦋

ABOVE
PALS co-presidents
Madeline Love
and Jack Rabinowitz,
both 2Ls.



PALS Make a Difference

Finding a purpose in plaintiff’s work.

Like many 1Ls, Madeline Love ’26 arrived at law school confident about the kind of law she would practice after graduation and the direction her career would take. She was all-in on the idea of criminal defense work.

But that was before Love knew about working as a plaintiff’s lawyer. “I had no idea what plaintiff-side work even was,” says the Tennessee native. That all changed when Love followed a friend to a lunchtime presentation with the attorneys Kurt Arnold ’02, Jason Itkin ’01, and Caj Boatright ’02 from the Houston-based firm Arnold & Itkin. As the trio spoke about their work on cases such as the Deepwater Horizon offshore disaster and the 2021 Astroworld tragedy, in which a crowd surge at a festival concert led to scores of deaths and injuries, Love sat transfixed.

The work these lawyers described spoke to Love’s strong sense of justice. “They made it clear that this work can make a big difference in people’s lives,” Love recalls.

A new student organization, the Plaintiffs Advocacy & Litigation Society, or PALS, organized the event bringing Arnold & Itkin to campus. PALS launched in 2023 to connect students with practitioners dedicated to plaintiffs work. They hope to educate fellow students about the plaintiffs bar and establish Texas Law as a strong source of talent. The student organization has quickly become popular, with 75

dues-paying members and a 12-member student board.

The groundswell of interest in plaintiffs work at Texas Law puts the school at the leading edge of a trend at top law schools. Harvard, Stanford, Berkeley, Chicago, and Michigan are among other national law schools following in Texas Law’s footsteps, and all are part of the National Plaintiffs’ Law Association (NPLA). It makes good sense to PALS co-founder Brennan Caruthers ’25, who now serves as an NPLA board member.

“THEY MADE IT CLEAR THAT THIS WORK CAN MAKE A BIG DIFFERENCE IN PEOPLE’S LIVES.”

“You can get into court your first few months of practice and represent clients on issues that are really personal to you,” says Caruthers. He notes that plaintiffs work may include environmental, antitrust, or data privacy law. And it can be rewarding in other ways. “You can do well by doing right, as the saying goes.”

Love threw herself so thoroughly into PALS programming and opportunities that she’s now serving as the group’s co-president (with classmate Jack Rabinowitz ’26). She was also taken enough with Arnold & Itkin that she applied for, and earned, a summer clerkship there.

“My work this summer as a judicial intern and at the firm clarified that plaintiff’s work is the work that I want to do,” says Love, who, like Caruthers, now sits on the NPLA board. “Complex litigation, handling mass torts, class actions, and multi-district litigation – I want to help as many people as possible.” 🦋

CHRISTOPHER ROBERTS

Open for Business

Program helps students merge into the markets.

Eliot Cotton ’10 has a neon sign resting on the wall of his new office in Jesse Jones Hall, with the phrase “Open for Business” formed by the glowing burnt orange and white tubes. “That’s our motto,” says Cotton, the director of the newly formed Law and Business Program. 🦋 Cotton returns to Austin after a decade and a half in New York City focused on private equity, first as an attorney at Vinson & Elkins working on large mergers and acquisitions and all facets of corporate law, then as a general counsel at Riverstone Holdings, a private equity firm that raised more than \$45B of capital and with a portfolio of more than 200 companies. 🦋 Here,

he’ll create pathways for students to gain knowledge of the complex and rewarding career possibilities to be had in the world of business and learn foundational skills to be successful in their future roles. “Most people have no idea how many amazing things they can do,” says Cotton. “My job is to open up possibilities and to prepare them for what comes next.” 🦋 Cotton has seen the enthusiasm for this venture through the eyes of students in his Private Equity and Venture Capital Fund Formation course. “They love it.” With that enthusiastic buy-in, the market for the Law and Business Program looks bullish. — TEXAS LAW MAGAZINE

BOARDROOM BLUEPRINT FOR PUBLIC COMPANIES

Today’s global economy calls for strong, dynamic, and insightful business leadership. Hence the inaugural Director-Executive Summit, a groundbreaking event this November exclusively for public company directors and C-suite executives organized by thought leaders at Texas Law and the McCombs School of Business. 🦋 The summit being held at UT Austin will unfold just ten days after the national election, and politics will get attention at the two-day gathering with legendary presidential advisor Karl Rove joining Dean Bobby Chesney for a conversation on how the election will impact the corporate sector. The summit also will explore the new Texas Business Court, a statewide court created to

handle complex business disputes, along with other hot topics, such as crisis management, cybersecurity, and changes at the SEC. 🦋 Texas is home to 55 of the Fortune 500 companies, according to the Office of the Governor. That makes Texas Law and the UT campus ideal to host the summit, notes Susan Blount ’81. Blount, the former executive vice president and general counsel for Prudential Financial and an independent director, as well as the chair of the Law School Foundation, is keen to leverage the expertise on The Forty Acres. “We have world-class knowledge and leading-edge insights right here with our faculty, administration, and alumni,” says Blount. “Combine that with the all-star line-up of guests we’re bringing, it’ll be incredible.”

— TEXAS LAW MAGAZINE



AI, of Course Professors offer two new courses.

Artificial Intelligence “is a singular technological advancement on par with the microchip, automobiles, and nuclear power, and – like those technologies – will alter society in myriad ways, both good and bad.”

That’s Professor Matthew Murrell, author of the forthcoming book, *Artificial Intelligence Law*, which explores the

emerging field of AI law across many legal domains.

Murrell, a legal research and writing instructor at Texas Law, is offering this fall a highly-subscribed seminar on the emerging and growing bodies of law surrounding AI. He hoped for enrollment of 20 students; he got almost 70.



Professor Matthew Murrell teaches legal research and writing and artificial intelligence law.



Professor Adam Klein is director of the Strauss Center and directs the Center’s Program on Technology, Security, and Global Affairs.

“WE CAN MAKE SURE AI IS SERVING US AND NOT THE OTHER WAY AROUND.”

“The demand is intense,” Murrell says.

His course, “The Law of Artificial Intelligence,” covers legal issues produced by “generative AI” (Chat GPT and others), including copyright, privacy, and control of one’s own likeness. The class will also look at the use of artificial intelligence by prosecutors and police and will consider the handling of cases where AI itself may become responsible for torts or crimes.

AI also raises important cybersecurity and national security issues. That’s where Adam Klein, the director of the Strauss Center for International Security and Law, brings in his expertise.

Klein’s recent research looks specifically at the role of large language models in aiding governments in declassifying and redacting sensitive materials – and the risks posed by America’s “adversaries us(ing) large language models to penetrate our secrets.” Offered in the spring, Klein’s course “Artificial Intelligence and National Security: Law and Policy,” will explore, among other things, the lawfulness and prudence of AI in intelligence, law enforcement, and armed conflict.

The law school’s dean, Bobby Chesney, himself a prominent scholar on artificial intelligence and the law, regards these new courses as just the beginning of the school’s investment in the field.

“Artificial intelligence is going to fundamentally change the practice of law in the long run, and we’re staying on top of every development,” Chesney said. “Our priority is to be a leader in thinking about how we can make sure AI is serving us and not the other way around.”

GETTY IMAGES / UNSPLASH; KLEIN AND MURRELL: BRIAN BIRZER

BY
CHRISTOPHER
ROBERTS

Sole Practitioner

DISCOVER THE LEGAL LANDSCAPE OF SNEAKERS, COVERING EVERYTHING FROM IP TO ENDORSEMENTS, IN A COURSE THAT BRIDGES THE WORLDS OF SPORTS, DESIGN, AND LAW.

If you saw the (criminally underappreciated) movie *Air*, you know about the backroom wheeling, dealing, drama and uncertainty that led a struggling shoe company in the middle of remote Oregon to make an improbable agreement to design a sneaker for a promising but untested basketball player being drafted into the NBA in 1984. If you didn’t see it, you still know the storybook ending: Nike’s Air Jordan shoe transformed the culture, and the business of sports. In

2023 alone, almost 40 years after its introduction and two decades after Michael Jordan’s retirement, the Air Jordan line generated \$6.6B—yes, B as in billion—in revenue. ¶ Sneakers aren’t just big business, they are big law. So, naturally, they’re the subject of the new course, Sneaker Law: Legal Issues Involving Apparel, Trademarks and Endorsements,

taught by lecturer Christopher Sokol. “It’s a fun way to talk about intellectual property, trademarks and patents,” says Sokol. “But, also, employment law, international trade, consumer protection, antitrust matters, and environmental law.” ¶ Students analyze the complex process of designing a shoe, bringing it to the market, and even spend part of the semester initiating an actual design and seeking a trademark for it. They also hear from an all-star collection of guests, including counsel for the Dallas Cowboys and a representative of the Major League Baseball Players Association. ¶ Sokol will have more sports law-themed courses coming, starting in 2025, with From Fanfare to Farewell: Legal Aspects of Sports Franchise Relocation. “Austin is on the shortlist to get a new MLB team,” Sokol observes. “Whatever happens, the process will be great for students to learn on.”



KARSTEN WINEGART / UNSPLASH



Is it time for America to hold a national constitutional convention? When I suggested the idea of a new convention in my 2006 book, *Our Undemocratic Constitution: Where the Constitution Goes Wrong (and How We the People Can Correct It)*, the response was somewhat tepid. Few people really took issue with me about the undemocratic features of the Constitution. But most at the time, it seemed, were satisfied enough with the policies of national government and didn't really care about how they were produced.

That was then. Times have changed, and it is obvious that most people, across the political spectrum, have deep reservations about the ability of the national government, especially, to meet the challenges of governance.

Though certainly not the only cause of our present discontent, the U.S. Constitution plays an important role in making it hard, if not impossible, to envision our national government regaining widespread public approval and confidence. Polling indicates a stunning lack of approval – or “confidence” – in our basic institutions. Even the Supreme Court, which usually scores highest in such polls, is now below 50%. This surely doesn't augur well for our collective future.

In 2017 my wife, Cynthia Levinson – a prize-winning author of non-fiction books for children and young adults – and I published the first edition of *Fault Lines in the Constitution: The Framers, their Fights, and the Flaws that Affect Us Today*. (A third edition will be published in 2025.) As the title suggests, the Constitution, like the natural world, contains a number of “fault lines” that we Americans generally ignore.

When geological fault lines collide, they can cause catastrophic earthquakes or tsunamis. The same is true of constitutions and their often-ignored structural provisions. We identified 20 such fault lines, some of them quite well known, such as the much-criticized Electoral College, which is quite capable of overturning the popular vote in presidential elections.

Similarly well-considered is the indefensible malapportionment of the United States Senate that works against majority rule. Consider that Vermont, with approximately 650,000 people, has the same say in the Senate as the roughly 30 million people of Texas. California, the state with the highest resident population of nearly 40 million, has almost 70 times the population of Wyoming with its .58 million, but the two states share the same number of senators. James Madison was correct in 1788 when he referred to this feature of the Senate as an “evil.” He ultimately argued that it was a “lesser evil” to having no Constitution at all, had Delaware and other small states carried out their threat to leave the Convention. Similar arguments, of course, were made about the necessity to compromise with slavery.

Far more obscure, though of potentially vast importance, is what might happen if a terrorist attack – or a nat-

“WE DO NO HONOR TO WHAT IS MOST ADMIRABLE ABOUT THE FOUNDING GENERATION IF WE TREAT THEIR WORK AS PERFECT.”

ural disaster or a pandemic – killed or disabled most governmental officials. The U.S. Constitution requires that all members of the House of Representatives be elected.

Abstractly, this may seem like an excellent idea. “Representatives” of the people should be elected, shouldn't they? But what if, on September 11, 2001, the terrorists controlling Flight 93 had not been stymied by courageous passengers and instead been allowed to reach its probable target of the United States Capitol and had killed (or disabled) literally hundreds of members of Congress? It is altogether likely that we would have had a non-functioning Congress and a consequent presidential (or military) dictatorship.

Dead senators would not be such a

Constitutional Convention 2.0

How ‘We the People’ can rescue America.



problem. They could be replaced, in most states, by governors, as allowed by the Seventeenth Amendment. That solution would be impossible with members of the House, however. We might have to wait literally months before new representatives could be elected and take their seats.

Although a one-time joint committee led by Washington notables suggested a new constitutional amendment to provide for “continuity in government,” – a proposal for which Texas Senator John Cornyn was one of the exceedingly few members of Congress to take seriously – the proposal has gone nowhere in what is now over two decades. The problem remains as an ominous potential fault line.

So, can anything really be done to alleviate the fault lines? Or must we simply pray that there are no future earthquakes or tsunamis?

My own view, which, alas, is becoming

stronger and stronger, is that the current Constitution of the United States is, in its own way, a clear and present danger to our national survival. And, because of the sheer importance of the United States in the world, that makes it effectively a threat to world survival. For me, this suggests the desirability – even the necessity – of a new constitutional convention, as the Constitution itself allows via Article V, the amendment provision.

Cynthia, however, like most of my friends and professional colleagues, is basically horrified at the possibility. Interestingly, she – again like most of my friends and professional colleagues – does not disagree with the basic diagnosis that the Constitution has many flaws that require correction. She argues persuasively that a new convention might only exacerbate our divisions rather than contribute to their solution. Why might that well be true?



Professor Sanford V. Levinson is a nationally recognized expert on constitutional law, international law, and legal history. He holds the W. St. John Garwood and W. St. John Garwood Jr. Centennial Chair in Law.

Article V, which provides for the possibility of a new convention, offers no clue as to how such a convention would be organized. Who would choose the delegates, and what would the voting rules be? Cynthia accurately suggests that we would be at each other's throats debating these questions before ever turning to the substantive issues that might have triggered the need for a convention in the first place.

Additionally, many Americans are almost thoughtlessly proud of the fact that the Constitution has been formally amended only 27 times since 1787, or, more tellingly, only 17 times since the addition of the first 10 amendments as a group in 1791. But Americans are quite amenable to and capable of considering and voting on constitutional changes. State constitutionalism features not only literally hundreds more amendments, but our collective 50 states have held more than 225 constitutional conventions, at least some of which have led to the replacement of what are correctly viewed as outdated documents with new ones better suited to the times.

A national constitutional convention wouldn't mean scrapping what may well be admirable in the existing document. But it does mean honoring the hopes of the Founders, expressed frequently in their writings, that we should learn “the lessons of experience,” as both Hamilton and Madison wrote in *The Federalist*.

They themselves, after all, had audaciously junked what Hamilton called the “imbecilic” system of government established by the country's first constitution, the Articles of Confederation, replacing the document ratified in 1781 with the brand-new Constitution of 1787. We do no honor to what is most admirable about the Framing Generation if we treat their work as perfect, to be worshipped rather than subjected to what Hamilton in *Federalist 1* called an inspiring process of “reflection and choice.”

As Americans we need to resurrect such “reflection” and to believe that “We the People” can actually exercise some “choice” in the matter. ➤

MATT HARRISON / IKON IMAGES; LEVINSON: BRIAN BIRZER

OFFENSE

IS
THE

BEST

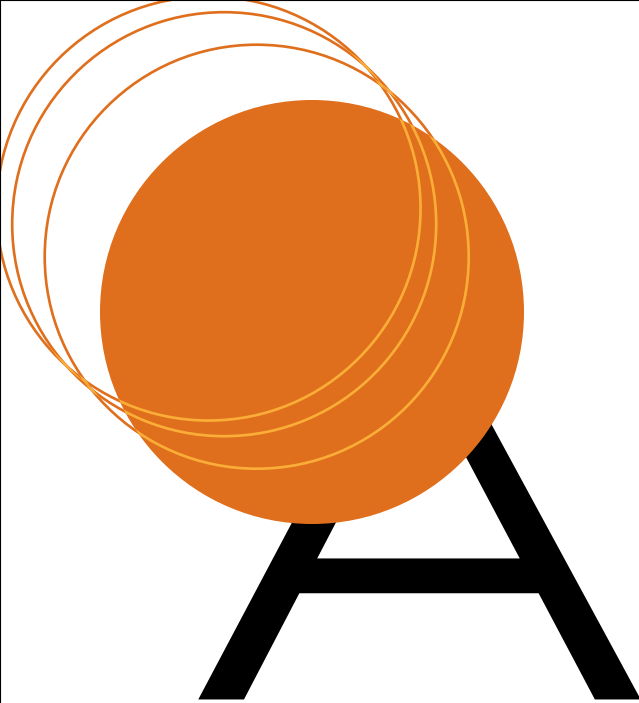
— HOW NIL IS
— CHANGING THE
— GAME FOR
— COLLEGE SPORTS.

BY
JOE NICK PATOSKI

ART BY
CRISTIANA COUCEIRO

DEFENSE





ANYONE WATCHING TELEVISION, LISTENING TO radio, reading newspapers and magazines, or scrolling through social media has noticed: Quinn Ewers and Arch Manning are everywhere. The two Texas Longhorn quarterbacks talk up video games, soft drinks, streaming services, Aston-Martins, private jets, and personal injury law firms.

Ewers and Manning are among the first wave of high-profile college athletes getting paid for their name, image, and likeness (NIL). Among college football players, Ewers ranks fourth in the NIL marketplace, earning \$2.1 million as of September 2024, according to ON3 Sports, a media and technology company that focuses on NIL. Manning is ranked second, having already generated \$3.2 million in NIL.

For most of its 118 years of existence, the National Collegiate Athletic Association (NCAA) – the governing body for college sports – held the amateur athlete as its noble ideal. Money or other incentives should not taint games nor the competitors participating in those games, or so the story went.

Not anymore.

In 2021, the United States Supreme Court rejected the NCAA's long-standing and seemingly impervious amateurism defense in a stunning 9-0 decision, *Alston v. NCAA*. The NCAA has been scrambling ever since, abruptly adopting an interim NIL policy responsible for the wave of student endorsements we're seeing today.

The latest case, the so-called *House* litigation, promises to blow past the NCAA's amateurism defense once and for all. If that happens, what comes next is anyone's guess. The rules of the money game are being written, litigated, settled, and litigated again at a dizzying pace.

The *House* plaintiffs, represented by a legal team including Benjamin Siegel '07, reached a settlement with the NCAA and member schools in May 2024. Under the pending settlement, the association and schools will deliver \$2.8 billion in back pay to former players, and \$20 billion in future payments.

The *House* case offers the dawn of a new era, one in which players receive not only NIL, but share in the revenues their sports generate for the NCAA, conferences, and schools. According to the plaintiffs' team, "The proposed settlement agreement will reshape the economic landscape of college sports, shepherding in changes to defendant's longstanding and aggressively defended rules and... will enable future college athletes to receive tens of billions of dollars in new forms of benefits over the next ten years."

With amateurism on life support, many wonder – does the NCAA have any moves left?

SOMETHING'S GOTTA GIVE

"It's easy to see the huge dollar deals and think this is all just crazy money," says A. Mechele Dickerson, who wears two hats in this brave new world of college sports. She's the Arthur L. Moller Chair in Bankruptcy Law and Practice and University Distinguished Teaching Professor, and she's the UT Faculty Athletics Representative (FAR), the liaison between the school's 691 varsity student-athletes and the NCAA. This fall Dickerson is teaching a Texas Law course on college athletics, money, and student-athletes.

FAR duties are constant. "I can go a whole summer and there's nothing time sensitive that I have to do for the law school," Dickerson says. As FAR, "I don't go a week when there's nothing time sensitive that I have to do for athletics. FARs sign off on forms involving everything from the academic eligibility of each team and the students on each team to making a self-report to the NCAA about an issue," she notes. Dickerson, who attends games, tournaments, and meets as much as she can, spends countless hours with athletes – including travel time – so she can keep a finger on the pulse of what life is really like for Texas's student-athletes.

Dickerson views the NCAA's legal challenges from these two completely different perspectives.

"The lawsuits and the money part really doesn't affect us [as FARs]," she notes. "Our focus as a FAR is the health, well-being, and academics involving student athletes." And in this regard, Dickerson thinks the NCAA has been tremendously helpful. For example, Dickerson says "The NCAA was way ahead of the NFL on concussion studies and protocols" because of their commitment to athlete safety.

"But as an academic teaching a course on the *House* litigation this fall, I have rather strong feelings." Dickerson continues, "Anytime you look at an entity that loses 9-0 at the Supreme Court, you wonder, because it is hard to get 9-0 for anything before the current Supreme Court. As the FAR, I have no role or input into what the NCAA does. As an academic, I think that at some point [the NCAA] are going to have to shift their views as to what student-athletes are."

The amateur argument remains at the heart of the current legal challenges, Dickerson says. "The NCAA has held on to a notion that student-athletes are amateurs, and all student-athletes should be treated the same."

Too much money is on the table, especially in football and basketball, to continue passing off college sports as the domain of the amateur. Television networks and media companies have transformed college sports into big time entertainment over the past five decades. Hundreds of millions, even billions of dollars have enriched athletic departments,



coaches, and the schools. Until 2021, the only money being paid were the players at the center of it.

With NIL and revenue sharing, colleges are now having to confront the second fundamental question: Should all athletes be treated equally?

“At an Ohio State, for example, it is simple to say that the football players are no different from the cross-country team,” says Dickerson. “We used to be that, but we’ve shifted from where the NCAA was founded 118 years ago to where we are now. We need to figure out what the next hurdle is. My view as an academic is, something that future runs headlong into Title IX, that is, establishing equity for men’s and women’s programs, including athletics. “If we’re saying we want to evenly or fairly distribute the revenue, the people generating the revenue are overwhelmed. They are told that they must distribute the revenue with non-revenue-generating sports, mainly women student-athletes. It’s going to be a challenge under Title IX.”

IT’S COMPLICATED

Patrick O. “Wheels” Smith ’02 navigates this context every day as co-founder of Texas One. The organization, like Texas One sprang up all over the country after the NCAA changed direction on NIL. These organizations are dedicated to helping student-athletes get money – and, at least among the biggest schools, to help them financially improve a team’s prospects.

Formed in November 2022, Texas One is made up of five separate entities dedicated to Longhorn athletes. It assumed the nonprofit 501(c)(3) status of organizations like Texas One With A Heart. Through this nonprofit, Texas One matches individual Longhorn athlete NIL dollars to charity nonprofits for NIL dollars. “Student-athletes go to an activity, highlight the charity, promote it on social media,” explains Smith.

“A year into the nonprofit Texas One Foundation, there are people in the business community who are dealing with student-athletes. That’s the true reason we started a for-profit, although we’re not a for-profit. It’s a separate entity under the Texas One banner, but we’re putting businesses together with [student-athletes].”

Working with WME Sports and a sales team in Austin, Texas One intends to maximize athletes’ NIL. The results have matched the aims.

UT is second only to the University of Florida, with 367 NIL deals involving 107 Longhorn athletes totaling around \$17.5 million as of May 30, 2024, according to ON3 Sports NIL Deal Tracker data.

Student-athletes, especially those not named Ewers or Manning, need the help, Smith argues. “I don’t care what sport you’re in, it’s an 11 month-a-year job,” he says.

Dickerson agrees. “There are a lot of athletes who will never have another chance other than during college to earn money from their sport,” she adds. “There isn’t a professional high-jumping or rowing league. An NIL deal of \$5,000 or \$10,000 can be huge money for an athlete in the non-rev-



“[NIL] can make a real difference for an athlete staying in school and paying rent in Austin.”

PROFESSOR A. MECHELE DICKERSON
UT Faculty Athletics Representative

enue sports, or even for a down-roster football or basketball player,” she says. With her insight as FAR, Dickerson explains, “[NIL] can make a real difference for an athlete staying in school and paying their rent here in Austin.”

Smith is particularly bullish on NIL deals for female athletes, citing the women’s volleyball Longhorns “winning the national championship in a sold-out arena with the highest television ratings ever.” H-E-B, the Texas-based grocery chain, did its first-ever NIL deal with UT volleyball star Madison Skinner, a three-time national champion featured in H-E-B’s television commercials along with the Longhorn mascot and members of the Longhorn marching band.

Though NIL is now legit, it’s still none-the-less perilous in part because the situation remains very fluid. “I have a call at 10 am every Wednesday with UT Compliance, making sure everything we’re doing is by the rules, by the book,” Smith says. “But every month, it seems, the NCAA would pass an interim rule, we’d change what we were doing, and four months later the NCAA would come up with official guidelines. We have the IRS, NCAA, state law, there hasn’t been federal law yet, but we have court case after court case that we’re tracking. It’s a team effort trying to decipher things in college athletics.”

Smith, a partner at Lackey & Smith, is keenly aware that the *House* settlement threatens the existence of collectives like Texas One. “That’s going to be fascinating to see how that plays out. The 501(c)(3) side may go away with the settlement,” he acknowledges.

Texas One focuses on what they can, says Smith. “Our goal is how best to serve student-athletes. On the 501(c)(3) side, how can we send them out and highlight these charities under our IRS mandate? On the brand side, how can we bring businesses and students together and operate under the rules we know of at the time? With the *House* settlement, let’s be nimble enough to do whatever the NCAA and the SEC want us to do, and continue to provide opportunities to kids.”

He wasn’t joking about the nimble part. The day after we talked, the judge in *House v. NCAA* instructed both sides to get back together and figure out what’s going to happen with collectives, how is the money going to be spread around, and just how the NCAA plans to regulate all this without running into the same antitrust problems. Judge Claudia Wilken has since given preliminary approval to the revised settlement.

LABOR PAINS

Be careful what you wish for. With NIL and likely revenue sharing, student-athletes and their advocates seem to have the upper hand. The NCAA, longing for a national resolution, is poised to fold their decades-long strategic defense of amateurism. If that happens, college athletics may be teetering ever-closer to designating student-athletes as employees.

The *Alston* and *House* cases are just two in a long line of cases in which the NCAA concedes that student-athletes represent a labor market and the NCAA and its member schools are the buyers of services from that labor market. If college athletics follows the path of professional leagues like the NFL, collective bargaining would seem to be the next legal step.

Designating student-athletes as employees, the goal of many antitrust cases, has unintended consequences, cau-

BIG BUSINESS ON THE FORTY ACRES

Under the leadership of Athletic Director Chris Del Conte, The University of Texas athletic department earned over \$271 Million in 2023, the highest operating revenue in NCAA financial history. And UT excels in competition. The university won the NCAA Division I Directors’ Cup as the top college athletic program for 2023-24, the third time in four years, which neatly

coincides with the university’s entry into the Southeastern Conference this fall. And if the University of Texas had been its own country competing in the 2024 Summer Olympics, counting all the current and former Longhorns competing, UT would have finished 16th in the medal count, five medals ahead of Sweden and two medals behind Spain.

Lawrence Temple ’91. “I don’t think the athletes want to cross that [red line],” Temple says. “If they suddenly become employees, whatever the value of their scholarship suddenly becomes taxable. That’s compensation. There are some real downsides if they become employees, whether they know it or not.”

Who collectively bargains? All student-athletes together or does football bargain separately from baseball and volleyball? Would star athletes like Ewers or Manning even want their salaries collectively bargained? Are the athletes at-will employees? If dropped from the squad, could they be subject to non-compete clauses that would prohibit them entering the transfer portal? Does an athlete’s relationship to their coach change if they are employer-employee? Does it change how they feel about even getting an education?

Temple, a partner at Almanza, Blackburn, Dickie & Mitchell and general counsel for C3 Presents, teaches NIL at Texas Law as adjunct faculty. With a background working at the DOJ’s Antitrust Division and negotiating endorsement deals for athletes, including Lance Armstrong, Temple sees the *House* case as inevitable.

“I think the decisions that players were entitled to profit off of their name, image, and likeness are probably right. It’s just the reality that we have to deal with.” But what that means for the NCAA long-term, for Title IX, for employee status of players and collective bargaining are huge unknowns.

For now, it looks like the NCAA is letting the clock run out on amateurism in American college sports. Considering all cases the NCAA has defended and lost, reflects Dickerson, “I look at it as a lawyer and wonder, how could it have ended up this badly?” for the association. The answer seems to be that they had one defensive play – amateurism – and no offense.

Until the NCAA finds a new game plan, it’s likely that lawyers will continue to call the shots. ↗

OUT OF THIS

WORLD

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SPACE IS A DYNAMIC, DIFFICULT,
AND DANGEROUS REALM.

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ONCE THE PROVINCE ONLY OF STATE ACTORS, EARTH'S
ORBIT IS NOW OPEN FOR BUSINESS.

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THE STAKES COULDN'T BE HIGHER.

→

BY MICHAEL GRESHKO
PHOTOS DAN WINTERS



ing field of endeavor,” says Texas Law Professor Adam Klein, director of UT Austin’s Strauss Center for International Security and Law.

DIVVYING UP SPACE?

Legally speaking, what even is space? For one, it’s not a specific mile marker. The de-facto international rule, a 100-kilometer altitude known as the Kármán line, isn’t defined in the statutes governing U.S. commercial space activities.

While the Federal Aviation Administration (FAA) maintains a list of people who have flown more than 50 miles above sea level on FAA-licensed vehicles, there’s no regulatory change that snaps into place after crossing that line.

Instead, space is treated as a domain governed by international law: in this case, the Outer Space Treaty of 1967 and a constellation of ancillary agreements. Under this Cold War-era treaty, space is free for all nations to explore peacefully. Nuclear weapons and other weapons of mass destruction can’t be put into orbit or placed upon “celestial bodies” other than Earth, such as the Moon. States can’t claim territory in space, either.

If you were to squint and stare at the body of space law from a distance, it would resemble the legal frameworks of other forbidding realms like the high seas or Antarctica. However, space isn’t like any other domain on the planet’s surface. In low-Earth orbit, for example, there’s no equivalent to territorial shorelines. There can’t be. For an object to stay in orbit, it must whiz around the planet at a speed of at least 17,500 miles per hour with no mind to borders below.

So, where do private companies come in? Under the Outer Space Treaty, states are held responsible for any space activities carried out by governmental or non-governmental entities under their control. For instance, when a private American company launches a satellite into orbit, the United States is on the hook.

“It’s based on the idea that a sovereign has responsibilities and liability, but there’s not an idea of ‘dividing up’ space,” says Caryn Schenewerk ’02,

who teaches commercial space law and consults with space companies after 12 combined years at SpaceX and the startup Relativity Space.

PATCHWORK JURISDICTIONS

Schenewerk, who has written a textbook on space law, notes that our domestic space law has grown out of efforts to enact the Outer Space Treaty. Many federal agencies are involved, including: NASA, the Department of Commerce, and the Department of Defense all commission and operate their own satellites and spacecraft, and contract for commercial space services; the Department of Commerce regulates remote sensing of Earth’s surface; the FAA authorizes commercial launches, reentries, and spaceports; and the Federal Communications Commission (FCC) regulates the satellite frequencies on which practically every spaceborne commercial vehicle relies for communication. Under a 1976 agreement, the United States also maintains a national registry of objects that it has launched into space and submits data to a global registry maintained by the United Nations.

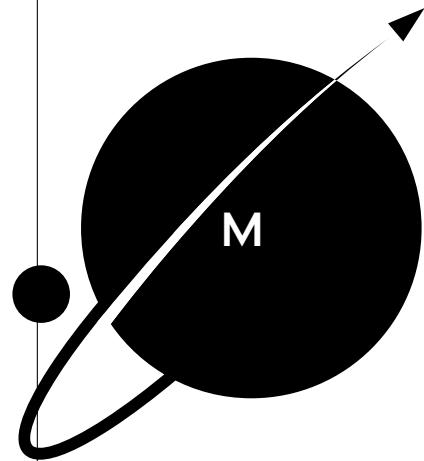
But the heart of the industry’s rapid growth, an expansion that’s testing legacy regulations as never before, lies with a monumental legal experiment NASA launched 20 years ago with a program known as Commercial Orbital Transportation Services (COTS). Essentially, NASA changed the rules of the contracting game under the Federal Acquisition Regulations. Two decades on, NASA’s experiment is quite literally shooting for the Moon.

Before COTS, NASA relied primarily on cost-plus contracts. In these arrangements, the federal government controls the spacecraft’s design and operations and then owns and operates the hardware the contractor produces. The Apollo missions and the Space Shuttle were built on cost-plus contracts. NASA controls the minute specifications and safety measures, but as the sole buyer for a one-of-a-kind product, NASA covers vendors’ overruns – and the contractor is guaranteed its costs plus a defined profit.

In 2005, NASA created COTS as a

ON

» NASA launches Artemis-1 in 2022, the first in a series of increasingly complex missions to return humans to the lunar surface.



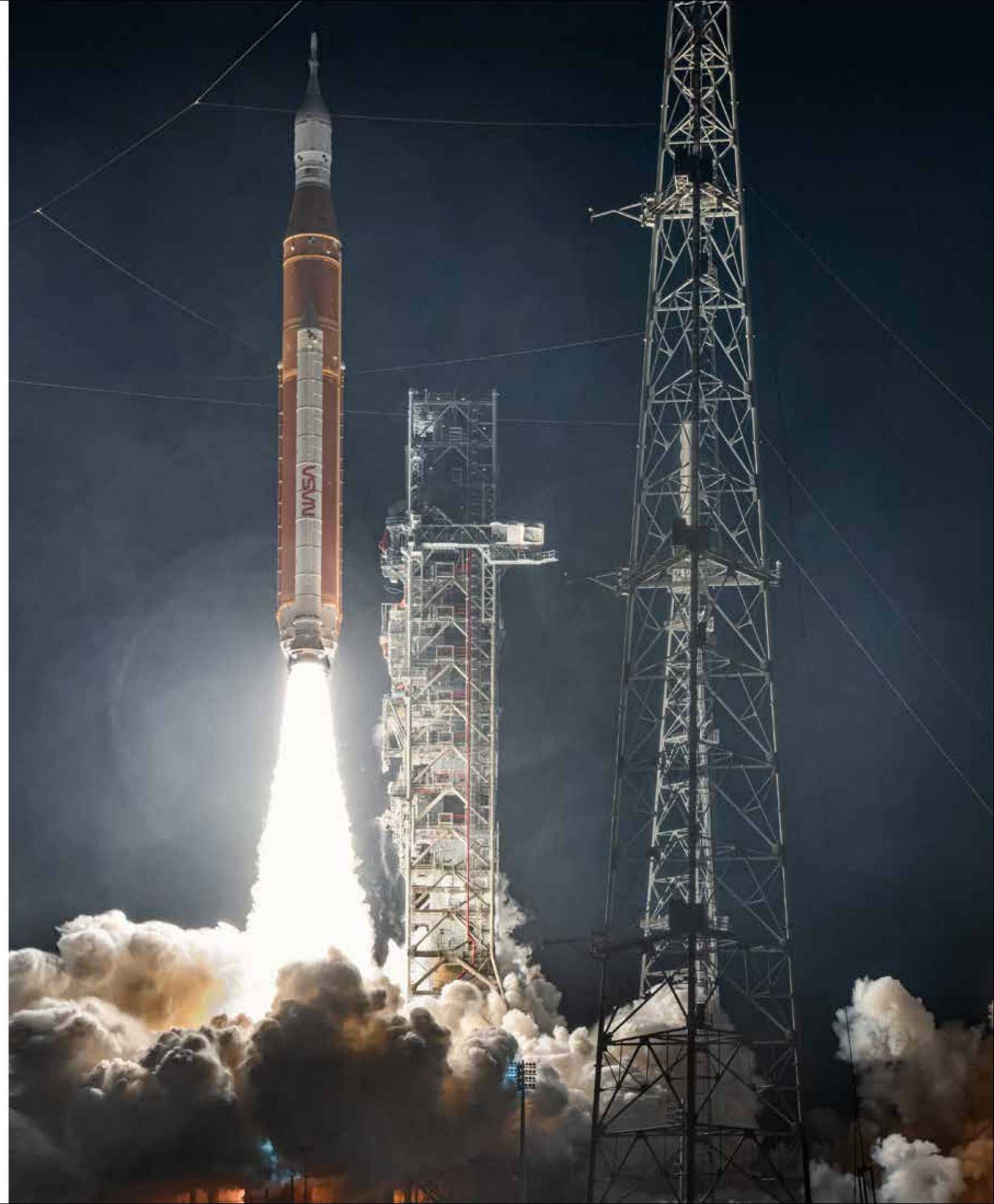
**MAKE NO MISTAKE:
WE ARE LIVING THROUGH
THE DAWN OF A
SECOND SPACE AGE.**

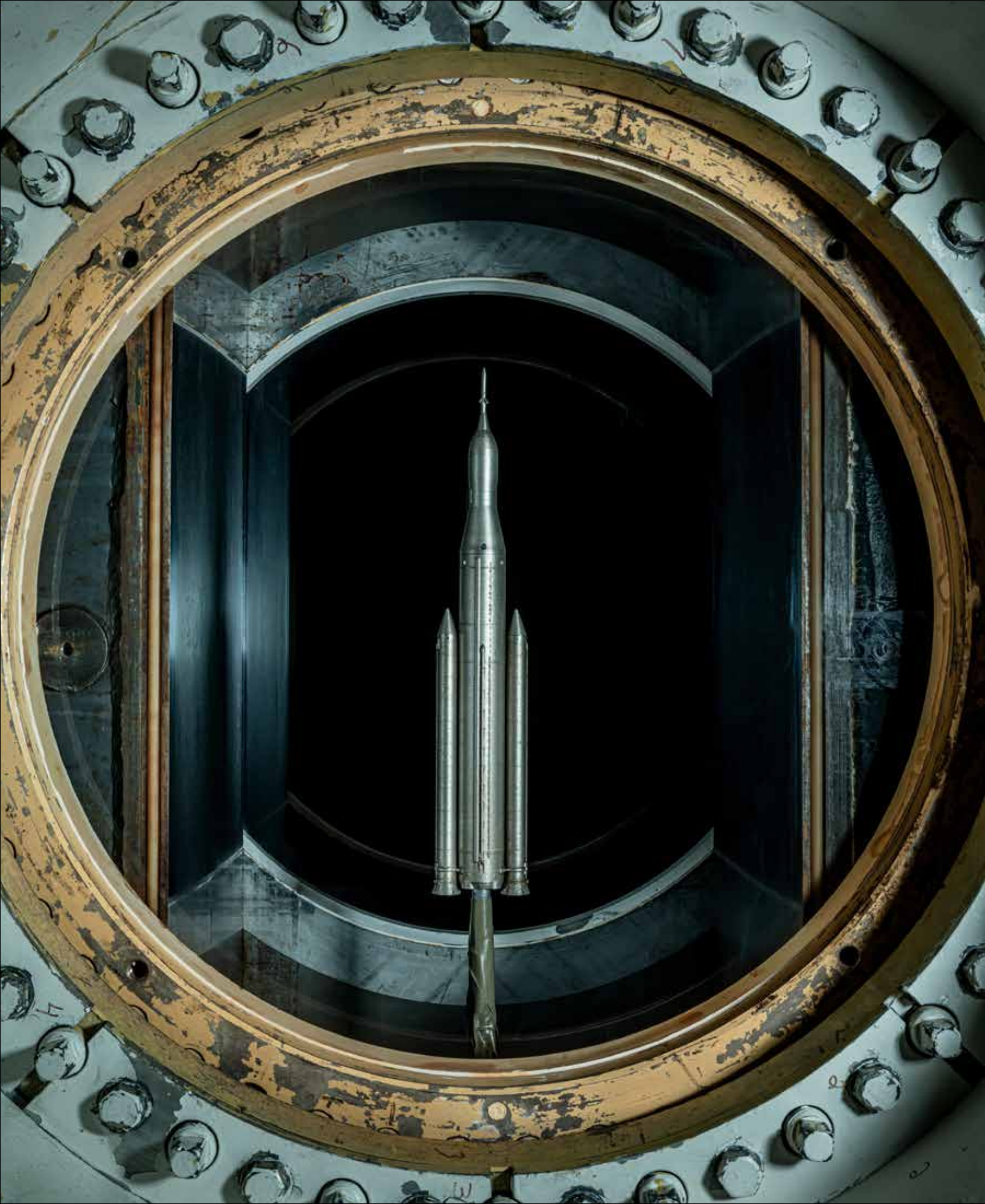
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Thanks to two decades of bipartisan policies, what started more than 60 years ago as a Cold War-era race to the Moon has now become a boon for the U.S. space industry, which is building the technologies and infrastructure required to grow an economy in orbit and beyond.

This gold rush hasn’t just spawned a booming \$131.8-billion commercial space industry, accounting for 0.5 percent of the country’s GDP. It’s also setting the stage for a long-term presence on the Moon’s surface. After a hiatus of more than five decades, NASA’s Artemis program plans to return humans to the Moon, as part of a wide-ranging strategy for eventual crewed missions to Mars.

This transformative era is offering lawyers a front-row seat to a host of novel legal issues – not just on terra firma, but in the heavens above. And Texas Law lawyers and students are at the forefront of this literally rocketing industry. “This is an opportunity to get it on the ground of a really excit-





CLASSROOM OF THE COSMOS

cost-saving, public-private partnership that helped private companies develop their own rockets for resupply missions to the International Space Station (ISS). COTS relied on milestone-based, fixed-price contracts. In exchange for lower, fixed costs, NASA relinquished ownership of the hardware, gave vendors more leeway to meet specifications, and incentivized vendors to contain their costs and find viable markets for their products.

Through 2013, the U.S. government invested \$788 million into COTS, funding contracts with Orbital Sciences (now part of Northrop Grumman) and SpaceX, which at the time was a plucky startup. At press, these two companies have flown 48 successful resupply missions to the ISS and have saved the U.S. government billions of dollars in the process.

In 2010, Congress extended the COTS experiment to the highest stakes yet: flying astronauts to the ISS as a replacement for the soon-to-be-retired space shuttle. Under this program, SpaceX has flown 34 NASA and international astronauts to the ISS since 2020. “The arc of where we are today is the story of key decisions to support the commercial space sector,” says Schenewerk.

THE INDUSTRY MATURES

The space industry now finds itself maturing, with new companies trying to differentiate from established players. “Along comes SpaceX, and they come and prove that commercial space is really where it’s at – they were obviously the groundbreaker,” says Idris Motiwala ’16, an associate at Crowell & Moring who has worked extensively with space companies. “They laid the groundwork for others to follow.”

Many of these companies call Texas home. According to a 2024 report from the office of Texas Governor Greg Abbott, more than 2,000 aerospace entities do business in the state, along with 18 of the 20 largest aerospace manufacturers, and employ more than 154,000 people. Those companies include SpaceX, whose Starship rocket is being built at the company’s “Starbase” facility near South Padre Island, and Blue Origin,

whose suborbital New Shepard rocket launches from West Texas.

Firefly Aerospace, a startup headquartered in Cedar Park, TX – where Motiwala, just two years out of law school, served as in-house counsel from 2018 to 2022 – is building smaller rockets in hopes of providing cheaper, dedicated launches for small satellite needs. Firefly is also getting into the lunar game with its Blue Ghost lander set to carry NASA instruments to the Moon’s surface later this year. Other startups like the California-based firm Relativity Space – where Schenewerk worked as a vice president from 2020 to 2023 – are advancing 3D-printing technologies. To test its latest rocket design, the company will attempt its own commercial Mars mission planned as early as 2026 in partnership with the startup Impulse Space.

These and other companies now play a critical role in NASA’s Artemis program – both a cost-saving measure on the agency’s part and an audacious bet on the industry’s ability to develop an economy on and around the Moon. When NASA astronauts touch down on the Moon’s surface during the Artemis III mission possi-

In addition to courses, Texas Law students explore opportunities in space law through the Texas Space Law and Policy Society (TXSLAPS). Daniel Michon ’20, now an attorney at NASA’s Marshall Space Flight Center in Huntsville, Alabama, helped form the student group in 2019. He and other founding members “recognized an opportunity to establish a dedicated community of interested law, public policy, and engineering students who had either a passing or professional

interest in space-related fields,” says Connor Madden ’23, a former TXSLAPS member now clerking for the Supreme Court of Texas. To Madden, TXSLAPS is “a perfect example of how Texas Law empowers its students to pursue their niche interests.” “Last year, current TXSLAPS president Brittany Silvester ’25 was named a Brumley NextGen Graduate Fellow for Space Safety, Security, and Sustainability. Her research under the program – mentored by Moriba Jah – led

to Silvester presenting at a 2024 conference hosted by the International Academy of Astronautics. She also received the Strauss Center’s inaugural Aerospace Policy Solutions LLC Award in Space Policy. “As soon as I saw the Hubble Telescope images as a kid, I was hooked,” Silvester says. “Fast-forward to today, I’m still a pretty big space fanatic. But now, instead of satiating my curiosity with sci-fi movies, I turn to academia to research questions that excite me.” – MG

P. 130

First Artemis wind tunnel model. A 1.2% scale model of SpaceX Starship Super Heavy recently breezed through wind tunnel testing at NASA Ames Research Center.

bly as soon as 2026, their ride will be a lander owned and operated by SpaceX. When those astronauts walk the lunar terrain, they’ll be wearing spacesuits made by Axiom Space, a Houston, TX-based company that has flown three commercial missions to the ISS. And as soon as 2030, Artemis’s next moon landing during the Artemis V mission will come courtesy of a vehicle owned by Blue Origin, which is owned by Amazon founder Jeff Bezos.

This public-private partnership is meant, in part, to serve a broader goal: making Artemis sustainable in a way that Apollo never was. Inextricably tied to the Cold War, Apollo was a race to the lunar surface. But races, by definition, end – and to get to that checkered flag, the Apollo program cost more than \$280 billion, adjusting for inflation. With Artemis, NASA is trying something more ambitious: a politically and financially durable moon program that not only sends crews to the lunar surface but equips them – and us all – to return again and again.

Amid all this activity, space lawyers face a diverse list of issues that stem from companies’ attempts to adhere to regulations that were once just the domain of federal agencies. Rocket

launches and capsule reentries must be licensed and permitted at ever-growing numbers and ever-growing speed. Compliance strategies for the U.S.'s strict export controls on aerospace technologies must be developed and adhered to. Land use and economic development agreements must be ironed out for spaceports and other facilities.

"In general, the underlying laws were mostly written during the space race," says Motiwala. "The regulations are being tested by commercial providers now."

INTO THE UNKNOWN

This new space race, and the companies now defining it, can also influence security matters around the world. Indeed, the U.S. military's space budget dwarfs NASA's entire budget, and the armed forces are an enormous buyer of space services. SpaceX now routinely launches reconnaissance satellites. In September 2023, Firefly successfully completed launch preparations for a military satellite on just 24 hours' notice, a turnaround that would have been unheard of decades ago.



P. **OWN**

» Lift-off for NASA's Crew-2 Dragon Endeavor spacecraft and the Falcon 9 rocket.

▼ NASA astronauts Zena Cardman and Drew Feustel during a JETT Field Test training mission for human activity and operations on celestial surfaces.

"Every day with the war in Ukraine, we've seen Russian cyberattacks on [commercial] ground stations to disrupt Ukrainian satellite communications," says Klein, the Strauss Center director. "On the other side, we've seen Ukraine benefiting from commercial satellite imagery for its military operations – and arguably even employing, in some cases, an advantage over Russia despite Russia's space program."

The increased military use of commercial space – and the broader international reliance on space technologies – raise challenging national security questions. If the U.S. military makes use of commercial satellites, under what conditions could those satellites be targeted legally by an adversary? Is it lawful to conduct attacks using civilian satellites? "There's a real need for lawyers who have an understanding of the background legal principles – and also the policy context – to go in and serve in these agencies and in these companies," Klein says.

In part, the Strauss Center is keeping a close eye on these issues through its Space Security, Safety, and Sustainability program, whose lead, Professor Moriba Jah, is a renowned expert on one of space's biggest emerging prob-

lems: How should the world respond to the growing threat of space junk?

As companies take advantage of cheaper and more frequent launches, the number of active satellites orbiting Earth has quintupled in the last five years, from 2,000 to more than 10,000. Tens of thousands more objects at least as big as a cell phone orbit the planet, too. But these objects are merely litter, ranging from discarded rocket stages to the remnants of a 2021 Russian anti-satellite missile test.

Already, the rise in satellite counts has given astronomers headaches and has transformed people's naked-eye views of the night sky. The risks are more than scientific and aesthetic. If defunct satellites and other forms of orbital debris aren't responsibly disposed of, they can lead to deadly or disabling collisions between objects in orbit. At worst, clouds of high-speed shrapnel would make it impossible to operate satellites within entire categories of orbits.

"Orbits one day [could] become unusable because it's a finite resource that's being exploited without global coordination and planning," says Jah, who is also a professor of aerospace engineering and engineering mechanics at UT Austin.

Cleanup is possible – but only under the right legal framework. At present, there's no space equivalent to maritime salvage laws under which private companies can be paid to clean up shipwrecks. What's more, there isn't yet a clear way for one country to non-consensually clean up another's space debris. "If I, from the U.S., want to put myself in an orbit and there's a piece of Russian junk there, I can't just remove the Russian junk," says Jah. "Russia is the sovereign owner of that piece of garbage. It could constitute an act of conflict."

It's these exact kinds of thorny challenges, and the opportunities to work on them, that make space law so compelling to the legal professionals who practice it. There's another benefit, too: the challenge of exploring new legal frontiers, like astronauts stepping into the unknown.

"A lot of this is just untested law," says Motiwala. "Who's going to be that trailblazer that fights that legal battle?" 🚀



recess

TEN THINGS
TEXAS LAWYERS
ARE ENJOYING
OUT OF OFFICE



MOVIE

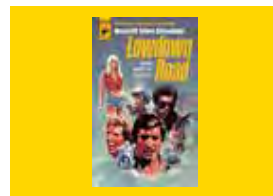
1 *The Long Game*

The film adaptation of *Mustang Miracle* by Humberto G. Garcia '78, *The Long Game*, recounts the riveting true story of five Mexican American teens in segregated Del Rio, Texas, who win the 1957 state high school championship golf tournament. The film stars Jay Hernandez, Cheech Marin, and Dennis Quaid.

BOOK

2 *Low Down Road* by Scott Von Doviak

Lowdown Road is a gritty crime thriller set in Texas during the 1970s gas crisis. This road-trip noir reads like a Tarantino film on paper. Von Doviak – aka Texas Law Faculty Program Coordinator Scott Vdoviak – has earned a nomination from Mystery Writers of America for an Edgar Allan Poe Awards Best Paperback Original 2024.



LEISURE

3 The State Fair of Texas

Nothing says fall in Texas like the State Fair and the Red River Rivalry. Between the fried everything and the epic Texas-OU showdown, this annual tradition is about more than football. It's about Texas-sized fun, friends, and Longhorn family, where the pride runs deep on the field and off.



1: COURTESY ANITA GALLON M.; 3: PERRY HENRY II / UNSPLASH;

4: BARBS B Q; 5: POLINA KUZOVKOVA; 6: DISNEY; 7: PETER PAN MINI GOLF; 8: ENZO SANCHES; 10: UT ATHLETICS.

FOOD

4 Barbs B Q

Lockhart is the BBQ Capital of Texas and Barbs B Q is the latest joint to earn its smoky stripes. Chuck Charnichart is the 26-year-old pitmaster blending Mexican and Texas flavors at Barbs. She brings a bit of Charlie XCX pop culture vibe to the traditional world of smoked meats. Try the Molotov pork ribs and upside-down pineapple cobbler!



ADVENTURE

5 Waco Surf

World-class surfing in Central Texas? You better believe it. Waco Surf offers newbies and experts a way to blow off steam by hanging ten. The park, just east of Waco, is open March-December and attracts surfers from all over the world. Why not catch some waves before diving back into deposition prep.



TV

6 *Only Murders in the Building*

Only Murders in the Building is back for Season 4. With its sharp wit, intricate mysteries, a quirky trio of characters starring Texas-born Selena Gomez, Steve Martin, and Martin Short, and a supporting cast of Hollywood A-list celebs, *Only Murders* brings the cozy in this clever whodunnit.



LEISURE

7 Peter Pan Mini-Golf

The 76-year old mini-golf course at South Lamar and Barton Springs Road extended their lease until March 2025. Its future after that remains in limbo. The iconic mid-century mini-golf course has for decades delighted friends and families looking for some old-school fun. Catch T-Rex, Tinkerbell, and all 36 holes while you can!



WELLNESS

8 Shinrin-yoku

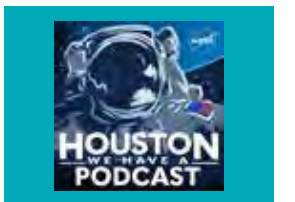
Not just a walk in the woods, shinrin-yoku is an immersive experience rooted in the Japanese tradition of forest bathing. The popular mindfulness practice takes in the sights, sounds, feel, and smells of a teeming forest ecosystem as a detox to stress. Trade blue light for filtered sun and office drama for rustling leaves. *Aaaahhhh*.



PODCAST

9 *Houston, We Have a Podcast*

"Unfortunately, popcorn isn't really a thing because once you open those bags, it just flies and floats everywhere and can clog the filtration systems." That's U.S. astronaut Frank Rubio reflecting on movie night aboard the International Space Station. Tune in for a front-row seat to human spaceflight direct from Johnson Space Center.



SPORTS

10 College Football

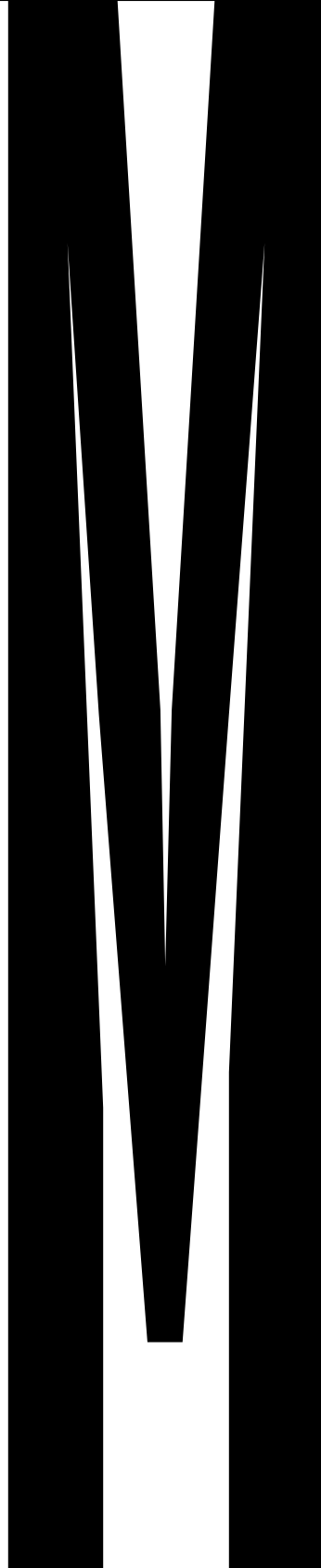
When Saturday Game Day isn't enough, there's EA Sports' College Football '25. The best-selling video game is back – with Quinn Ewers on the cover! – after an 11-year hiatus. Thanks to new NIL rules, you can game up with your favorite Longhorns and run simulations of national championship match-ups. Hook 'em Horns!





UNUSUAL SUSPECTS

PSYCHEDELIC THERAPIES GAIN NEW ADVOCATES. BY ROBIN BERGHAUS. ART BY MATTHIEU BOUREL



Capone tried antidepressants, talk therapy, hyperbaric oxygen therapy, transcranial magnetic stimulation, and he visited several brain clinics. Nothing worked.

When Capone's life began falling apart, he considered suicide. His wife was just as desperate. "I was going to lose him," recalls Amber Capone.

As Amber searched for ways to help Marcus, she discovered other Veterans finding success with psychedelic therapies for their depression and PTSD. But those treatments are illegal in the United States — owing to decades of convoluted legal and regulatory practices.

Marcus would have to leave the country if he wanted to receive this life-saving treatment. A proud Veteran, he had never done illicit drugs. But absent other options, Marcus agreed. In 2017, he visited a Mexican clinic, where he was treated with ibogaine and 5-MeO-DMT, a toad's toxin so potent some refer to it as "the God molecule."

"The stress and anxiety went away," says Marcus. "It changed my life forever."

Psychedelic therapies were far more effective than anything else Marcus tried, inspiring the Capones to found Veterans Exploring Treatment Solutions (VETS). Since 2019, their non-profit based in Southlake, Texas has helped nearly 1,000 Veterans access psychedelic therapies in countries where they are legal or unregulated with a mission to end Veteran suicides.

Recently, the Capones shared their quest in the documentary, *In Waves and War*, that premiered in Telluride in August.

A RIGHT TO TRY

Shane Pennington '10 is a litigator in Washington, D.C., who doesn't think the Capones and the Veterans they help should have to leave the United States for life-saving healthcare.

A partner at Porter Wright, where he serves as co-chair of the firm's Administrative and Regulatory Law Practice Group, Pennington

U.S. drug policy reform typically has an audience among progressives. But the newest advocates trend conservative. This unusually bipartisan coalition hopes psychedelic therapies will soon reach those who need them most.

and a legal team have worked pro-bono for four years so terminally ill patients can get treatments the U.S. Drug Enforcement Administration has criminalized.

Pennington represents Dr. Sunil Aggarwal, a Seattle palliative care physician treating patients like Erinn Baldeschwiler, who has stage 4 breast cancer. Pennington is fighting for Baldeschwiler to access psilocybin under federal and state Right to Try laws created for terminal patients who can't wait years for drug approvals.

In 2018, the U.S. Food and Drug Administration declared psilocybin a breakthrough therapy with evidence that it may offer substantial improvement over available drugs for depression.

While psilocybin checks the boxes to qualify for Right to Try, there's a catch. For over 50 years, psilocybin has been classified as a Schedule I drug with "no accepted medical use" — and that's a sticking point for the DEA.

"Now here's the thing," says Pennington. "That definition is true of every experimental drug."

In essence, with Schedule I drugs, it's the DEA, rather than the FDA and doctors, determining whether and what drugs are medically viable. Pennington's team petitioned the DEA in 2021 for an exemption and in 2022 to reschedule psilocybin from Schedule I to Schedule II in Aggarwal's case. The DEA denied their petitions.

Aggarwal appealed the DEA's denial of his rescheduling petition. The Ninth Circuit Court of Appeals ruled in Aggarwal's favor in 2023, remanding the DEA to either clarify its pathway or to reevaluate Aggarwal's petition on an open record. Troublingly, nearly a year after the court reversed the DEA's denial, the agency still hasn't sent the rescheduling petition to FDA for its review, despite psilocybin's status as a breakthrough therapy.

In August, Pennington's team returned to the Ninth Circuit to appeal the DEA's denial of Aggarwal's petition for an exemption. Aggarwal and his patients still haven't heard from the DEA. They are awaiting a final ruling from the court.

"I have not met a single person who can give me a legitimate reason why this shouldn't happen," says Pennington. "What right does

MARCUS CAPONE SERVED SEVEN COMBAT TOURS AS A NAVY SEAL — INCLUDING MISSIONS WITH SEAL TEAM SIX, THE NATION'S PREEMINENT COUNTER-TERRORISM UNIT — BEFORE BEING MEDICALLY RETIRED IN 2013. FOR YEARS, HE STRUGGLED TO FIND EFFECTIVE TREATMENTS FOR HIS TRAUMATIC BRAIN INJURIES, DEPRESSION, AND POST-TRAUMATIC STRESS DISORDER.





the DEA have to tell this doctor what he can and cannot do, while he is in good faith trying to heal his patients?”

STRANGE BEDFELLOWS

Pennington is not an obvious choice to be on the vanguard of securing legal access to psychedelics. A vice president of the law school's Federalist Society, managing editor of *Texas Review of Law and Politics*, and former clerk to D.C. Circuit Judge David Sentelle, Fifth Circuit Judge Jennifer Elrod, and U.S. District Judge Royce Lamberth '67, the libertarian is no poster child for drugs.

But the battle to bring psychedelics out of the legal shadows and into mainstream medicine has become a bipartisan affair. Traditional conservatives, animated by deep convictions about liberty, are joining forces with progressives who share their outrage about governmental criminalization tactics that exacerbate suffering of Veterans and terminally ill patients.

And Texas has been at the forefront of this boundary-busting collaboration.

In 2021, Texas became the first state to publicly fund research for psychedelic therapies. Specifically, HB 1802 funds a clinical trial to study the effects of psilocybin for Veterans with PTSD.

Former Rep. Alex Dominguez (D-Brownsville) authored the bill and Rick Perry, former governor of Texas, helped garner bipartisan support. Both became advocates for psychedelic therapies after witnessing profound health transformations of Veterans they know.

In 2023, Rep. Dan Crenshaw (R-TX) worked across the aisle to pass the Douglas 'Mike' Day Psychedelic Therapy to Save Lives Act. Named after a decorated Navy SEAL who died by suicide, the congressional bill appropriated \$10 million for studying psychedelic therapies for active-duty service members.

At a press conference with his Democratic cosponsors, including Rep. Alexandria Ocasio-Cortez (D-NY), Crenshaw called their team a “really wild coalition,” and said he couldn't find anyone in Congress who opposed the bill.

Advocates for treatment reform note that between 17 and 44 Veterans take their lives every day. Nearly 150,000 have done so since 9/11. That's more than 21 times the American lives lost in warzones over that same time.

SCHEDULED OUT

For thousands of years, psychedelics have been used by Indigenous communities for religious ceremonies and healing rituals – from psilocybin mushrooms in Mexico to peyote-containing cacti in the Native American Church.

In the early 20th century, scientists began synthesizing psychedelics, including LSD and MDMA. Through the 1960s, psychedelic research for health conditions was mainstream with more than 40,000 research subjects and a handful of international psychedelic conferences.

Though results were promising, when LSD became the defining drug of the 1960s counterculture, backlash ensued. The Nixon-era Controlled Substances Act (CSA) of 1970 criminalized psychedelics, setting back research and development of effective medical therapies for decades.

The CSA created a scheduling system classifying drugs according to their medical use and risk of abuse. Schedule I drugs are defined as having “no accepted medical use and a high potential for abuse.” These substances are illegal to use, sell, and prescribe. Heroin, cannabis, LSD, MDMA, psilocybin, and nearly all psychedelic drugs are in this category.

While accessing Schedule I drugs is limited to research, applying for a license is a complex process that can take years to obtain. Most researchers avoid studying them altogether.

“That means we haven't realized many medical benefits of psychedelics and other Schedule I drugs,” says Melissa Wasserman, professor and associate dean for research at the University of Texas School of Law. “When research is blocked, the lack of data contributes to a vicious cycle, making it difficult to get these drugs off Schedule I and into the medical community's hands.”

All this informs Pennington's legal efforts to help Baldeschwiler and her physician, Aggarwal.

Like many patients with terminal illnesses, Baldeschwiler experiences anxiety and depression while confronting agonizing end-of-life issues. Aggarwal, familiar with psilocybin as an end-of-life treatment, believes it might help alleviate her distress. When he asked if she would like to try it, Baldeschwiler said yes.

Aggarwal sought to enroll Baldeschwiler and other qualifying patients in a clinical trial, but none were accessible. So, he contacted a drug manufacturer to acquire psilocybin through Right to Try and treat them at his clinic. The manufacturer was willing to pro-

vide psilocybin, but by law required the DEA's permission. When the DEA declined, Aggarwal sued.

“The DEA has not been willing to play ball,” says Wasserman. “Psilocybin is a breakthrough therapy. That's a strong argument to allow Aggarwal's petition. The DEA could make an exemption, as it has several times, including for the Native American Church to use peyote in its religious ceremonies.”

For Baldeschwiler, the DEA's delay tactics add trauma to an already anxious time. “The DEA is hurting us. I should not have to turn to the underground or leave the country to get this medicine,” says Baldeschwiler.

The Department of Justice and its attorneys representing the DEA declined comment on pending litigation.



OPENING MINDS

Despite persistent legal obstacles, it's clear why bipartisan support remains strong.

America faces a mental health crisis with nearly 50,000 people dying by suicide each year. Yet available antidepressant medications work for less than half of patients, and may elicit side effects, including suicidal thoughts.

University of Texas at Austin Dell Medi-



PSILOCYBIN
Schedule I

Psilocybin, used for millennia, is a compound found naturally in certain mushrooms.



LSD
Schedule I

LSD is derived from the ergot fungus. Originally studied to treat alcoholism and trauma.



MDMA
Schedule I

MDMA increases empathy and bonding. Research shows promise treating PTSD.



KETAMINE
Schedule III

Ketamine is an anesthetic, prescribed off-label for depression.

These four substances have “breakthrough therapy” status from the FDA, meaning they show promise for treating serious conditions. The DEA says that all but ketamine have “no accepted medical use.” Who decides?

and performs brain scans and clinical assessments at Dell Medical School. Their goal is to decipher the underlying mechanisms of how psychedelics work and find ways to boost their efficacy.

Fonzo explains that psychedelics target brain receptors that produce psychological effects. Some patients report feeling more deeply connected with the universe. According to Fonzo, patients experience profound insights about themselves, which could be one way they process trauma.

What remains unknown is how psychedelics work on the brain for long-term improvements. Researchers believe psychedelics might promote neuroplasticity, the brain’s ability to form new connections.

Fonzo likens typical brain activity to a high school clique, in which certain students tend to talk to each other, while others remain excluded. Similarly, the brain segregates into communication hubs. “When people take a psychedelic, that structure tends to break down,” Fonzo says. “So, you see enhanced communication between areas of the brain that don’t normally communicate as much.”

One key benefit is that psychedelic therapies are relatively fast-acting. “We have seen striking improvements in some patients undergoing psilocybin or ibogaine treatments where people feel better within days,” says Fonzo. “Having that kind of treatment option is pretty profound.”

Common antidepressant medications, in contrast, take several weeks to show benefits, if at all.

But Fonzo notes that psychedelic therapies are not for everyone. Psychedelics tend to elevate heart rate and blood pressure. They can cause nausea, vomiting, and, in rare cases, episodes of paranoia.

Psychedelic therapies also aren’t as simple as taking a pill. The treatment process, lasting one to three months, involves a drug-therapy combination that considers patients’ set, setting, and integration.

Set, short for “mindset,” includes everything the patients bring to treatments – from their genetics to how they prepare mentally by considering risks and expectations.

Setting refers to the physical space designed for safety and comfort, where clinicians administer drugs and monitor patients throughout their psychedelic experiences. These sessions typically last from six to eight hours. Usually the next day, clinicians begin integration sessions to assess patients’ wellness and help them process what they’ve discovered as they move forward.

It’s unclear to what extent insurance will cover psychedelic therapies – each session is

projected to cost thousands of dollars. If psychedelic therapies are approved, time and expenses may limit their accessibility.

HOPE FOR HEALING

Several psychedelic therapies are in clinical trials for patients with treatment-resistant depression, PTSD, migraines, substance use disorders, and an array of other conditions.

Lykos Therapeutics completed a Phase 3 clinical trial for its MDMA-assisted therapy. MDMA had been used in therapy until it became a Schedule I drug in 1985. If approved, MDMA would be the first new treatment for PTSD in over twenty years.

In August, the FDA declined to approve it, requesting another clinical trial. While the FDA did not (and is not required to) publicly share its recommendations for Lykos, in June the agency’s advisory panel cited issues. Panelists noted that participants could correctly guess whether they received MDMA or a placebo. Others expressed doubts about its efficacy, and concerns over the lack of long-term data collection on the potential for addiction and health risks.

Lykos intends to appeal the FDA’s denial. More broadly, psychedelic-related initiatives are moving forward in a patchwork fashion across the country.

Voters in Oregon made history when they narrowly passed a 2020 ballot measure, making Oregon the first U.S. state to legalize psilocybin services. The law went into effect last year. Adults over 21 can now access psilocybin with trained facilitators at Oregon’s licensed service centers. Whether the DEA will intervene is unknown – accessing psilocybin outside of research is still a federal crime.

A 2023 JAMA Psychiatry article noted that 25 states proposed 74 bills and signed 10 into law. The bills propose a variety of measures from decriminalization, to research, to medical oversight of and licensure to prescribe or administer psychedelic therapies.

These efforts face an uphill battle. The time and expense of clinical trials and a legal maze of federal and state actors will continue to deter patients and providers – people like Marcus Capone, Erinn Baldeschwiler, and Dr. Sunil Aggarwal – from pursuing potentially life-saving treatments.

“We have a Veteran suicide epidemic, and where we draw the lines matters,” says Pennington. “It’s not just psychedelics, it is really about who is going to be accountable for solutions for healthcare – especially the mental health crisis – that plague our modern times.”

closing

arguments

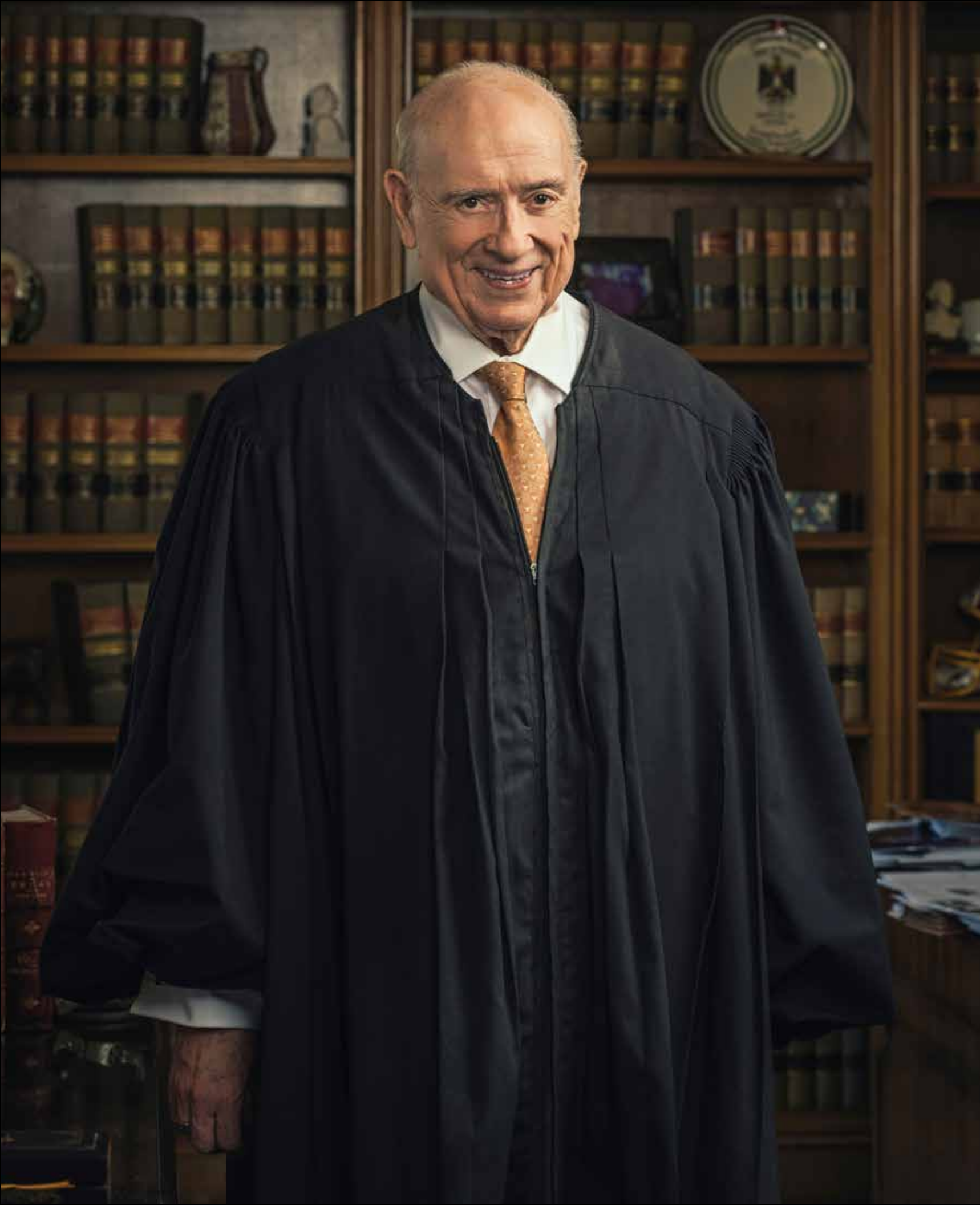


Liz Lambert '90
Moon over
Marfa.

GREENTANA / ISTOCK

art by BEN KIRCHNER

Liz Lambert '90 has partnered with ICON to build the first-in-the-world 3D printed hotel. The entrepreneur, hotelier, and cultural maverick continues to break new ground as Lambert relocates and expands her El Cosmico property to a new 60-acre site outside Marfa, TX. In partnering with international architects BIG and Austin-based ICON, NASA’s Moonbase collaborator, Lambert’s El Cosmico – with its 3D printed hotel, residences, restaurant, bar, and spa – fittingly may very well help shape human habitation on the moon and beyond.



Judge Royce Lamberth '67 On the rule of law.

H

HE HAS WITNESSED HISTORY — and made it — as a federal judge in Washington, D.C. Appointed by President Reagan in 1987 and named Presiding Judge of the FISA Court by then Chief Justice Rehnquist in 1995, Judge Royce Lamberth '67, continues to make headlines as a senior judge. 3L Thomas Rielly, president of Texas Law's Veterans Association, spoke to the judge about his most challenging cases.

portrait by STEPHEN VOSS

You've presided over January 6 cases that continue to divide the nation. How do you approach it? Our approach is that partisan politics has nothing to do with what happened on January 6, and we proceed in the same nonpartisan way we have always done. Whatever one's political views are of the events of that day, there was a riot that occurred. People overran the police. Police lines were set up and overrun by people assaulting policemen, people who went through tear gas. The cases we have tried all had videotapes. Those videotapes are played and in each jury trial the defendant has been convicted. The idea that these people didn't know that it was illegal to go in the building, every jury has found preposterous. Some Congressmen say these are political prisoners. They're not. They're convicted felons. Saying that these are political prisoners, that's preposterous — and somebody has to come out and say it. I do not shrink from controversy, obviously. *(Laughs.)*

Have things gotten more difficult trying to maintain impartiality on the court? The judiciary above all needs to show that one branch of government works! We have to show that we're nonpartisan and will rule on what we think the law is. The other branches can go back and forth however they feel like they need to, but our branch needs to work. A lot of people throw bricks at the Supreme Court these days but the Supreme Court works. Our branch is trying to uphold the rule of law, working together to come out with decisions together. It's unfortunate that sometimes our decisions sound political or are made to look political. We're still just trying to uphold the rule of law.

You were Presiding Judge of the FISA Court on 9/11. What was that like? No question, that's most important thing I have ever done. From our intelligence, we knew 9/11 was coming. But we just didn't put the pieces together. That was a tough time for me, and everyone working on security issues, and for the nation. And I'll tell you, we are living right now in another very dangerous time. When might the next shoe drop? The FISA Court was, and still is, vital to making sure that intelligence agencies are carrying out their duties in a diligent manner to ensure that private citizens' rights are not being infringed.

What was it like being a JAG in Vietnam? The 1968 Military Justice Act took effect the first year I was in the army, requiring JAGs to do more than they had ever done. I tried 300 cases my first year as a lawyer, including six murder trials. Trying cases seven days a week, five cases a day. It was an unbelievable experience.

Let's move on to something important: Texas football. Oh, that's a good question! *(Laughs.)* I'm a big Texas football fan. I don't miss a game on TV. And we're playing A&M! That's our greatest rival and all these years we didn't play them was awful. I'm glad it's back. 🏈

This interview has been edited for length and clarity.

Sisters *in Law*

BY
LIZ ANDERSON
HILTON

ONE SISTER PROSECUTED AND ONE
DEFENDED. THE STORY OF HOW
SISTERS EDNA '55 AND DIANA '57
CISNEROS PURSUED JUSTICE
ON OPPOSITE SIDES OF THE LAW.

At age 26, just one year after earning her Texas Law degree and becoming the first Latina admitted to the Texas Bar, Edna Cisneros '55 challenged a 16-year incumbent for District Attorney in her home county, Willacy County. She reportedly won her race by 300 votes, becoming the first prosecutor of Mexican descent in Texas and, at the time, the only female chief prosecutor in Texas. ¶ Shortly after, Edna's older sister, Diana Cisneros '57, also passed the Texas bar exam and the two would square off in a 1958 robbery trial, the first of several in which Edna prosecuted a defendant represented by Diana. ¶ The sisters, who lived together in a home on Pearl Street their father had purchased for all four daughters while attending UT, remained close. They shared a passion for justice nurtured by their



DIANA CISNEROS '57

parents, Benita De La Garza and Manuel Cisneros, local community leaders who owned a grocery store in Raymondville, the county seat. ¶ In law school, the determined and talented sisters would have been one of three or four women in a class of 120 students. Given that women couldn't serve on a jury in Texas until 1954 – an exclusion overturned by amendment to the Texas Constitution that November – their presence as Latina lawyers in the courtroom would have been not just exceptional, but also revolutionary. ¶ Edna stood for re-election and served as chief prosecutor in Willacy County for 29 years before retiring. Diana practiced privately for most of those years until she passed away in 1992. These fearless sisters pursued justice for all.



EDNA CISNEROS '55

"Framed" features stories behind the portraits, moments, and memorabilia of the Texas Law community.

PEREGRINUS YEARBOOK

Benno C. Schmidt Sr. '36 The Birth of Private Equity.



COURTESY OF THE SCHMIDT FAMILY

"I'm not looking for someone who has a lot of business experience. I'm looking for someone who has had a lot of experience with life."

That's the call Benno C. Schmidt Sr. '36 received from philanthropist John Hay Whitney while working for the State Department in 1946. Whitney was putting up \$10 million to form the country's first private equity firm and he wanted Schmidt to join as a partner and run it.

Schmidt – age 33, a decorated war veteran, and former Texas Law faculty member – pushed back on Whitney's offer because of inexperience. But Schmidt was just the optimistic, hard-working, quick mind Whitney wanted.

Born of humble beginnings in Abilene in 1913 to a working class, church-going family, Schmidt lost his father when he was just 12. Providing for the family meant that Schmidt's mother worked as a secretary at a county welfare office and Schmidt picked up jobs in construction and on oil derricks.

Schmidt reportedly earned the highest academic average to date at Texas Law, which, in turn, landed him a seat on the faculty. With the attack on Pearl Harbor, Schmidt joined the war effort and rose to the rank of army colonel.

Returning stateside after the war, Schmidt and his Whitney partners pioneered high-risk capital funding unproven entrepreneurs in new industries. The Great Depression and years of a war-based economy had stifled credit markets. Banks simply were not in a mood to lend money for unproven businesses. In short, innovators needed funders. High-risk, high-reward investment, Schmidt said, was "the business of adventure."

Schmidt pursued early investments in biotechnology, eventually chairing the Memorial Sloan Kettering Cancer Center and the first President's Cancer Panel.

Through his 52-year partnership with Whitney, Schmidt helped launch the country's thriving venture capital ecosystem that we have today. 🦋

The Best of the Best

Six alumni celebrated for excellence.

The Texas Law Alumni Association's annual alumni awards recognize the "best of the best" in our huge – and hugely impactful – extended Texas Law family. The 2024 winners are set to be celebrated at a gala dinner on November 8, 2024. Learn more about this year's honorees and their remarkable accomplishments at law.utexas.edu/alumni.



ARLEAS UPTON KEA '82

Continuing the excellence of her career leadership, the president-elect of the Texas Exes – and a woman who's held almost every top service role at the law school – Arleas Upton Kea '82 is being recognized as the Outstanding Alumna.

HON. ROYAL FURGESON '67

The Honorable Royal Furgeson '67, 20 years a federal judge and still going strong as a mediator in Dallas, has long been a legend of the Texas bar and this year gets the nod as a Lifetime Achievement winner.



DAVID HALL '69

David Hall '69 helped thousands of Texans in his four decades leading Texas RioGrande Legal Aid, a fitting role for a man whose Texas roots date to the early 1800s. Though he passed in 2023, the Alumni Association celebrates his legacy this fall with the award for Distinguished Community Service.



BRITTANY PERKINS CASTILLO '13

A rising star in the alumni community, Brittany Perkins Castillo '13 is the Outstanding Young Alumna in recognition of her leadership as CEO of AshBritt, the national emergency management and disaster response organization.



KURT ARNOLD '02 (ABOVE LEFT) AND JASON ITKIN '01

A Dean's Honor goes to Kurt Arnold '02 and Jason Itkin '01 in recognition of their groundbreaking work on behalf of the plaintiff's bar and students seeking opportunities in plaintiffs' advocacy. ➔



Hook 'em Horns is Born

BY LIZ ANDERSON HILTON

IT INSPIRES THE LONGHORN FAITHFUL AND VEXES OUR RIVALS. ON NOVEMBER 11, 1955, THE HON. HARLEY CLARK '62 GAVE US HOOK 'EM HORNS. RAISE 'EM HIGH.



"Hearsay" tells stories, yarns, and legends from The University of Texas School of Law's long and colorful history.

Class Notes

EDITED BY
TEXAS LAW MAGAZINE STAFF

'64

Irwin H. Steinhorn has joined the Oklahoma City office of Steptoe & Johnson as of counsel. Steinhorn specializes in corporate compliance, corporate governance and ethics, mergers and acquisitions, and securities regulation, among other practices.

'68

Drew L. Kershen has been awarded the Citizen's Award for Exceptional Service by the U.S. Department of the Interior. Kershen is the Earl Sneed Centennial Professor of Law Emeritus at the University of Oklahoma College of Law.

'70

Kelly Frels has won a Lifetime Achievement Award at the 2024 Texas Legal Awards in recognition of his contributions to school law, among other accomplishments. A former Bracewell managing partner, Frels spearheaded the desegregation of the Houston Independent School District as its lead lawyer in the 1970s and 1980s, co-founded and later chaired the State Bar's School Law Section, and helped establish the Houston Community College in 1970.

Pam Giblin has joined the Good Neighbor Environmental Board under the

Federal Advisory Committee Management Division of the U.S. Environmental Protection Agency.

Peter Petkas has an essay featured in *Choosing the Public Interest: Essays from the First Public Interest Research Group*, published by Watchdog Press. The book was edited and compiled by Texas Law alumnus, Sam Simon.

Samuel A. Simon is the editor and compiler of *Choosing the Public Interest: Essays from the First Public Interest Research Group*, published by Watchdog Press. Each essay is a personal story of finding Ralph Nader in 1970 and urges current students to choose public interest careers.



Elizabeth Noel
HARWERTH '71

King Charles III honored Elizabeth Noël Harwerth with the Order of the British Empire for her outstanding services to international trade. The daughter of a Laredo, TX rancher is one of few people with dual U.S. and British citizenship to receive an O.B.E. Harwerth, who has lived in the U.K for 27 years, most recently served as chair of U.K. Export Finance, a senior position in the British government, similarly rare for a dual citizen.

'72

Jack Woodville London, a novelist and military historian, spoke at the 80th anniversary of the D-Day landings at Omaha and Utah beaches in Normandy, France. London spoke at the Brittany American Military Cemetery at Montjoie-Saint-Martin and the Normandy American Military Cemetery at Colleville-sur-Mer.

'76

Jack Balagia, adjunct faculty at Texas Law and energy industry expert, has

been named Executive Director of the Kay Bailey Hutchinson Energy Center at the University of Texas at Austin.

The Hon. Jon Burrows retired after 20 years as county judge of Bell County. Burrows served on the boards of directors of the Texas Association of Counties and the National Association of Counties, was past president of the North & East County Judges and Commissioners Association, and served two terms as president of the National Conference of Republican County Officials.

Richard Pena, president and CEO of the Law Offices of Richard Pena, has received the National Conference of Bar Presidents 2024 Fellows Award. Pena, who is only the second bar president from Texas to receive the award, is a past president of the State Bar of Texas and the Austin Bar Association.

'78

Linda Brooks's film, *Unleashed*, investigates the world of sex trafficking and what it takes to escape from it. The film received the Audience Award at the Waco Independent Film Festival in July. Brooks, who directed the film, is a partner in the Houston office of Kean Miller.

'79

J. Cullen Aderhold has joined Hallett & Perrin in Dallas as a shareholder. Aderhold represents domestic and foreign clients in a wide variety of commercial real estate, corporate, partnership, and other business transactions.

'80

Robert L. Tobey, a shareholder at Johnston Tobey Baruch in Dallas, has been appointed to the Board of Legal Aid of Northwest Texas and



Carlos E.
CÁRDENAS '80

Carlos Eduardo Cárdenas has been elected 2024-25 chair of the Texas Bar Foundation Board of Trustees. An El Paso-based lawyer and mediator, Cárdenas also received the Reynaldo G. Garza '39 Lifetime Achievement Award from the Hispanic Issues Section of the State Bar of Texas in recognition for his commitment to equity and justice.

elected to the Texas Bar College Board of Directors.

'84

Philip I. Danze has joined Hallett & Perrin in Dallas as a shareholder. Danze represents clients in connection with the acquisition, development, leasing, finance, and sale of a variety of large real estate projects.

'82

The Hon. Jan Soifer, presiding judge of the 345th District Court in Travis County, was honored by the Austin Bar Association with the Larry F. York '64 Mentoring Award.

'83

The Hon. William McClellan "Mac" Thornberry has been appointed to the board of directors of Booz Allen Hamilton Holding Corporation. Thornberry represented the 13th District of Texas in the U.S. House of Representatives from 1995-2021.

Sol Villasana, of counsel at White & Wiggins in Dallas, is a 2024 recipient of the Stan Golden Men of Action Award from the Southwest Jewish Congress. The award recognizes men who distinguish themselves in the pursuit of positive social change and who make an impact both as role models and trail blazers.

'85

Tim Taylor, a partner with Jackson Walker, has been appointed to the 2024 board of directors and executive committee of the Real Estate Council

Class Notes

of Austin. Taylor's practice focuses on real estate and lending transactions.

'86

Tom Melsheimer, a fellow in the American College of Trial Lawyers, has been named co-chair of Winston & Strawn's global litigation department. He also serves as Managing Partner of the firm's Dallas office.

'87

The **Hon. Xavier Rodriguez** will be honored by the SAISD Foundation at their 13th Annual Inspire Awards in October 2024. Rodriguez is a U.S. District Judge for the Western District of Texas.

Steve Stodghill, a partner at Winston & Strawn in Dallas, has been reappointed by Texas Governor Abbott to the Public Safety Commission.

'88

The **Hon. Pete Olson** has been named chairman of the Board of the Lone Star Flight Museum. A former U.S. Navy pilot, Olson served as the U.S. Representative for Texas's 22nd District from 2009 to 2021.

'89

The **Hon. John G. Browning**, a former justice on the Court of Appeals for the Fifth District of Texas and now distinguished jurist in residence at Faulkner University Thomas Goode Jones School of Law, has received the Texas Bar College's Franklin B. Jones



Lynda
TEALER '95

Lynda Tealer has been named senior vice president of championships for the NCAA. In her new role, Tealer will oversee 84 championships, as well as event operations, media coordination and statistics, playing rules, ticket operations and marketing, merchandise and licensing, and social and digital media. The former college basketball player (San Diego) has "Stayed in the Game" creating resources for former athletes, particularly women, to make their way professionally – apart from playing – in the sports industry.

Outstanding CLE Article Award for his article, "Let's Chat About Chat GPT," examining the ethics of using generative AI.

'90

Jennifer Brown has been named chief legal officer and senior vice president of Mercy, one of the largest U.S. health systems.

'91

Jerry Bullard, a shareholder and attorney with Adams, Lynch & Loftin in Grapevine, TX, has been appointed by Texas Governor Abbott to the new Eighth Business Court Division in Fort Worth.

Samuel G. Encarnacion, first assistant public defender in the Lancaster County Public Defender's Office, received the annual Pennsylvania Bar Association Civil and Equal Rights Champion Award.

Julia A. Simon has joined Lynn Pinker

Hurst & Schwegmann in Dallas as a partner. Simon previously served for nearly 25 years as the chief legal officer for Mary Kay.

'92

Jennifer Parker Ainsworth has been inducted as a fellow of the American College of Trial Lawyers. A shareholder at Wilson, Robertson & VanDeventer in Tyler, TX, Ainsworth represents clients in commercial and intellectual property litigation.

Scott White, a senior vice president in the Global Commercial Bank at Bank of America in Los Angeles, was named to the board of trustees for the Pasadena Ronald McDonald House.

'93

Cameron McBride has joined Davis Hartman Wright in Charlottesville, VA, as a partner in the firm's civil litigation, internal investigations, and white-collar criminal defense and government investigations practice groups.

'94

Warigia Bowman, an expert in water, natural resources, energy, public policy, and regulatory issues, has been named the new director of the Natural Resources and Environmental Law program at the University of New Mexico School of Law.

Cori Loomis has joined the healthcare group at McAfee & Taft in Oklahoma City. Loomis represents hospitals and health systems, physicians and medical practices, and other healthcare providers.

Carolyn Roch has joined Kean Miller's Houston office as a partner practicing with labor and employment law, casualty litigation, and commercial litigation groups. Roch previously served as a prosecutor with the Harris County District Attorney's Office.

Susan Salch, a managing partner at Cantilo & Bennet in Austin, married Ty Sanders on March 23, 2024, in Austin.

Timothy Tyler has joined Norton Rose Fulbright as counsel in its Houston office. Tyler practices international commercial arbitration, investor-state arbitration under treaties and state contracts, and associated U.S. litigation. He also is an adjunct professor at Texas Law.

'95

E. David Coligado has been elected the next CEO of Munsch Hardt effective Jan. 1, 2025. Coligado, who joined Munsch Hardt as an associate in 2000, most recently served as Real Estate Section head and as a member of the firm's Operations Committee and Opinion Letter Committee.

The **Hon. Scott K. Field** has been appointed by Texas Governor Abbott to serve as one of the first three members of Texas's new Fifteenth Court of Appeals. Field previously served as a justice of the Third Court of Appeals.

J. Holt Foster III has joined Willkie Farr & Gallagher as the managing partner for the Dallas office. Holt's practice focuses on private equity, venture capital, creative financings, mergers and acquisitions, fund formation, and international transactions.

'96

Kristen Pauling Doyle has been named CEO of the Cancer Prevention and Research Institute of Texas (CPRI). She previously served as CPRI's general counsel and deputy executive officer.

'97

Marty Meekins co-founded Emory Oak Partners in Austin, a firm specializing in real estate and service industry business equity and enhanced credit strategies. Meekins will serve as the company's co-CEO and general counsel.

The **Hon. Diana Saldana** was honored as a United ISD (Laredo) Community Hero for launching the Kazen Fellowship Program. The program offers educational summer internships for eligible high school students to spend time at the George P. Kazen '61 Federal Courthouse and adjacent state courthouse in Laredo.

Paul Trahan has been appointed partner-in-charge at Norton Rose Fulbright's Austin office. Trahan's practice focuses on complex commercial litigation.

'98

Susan Arenella contributed a chapter in *Law Moms: Juggling Motherhood, Ambition, and Personal Fulfillment*, published by Sulit Press. The book offers firsthand accounts of pursuing a life in the law alongside the full-time challenges of parenthood.

Brenda Barrett, a Husch Blackwell in Austin partner, has joined the Heart-Gift Foundation's board of directors. The nonprofit organization provides free, life-saving heart surgeries to patients with congenital heart defects who live in countries where specialized pediatric cardiac care is scarce or non-existent.

Brad Brown, a partner at Jackson Walker in Dallas, has become one of 11 Texas lawyers to obtain board certification from the Texas Board of Legal Specialization in the newly launched certification area of aviation law.

William Gordon Childs has written *Recreation and Risk*, an academic text on the law of recreational businesses – amusement parks, haunted houses, ski resorts, etc. Childs works as an in-house litigation counsel for a Fortune 500 company in Minnesota and is an adjunct professor of law at Western New England University School of Law and Mitchell Hamline School of Law.

'99

Andy Cooper has been named a partner at Chamblee Ryan in Dallas, focusing on personal injury, insurance coverage, commercial, trucking, premises liability, environmental and toxic tort claims, indemnity, and trade practice.

Kari Potts has been named chief legal officer and compliance officer at Earth Holdings, a compost platform management and holding company, in Elgin, TX. She was previously vice president and general counsel of Brigham Minerals, Inc.

Rachael M. Rolon, an attorney at the Rolon Law Firm, is one of the co-founders of Lawgical Workspace, a co-working space for legal professionals in The Woodlands, TX.

Jacqueline Watson was elected second vice president of the American Immigration Lawyers Association (AILA) for the 2024-25 term. Watson specializes in citizenship and naturalization, family-based immigration, and other complex immigration matters.

Class Notes

'00

Lisa E. Davis has joined Wittliff Cutter in Austin as senior counsel. Davis has more than 20 years of experience leading complex commercial litigation matters and intellectual property disputes, and years of senior in-house counsel perspective.

Tommy Gregory has been named the next president of the State College of Florida in Manatee-Sarasota. Gregory is a member of the Florida Legislature representing the 72nd House District.

KC Waldron has joined Empower – the second-largest retirement services provider in the U.S. – as the new chief compliance officer and will oversee the management and development of the company's compliance program.

'01

James Kitces has been appointed managing partner of Robins Kaplan's Boston office, where his practice focuses on insurance and catastrophic loss.

Maidie Ryan has been named president and general counsel of Camp Aspen, an elevated loungewear brand founded by brother Patrick Ryan BS'03.

'03

Jason Boatright, special counsel at Duane Morris in Dallas, has been appointed by Texas Governor Abbott to the Texas Racing Commission, which oversees pari-mutuel wagering on horse and greyhound racing. Boatright is a former justice of the Court of Appeals for the Fifth District of Texas.

Brooke Colaizzi has started a new position as co-leader of litigation, trials, and appeals at Sherman & Howard in Denver. Colaizzi's practice focuses on employment litigation, labor employment and employee benefits, and workplace counseling.

Daniel E. "Dan" Mangis has a new

position as deputy chief of mission at the Office of the U.S. Ambassador to Cyprus at the U.S. Embassy in Cyprus. Most recently, Mangus was the deputy public affairs officer and spokesperson at the embassy in Amman, Jordan.

'04

Melissa Andrew, an equity partner at Holland & Knight, has been appointed by Texas Governor Abbott to the new Third Business Court Division in Austin.

Meghan Griffiths has been elected as firmwide chair of Jackson Walker's environmental, regulatory, and legislative practice in Austin.

Amy Mitchell contributed a chapter in *Law Moms: Juggling Motherhood, Ambition, and Personal Fulfillment*, published by Sulit Press. The book offers firsthand accounts of pursuing a life in the law alongside the full-time challenges of parenthood.

David Kavanaugh has taken on a new role as global head of investment operations at Dimensional Fund Advisors.

Josh R. Lounsbury, a shareholder with Coolidge Wall in Dayton, was inducted into the Ohio State Bar Foundation Fellows Program, recognizing his commitment to professionalism and community service.

'05

Jessica Bayne has joined the estate planning and administration practice group at Seltzer Caplan McMahon Vitek in San Diego as of counsel.

Manuel Escobar, a partner at McGinnis Lochridge in Austin, is the 2024 recipient of the Joseph C. Parker Jr. '82 Diversity Award from the Austin Bar Association.

Sarah Keyton has been appointed to the position of interim commis-



Hon. Brooke LIERMAN '08

The Hon. Brooke Lierman has been inducted into the Maryland Women's Hall of Fame. Lierman is the State of Maryland's 34th comptroller and the first woman elected to one of Maryland's constitutional offices. She practiced as a civil rights and disability rights lawyer for many years, and prior to her election as Comptroller, served for 8 years a member of the House of Delegates representing part of Baltimore City.

sioner by the Texas Higher Education Coordinating Board. Keyton previously served as the Texas Tech University System's associate vice chancellor for state relations.

Elisabeth Kincaid has been named director of the Institute for Faith and Learning at Baylor University. Kincaid will be an associate professor of ethics, faith, and culture at Baylor's George W. Truett Theological Seminary and an affiliate faculty member in the Department of Management at the Hankamer School of Business.

'06

William G. Hagans of the Hagans law firm in Houston has been named chair of the State Bar of Texas professionalism and civility committee for the 2024-25 bar year.

Rudy Metayer, of counsel at Graves Dougherty Hearon and Moody in Austin, had been named a recipient of the Presidential Volunteer Service Award.

James R. Mundy has been hired at Curtis Thaxter in Portland, ME. Before joining the firm, Mundy had a practice in York County focused on real estate,

probate and estate planning.

Stacy Sharp, adjunct professor at Texas Law, attorney and owner of Sharp Appellate, has been appointed by Texas Governor Abbott to the new Fourth Business Court Division in San Antonio.

'08

Lance Currie, a partner at Carrington Coleman, has been elected to the Dallas Independent School District Board of Trustees.

Kate Lincoln-Goldfinch contributed a chapter in *Law Moms: Juggling Motherhood, Ambition, and Personal Fulfillment*, published by Sulit Press. The book offers firsthand accounts of pursuing a life in the law alongside the full-time challenges of parenthood.

Meghan A. McCaffrey was named co-managing partner at Quinn Emanuel in Washington, D.C. McCaffrey represents major U.S. and multinational corporations in complex business disputes and multi-billion-dollar commercial litigation in federal and state courts.

Victor Obaseki has been named the first diversity, equity, and inclusion di-

TEXAS LAW ALUMNI
REUNION 2025
APRIL 25-26
SAVE THE DATE
law.utexas.edu/reunion

Class Notes

rector of Alameda County in California. Obaseki will help the county strategically and systematically act to improve the lives of all residents.

Jaime Vasquez was named managing shareholder of Chamberlain Hrdlicka in San Antonio. Vasquez concentrates his practice on federal, state, and international tax controversy matters.

'09

George Hinchey has rejoined Haynes and Boone as a partner in the real estate practice group in San Antonio. Hinchey represents private and institutional parties with the acquisition, disposition, leasing, financing and development of commercial properties.

Jennifer Johnson has joined Enstor Gas as general counsel. She previously served as general counsel for Salt Creek Midstream and before that Rosehill Resources, Inc.

Tory Lauterbach has joined Gibson, Dunn & Crutcher as a partner in the energy, regulation, and litigation practice group in Washington, D.C.

'10

Eliot Cotton has joined Texas Law as a lecturer and will lead the law school's brand new Business and Law Program. Cotton previously worked in private equity with Riverstone Holdings in New York.

Lisa Salinas Schneider has been appointed as the first general counsel at SpyCloud in Austin, a company operationalizing cybercrime analytics for businesses.

'11

Andrea Fair has been selected as a finalist by the Texas Legal Awards for Intellectual Property Attorney of the Year. Fair is a partner at Ward, Smith & Hill in Longview, TX.

Kelly E. Wise has been promoted to shareholder at Munsch Hardt in Dallas as a member of the litigation and transportation practices.

'12

Jennifer de Haro has been promoted to managing attorney of the removal and community integrations services department with the Refugee and Immigrant Center for Education and Legal Services in San Antonio. She also serves as a board member of the Multi-Cultural Alliance.

Nicole S. LeFave has been selected to lead Littler Mendelson's SOAR Program, which supports newly hired associates who have joined established affinity groups to find their footing and excel professionally.

Nick Pesina was honored as a 2024 Outstanding Texas Ex by the Texas Exes Tyler-Smith County Chapter. Pesina's firm specializes in personal injury law, family law, and business law, serving clients throughout the East Texas area.

'13

Parth Gejji, an associate at Beck Redden, has been elected as fourth-year representative to the Houston Bar Association's appellate practice section.

Jim Weiss has been named co-managing partner of Reynolds Frizzell, a boutique trial law firm in Houston. Weiss focuses on oil and gas, partnerships, real estate, and intellectual property matters.

'14

Brad Estes joined the partnership at Lewis & Llewellyn, a litigation boutique based in San Francisco, representing clients in complex commercial litigation, including business tort, contract,

fraud, regulatory, trade secret, trademark, employee mobility, and competition disputes.

'15

Nicholas Bruno, an associate at Beck Redden in Houston, was elected chair-elect to the Houston Bar Association's appellate practice section.

Taylor Markway has been named partner at Shook, Hardy & Bacon in Kansas City where he focuses on appellate matters, including state and federal appeals as well as extraordinary writs, and insurance matters.

Mary Kate Raffetto, a partner at Beck Redden, has been recognized by Law.com and Texas Lawyer as an On the Rise winner in the 2024 Texas Legal Awards.

Barrett Robin has been named partner at Hamilton Wingo in Dallas, where he represents clients in severe personal injury cases and significant business litigation.

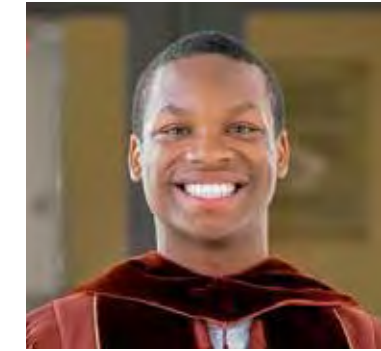
Ellie Sowanick has been promoted to counsel at Haynes Boone, working with the trademark and advertising practice group in Orange County.

'16

Jasmine Harding Adams has joined the global toy and family entertainment company of Mattel as the manager of investigations in the legal department.

Anya Bidwell, an attorney at the Institute for Justice, argued a case before the Supreme Court regarding retaliatory arrests, probable cause, and First Amendment rights. In April, she also hosted the Short Circuit podcast with three other Supreme Court lawyers at the National Press Club.

Garrett Brawley, an associate at Beck Redden in Houston, has been appointed as co-chair of the Texas Young Lawyers Association's national trial com-



Jamaal
LOCKINGS '24

Jamaal Lockings, the 2024 permanent class president, received a Dorot Fellowship to work for the Alliance for Justice in Washington, D.C. The Houston-born Lockings served as the Student Bar Association president during the 2022-23 school year, as well as a Dean's Fellow in the Norton Rose Fulbright Society Program. During his law school years, he was an active member of the student organizations OUTLaw and the Thurgood Marshall Legal Society.

'18

petition committee and vice-chair of the state moot court competition committee for the 2024-25 bar year.

Claire Campbell has joined Kirkland and Ellis as a Houston-based corporate partner focused on representing private equity funds, equity investments, and related portfolio management.

Tracy Carson has joined Munck Wilson Mandala as a senior associate, focusing his practice on complex commercial litigation.

Ryan Phelps has been named a partner in the tax, executive compensation, and benefits practice group at Holland & Knight in Houston.

Kayvon Rashidi has been named a partner at Powers Kerr & Rashidi, representing clients in family law cases.

Lena Silva, an associate at Beck Redden in Houston, received the 2023-24 Outstanding Director Award from the Houston Young Lawyers Association.

'19

Ralph Molina was appointed deputy first assistant to Texas Attorney General Ken Paxton. He most recently served as deputy attorney general for legal strategy, managing the legal strategy and special litigation divisions.

'20

Madison Young Moore, an associate at Beck Redden in Houston, has been named to the Institute for Energy Law's 7th Leadership Class.

Kyle Ryman, an associate at McKool Smith in Austin, was issued a patent for technology that covers his app, Scholati, designed to assist students



Cassandra
GONZALEZ '19

Cassandra Gonzalez, a staff attorney on the Beyond Borders team at the Texas Civil Rights Project in Austin, has been named Texas Law's 2024 Alumni Mentor of the Year. Gonzalez was nominated by 2L Angelina Ramirez for being "passionate and enthusiastic" mentor who guided Ramirez on grades, classes, and law school life, as well as offering insights into launching a career in public interest law.

Class Notes

in various educational settings, from high school to graduate programs, in preparing for exams.

'23

Kate Gibson received a fellowship from the Gallogy Family Foundation to work with the Beyond Borders team of the Texas Civil Rights Project in Austin.

Nour Haikal, an associate at Bracewell, was featured in the August 13, 2024 "Volunteer Spotlight" by the Houston Volunteer Lawyers. Haikal was recognized for her role in a pro bono tax case involving a young immigrant mother. Haikal's background includes serving as an ESL tutor to the adult refugee community in Houston and as an HVL law clerk.

'24

Megan Day received the Julius Glickman Fellowship in Public Interest Law to work in the San Diego office of the Immigrant Defenders Law Center.

Zoe Dobkin received an Equal Justice Works Fellowship sponsored by the Texas Access to Justice Foundation to work with the Texas Legal Services Center in Austin.

Emily Gustafson received the Mike A. Myers Fellowship in Public Interest Law to work at the Texas Advocacy Project in Austin.

Ritika Kumar received a Texas Law Postgraduate Public Interest Fellowships to work at Texas RioGrande Legal Aid in Austin.

Katherine Himaya Lewis received the G. Rollie White Trust Fellowship in Public Interest Law, funded by the G. Rollie White Trust, to work at Legal Aid Services of Oklahoma in Tulsa.

Rylan Maksoud received an Equal Justice Works Fellowship to work with the Texas Fair Defense Project in Austin.

Kalyn Mizelle McDaniel received a Texas Law Postgraduate Public Interest Fellowships to work at Citizens for Responsibility and Ethics in Washington, D.C.

Nikita Mhatre received a U.S. Litigation Fellowship to work at the Center for Reproductive Rights in Washington, D.C.

Crystal Tran received an Equal Justice Works Fellowship to work at Texas Appleseed in Austin.

HOW TO SUBMIT

Share your good news, personal or professional, with classmates at <https://law.utexas.edu/alumni/submit-a-class-note>.

IN MEMORIAM

Casceil Aronson '78

Allison Baker '84

Irven Barlow '61

Russell Barron '66

Caroline Benediktson '77

Candice Bocock '88

Paul Brandimarte '74

Jack Brandon '54

Harry Brants '66

Carol Braswell '95

John Broocks '53

Harold Brown '66

Joe Bryan '59

Kenneth Burch '66

Cathy Burch '93

Reagan Burch '57

Mark Burroughs '82

Brandon Butera '20

Lee Caldwell '61

Neal Cannon '65

Janet Carl '92

Bill Carr '61

Tom Cirkal '71

Harold Comer '58

William Connor '67

Jesse Coomer '66

Mike Cotton '65

William Denton '71

Barnard Dodson '94

Roger Evans '72

Sharon Feather '73

Sarah Foster '85

Bill Galbreath '67

Mike Gregory '70

Jim Grevelle '63

Charles Hampton '77

Clint Harbour '00

Jerel Hill '77

Charles Hlavinka '59

Alvin Horne '64

Harry Hudspeth '58

Ralph Huston '78

Gene Jameson '66

Thomas Jeter '62

Joel Kay '61

Herb Lackshin '59

James Leahy '71

Joe Leonard '72

Charles Lewis '82

Jacob Loehr '21

Robert Loree '78

Jim Love '69

Marleen Lowenthal '76

Tommy Lueders '61

Lawrence Mann '62

Mike Markley '72

Jack Maroney '59

Raymond Marshall '61

Dennis McClendon '82

James McConn '72

Mallory Miller '62

Alan Moravcik '72

Menton Murray '66

George Nachman '67

James Neel '76

Joseph Norton '70

Lip Norvell '63

Obie O'Brien '78

Kenneth Perez '70

Vincent Perini '66

Travis Phillips '72

Paul Pressler '57

Richard Prinz '69

Gilbert Prud'Homme '58

Fonse Ragland '55

William Rattikin '57

Tom Renfro '63

Mauro Reyna '77

Michael Richardson '76

Chris Riley '89

Bob Roberts '61

Marcia Rodgers '84

Jim Schendle '70

Robert Scheske '75

Ronald Scott '75

Joe Shade '60

Daniel W. Sharp '01

Robert Sherman '87

John Simpson '73

Samuel Sipes '69

Wade Smith '61

John Stayton '66

Barry Stone '63

David Sweeney '90

Lynn Taylor '71

Peggy Thompson '61

Tom Tippetts '06

Ed Turley '64

James Ulmer '50

Rodney Varner '78

Ben Vaughan '67

Alexandra Porter Wahlig '20

James Walker '94

James Walters '62

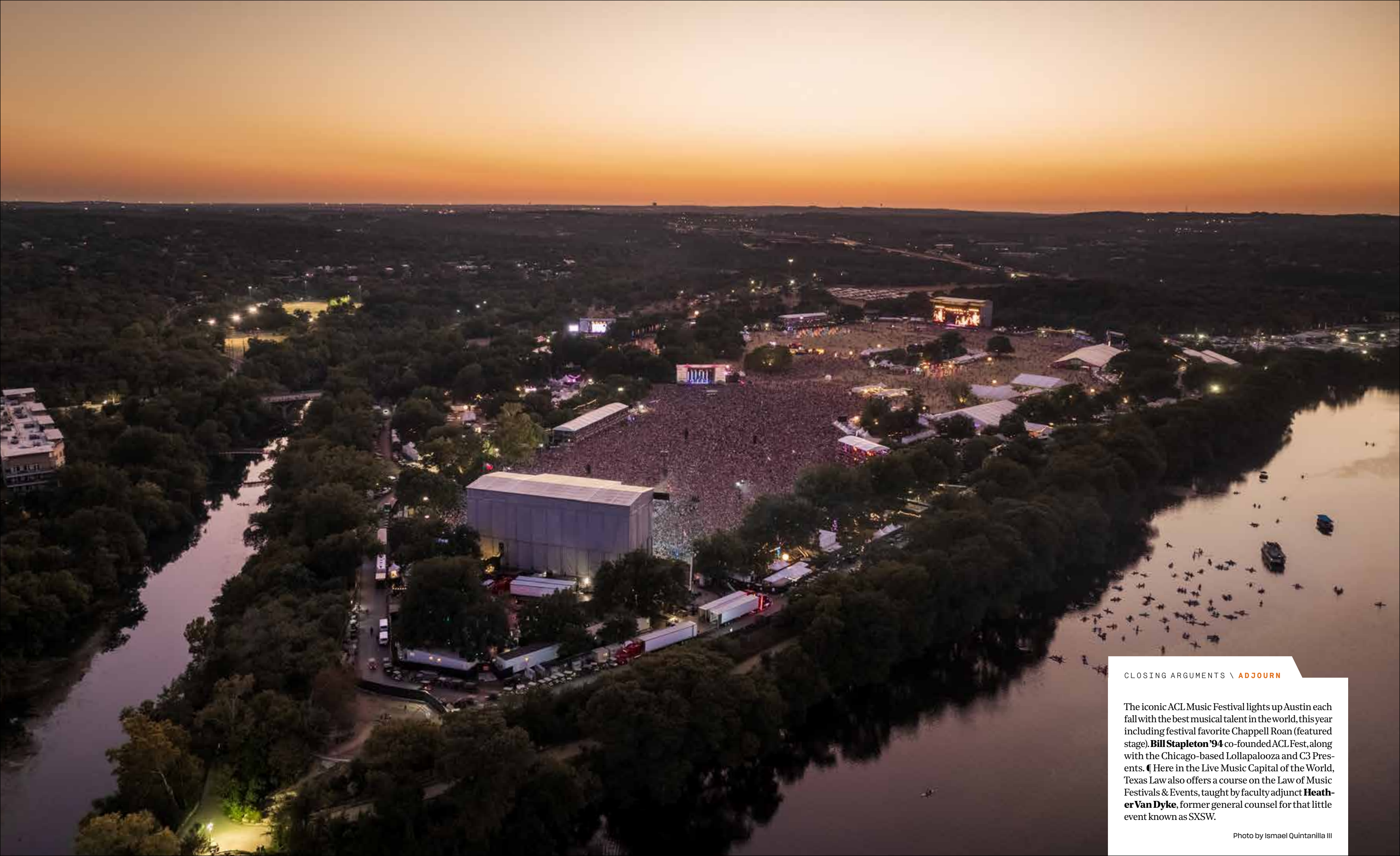
J.Q. Warnick '59

Fred Weldon '62

Laughton Whitehead '63

Pete Winstead '65

Jeff Wise '90



CLOSING ARGUMENTS \ ADJOURN

The iconic ACL Music Festival lights up Austin each fall with the best musical talent in the world, this year including festival favorite Chappell Roan (featured stage). **Bill Stapleton '94** co-founded ACL Fest, along with the Chicago-based Lollapalooza and C3 Presents. ¶ Here in the Live Music Capital of the World, Texas Law also offers a course on the Law of Music Festivals & Events, taught by faculty adjunct **Heather Van Dyke**, former general counsel for that little event known as SXSW.

Photo by Ismael Quintanilla III