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and Insurance and Corporate Counsel for the
Exchange of Information and Ideas

Tort Trial & Insurance Practice Section
a section of the American Bar Association

Student TIPster

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Spring Break for a Cause

Jennifer Gray – 3L North Carolina Central University

While many law students prepared to head to the beach for this year's spring break, a group of students at North Carolina Central University School of Law had other plans in mind. They decided to forgo a nice relaxing trip for themselves and head to New Orleans to put their legal experience to use for the victims of Hurricane Katrina.

It has been nearly six months since New Orleans was devastated by Hurricane Katrina, yet third year law student Angelica Reza, who initially came up with the idea for the trip, knew that there was still much to be done for its victims. She, and the other student volunteers, knew that the victims need legal assistance in addition to all the other relief efforts. This trip was a way for the law students to use their unique skills to inform victims of their legal rights.

Once in New Orleans the students worked closely with Common Ground Collective, a non-profit volunteer

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Google Wins Case Protecting User Privacy

Thomas J. Allen – 2L Michigan State University

The Government has attempted to gain access to your internet search queries through Google in an effort to research your very own searches, and failed.

A federal judge in California has ordered the search engine Google to provide some of its internet records to the U.S. Justice Department. But in doing so, he expressed his concerns about ordering the turn over of actual user search requests.

The U.S. District judge, James Ware, ordered the turn over of only some of the information the Justice Department requested. The Justice Department originally demanded millions of internet search requests and website indexes, in an attempt to demonstrate that internet filtering software is not sufficient to protect children from internet pornography. The Justice Department then modified its subpoena, requesting 50,000 URLs from Google's search index and 5,000 search queries entered by Google's users from Google's query log.

The Justice Department did not demonstrate to the court whether it preferred to have access to either the URLs or search queries. The court held that an undue burden by loss of user trust may be created if Google was required to turn over the search queries, since some users may become deterred from using the search engine, and that this outweighs the cumulative and duplicative disclosures likely to benefit the Government's study. Therefore, the Court granted the motion to compel the 50,000 URLs, but not for the search queries. The Court also held that privacy concerns of individual Google users were of high concern.

The judge worried that Google, as well as other internet search engines, could be used by the government for surveillance. The judge was more alarmed about the Justice Department's request for a random sample of search requests performed using Google, than with a request for a random sample of websites that are indexed by Google.

This is the first time Google has gone to court against the Justice Department in resistance of a federal subpoena. Although initially Google refused to hand over any information, three other major internet search engines gave the Justice Department some of the information they were seeking.

The ruling is seen as a victory to Google, its users, and privacy rights advocates. The case is *Alberto R. Gonzales v. Google, Inc.*, and the order was filed March 17, 2006. ❖

TIPS UPDATE

TIPS Announces 2006-2007 Student Vice-Chairs

The Tort Trial & Insurance Practice Section announce a current list of 2006-2007 Law Student Vice-Chairs, which can be found on the law student website in a few weeks at <http://www.abanet.org/tips/lawstudent/leader.html>. These individuals will be given a unique opportunity to learn and network with some of the top attorneys in the nation. More information can be found at <http://www.abanet.org/tips>. ❖

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“Write Something” – Opportunities to Add a Publishing Credit to Your Resume by Writing for an ABA Publication

Jim Fletcher – 2L University of Georgia Law School

Professor Mark Wojcik, in his well known article¹ and lecture, advises law students on several ways to develop their resume. One of his major recommendations is to “Write Something.” Contrary to popular belief, getting a note or comment published by your school’s Law Review is not the only way to get a publishing credit. Both TIPS and the ABA offer law students many opportunities to write and get published. By “writing something,” you can set your resume apart from many others by adding a publishing credit. Additionally, consider how much more impressed potential employers will be when you send them an article from an ABA Journal as your writing sample!

What publications can I write for?

Just look in your mailbox; you probably receive at least 3 or 4 publications from TIPS and the ABA already! The editors of the magazines and newsletters you receive are often busy lawyers who will be excited to receive your submission as a way to round out their issue.

Some publications you can write for include:

TIPS Law Student Writing Competition – Law students may submit papers that address a current topic in a legal area covered by one of the Section’s substantive law committees. This annual competition offers consideration for publication in the TIPS Law Journal, cash prizes, and offers the winner a trip to the ABA Annual Meeting. (This year’s winner wins a trip to the ABA meeting in Hawaii!) For more information, visit:
[<http://www.abanet.org/tips/lawstudent/home.html>]

The Brief -TIPS’s quarterly magazine which includes an array of practical articles of interest to plaintiffs’ and defense lawyers who practice tort or insurance law. In addition, the popular "Practice TIPS" section provides practical, how-to advice on practice and litigation matters.
[<http://www.abanet.org/tips/brief/briefcurrent.html>]

Tort Trial & Insurance Practice Law Journal - the most widely recognized law review in the field, features in-depth law review articles on insurance litigation, ERISA and employment issues, reinsurance and other critical issues.
[<http://www.abanet.org/tips/journal/lawjournal.html>]

TortSource – TIPS’s quarterly newsletter highlights topical tort and insurance law issues and includes technology advice, practice tips and updates on

continuing legal education programming. "When I Was A Young Lawyer," "Legislative Update," "In Motion," and a host of other unique columns round out each issue.

[<http://www.abanet.org/tips/tortsource.html>]

eDicta – TIPS’s new internet publishing portal accepts articles of any length on any subject related to the Torts, Trial and Insurance practice areas.

[<http://www.edicta.org/>]

Committee Newsletters – Nearly every substantive committee within TIPS publishes an annual or quarterly newsletter. If you are interested in writing an article for a particular practice area, consider writing for the newsletter of a related committee. See a list of newsletters at:
[<http://www.edicta.org/newsletters.html>]

Student TIPster Newsletter –You can write for this newsletter on a topic that is relevant to law students. Contact the editor for details.

Student Lawyer Magazine – The official magazine of the Law Student Division is published monthly from September to May and provides law students with relevant, lively and informative articles on the Law Student Division, legal education, social/legal issues, careers, and the practice of law. The magazine regularly accepts articles from law students on a wide variety of subjects.

[<http://www.abanet.org/lstd/studentlawyer/writers.html>]

The ABA Journal – This monthly ABA publication provides members with news making as well as news breaking articles - from controversial issues in the courtroom to lifestyle trends affecting law practice.

[<http://www.abanet.org/journal/redesign/home.html>]

What do I do next?

You now have some homework to do. You need to identify the editor of the publication you are interested in. Often the editor’s name is listed within the magazine. To find the editor of a TIPS committee newsletter, consider starting with that committee’s leadership directory published on the committee website [linked off of <http://www.abanet.org/tips>].

Once you have identified the editor, write to them and suggest a topic that interests you and that seems consistent with the types of articles in previous issues. Ask the editor if they would be interested in submissions on this (or some other) topic.

¹ PRACTICAL CAREER ADVICE FOR YOUNG INTERNATIONAL LAWYERS: HOW TO BUILD A KILLER RESUME, NETWORK EFFECTIVELY, CREATE YOUR OWN OPPORTUNITIES, AND LIVE HAPPILY EVER AFTER, 5 ILSA J Int’l & Comp L 455.

Get it right when you write

Once you have a topic, re-read Professor Wojcik's article for his recommendations on a good process for writing your article. Proofreading and fact checking are absolutely key. When I wrote a case summary for the TortSource, I mistakenly referred to a female plaintiff as "he"; within 1 week I received an email from a law professor who pointed out my mistake. You are writing this article so that you can be confident in giving a copy or the citation to a potential employer. Don't make my mistake: make sure to get it right when you write.

Conclusion

Writing for other legal professionals can be personally rewarding while also increasing your exposure to potential employers, honing your writing skills, and improving your resume. But, you have to make it happen. I encourage you to approach some of the publications suggested above or find another publication in a practice area that you would like to appear on your resume. And when you get published, drop me a line! ❖

Jim Fletcher (jim@jimfletcher.net) is the Executive Editor of the Journal of Intellectual Property Law at the University of Georgia School of Law and has written for the TortSource, the Business Litigation Committee Newsletter, and the Student TIPster.

Making the Move from Law Student to Esquire with the ABA

Rusty Messer – 3L Southern University School of Law

For nearly three years now I've been a proud member of the largest division of the American Bar Association. However, this coming May, after I walk across the stage and get my sheep skin, the Law Student Division is going to kick me out and send me on my way.

Looking back I have had possibly one of the best ABA/LSD experiences one could hope for. I was fortunate to be chosen as a Lieutenant Governor for my circuit in my second year. In my third year I was appointed as a Vice-Chair of the Admiralty and Maritime Committee of the Tort Trial & Insurance Practice Section (TIPS). Since that is the kind of law I want to practice, it doesn't get much better. Oh, did I mention that I got to go to two ABA annual meetings, a spring round table for my circuit, a spring meeting with the International Law Section, a fall meeting with the TIPS section, and an ABA mid-year. Even better, most of it was paid for by someone other than me. I was also published by *Student Lawyer* and a committee of the Section of International Law. I even got to host a Sports Law CLE. (Yes I, a student, hosted a CLE).

Having had such a great time as a law student in the ABA, and having met so many great people, I am now trying to figure out how I plan to stay involved in the ABA. If any of you other law students out there are eager to stay involved, maybe what I've learned in my research will help out.

Perhaps one of the easiest things about transitioning from law student to esquire with the ABA is that it doesn't cost anything. That's right, it's free. As a law student I have paid a whopping \$20.00 per year, which was more than offset by the free Legalines that got me through Con Law. But, your first year as an actual grad with the ABA is on the house. You pay zilch, nada. Your next five years after that averages out to be \$147.00 per year. While \$147.00 is a lot of money from my current law student outlook, I can honestly say I've spent more than that on concert tickets. Considering that, it's a small price to pay for the kind of networking opportunities and information provided by my ABA membership.

Before I go any further let me plug TIPS. The Tort Trial & Insurance Practice Section is something in which almost every ABA member should become involved. With 34 substantive Committees TIPS likely has a focus on your practice area. From Animal Law and ADR to Trial Techniques and Worker's Compensation, TIPS can put you in touch with other professionals that practice in your area of law and keep you up-to-date on the latest developments in that area. Be careful though, TIPS is known to put young lawyers in leadership positions. Before you know it you may be in charge of a Committee or speaking at a national CLE.

The next logical step is the Young Lawyers Division (YLD). This section also goes easy on the wallet by being free. To be eligible you have to be under 36 or admitted to practice less than five years. YLD has a good



TIPS Meetings & Events

2006 TIPS Spring Meeting – May 18-21, 2006
Miami, FL
Hotel: Eden Roc

2006 ABA Annual Meeting – August 3-7, 2006
Honolulu, HI
Hotel: Sheraton Waikiki

2006 TIPS Fall Meeting – October 18-22, 2006
Pinehurst, NC
Hotel: Pinehurst Resort

2007 ABA Midyear Meeting – February 7-13, 2007
Miami, FL
Hotel: Intercontinental

2007 TIPS Spring Meeting – May 16-20, 2007
Newport Beach, CA
Hotel: Newport Beach Marriott Hotel & Spa

2007 ABA Annual Meeting – August 9-14, 2007
San Francisco, CA
Hotel: Westin St Francis

For information, call Felisha Stewart at (312) 988-5672. Or visit <http://www.abanet.org/tips/calender.html>

selection of committees you can join to network and learn about an area of law in which you might practice. From a personal note, YLD throws some of the best parties at the annual and mid-year meetings. This might not be a selling point on their website though.

Outside of these two must joins for any recent grad, the ABA offers some 35 other sections and divisions. If you like family law, they've got a section. If you like business law, they've got that too. In fact, if it somehow involves the practice of law, chances are there is an ABA section, committee, or forum devoted to the practice area.

I believe the trick for those of us transitioning from law student to practicing attorney will be to just get involved. Once you join a section or committee, contact the leadership. Let them know you want to do something. If you're anything like me you have realized that you have graduated law school with a broad theoretical knowledge of how the law works, but not much info on how to actually practice law. The ABA provides a valuable resource for connecting with those who work in the areas in which we want to work. In the words of the French essayist Michel de Montaigne, "to learn something from others is the finest school that there can be."

As I transition from law student to lawyer I hope I will take the time to learn from those before me, listen to their knowledge, and remember that I was provided with two ears and one mouth for a reason. What better forum to learn from than the vast experience made readily available to me through my ABA membership. ❖

A Few Words From a Newcomer...

Sherra Van Brun-1L TSU-Thurgood Marshall School of Law

I am an active member of my school's SBA organization. I represent the 1L class as its Treasurer. I was invited by our SBA President to attend the recent ABA Midyear Meeting in Chicago. At the time, my knowledge of the ABA was extremely limited. Like any first year law student, my focus was on the here and now. I had that constant worry about case briefs, classmates and comprehensive exams while trying to balance some sort of life outside of school. The thought of missing a week's worth of classes to attend meetings never once crossed my mind, and I was certain that there would be no benefit for doing so.

Despite my apprehension, I attended the conference. Within the first day, I was interacting with other law students, attorneys and judges from all over the nation. I was getting the kind of exposure I thought was limited to law students and especially 1LS. I stumbled into a TIPS meeting. I was greeted and urged to stay and participate in discussions. I found myself contributing ideas, wanting to join committees and considering possible leadership roles.

My involvement with TIPS and the ABA is limited at this time, yet I am excited for what is yet to come. Many students place a great deal of emphasis on the present and forget about the essential preparation for the future. I am fortunate to have learned of the unlimited opportunities available through the ABA early in my law school career. As a newcomer, I encourage our members to communicate the importance of the ABA's Law Student Division and TIPS to fellow students. Together, let's make these opportunities known and strive for a successful 2006. ❖

Student TIPSTER Editorial Board

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Natalie Toliver – Contributing Author
Scott Wolf – Contributing Author
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Linda Wiley – ABA Staff Editor

The TIPS website has

- ✓ **Job postings**
- ✓ **Law Review Online**
- ✓ **Tortsource magazine online**
- ✓ **The Brief online**
- ✓ **Section news**
- ✓ **Meeting & CLE information**
- ✓ **Law Student Message Board**
- ✓ **Lots more...**

Check out <http://www.abanet.org/tips>

Ask and You May Receive

Martie Garcia-1L TSU-Thurgood Marshall School of Law

The ABA Midyear meeting was a whirlwind for this first year law student. The entire process began with a question: how do I go? “Ask and you may receive,” I thought to myself. To my surprise the answer was an email away and weeks later I was in the midst of ABA leaders, judges, partners, solo practitioners, and fellow law students in Chicago. The legal buzz blew through the windy city and I was ecstatic to be in the realm of our country’s leaders and justice seekers. The schedule seemed overwhelming with so many sessions available, the questions seemed to mount. What is this committee? Is it free to join as a law student? Can we attend? Everyone seemed to know their place and I made an effort to find what fit my interests and future career goals. To my delight, I strolled into the perfect meeting when I stepped inside the Tort Trial & Insurance Section Law Student Board meeting. The group was extremely inviting and encouraged the participation of everyone present. The meeting led into a roundtable discussion regarding various aspects of the section. I quickly learned that this section, like the ABA was derived of many other components such as diversity in the profession, emerging issues, public relations, law in public service, and membership involvement. The structure of this section and its organization made me extremely inquisitive and encouraged to become active. Once again, a question emerged: how do I become active? The answer was simple, I raised my hand in suggestion of possible program implementations and my hand was acknowledged. It was just that refreshingly simple: I was now active with TIPS. The experience came full circle when I expressed my interest in writing and was offered this opportunity, I asked and I received. I encourage fellow students to ask for you may not only receive, you may get active within a great committee!

Suggested Checklist for 1L’s

- _____ Join ABA
- _____ Join TIPS
- _____ Meet your school’s ABA representatives
- _____ Check out www.abanet.org/tips *Student Resources*
- _____ Participate in at least one writing competition the ABA / TIPS offers
- _____ Find out the ABA meeting dates & events
- _____ Ask questions; research different committees that cater to your goals ❖

TIPS Leadership

Lesley Parrish Lentz – 3L Stetson University College of Law

In any organization, figuring out the leadership structure and how things are run can be a difficult task. TIPS is no different. The following is a quick run-down of how the leadership of TIPS is organized.

TIPS has six officer positions, including Chair, Chair-Elect, Vice-Chair, Secretary, Revenue Officer, Financial Officer, and every third year, a non-voting Financial Officer-Elect. The TIPS Council supervises and controls the affairs of the Section. The voting membership of Council consists of the six Section Officers, the Section Delegates to the House of Delegates, the Last Retiring Chair of the Section, and fifteen “general” members. The membership also consists of 4 ex-officio members generally serving for a one-year period. Ex-officio members include liaisons appointed by the Judicial Division, the Young Lawyers Division and the Law Student Division from among those Divisions’ membership as well as the liaison appointed by the Board of Governors. They are entitled to vote on all issues before that body, except amendments to the by-laws and nominations for Officer, Council, and Section Delegate positions.

Five general members of the Council are nominated and elected at each annual meeting for terms of office to begin immediately and to continue for three years. Therefore, the terms of only five of the fifteen general members expire at the end of each annual meeting. Every effort is made to ensure diversity in race, gender, and practice area of the Council class. No two members of the same law firm or entity may serve simultaneously as members of the Section Council or as Section member-at-large of the Board of Governors. Furthermore, TIPS elects three representatives to the House of Delegates for the ABA. The Section Delegates each serve staggered three year terms.

The Council holds a minimum of four meetings each operating year. The first is the ABA Annual Meeting and following that are the fall leadership meeting, ABA Midyear meeting and the spring leadership meeting. Special meetings of the Council may be called by the Chair with the consent of a majority of the Council membership. ❖

GET INVOLVED IN TIPS! NETWORK, TRAVEL, & LEARN!

<http://www.abanet.org/tips/lawstudent/leader.html>



Alien Torts Renewed: Examination of Controversies Surrounding the Alien Torts Claim Act

Y. Jack Fan- 2L American University Washington College of Law

The Alien Tort Claims Act (“ATCA”) continues to resurface as a point of controversy as to the role of U.S. courts in the adjudication of lawlessness abroad. Just as Nuremberg brought Nazi war criminals before an international tribunal, the ATCA now brings multinational corporations and foreign entities before U.S. federal courts to answer to human right violations.¹ Yet, in lieu of international tribunals such as the International Court of Justice or International Criminal Court, there still remains a question whether the U.S. judiciary serves as the proper forum for such disputes. This question may be purely academic since less than a hundred cases have been filed since 1979 under the ATCA to bring charges against repressive governments, such as Burma and Nigeria, and companies that collude with such regimes.²

Originally a provision of the Judiciary Act of 1789, the ATCA states in its entirety that “[t]he district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.”³ The ATCA was likely enacted to combat international piracy⁴ and to shield U.S. diplomats from foreign jurisdictions because the ATCA, in its original form, made no assertion about the legal rights of foreigners.⁵ Throughout the years, however, courts have judiciously expanded the ATCA to encompass human right violations perpetrated by state and private actors.⁶ The Supreme Court, in its only opinion on the matter, addressed this issue in 2004 by stating that the ATCA did not create new causes of actions for foreign plaintiffs but instead provided

jurisdiction only for causes of actions as permitted by international common law.⁷ Nonetheless, the Supreme Court recognized that egregious cases concerning violations of international norms, for example war crimes, genocide, torture, and slave labor, may still be viable claims under the ATCA.⁸

On one side of the debate, ATCA opponents argue that the Act significantly interferes with U.S. foreign relations and policy interests.⁹ At the other end of the spectrum, proponents argue that the ATCA serves as an important tool to vindicate the rights of human right victims who otherwise are unable to seek remedies in their home country.¹⁰ Most courts are reluctant to hear cases brought under the ATCA, especially after the Supreme Court’s 2004 ruling, and the vast majority of ATCA lawsuits are dismissed on procedural grounds.¹¹ In a rare instance, a federal district court recently permitted Indonesian nationals to sue Exxon Mobil for alleged abuses by Indonesian troops in Aceh.¹² The business community and human rights groups will certainly watch the Aceh case closely as it is one of the first post-Sosa cases that may actually be litigated.

Today, there is little question as to the viability of the ATCA in U.S. courts.¹³ What remains to be seen is how ATCA lawsuits will complicate U.S. foreign policy, particularly in matters of national security and the U.S. government’s ability to combat terrorism. Because the ATCA subjects foreign individuals and multinationals to private litigation, the effect of independent lawsuits in the war against terrorism remains unclear. Will the ATCA deter terrorist supporters or will the Act hinder government actors in the investigation and elimination of terrorist threats? On this matter, a New York lawsuit was filed last December that alleged former Israeli intelligence officials participated

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¹ Noah S. Leavitt, *Nuremberg at 60: How the United States is Tuning Away from Its Proud History*, Find Law. Feb. 21, 2006. <http://writ.findlaw.com/leavitt/20060221.html>.

² *Id.*; See *Filartiga v. Pena-Irala*, 630 F.2d 876 (2d Cir.1980). After nearly 200 years of obscurity, *Filartiga* brought the ATCA back into the limelight where the family of a man who was tortured and killed by Paraguayan policemen successfully brought suit against a former Paraguayan official.

³ 28 U.S.C. § 1350.

⁴ Piracy as it existed in the 18th century referred to robbery, pillaging, or plundering at sea, or sometimes at shore, without a commission from a sovereign nation.

⁵ Kelly Hearn, *A New Spin on Fighting for Justice*, AlterNet. March 10, 2006. <http://www.alternet.org/story/32861/>.

⁶ *Kadic v. Karadzic*, 70 F.3d 232 (2nd Cir. 1995).

⁷ *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004). Whether the U.S. judiciary is to be bound by international laws, norms, and conventions remains another politically-charged controversy.

⁸ *Id.*

⁹ *Debating the Alien Tort Claims Act*, PBS. Last visited: March 20, 2006. <http://www.pbs.org/now/politics/alientortdebate.html>.

¹⁰ *Id.*

¹¹ Hearn, *supra*.

¹² Slobodan Lekic, *Exxon: Torture Suit Sets Bad Precedent*, Washington Post. March 8, 2006. Judge Louis Oberdorfer of the U.S. District Court for the District of Columbia ruled March 1, 2006, that a case against Exxon Mobil could proceed. Exxon Mobil is alleged by 11 Indonesian villagers that Exxon allows its facilities to be used by Indonesian soldiers to torture locals and to commit other human right abuses.

¹³ *Id.* Attempts by the Bush administration and the Department of Justice to restrict the scope of the ATCA failed in *Sosa*. Further attempts to amend the ATCA by Senator Diane Feinstein (D-California) failed in October 2005.

Spring Break...

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organization that has been providing relief to victims since the hurricane hit. Through this organization, the group of NCCU students, as well as other law students from across the country, were able to research legal claims and speak with victims about their legal rights.

The main issue they dealt with was the eviction of many residents whom FEMA had placed in a local hotel. The students urged these FEMA residents to call and request an extension to prevent their eviction. Many residents were unaware they even had this option and were grateful to have volunteers protecting their interests. The students were then able to give contact information for other local shelters and aid offices to those who were not granted an extension.

Despite the severe devastation surrounding them, the students were grateful for the opportunity to help those in need and pleasantly surprised by the response of many of the victims. On two occasions, victims were so appreciative of the students' efforts that they offered to buy them a drink or a snack. "It was humbling to see people who had lost so much still wanting to give back to us for our help," said Reza.

The situation in New Orleans still needs America's attention. As first year student Melissa Anderson explained, "Slowly but surely, the disaster falls off people's radar. Its not that we forget, but it just does not seem as pressing." The NCCU law students were moved by their experience and satisfied with their decision to travel to New Orleans. Anderson added, "I'm sadly thankful I was able to witness the situation, help a little, and remind everyone I know that the work is far from complete. It has barely begun."

To find out what you can do to help the victims of Hurricane Katrina visit www.commongroundrelief.org. ❖

Dear TIPS Law Students,

START preparing for the writing competition for next year. The winning essay will earn the writer a trip to ABA Annual meeting in San Francisco in August 2007. Submissions are due on March 6, 2007. Visit the link below for information on this year's competition. www.abanet.org/tips/lawstudent/lawstudentcomp.pdf

Alien...

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in the commission of war crimes and extrajudicial killings.¹⁴ Given Israel's close alliance with the United States and Israel's role in U.S. intelligence-gathering activities against al-Qa'ida and other terrorist factions, this will be another closely watched case.

At the heart of this issue is whether terrorist acts fall within violations of customary international law and what acts or conduct are properly considered acts of terrorism. Recall that Congress likely intended for the ATCA to provide jurisdiction over acts of piracy. Piracy or acts that resulted in theft at sea, inhibition of trade, or endangerment of maritime communication were considered to be acts against humanity and therefore subject to universal jurisdiction.¹⁵ If Congress indeed sought to provide universal jurisdiction for such acts against humanity where territorial jurisdiction is either nonexistent or uncertain, then the modern equivalent of piracy would be terrorism.

The ATCA is largely proclaimed as a vehicle to hold multinationals and foreign entities accountable for human rights violations. Yet, the ability of the ATCA to serve as a conduit for foreign lawsuits in U.S. federal courts extends beyond human right concerns. What began as an obscure provision in 1789 now hosts a bedlam of controversial issues, the extent of which affects human rights advocacy, mass torts litigation, business governance, international trade, and national security. ❖

Y. Jack Fan is a second-year law student at American University Washington College of Law. He is currently a law clerk for the Washington, D.C., firm of Martin McMahon & Associates.

¹⁴Noura Erakat. *Landmark Lawsuits Filed in U.S. Courts Against Israeli Officials*, Washington Report, March 21, 2006. Last visited: March 21, 2006. http://www.wrmea.com/archives/March_2006/0603021.html.

¹⁵*Piracy*. Wikipedia. Last visited: March 20, 2006. http://en.wikipedia.org/wiki/Piracy#Piracy_in_international_law. Piracy in international law during the 18th century was one of the earliest invocations of the concept of universal jurisdiction. Universal jurisdiction is where a court possesses the power to adjudicate matters despite the fact that the criminal act or tort extends beyond the boundaries of the country where the court is located.