Promoting and Preserving the Marriage Relationship

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REGENT APPROVES NEW SUMMER PROGRAM IN ISRAEL

The ABA has approved an exciting summer opportunity for law students to study in the unique legal environment of Israel. The program will offer three credit hours of coursework in Qur’anic and Biblical law taught by Regent Professor Joe Kickosola and another course on the legal environment of Israel taught by Regent Professor Robert Ash and Dr. Jay Sekulow. The program will be held June 10-30 at the University of Haifa and the Hebrew University of Jerusalem campuses. For more information, visit http://regent.edu/israelprogram.

REGENT BOASTS CONTINUED MOOT COUT WINS

Third-year law students Ashleigh Kingery, Rich Wenner and Heath Sabin took first place after six rounds of oral argument at the 14th Annual Burton D. Wechsler First Amendment Moot Court Competition at American University in Washington, D.C. Additionally, Wenner received honors for Third Best Oralist. This victory marks the second first-place finish in 2007, the first being at the J. Braxton Craven Moot Court Competition at the University of North Carolina last February. In February 2008, students Leo Marvin Lestino and Rachel Williams took honors as both the championship team and the winners of the Best Petitioner’s Brief prize at the 37th Annual William B. Spong Invitational Moot Court Tournament held at William & Mary Law School. These moot court wins for Regent are the most recent in a series of wins over the last few years, including first place at the 2006 ABA National Appellate Advocacy Championship.

REGENT LAW INTRODUCES NEW ASSOCIATE DEAN FOR STUDENT AFFAIRS, NATT GANTT

Associate Professor and Director of Academic Success L.O. Natt Gantt II was recently promoted to associate dean for Student Affairs. Dean Gantt holds an undergraduate degree in psychology and political science from Duke University, where he graduated summa cum laude, and a J.D. with honors from Harvard Law School, where he served as the senior editor of the Harvard Journal of Law & Public Policy. In 2000, Dean Gantt received his M.Div. with honors from Gordon-Conwell Theological Seminary while working as a proxy analyst for Fidelity Investments in Boston, Mass. Dean Gantt is a deacon at First Presbyterian Church in Norfolk, Va. He and his wife, Meredith, have three young daughters.

REGENT LAW WELCOMES PROFESSOR BRUCE CAMERON

Professor Bruce N. Cameron, Reed Larson professor of labor law, comes to Regent after serving as staff attorney and director of the Freedom of Conscience Project for the National Right to Work Legal Defense Foundation. Professor Cameron received his J.D. from Emory University School of Law in Atlanta and holds an undergraduate degree in business administration with a minor in political science from Andrews University in Berrien Springs, Mich. He has also served for 20 years as the lay pastor of his church and publishes a weekly Bible study online at www.gobible.org that is translated into nine different languages. He and his wife, Margie, have two children.

Message from the Dean

From the beginning, the family has been the fundamental building block of society. Successful families nurture and train children to become virtuous, educated, and engaged citizens. Such families promote economic and political stability. And they model the love and care God the Father has for His children and Jesus Christ has for His Church.

I am proud of Regent Law School’s commitment to supporting and protecting families. That commitment is seen in many ways.

The commitment starts in our training of students. Our students are privileged to learn family law from Professor Lynne Marie Kohm, the John Brown McCarty professor of family law and a nationally recognized scholar on family law. The students put their learning into practice in our family mediation and civil litigation clinics. There, second- and third-year students mediate, negotiate and litigate disputes in an effort to heal broken relationships and protect family integrity.

The commitment to supporting and protecting families is also seen in the work of our alumni. This newsletter tells the story of remarkable men and women—trained at Regent—who are serving America’s families in tangible ways. From Chris Stewart’s advocacy for the Arkansas Marriage Amendment to Kristen Waggoner’s defense of traditional marriage and the right to life, our alums are leading the national battle to protect the family. I am deeply proud of them and thankful for what they and many of their colleagues are doing.

Jeffrey A. Brauch, J.D.
Dean, School of Law

Cover Thumbnails:
Alumna Kristen Waggoner. Professor Alice Curtis.
Professor Lynne Marie Kohm. Alumnus Chris Stewart
Regent Alumna Making a National Impact on Family Issues

When, due to their religious objections, pharmacists and a pharmacy owner made a stand against dispensing Plan B, an early-abortion drug, they looked to attorney Kristen Waggoner’s firm for help. Now Waggoner, a partner at Ellis, Li & McKinstry, PLLC (ELM) and a Regent Law graduate, is representing pharmacists and pharmacies in a current federal case challenging regulations in Washington that require health-care providers to stock and dispense Plan B. “Forcing someone to violate their religious beliefs and participate in the deliberate termination of innocent human life or lose their business and livelihood is unconstitutional,” says Waggoner.

On November 8, 2007, the court ruled that the health-care providers will likely prevail on their First Amendment claim in trial next October. Because of this probable outcome, the judge issued an injunction pending trial prohibiting the government from enforcing the regulations against any provider in Washington State who has a similar religious objection. Three other Regent Law graduates, Gary McCaleb (’98), Byron Babione (’93) and Amy Smith (’06), all attorneys with the Alliance Defense Fund (ADF), are also working with Waggoner on this case.

According to Waggoner, her years studying at Regent Law were an important time in her life. She believes Regent gave her the opportunity to develop and hone her analytical skills as well as gain an understanding of important constitutional principles and their application in what some call a post-Christian culture. “Regent gave me numerous opportunities to develop into an effective advocate with a goal of using analytically sound jurisprudence to help preserve religious freedom and family values. I have worked with and argued against colleagues from the top Ivy League law schools. Every time, I’ve been reminded of the superior education Regent provided. Regent not only challenged me to pursue academic excellence, but it gave me the foundation and encouragement to explore and debate difficult issues that affect the moral fabric of our society.”

Upon graduation from Regent Law, Waggoner began her legal career as a law clerk for Justice Richard B. Sanders of the Washington Supreme Court. In 1998, ELM, an 18-attorney general practice law firm in downtown Seattle, hired her as an associate. Five years later, she became a partner. Waggoner’s practice focuses on civil and appellate litigation, employment, nonprofit, and constitutional law. Most of Waggoner’s clients are religious organizations or Christians seeking to preserve their religious freedom or defend themselves in civil litigation.

In recent years, Waggoner has litigated several other cases also focused on preserving traditional marriage and family values that have gained national attention. Waggoner and another ELM partner, Steven O’Ban, represented pastors, legislators and community groups in same-sex marriage cases before the Washington Supreme Court. In a closely watched decision, the Court ruled on July 26, 2006, to uphold state marriage laws. Another Regent Law graduate, Dale Schowengerdt (’03), an attorney with ADF, assisted Waggoner on this case. According to Waggoner, “It is tremendously encouraging to meet Regent Law alumni from other parts of the country and see that we are making a difference and that we can rely on each other in these cases.” Waggoner says she remains great friends with those alumni whom she has had the opportunity to work with.

Since 2005, Waggoner has been voted a “Rising Star” by Washington Law & Politics every year. She is a popular speaker at rallies, colleges, seminars, and debates on legal and cultural issues, primarily focusing on marriage, family and pro-life issues. In addition, she has also participated in lobbying efforts on similar subjects in Washington’s Legislature. A highlight of Waggoner’s speaking opportunities has been her presentation to over 25,000 people at a pro-marriage rally at Safeco field with Dr. James Dobson and Tony Perkins of the Family Research Council. She also participated in a statewide speaking tour on same-sex marriage and served as co-chair of Allies for Marriage and Children, a bipartisan group committed to ensuring that marriage remains between a man and a woman in the state of Washington.

While in law school, Waggoner served as the internal managing editor of Regent Law Review and won the National Juvenile Law Moot Court Competition. She is admitted to practice in Florida (retired), Oregon and Washington. She and her husband, Ben, also a 1997 Regent Law School graduate, are expecting their third child in May 2008.

“Regent ... gave me the foundation and encouragement to explore and debate difficult issues that affect the moral fabric of our society.”

Kristen Waggoner
Regent Law ’97
Regent Clinics Give Students Practical Experience Helping Families

Regent second- and third-year law students have the unique opportunity to work with families through the on-campus Family Mediation and Civil Litigation Clinics. By providing these opportunities, Regent enables students to practice their advocacy skills while offering a valuable contribution to the local Hampton Roads community. Both clinics allow students to make an important difference in the lives of clients. They also reinforce the notion that it is a privilege to be a lawyer, and that a vital part of that privilege is helping the less fortunate.

As part of the fall semester program, the Family Mediation Clinic, directed by Professor Alice Curtis, trains students as third-party neutrals in the skills and legal aspects of mediating family-related cases. The training involves a full semester of instruction along with simulated mediations acted out by student-clinicians in the roles of client and mediator. These simulations are recorded in Regent’s state-of-the-art mediation rooms and observed by Professor Curtis who provides suggestions on alternate ways of handling situations arising in a mediation setting. The second part of the clinic takes place in the spring when students are assigned actual clients to mediate in a supervised setting alongside an experienced mediator. Student-clinicians accepted into the clinics have direct responsibility for managing cases from initial interviews to conclusion of representation. Whenever feasible, the students help clients explore reconciliation of their broken family relationships. Where reconciliation is not an option, the clinic also mediates other types of agreements such as separation, child custody, child or spousal support, and visitation. Students are trained to help hurting parties work through the mediation process with the goal of achieving agreements that are mutually beneficial, confidential and more cooperative than adversarial.

“Before taking part in the clinic, I had struggled with how God could use me in the area of family law without compromising my beliefs in upholding the sanctity of marriage,” says alumna Kristy Wendler, a spring 2007 clinic participant. “My experiences co-mediating these cases with Professor Curtis showed me how crucial it is that we have Christian attorneys who are working to bring peace and minister to families who are in crisis.”
One case that came to the clinic involved two unwed teenagers with three children. “The young lady was obviously in great distress over the young man’s inability to commit to a marriage relationship with her while also feeling the tremendous burden of raising three children without any support from him,” explains Wendler, who was assigned the case. “The mediation process allowed uninterrupted communication between the parties in the presence of a neutral mediator. This eased tension for the single mom as she was able to communicate the financial and other burdens she was experiencing.” They had been unable to achieve this level of communication until mediation.

In the end, a mutually beneficial visitation agreement as well as a child support agreement were reached.

“Without the mediated agreements, the courts may have issued a visitation and child support order that was not in the best interest of the children,” says Professor Curtis. “Also, people generally will be less resistant toward following an agreement that they helped put together versus one a judge hands down. This process usually results in less conflict and stress for the parties and hopefully a better environment for the innocent children involved.”

The clinic accepts referrals from the Chesapeake Juvenile and Domestic Relations Court and does not charge its clients, most of whom are low-income and benefit from participating in mediation rather than much more expensive litigation.

While the Family Mediation Clinic focuses on intra-family conflicts, the Civil Litigation Clinic provides students with an opportunity to assist low-income families in dealing with a variety of issues that place additional stress on the household. Although not every case is suitable for mediation, the Civil Litigation Clinic encourages its clients to utilize the mediation process to resolve conflicts first.

The clinic works primarily with clients referred by the local legal aid program. The clients’ issues include consumer problems, domestic relations issues, government benefits questions and landlord/tenant disputes. Students enrolled in the Civil Litigation Clinic advocate for their clients in a variety of ways. They may negotiate for a client, represent him or her in an administrative hearing, or assist the client at a court hearing.

Since its inception, the Civil Litigation Clinic has handled over 700 cases. One such case involved a young lady suffering from physical and mental ailments who had applied for and been denied SSI disability benefits. A review of the administrative law judge’s decision disclosed that he had failed to apply the correct legal standard to her case. After the Civil Litigation Clinic appealed the decision to the Social Security Administration Appeals Council and submitted a legal brief on her behalf, the decision of the administrative law judge was reversed, and the case was remanded to the Office of Hearings and Appeals for further proceedings.

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Kristy Wendler
Spring 2007 clinic participant

Because students in the Civil Litigation Clinic represent clients in administrative and judicial hearings, participation is limited to third-year law students who satisfy the requirements of the Virginia State Bar for a third-year practice certificate. During the course of a semester, a clinician may handle up to seven cases. According to Professor McKee, director of the clinic, “Part of the instruction that students receive concerns good ethical decision making about the caseload they can handle and still meet the legal needs of the client. Students are expected to know when they’ve reached their caseload limit and to balance their commitments to their clients with their other responsibilities.”

According to a fall 2007 3L clinician, Seth Rhodebeck, “This has been one of the most valuable experiences of my law school career; to be exposed to such practical, hands-on opportunities with real-life situations while I’m still in law school is a good jumpstart to the practice of law.” Rhodebeck handled approximately seven government benefits cases in the course of his semester in the clinic.

Student-clinicians manage cases from inception to conclusion.
Strngthening marriage and its sustaining laws has become an important consideration of societies around the globe. Some researchers argue that the adoption of gay marriage or same-sex civil unions in European nations appears to have weakened customary marriage, already eroded by no-fault divorce and stigma-free cohabitation. Others argue that there is no proof of the sort, and that even if marriage were declining in Europe, the question still remains as to whether or not that phenomenon is even lamentable.

Clearly, laws and policies that affect families and their children will have a lasting impact on the future of every society. At Regent School of Law, faculty, students and alumni are involved heavily in this debate. Regent faculty have been actively engaged in scholarship analyzing these societal trends, and are also frequently interviewed and asked to speak on marriage and family issues throughout the country. Regent law students are encouraged to analyze the current state of the family in light of the prevalence of family breakdown, the popularity of no-fault divorce, the rise of same-sex partnerships recognized as marriage or marriage-like relationships in law and policy. They also analyze the corresponding increase in state constitutional amendments and statutes defending the marriage relationship. Lastly, several Regent alumni have begun their successful practices promoting the family and institution of marriage in courtrooms and in state legislatures nationwide.

The current decline in marital permanence is something that Professor David Wagner, one of Regent Law’s leading constitutional law scholars, predicted over a decade ago in an article he wrote on no-fault divorce for the Family Research Council. He argued that the availability of no-fault divorce as opposed to divorce based upon traditional grounds such as adultery or desertion had left the marriage relationship as “nothing more than notarized dating.” Similarly, Lynne Marie Kohm, John Brown McCarty professor of family law, has published numerous articles and books in the areas of families, children, women, marriage, reproductive rights, domestic relations and estate planning. Citing several societal trends and prevailing attitudes as contributing to the weakening of the marriage relationship, she asserts that “a weakening belief that people having children should get married has led to a rise in unwed childbearing, and marital permanence is diminished by high divorce rates and increasing nonmarital cohabitation as an alternative to the traditional marriage relationship.” The impact of these trends on families and their children has the potential to change society along with the legal framework that has protected the marriage relationship for so many years.

Kohm’s scholarship, as well as that of others at Regent, has not gone unnoticed and has made a difference to Regent alumni who have been at the forefront of defending marriage and the family. Currently 26 states have approved constitutional amendments protecting marriage as between a man and a woman, and a dozen more have proposed similar amendments. Courts in key state jurisdictions have recognized the fundamental nature and design of marriage. The training students receive at Regent Law has produced hundreds of Regent graduates who not only understand the importance of laws that regulate marriage and the family, but also know how to litigate and defend these foundational societal institutions in courts and legislatures.

“Our objectives in law school,” says Professor Kohm, “are to educate students excellently in legal reasoning with the integration of biblical principals that will engage the world. Regent Law graduates are really making a difference. It has been very exciting and extremely rewarding to see students graduate and become lawyers who influence the direction of the law surrounding families.”

Regent alumni are also having a
A huge impact across the country in promoting and preserving the marriage relationship. Alumni in Washington, D.C., and in New York authored the briefs and presented the arguments that persuaded courts to reach pro-marriage decisions. And in Arkansas and many other states, Regent alums helped to author constitutional amendments and worked toward their passage.

Why are Regent Law alums so successful? The way students are taught family law at Regent is one explaining factor. Rather than just applying mechanical model rules to legal issues affecting the family, Regent Law students generally learn their individual state family law code while still in law school. This yields alumni who understand not only how to defend marriage for the good of society, but also how important public marriage policy is to the welfare of the state where they practice law.

Zach Hosman, a 2007 graduate, comments on how learning his state-specific family law statutes helped him pass the Illinois Bar: “Becoming familiar with Illinois statutes during Professor Kohm’s class put me a step ahead in my preparation for the Illinois Bar exam. When it came time to start studying family law in my bar prep courses, I didn’t have to ‘relearn’ the law as much as I did for many of the other classes. I was already familiar with the process and elements of many specific areas of family law such as adoption, marital and nonmarital property, child support, and spousal maintenance. Family law is one of the most relevant areas of the law because every practicing attorney is bound to be confronted with family related matters at one time or another during his or her practice. I am so grateful that I was able to learn these principles from a Christian perspective at Regent.”

IN BRIEF

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**Alumnus Chris Stewart Defends Marriage in Arkansas**

When the American Civil Liberties Union (ACLU) sought to scuttle a highly popular marriage amendment in Arkansas, it crossed paths with Chris Stewart (’03), a skillful attorney who successfully navigated the amendment through a series of legal hurdles. The amendment was approved by a substantial majority of voters in 2004 and is now a part of the Arkansas Constitution. Stewart credits Regent Law School with furnishing him outstanding legal training and a compelling vision. “I came to Regent because I wanted to make a difference. I didn’t want to stand on the sidelines. The ACLU sued on the grounds that the amendment was vague and misleading,” Stewart says. “But the language was pretty clear; we had the better argument, and we won.”

Stewart served as the executive director for the Arkansas Marriage Amendment Committee and was responsible for organizing the petition drive that set a state record for the number of petitions collected. “Having the amendment on the ballot during a Presidential race was a real plus,” Stewart says. “Grassroots issues bring people to the polls.”

While crafting the amendment’s language, Stewart took a close look at proposals in other states that had survived legal challenges, most notably Nebraska. Section 1 of the Arkansas Marriage Amendment reads as follows: “Marriage consists only of the union of one man and one woman.” “There was no ambiguity here,” Stewart says. “The ACLU was hoping to find activist judges who would take their side. With just one strike, it is possible for a court to unravel all the hard work that was done on behalf of marriage. Fortunately, we prevailed.”

The state Attorney General defended the marriage amendment in court against the ACLU. However, Stewart was permitted to intervene. He also wrote the briefs that combatted the ACLU arguments. In the end, five out of seven state Supreme Court justices ruled in favor of permitting the amendment to remain on the ballot.

On the same day he was offered the position as executive director for the Marriage Amendment Committee, Stewart was also asked to serve as the deputy legal counsel for Governor Mike Huckabee. Stewart knew, however, that he had been called “for such a time as this” to defend traditional marriage. Stewart went back to politics working as the political director and legal counsel for Asa Hutchinson’s gubernatorial campaign.

Today Stewart is the general counsel to the Republican Party of Arkansas and is also in private law practice in Little Rock, Ark. His law firm focuses primarily on business litigation, debt collection and insurance defense litigation. He is also a partner in the lobbying firm Brent Stevenson Associates. A native of Brinkley, Ark., Stewart is married to the former Julie Beale of Buffalo, N.Y., who is a teacher at Baker Elementary in Little Rock.
REGENT LAW DISTINCTIVES

Educating lawyers from a Christian worldview
The foremost distinctive of Regent Law is its Judeo-Christian perspective. We couple rigorous scholarship with an emphasis on spiritual integrity, educating a different kind of lawyer uniquely prepared to practice law.

Regent Law’s faculty, a diverse group of legal scholars, professors and practitioners, actively inform the most pressing legal questions of our time. Our faculty’s excellence in legal scholarship and their commitment to the Christian perspective create a vibrant intellectual community, part of a rich and stimulating curriculum.

Award winning legal skills programs
In 2007, two Regent Law students went head to head with 219 other teams from the nation’s top law schools to take first place in the prestigious American Bar Association (ABA) National Negotiation Competition—the second consecutive national win for Regent Law. In 2006, a team of Regent students won the ABA’s National Appellate Advocacy Competition, winning the moot court contest and placing first for the nation’s Best Brief.

The connection is clear: our investment in facilities and programs developing writing, negotiation, trial and appellate advocacy skills yields law students who perform when and where it counts.

Impacting the world in key legal positions
Raising up the next generation of servant leaders has been a focus of Regent since the beginning. Virginia Attorney General Bob McDonnell is just one of the many alumni who is utilizing talents and skills honed at Regent to serve others and make a difference in a key legal position.

Regent Law graduates often describe their law school experience as life-changing, and the experience truly enables them to make a difference in their communities, the nation and abroad. They serve as judges, legislators, human rights advocates, and lawyers in public and private practice.

Are you ready to change your world?