

# UVA LAWYER

FALL 2023





*From Dean Risa Goluboff*

**D**URING THE 21 YEARS I have been part of the Law School community, I have had many occasions to reflect on what makes it so special and what makes what we do here so important. Now, as I enter what will be my last academic semester as dean, and contemplate national and world events, I find even more cause for such reflection.

This Law School is known for its collegial environment, as UVA lawyers have long been known for their ability to build productive working relationships with clients, colleagues and opposing counsel. Our culture—like our graduates' approach to practice—is not accidental. We spend a great deal of time and effort building a community whose members come from different backgrounds, have a wide range of experiences and hold vastly different views. We work hard to provide every member of this community the resources they need to flourish and to create an environment that enables all voices to be heard.

The free exchange of ideas is foundational to both the Law School and the University of Virginia. It is essential to critical thinking. It is a hallmark of our mission to provide the best legal education to the next generation of lawyers, leaders and public servants. And it is crucial to the flourishing of our profession, our society and our democracy. The values underpinning such free exchange are among our most fundamental constitutional obligations as a law school in a great public university.

We live these values by combining our distinct perspectives with a shared commitment to joy, humanity, respect, dialogue, collegiality, collaboration and community across differences. In other words, we are a big, welcoming and rigorous tent. This combination is rare, and it is critical to our efforts to foster a true exchange of ideas. Particularly in these times, it is not always easy to speak so others can hear. It is not always easy to hear when the message tests one's own views. But rising to and learning from these challenges is at the heart of both an intellectual life and the nature of the law. Knowing each other as whole people—as section-mates and



softball teammates, from journal membership or student organizations or pro bono projects—makes it easier for us to discuss difficult issues civilly, which we expect of ourselves and should model for the profession.

Within our vibrant intellectual community, students are exposed to new and challenging ideas, day in and day out—from faculty and fellow students in and outside of the classroom as well from the hundreds of guest speakers who come to the Law School every year. The broad array of perspectives represented here means that we can and do debate, sometimes passionately. That is as it should be. As a law school, and especially as a public law school, facilitating engagement even—indeed especially—when we disagree is not only a strength. It is essential to our mission.

In this edition of *UVA Lawyer*, we celebrate the Law School's commitment to the free exchange of ideas and highlight some of the ways we prepare our students to join a profession defined by competing interests and well-established norms for resolving them. Achieving these goals is a process, not an outcome. It takes constant care and attention, to which we commit ourselves every day.

EDITOR-IN-CHIEF

Mary M. Wood

ASSOCIATE EDITOR

Melissa Castro Wyatt

PHOTO EDITOR

Warren Craghead

CLASS NOTES AND ALUMNI BOOKS EDITOR

Denise Forster

CONTRIBUTING EDITORS

Mike Fox

Josette Corazza

CONTRIBUTORS

Marian Anderfuren

Mark F. Bernstein '89

Julia Davis

Mike Fox

Mike Mather

Katelyn Foster

ART DIRECTION & DESIGN

Bill Womack | Helios Inc.

PRODUCTION ASSISTANTS

Kirsten Niemann

Allison Profeta

COVER ILLUSTRATION

Jon Krause

ADDITIONAL PHOTOS

Dan Addison

UVA Communications

Jesús Pino

Aguilar Photography

Ian Bradshaw

Tom Cogill

Tom Daly

Julia Davis

Robert Llewellyn

Sanjay Suchak

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Students gather on the Holcombe Green Lawn on Oct. 24.

JULIA DAVIS



“I don’t mind stirring it up, I don’t mind controversy. As a lawyer, you’ve gotta be comfortable being adversarial. And certainly part of Squawks is being adversarial, too.”

—**BRIAN KAHN '00**, managing partner of McGuireWoods’ Charlotte, North Carolina, office, on the Charlotte Squawks, his musical comedy troupe (Law360)

“When all the smoke is cleared, maybe [Michael] Oher can persuade Hollywood to make a sequel to ‘The Blind Side’ about his struggle with the conservatorship system.”

—**PROFESSOR NAOMI CAHN**, (The Conversation)



“Theoretically, the ability to pay bail is supposed to be taken into account, but judges frequently don’t. The result is that people end up behind bars before

trial simply because they are accused of a crime and they are poor, which is both a violation of equal protection and a waste of taxpayer resources.”

—**PROFESSOR MEGAN STEVENSON**, on how the bail amounts in the Georgia election interference case reflect the American bail system (The Conversation)

“Our dedicated and generous alumni have made possible all that we have accomplished over the past seven years. It has been a joy to get to know so many of our graduates and to see the obvious affection they have for this institution.”

—**RISA GOLUBOFF**, in a story announcing that she is stepping down as dean in June 2024 (see p. 6)



“[We’re] in an environment where you usually see left rhetoric being directed against the right, and sometimes people take that at face value and don’t realize [that] to [a] great extent this is just how justices talk to one another when they strongly disagree these days.”

—**PROFESSOR RICHARD RE**, on Supreme Court justices who are ideological allies trading barbs in their opinions (Bloomberg Law)



“Our constitution is not frozen in time, it’s always changing—how we read it, how we use it, how we apply it and how it applies to us. It’s a conversation we have to continually have.”

—**PROFESSOR XIAO WANG**, in a Constitution Day lecture at the UVA Frank Batten School for Leadership and Public Policy



# Quoted



“Proving that any particular plaintiff’s cancer was caused by aspartame, as distinguished from the many other possible causes, could prove to be an insuperable obstacle to recovery.”

—**PROFESSOR KENNETH S. ABRAHAM**, discussing the World Health Organization labeling aspartame a possible carcinogen (Corporate Counsel)

“We don’t have a test that is likely to produce the same outcomes if it’s applied by different judges with different views about gun control. A pro-gun control judge might say, ‘Of course, this is analogous,’ and an anti-gun control judge—one who is more sympathetic to the right to bear arms—would say ‘No, this is not a close analogy.’”

—**LAWRENCE B. SOLUM**, discussing jurisprudence on gun cases (Bloomberg Law)



“Thomas Jefferson held that ‘the earth belongs always to the living generation.’ If he were with us today to witness widespread environmental destruction, he might amend his adage to say, ‘The earth belongs always to the living generation—and to generations unborn.’”

—**PROFESSOR A. E. DICK HOWARD '61**, in an op-ed on environmental protections in Virginia (Richmond Times-Dispatch)



“But Justice [Ketanji Brown] Jackson and Justice [Sonia] Sotomayor were trying to educate the judges about how race-conscious

admissions is not like what they experience. It’s not quotas. It’s not bonus points. It’s not set-aside admission tracks for certain people. It’s just considering race as one of many factors because you often can’t divorce race from the experiences and attributes that many students bring.”

—**PROFESSOR KIMBERLY JENKINS ROBINSON**, on the U.S. Supreme Court’s ruling in Students for Fair Admissions Inc. v. President and Fellows of Harvard College



“I don’t think [artificial intelligence] removes the need to have a large team of associates to support all these filings around the world.”

—**MEGAN GRANGER '11**, partner at Weil Gotshal & Manges, “Rising Star” Honoree (Law360)



“The United States only seeks to extradite people when it’s confident it will achieve a conviction. I suspect the government was surprised by this result.”

—**PROFESSOR ASHLEY DEEKS**, discussing former professional soccer player Nizar Trabelsi’s acquittal of U.S. terrorism charges (The Washington Post)





## DEAN TO STEP DOWN IN 2024

**RISA GOLUBOFF ANNOUNCED SEPT. 21** that she will step down as dean at the end of the academic year, concluding an eight-year tenure marked by prolific faculty hiring, record-breaking fundraising and several enhancements to the student experience. Her final day as dean will be June 30, but she will remain at UVA to teach.

“Risa’s tenure as dean has been truly extraordinary, and I’m incredibly grateful for her years of service to the Law School and to the University,” said UVA President Jim Ryan ’92. “She has strengthened the school immeasurably by investing in faculty, students and academic programs, with a special focus on accessibility, inclusivity and the student experience.”

Executive Vice President and Provost Ian Baucom and John C. Jeffries Jr. ’73, the David and Mary Harrison Distinguished Professor, a former Law School dean and counselor to Ryan, are co-chairing the committee conducting a national search for Goluboff’s successor.

**A PROMINENT LEGAL HISTORIAN** who joined the faculty in 2002 and became dean in 2016, Goluboff is the Arnold H. Leon Professor of Law and a professor of history whose scholarship and teaching focuses on American constitutional and civil rights law.

“It has been a true privilege and an immense pleasure to lead this historic institution,” Goluboff said. “The extraordinary accom-

plishments of our students, faculty, staff and alumni, and the robust community we share, are a source of unending pride. While time remains on my second five-year term, the practice of past deans has been to serve somewhat short of the full complement. In this, as in many things, my predecessors were wise, and I follow their lead. Institutional leadership needs to be refreshed from time to time, and I look forward to returning to the faculty that has sustained me for so long.”

Goluboff made history as the 12th—and first female—dean of UVA Law. Her tenure has been marked by a hiring spree so extraordinary that it caught the attention of legal academics on X, formerly known as Twitter, with 34 new faculty so far. In addition to recruiting star faculty from top schools across the country, Goluboff harnessed the intellectual firepower of longstanding and new professors by establishing 13 new centers to facilitate and promote their scholarship. As a result, the Law School made significant gains on common metrics of scholarly impact.

In 2018, UVA Law graduates Martha Lubin

Karsh ’81 and Bruce Karsh ’80 helped Goluboff make fundraising history at the Law School when they became its first \$50 million donors. Their gift created the Karsh-Dillard Scholarships, endowed professorships, and established the Karsh Center for Law and Democracy. The Karshes later gave \$50 million to UVA for the Karsh Institute of Democracy, for which Goluboff serves as advisory board chair.

**IN A NATIONAL EFFORT** to improve access to legal education, Goluboff helped launch in 2022 the innovative Roadmap Scholars Initiative, which provides extensive financial and academic support to low-income and first-generation undergraduates seeking a path to an elite legal education.

Goluboff also shepherded the Law School and University through some tragic and challenging times. In the wake of the August 2017 white supremacist violence at the University and in Charlottesville, she spearheaded the UVA Deans Working Group that analyzed what went wrong and recommended corrective actions, policy changes, and new programming and investments for the University. During the COVID-19 pandemic, she steered the Law School through the numerous changes required to keep the school open and provide a hybrid curriculum that allowed for both in-person and online learning.

“I’ve seen our community respond with extraordinary resilience and humanity to some of the most difficult events of our time. It made me prouder than ever to lead this Law School,” Goluboff said. “Our students, faculty and staff rely on and learn from each other every day. That is core to who we are.”

—Mary Wood

UNIVERSITY OF VIRGINIA  
SCHOOL OF LAW NOW

# Discovery

## ACCOLADES

**1 MOLLY SCHIFF ’23** received the Rosenbloom Award for improving the academic environment for her fellow students.



**2 HANNAH “MEL” BORJA** and **CARTER FARNSWORTH** received the Virginia Public Service Scholarships for the Class of 2026.



**3** Third-year students **JULIA JEAN “JJ” CITRON**, **JAMES HORNSBY**, **KEEGAN HUDSON** and **ELIZABETH PUTFARK** received the Mary Claiborne and Roy H. Ritter Prizes for 2023-24.



**4 SALWA AHMAD ’24** worked at the U.S. Department of Health and Human Services as the Law School’s inaugural Women’s Health Summer Fellow.



**5 LILLIE STEPHENS ’25** worked with the Human Mobility Project at the Center for Justice and International Law in San Jose, Costa Rica, as a Monroe Leigh Fellow in International Law.



**6 JEFFREY HORN** earned the Faculty Award for Academic Excellence by graduating with the highest GPA in the Class of 2023. **HALEY GORMAN ’23** won the Jackson Walter LLP Award, given to the student with the highest GPA after four semesters. **KEVIN HOANG ’24** received the Carl M. Franklin Prize for earning the highest GPA after two semesters.



**7 WHITNEY CARTER ’23** received the Clinical Legal Education Association’s Outstanding Clinical Student Award.



**8 MARILYN HAJJ S.J.D. ’25** was awarded a P.E.O. International Peace Scholarship.

**9 TYLER ADAMS ’24**, a U.S. Army veteran and Bronze Star recipient for his service in Afghanistan, was named a 2023 Tillman Scholar.



**10 KARA HAFERMALZ ’23**, who volunteered 468 hours over the past three years, received the school’s annual Pro Bono Award at graduation.



## SUTTON '21 JOINS RASMUSSEN '21 AS U.S. SUPREME COURT CLERK

**NATHANIEL SUTTON**, a 2021 graduate of the Law School, is clerking for Justice Amy Coney Barrett at the U.S. Supreme Court for the 2023 term, which officially began Oct. 2. Sutton is the second UVA Law alumnus to line up a high court clerkship for this term.

Avery Rasmussen '21 is clerking for Justice Brett Kavanaugh for the 2023 term (as reported in the fall 2020 UVA Lawyer). Sutton and Rasmussen's 2021 classmates Erin Brown and Rachel Daley will clerk at the court during the 2024 term.

The Law School is fifth after Harvard, Yale, Stanford and Chicago in placing clerks on the U.S. Supreme Court from the 2007 through 2023 terms.

Sutton previously clerked for Chief Judge William H. Pryor Jr. of the U.S. Court of Appeals for the Eleventh Circuit and Judge Daniel A. Bress '05 of the U.S. Court of Appeals for the Ninth Circuit.

At UVA Law, Sutton was a member of the Order of the Coif, an editorial board member of the Virginia Law Review, clerkships chair of the Federalist Society, a participant in the Supreme Court Litigation Clinic and a research assistant for Professor Aditya Bamzai.

Sutton's 2021 paper, "Lockstepping

Through Stop-and-Frisk: A Call to Independently Assess *Terry v. Ohio* Under State Law," published in the Virginia Law Review, explains how litigants can challenge stop-and-frisk under state law.

"Nathaniel was a brilliant student in class and always had probing questions and insightful comments to share in office hours, over lunch and in the hallways, and he was extremely amiable and well-liked," Professor Saikrishna Prakash said. "We were lucky to have him at UVA Law."

Though as an active clerk Sutton could not give an interview, he emailed that he was thankful for his friends and professors at UVA, "without whom this opportunity would not be possible."

"I would also like to express my gratitude toward Judge Bress and Chief Judge Pryor for their support and mentorship," he added.

Sutton earned his bachelor's degree from Williams College.

—Mike Fox

**A RECORD NUMBER** of Law School alumni are clerking for federal appellate courts, and more than 100 are clerking across the country for the fifth straight year.

In the 2023 term, 115 alumni are clerking, including 45 graduates in federal appellate courts, 58 at federal District Courts and other federal courts, two at the U.S. Supreme Court, and 10 at state appellate courts and other local courts.

### ALUMNI CLERKSHIPS, 2023 TERM

#### ■ U.S. SUPREME COURT (2)

#### ■ FEDERAL APPELLATE COURTS (45)

1st Circuit (3)  
2nd Circuit  
3rd Circuit (6)  
4th Circuit (7)  
5th Circuit (4)  
6th Circuit (10)  
7th Circuit  
9th Circuit (2)  
10th Circuit (3)  
11th Circuit (3)

D.C. Circuit (4)  
U.S. Court of Appeals for the Armed Forces

#### ■ FEDERAL DISTRICT COURTS AND OTHER FEDERAL COURTS (58)

Middle District of Alabama  
Northern District of Alabama  
Northern District of California  
Southern District of California (2)

District of Columbia (4)  
District of Connecticut (2)  
District of Delaware  
Northern District of Florida  
Northern District of Georgia  
District of Kansas  
Eastern District of Kentucky  
Western District of Kentucky  
District of Maryland  
Eastern District of Michigan  
District of Nevada

District of New Hampshire (2)  
District of New Jersey  
District of New Mexico (2)  
Eastern District of New York  
Northern District of New York  
Southern District of New York  
Eastern District of North Carolina (2)  
Middle District of North Carolina (2)  
District of North Dakota

Northern District of Ohio  
District of Puerto Rico (2)  
Eastern District of Texas  
Western District of Texas (2)  
District of Utah  
Eastern District of Virginia (11)  
Western District of Virginia (3)  
District of Wyoming  
U.S. Court of Federal Claims (3)

#### ■ STATE APPELLATE COURTS AND OTHER FEDERAL COURTS (10)

Alexandria (Va.) Circuit Court  
Colorado Supreme Court  
District of Columbia Superior Court (2)  
New Jersey Superior Court  
Oregon Court of Appeals  
Supreme Court of Alabama  
Supreme Court of Virginia (2)  
Virginia Court of Appeals



## NUMBER OF ALUMNI CLERKING AT FEDERAL APPELLATE COURTS BREAKS RECORD



UVA LAW  
NO. 1  
IN  
MEETING  
EMPLOYMENT  
GOLD  
STANDARD

UVA LAW had the highest job placement rate in the country last year for permanent, full-time jobs that require passing the bar, with more than 95% of graduates from the Class of 2022 securing such positions, according to American Bar Association data. This metric is considered the gold standard for high-quality J.D. employment.

At nine months after graduation, when the ABA collects its data, 98.5% of UVA Law's 2022 graduates were employed and earning a median salary of \$215,000.

The school has picked up other accolades for its employment results in recent months, including being ranked No. 2 in Best Career Prospects by The Princeton Review's 2023 rankings. Above the Law rated the Law School as No. 3 in its annual law school rankings, which focus on employment outcomes and also draw from ABA employment data. The blog also factored in law school debt and costs, and regional cost of living adjustments.

The Class of 2022 had the fifth-highest rate of graduates serving in federal clerkships, at 13%.

—Mike Fox



## JUDGE TOBY HEYTENS '00 WELCOMES NEW STUDENTS

**"NONE OF IT IS GOING TO LAST FOREVER."** As more than 300 new UVA Law students sat attentively in their Caplin Auditorium seats for orientation on Aug. 16, Judge Toby Heytens '00 reminded students to settle in, enjoy the bucolic beauty of Charlottesville and—most importantly—hold fast to every moment of the friendships built here.

Heytens, one of the newest judges on the Fourth U.S. Circuit Court of Appeals, has reached several peaks in his legal career, having argued multiple cases before the U.S. Supreme Court, taught law at his alma mater

and served in the U.S. Solicitor General's office and as Virginia's solicitor general. He also graduated first in his class.

Rather than focusing on those experiences or on how he conquered law school, Heytens

recounted his memories of the friendship that carried him through it—a friend he met in that same auditorium during a break from his own orientation activities. Heytens became steadfast study partners with Alex Karan '00, who left a Ph.D. program in English to go to law school. Karan not only helped Heytens work through thorny legal concepts, but also helped shape his understanding of what it means to be a lawyer.

Of his decision to abandon the study of poetry and literature, Karan told Heytens, "There are some things that are worth studying, worth experiencing, worth doing for their own sake because they are beautiful and because they are the things that are worth living for," Heytens recalled. "But just like the prettiest chair in the world has failed as a chair if people can't sit in it, [...] the purpose of law is an intensely practical one, to help people navigate the world."

In other words, just as a chair is ultimately about the people who need to sit in it, being a lawyer is about making sure people can use the law to improve their lives.

"Being a lawyer isn't primarily about beauty or puzzles or intellectual stimulation," Heytens said. "Being a lawyer, my friend said, 'is always, always, always about people.'"

—Melissa Castro Wyatt



## 'EXTRAORDINARY QUALITIES' IN THE CLASS OF 2026

**FIRST-YEAR STUDENTS** are dreaming big dreams, and have the academic and personal strengths to carry them out, according to the admissions officials who plucked them out of more than 5,000 applicants.

"The Class of 2026 came to us equipped with so many extraordinary qualities—determination, compassion and ingenuity, to name a few—that will undoubtedly make them excellent lawyers," said Natalie Blazer '08, assistant dean for admissions and chief admissions officer. "They are also exceptionally engaged, and are already on their way to making a positive impact on our community.

Armed with a UVA Law education, I firmly believe there are no limits on what they can achieve."

The 305 members of the Class of 2026, who began classes Aug. 23, come from 144 undergraduate institutions and were selected from a pool of 5,610 applicants. Students' median undergraduate GPA tied an all-time high of 3.94, and the median LSAT tied a high of 171.

The students come from 40 states and the District of Columbia, with the most common states being Virginia, New York, California, Florida and Texas. The J.D. candidates also include citizens of China, Canada and South Korea. There are 13 veterans and active-duty military members in the class, representing the Air Force, Army, Navy and Marines.

—Mike Fox

## BY THE NUMBERS

### AT A GLANCE

305 students enrolled from among 5,610 applicants

53.1% women, 46.6% men, 0.3% nonbinary, transgender or gender-nonconforming

36.1% people of color (as defined by the ABA)

74% have postgraduate experience

### WHERE THEY'RE FROM

144 undergraduate institutions

Students come from 40 states and the District of Columbia

### ACADEMIC CREDENTIALS

Median LSAT: 171

25%-75% LSAT: 167-172

Median GPA: 3.94

25%-75% GPA: 3.72-3.99



**\$789,000  
IN GRANTS  
AWARDED  
TO 162  
STUDENTS  
WORKING IN PUBLIC  
INTEREST**

**ANNUAL  
GIVING  
HITS  
FIVE-YEAR  
HIGH**

**IN NUMBER OF ALUMNI  
DONORS**

WITH HELP FROM \$789,000 IN GRANTS, 162 students worked in public service roles this past summer.

**THE LAW SCHOOL FOUNDATION** recorded the most alumni donors since 2019 in its annual giving campaign, which ended June 30.

The school tallied 9,624 donors overall, including 8,406 alumni—46.4% of graduates—for a total of \$17.7 million in gifts.

"Our alumni continue to support and believe in what we do," said Luis Alvarez Jr. '88, president and CEO of the Law School Foundation. "They stand tall every year and are deeply appreciated. These results are a credit to them."

The school has now raised \$378 million of its \$400 million capital campaign goal, part of the University's \$5 billion Honor the Future campaign. The campaign launched in 2019 to commemorate the bicentennial of the University as well as that of the Law School, and will conclude in June 2025. To date, 71% of alumni have made a gift or pledge in the

capital campaign, and donors have also unlocked \$26.1 million in University matching funds for Law School scholarships and professorships.

"We owe so much to the generosity of our graduates," Dean Risa Goluboff said. "From strengthening financial aid and loan forgiveness funds to supporting our faculty and curricular programs, they make it possible for us to offer our students the best educational experience in legal education."

Annual giving and the Law School endowment are major sources of funding for scholarships for students, public service loan forgiveness, clinics, research initiatives, professorships and numerous other programs.

—Mike Fox

The Law School's Mortimer Caplin Public Service Center awarded \$740,000 in UVA Law Public Service Summer Grants to 131 first-year and 31 second-year students. The grants are funded by gifts to the Law School Foundation from alumni and other donors. First-year students receive \$4,000 and second-year students receive \$7,000.

The student-run Public Interest Law Association's PILA+ program offers additional money to grant recipients who will live in areas with high costs of living and receive little other financial assistance, other than the UVA Law grant. PILA raised \$49,000 for the PILA+ program this past year, a 23% increase from last year, benefiting 31 students.

"We are thrilled to see so much continued support for public service work," said Leah Gould, assistant dean for public service and director of the Mortimer Caplin Public Service Center. "Between the Law School funding 100% of the baseline Public Service Summer Grants and the Public Interest Law Association coming together to provide additional support through PILA+ grants, UVA Law students can focus on providing much-needed hands-on legal work to further their employers' critical missions around the country."

Grant recipients are required to apply and qualify for the funding by volunteering their time for pro bono work—40 hours per grant. Grantees must also have secured a public service or judicial internship position and agree to work at least 320 hours for their summer employers. This year, students volunteered over 8,842 hours, an average of 55 per student grantee.

—Mike Fox



## HELEN WAN '98 TELLS GRADS TO 'DREAM BIG' AND EMBRACE SERENDIPITY

**YOU MAY HAVE BEEN HANDED THE KEYS TO A DEGREE** that can make a difference in the world, but now it's up to you to make your own luck.

That was the central message delivered by Helen Wan '98, author of "The Partner Track," a book that became a Netflix series in 2022, in her commencement speech to the Law School's Class of 2023 on May 21.

Wan said the opportunity to speak to her alma mater's graduating students 25 years to the day after her own graduation felt "a bit surreal."

"Honestly, it feels a little bit like one of those magical Cinderella-at-the-ball moments that sometimes do happen in life," she said.

But Wan urged the graduates to rely on neither serendipity nor magical thinking while creating their future selves, and to recognize that some "bumps in the road" are better characterized as "opportunities."

Wan credited her parents for making their own luck—and hers—by leaving everything behind to flee from Communist China to Taiwan and then the United States. Her dad's first job was washing dishes in a fancy hotel, but he eventually became a language instructor, and her mother became a teacher, by putting themselves "in a smart place at a smart time."

Wan's novel is a staple in many law school ethics classes, and explores how factors like history, family, geography, race, gender, socioeconomic class, religion,

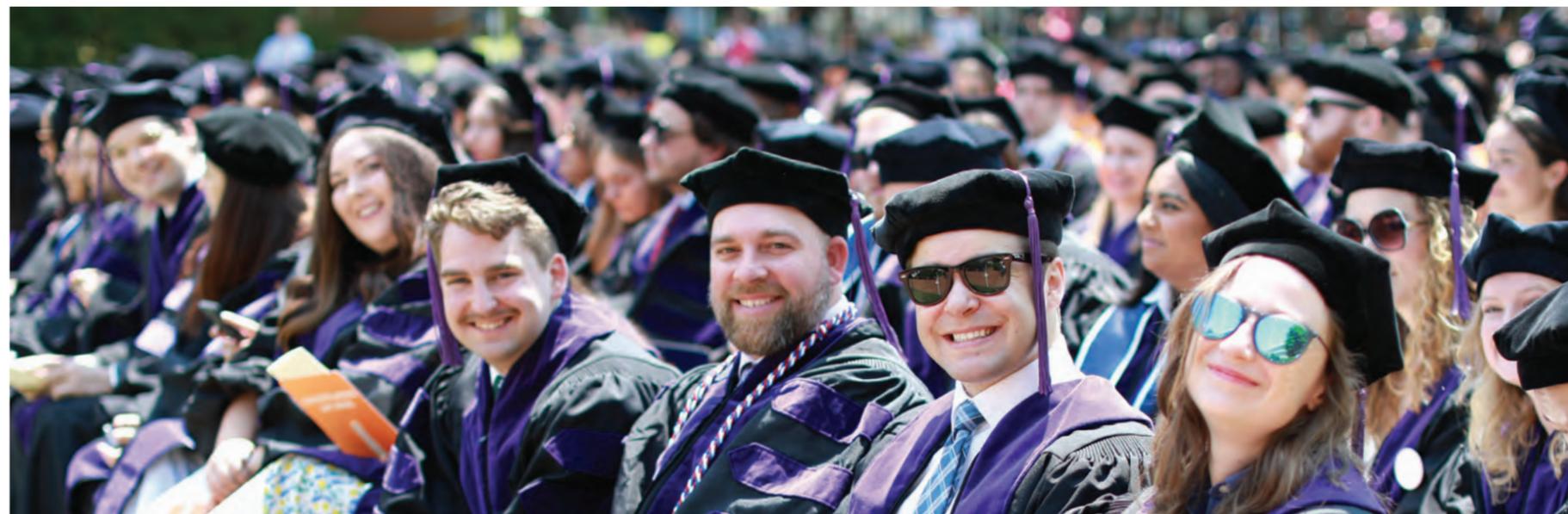
privilege and access to education shape the law firm experience and ambitions of young lawyers.

Wan spent a year and a half at a major New York City law firm before leaving for a smaller firm to focus on media and entertainment law. She eventually worked as in-house counsel for three media companies and served as vice president and associate general counsel for the Hachette Book Group. In addition to practicing law and writing about it, Wan is a diversity, equity and inclusion consultant and speaker.

She encouraged the graduates to "dream big and be audacious," but also to remember that it's acceptable to "step off 'The Track'—with a capital T" occasionally.

"Just because you can collect yet another gold star on the list, it doesn't mean you always have to," Wan said. "It's so easy to get so used to—and so good at—following all these breadcrumbs. So once in a while, just please remember to stop and make sure they are leading you somewhere you really want to go."

—Melissa Castro Wyatt



## CLASS OF 2023 GRADUATION AWARDS

### MARGARET G. HYDE AWARD

To the graduate whose scholarship, character, personality, activities in the affairs of the school, and promise of efficiency have warranted special recognition.

**Dev Priya Ranjan**

### JAMES C. SLAUGHTER HONOR AWARD

To an outstanding member of the graduating class.

**Elana M. Oser**

### THOMAS MARSHALL MILLER PRIZE

To an outstanding and deserving member or members of the graduating class.

**Laura E. Lowry**

### Z SOCIETY SHANNON AWARD

To the graduate with the highest academic record after five semesters.

**Jeffrey Robert Horn**

### ROBERT E. GOLDSTEN AWARD FOR DISTINCTION IN THE CLASSROOM

To the graduate who has contributed the most to classroom education by his or her outstanding recitation and discussion.

**Amalia Isabel Garcia-Pretelt**

### LL.M. GRADUATION AWARD

To an outstanding member or members of the graduating LL.M. class.

**Augusto Nicolau  
Amanda Lauren Staples**

### ROGER AND MADELEINE TRAYNOR PRIZE

To the graduate or graduates who have produced outstanding written work.

**Jeffrey Robert Horn  
Dev Priya Ranjan**

### HERBERT KRAMER/HERBERT BANGEL COMMUNITY SERVICE AWARD

To the graduate who has contributed the most to the community.

**Isaac Kevin Buckley**

### PRO BONO AWARD

To the graduate who contributed the most to the Law School's Pro Bono program.

**Kara Sue Hafermalz**

### MORTIMER CAPLIN PUBLIC SERVICE AWARD

To a graduate entering a career in the public service sector who demonstrates the qualities of leadership, integrity and service to others.

**Mary Sloan Denning  
Merkel**

### EDWIN S. COHEN TAX PRIZE

To the graduate who has demonstrated superior scholarship in the tax area.

**Neil Michael Kelliher**

### JOHN M. OLIN PRIZE IN LAW AND ECONOMICS

To a graduate or graduates who have produced outstanding written work in the field of law and economics.

**Neil Michael Kelliher**

### EPPA HUNTON IV MEMORIAL BOOK AWARD

To a graduate who demonstrates unusual aptitude in courses in the field of litigation, and who shows a keen awareness and understanding of the lawyer's ethical and professional responsibility.

**Skylar Rae Drefcinski**

### EARLE K. SHAWE LABOR RELATIONS AWARD

To the graduate who shows the greatest promise in the field of labor relations.

**Anna Marie Brninski**

### VIRGINIA TRIAL LAWYERS TRIAL ADVOCACY AWARD

To a graduate who shows particular promise in the field of trial advocacy.

**Leah Judith DeFazio**

### VIRGINIA STATE BAR FAMILY LAW BOOK AWARD

To the graduate who has demonstrated the most promise and potential for the practice of family law.

**Christina Irene Antonucci**

# EDUCATION RIGHTS INSTITUTE LAUNCHES

**PROFESSOR KIMBERLY JENKINS ROBINSON  
SERVES AS INAUGURAL DIRECTOR**

A NEW INSTITUTE AT THE LAW SCHOOL aims to ensure that all students receive a high-quality K-12 education and help schools understand how to address obstacles facing disadvantaged students.

The new Education Rights Institute, supported by an anonymous \$4.9 million gift, is led by inaugural director Kimberly Jenkins Robinson, the Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law. An education law and policy expert, Robinson is also a professor in UVA's School of Education and Human Development and the Frank Batten School of Leadership and Public Policy, and director of the Law School's Center for the Study of Race and Law. She formerly served as an attorney with the General Counsel's Office of the U.S. Department of Education and represented school districts at Hogan Lovells.

"We will be amplifying data and scholarship about opportunity gaps so that more educators, policymakers and the public understand the importance of addressing these disparities and helping schools and districts identify ways to close these gaps and deliver a high-quality education," Robinson said. "We also will be developing scholarship regarding a federal right to education, which would greatly improve educational opportunities and outcomes for students."

Robinson garnered the gift after pitching the idea for the institute to a philanthropist interested in her scholarship.

**THE INSTITUTE MARKED ITS LAUNCH** on Oct. 16 with a half-day event featuring keynote speaker Na'ilah Suad Nasir, president of the Spencer Foundation, a nonprofit that invests in education research. UVA President Jim Ryan '92, also an expert in education law, and Dean Risa Goluboff, a civil rights expert, gave opening remarks. After the keynote talk, two panels—on educational opportunity gaps and potential reforms to close them—featured leading experts, scholars and advocates in the field, including U.S. Rep. Jennifer McClellan '97,

who represents Virginia's 4th District.

Students suffer the impact of poorly funded schools in multiple ways, Robinson argues. U.S. schools in low-income communities frequently face challenges such as having less-experienced teachers and more infrastructure problems, including inadequate heating and cooling systems or pest infestations. More broadly, states typically base school funding on property taxes collected in the school district, so wealthier districts often receive more funding than low-income communities that may need extra help to overcome greater challenges.

"The data show that more than half of the states give the same or less funding to school districts with high concentrations of poverty, which is the exact opposite of what the research says to do—give more resources to school districts with greater poverty," Robinson said in an interview announcing the launch. "We're the only wealthy nation that provides less funding to disadvantaged students. We are undermining our educa-

tion system and the democracy, economy and society that relies on it to thrive."

Robinson's scholarship has focused in part on a federal right to education and the 1973 U.S. Supreme Court case *San Antonio Independent School District v. Rodriguez*, in which justices ruled that the U.S. Constitution does not guarantee a federal right to education. Robinson is the co-editor, with former Harvard Law professor Charles Ogletree Jr.,



U.S. Rep. Jennifer McClellan '97 participated in a panel at the launch.



UVA President Jim Ryan '92, Robinson and Goluboff

of "The Enduring Legacy of *Rodriguez*: Creating New Pathways to Equal Educational Opportunity" and the editor of "A Federal Right to Education: Fundamental Questions for Our Democracy."

**THE INSTITUTE COMPLEMENTS** the Law School's robust roster of education faculty and programs. Affiliated faculty include Robinson and Ryan, and also Andrew Block, Chinh Q. Le '00, Molly McShane, Joy Milligan, Gerard Robinson, Karoline Homer Ryan '92, Richard C. Schragger and Crystal Shin '10.

Several faculty members have played a role in education policy in Virginia, including Block as former director of the Department of Juvenile Justice and now director of the school's State and Local Government Policy Clinic (co-taught with Karoline Ryan), Gerard Robinson as Virginia's former secretary of education, Shin as leader of the Holistic Youth Defense Clinic and a former Legal Aid Justice Center

attorney, and McShane as a leader of the Child Advocacy Clinic and a related pro bono project. In addition to the policy and defense clinics, the school offers several other courses focusing on education issues and the Youth Advocacy Clinic, which often helps young people with school-related matters.

Under Robinson's leadership, the institute's work will be supported by three full-time employees.

Sarah Beach and Helen Min are Education Rights Institute fellows and research assistant professors of law who hold Ph.D.s from UVA's School of Education and Human Development. GeDá Jones Herbert, who earned her J.D. from the University of Michigan, will serve as the institute's director of programming. She most recently worked as education special counsel at the NAACP Legal Defense and Educational Fund.

The group will help research and write reports for the institute, collaborate with school districts, plan future events, and communicate to schools and the public about research and resources that could improve students' education and lives.

—Mary Wood



# XIAO WANG JOINS FACULTY

## TO LEAD SUPREME COURT LITIGATION CLINIC

**XIAO WANG, A PROFESSOR KNOWN FOR HIS INNOVATIONS** as an appellate clinic leader, has joined the UVA Law faculty to direct its Supreme Court Litigation Clinic.

Wang previously served as director of Northwestern Pritzker School of Law's Appellate Advocacy Center, supervising the school's Federal Appellate and Supreme Court clinics. Prior to that, he was an appellate litigator at Wilkinson Stekloff and Williams & Connolly in Washington, D.C.

A graduate of Yale Law School, Wang is also a Double Hoo, earning his bachelor's degree in economics with highest distinction as a Jefferson Scholar and his master's degree in public policy as one of the first students to graduate from the University's Frank Batten School of Leadership and Public Policy. He is the founder of the Virginia Policy Review.

"Charlottesville is just such an entrancing and wonderful place," Wang said. "It was a place for me to grow and develop and to learn. Hopefully it's a place for me to still do that, and also to teach and to have a great impact and influence on the next generation of UVA students. That's something I'm so excited for, and it is really a privilege to have that opportunity."

Wang succeeds Professor Daniel R. Ortiz, who helped launch the clinic in 2006 and has led it in the 17 years since (see p. 58). Ortiz remains on the faculty and teaches

courses in administrative law, constitutional law and election law.

"Xiao will be great," Ortiz said. "He's got lots of energy, ambition and he certainly knows the tricks of the trade. I'll be excited to see where he takes it."

Wang has so much energy that he used his "down" time while recovering from a concussion to build an innovative program at Northwestern.

Because he couldn't look at a computer screen for long, he read books on coding to learn how to make a searchable database of briefs, syllabi and other classroom resources for his National Appellate Clinic Network.

"I saw an opportunity to increase collaboration among clinics, all of which are producing high-quality work, but which didn't necessarily collaborate or share resources," he said. Since its launch, the network site "has been used many times by practitioners and clinicians and law stu-

dents." It also was a finalist in Bloomberg's inaugural Law School Innovation Program award.

He plans to bring the network, and another new program—the En Banc Institute—to UVA. The institute offers lawyers who are scheduled to argue before full panels of appellate circuit court judges a place to practice their arguments in a full dress rehearsal before faculty, alumni and practitioners. In the last year at Northwestern, Wang has hosted 10 online and in-person moots.

"En banc cases before circuit courts, though they tend to fly under the radar, often have really high stakes," he said. The institute is "an easy way for us to really help the bar and to help lawyers within their own communities."

In Wang's appellate practice before he entered academia, he worked on cases heard by state appellate courts and federal courts all the way to the Supreme Court, and on a range of issues from property disputes to antitrust cases to high-profile criminal litigation.

"Where I really got a lot of opportunities to build my skills and help clients was through my pro bono practice, which allowed me to be first chair and to have stand-up opportunities in many of the circuit courts around the country," he said.

As a law student at Yale, he joined its Supreme Court clinic, which started soon after UVA's.

"I'm really excited to sink my teeth into bringing that Supreme Court clinic experience to students at UVA," Wang said.

After graduating from Yale as a Coker Fellow in Constitutional Law, he clerked for Judge Lucy H. Koh of the U.S. District Court for the Northern District of California (now on the Ninth Circuit) and Judge Karen N. Moore of the U.S. Court of Appeals for the Sixth Circuit.

Dean Risa Goluboff said the many experiences Wang brings to UVA make him "the whole package" for being the clinic's next leader.

"From his time as an appellate litigator to developing his clinic at Northwestern to building new innovations into the clinical field, Xiao Wang brings extraordinary experience, energy and talent to this important role," Goluboff said. "We are so proud of Dan's incredible work on behalf of the clinic over the years—both the enormous role he played in building a top-notch clinical experience for our students and his highly successful Supreme Court advocacy. We are excited for that excellence to continue under Xiao."

—Mary Wood



# JUDGES TEACH CLASSES

## ON NAVIGATING COURTROOMS, LEGAL RULES

**UVA LAW STUDENTS** will have the opportunity during the 2023-24 academic year to absorb the knowledge and wisdom of 11 judges in separate course offerings.

Judges **JOHN T. COOK '82 (COL '79)** and **J. FREDERICK WATSON (COL '93)**, who sit on the 24th Judicial Circuit of Virginia, are teaching Trial Advocacy this semester. In this course, students are prepared for work in the trial court and for the atmosphere of the courtroom, with extensive use of simulated trial segments.

**LISA LORISH '08**, a judge on the Virginia Court of Appeals, will teach Law and Riots in the spring with former U.S. Attorney **TIMOTHY J. HEAPHY '91**, a partner in Willkie's litigation department who led the House investigation into the Jan. 6 attacks on Capitol Hill. The course will examine legal, ethical and practical issues presented by protecting free speech and public safety while managing mass demonstration events.

**TIMOTHY J. MCEVOY S.J.D. '99**, who was appointed to the Federal Court of Australia in 2022, is teaching Globalization and Private Dispute Resolution this semester. The course analyzes the effects that globalization has had on a range of existing legal rules and regulatory regimes. McEvoy has taught at the Law School periodically for 20 years.

Judge **ALISON NATHAN** of the U.S. Court of Appeals for the Second Circuit will teach Federal Practice and Procedure in the spring. The course will explore federal trial and appellate court practice, with an emphasis on developing skills especially useful for future federal law clerks.

Judge **ANDREW OLDHAM** of the U.S. Court of Appeals for the Fifth Circuit and Judge **AMUL R. THAPAR** of the U.S. Court of Appeals for the Sixth Circuit will teach The Great

Writ during the January term. The course will trace habeas corpus—or "The Great Writ," as William Blackstone called it—from its origins in England to its role in federal courts today.

U.S. Judge **JED S. RAKOFF** of the Southern District of New York will teach Science and the Courts for the January term. The course will address the difficulties that courts encounter in dealing with scientific evidence and scientific concepts, both at the practical level and as a matter of jurisprudential theory.

Senior U.S. Judge **STEFAN UNDERHILL (COL '78)** of the District of Connecticut is teaching Federal Sentencing this semester. The course provides an overview of federal sentencing policy and practice, including the history and goals of sentencing, the types of sentences available to judges, the collateral consequences of conviction and the sentencing reform movement that led to the U.S. Sentencing Guidelines.

**SUSAN L. WHITLOCK**, who serves as the resident judge of the Culpeper Circuit Court, Virginia's 16th Judicial Circuit, will teach Virginia Practice and Procedure in the spring. The course is organized and presented primarily for students who intend to practice law in the state.

**MORGAN T. ZURN (COL '03)**, vice chancellor of the Delaware Court of Chancery, will teach Corporate Litigation in the Delaware Court of Chancery in the January term. The course will explore corporate litigation in the nation's preeminent forum for resolving business disputes, from a doctrinal and practical perspective.

—Mike Fox



# RACE, PLACE AND EQUITY FELLOW

## TO STUDY, TEACH JUSTICE REFORM

**CHRISTOPHER WILLIAMS, A PH.D. CANDIDATE AT THE UNIVERSITY OF CHICAGO**, has been named a research assistant professor and the second Race, Place and Equity fellow at UVA Law.

Announced in January 2021, the University-wide fellowship is funded by a three-year, \$5 million grant from the Andrew W. Mellon Foundation to create an interdisciplinary undergraduate program exploring Race, Place and Equity.

In addition to educating undergraduate students, the program expands opportunities for emerging scholars like Williams to advance their research, writing and teaching around race, justice and equity. The grant partially funds 10 fellows over each of the three years, offering a path for the fellows to pursue tenure-track faculty appointments. Terry Allen, the first Race, Place and Equity Fellow at UVA Law, is now in the second year of his fellowship.

Williams, who already holds a J.D. and M.A., is on target to earn his Ph.D. in sociology next spring. His dissertation,

"Finding Fairness in Abolition: The Elimination of Cash Bail in Illinois," explores how Illinois became the first state in the U.S. to eliminate the use of cash bail in its pretrial system.

Williams earned his J.D. as a merit scholar at the University of California, Irvine School of Law and his master's degree in sociology from the University of Chicago.

Williams, who has taught undergraduate sociology courses, hopes to teach criminal law and procedure while at UVA.

"If I can inspire students to feel like they can make a difference in this country, I'll teach anything," Williams said. "I'll teach people how to tie their shoestrings if it means that we can be in the same place and we can learn from each other how to make this world a better place."

—Melissa Castro Wyatt



## PROFESSOR EXPOSES BATON ROUGE 'STOP AND STRIP' PRACTICES AT 'BRAVE CAVE' AND BEYOND

The "Brave Cave" in Baton Rouge, now shut down, was a secret law enforcement black site where suspects were routinely stripped and sometimes beaten, according to reports.



**MOST DAYS OF THE SCHOOL YEAR**, Professor Thomas Frampton can be found at a podium in a lecture hall, dissecting court cases that explain criminal law and procedure to students.

But late at night, on weekends and during academic breaks, Frampton is researching, writing or flying off to Louisiana in pursuit of civil rights claims in a high-profile police brutality scandal unfolding in Baton Rouge, involving allegations of one or more secret black sites, including the "Brave Cave," where suspects were routinely stripped and sometimes beaten.

"This is just what I do in my spare time instead of going to therapy or exercising or whatever," Frampton said.

At the center of the Brave Cave controversy is a squat pale warehouse and a police department written policy that permits officers to strip search anyone they have a legal basis for stopping and patting down.

"Baton Rouge Police Department's policy is so patently unconstitutional," said Frampton, a former New Orleans public defender. "This isn't stop and frisk—it's stop and strip."

Frampton and an involved officer both gained a bit of notoriety over the past two years, as Frampton pursued his first two pro

bono cases on behalf of plaintiffs who claimed they were unlawfully strip searched roadside during a traffic stop. After settling one of the cases for \$35,000, the plaintiff's family asked Frampton to post the body cam footage of the stop to social media because they were frustrated by the department's failure to discipline the officer.

"So I put the video up on YouTube and Twitter and it went viral really quickly," Frampton said. "I went on the 'CBS Evening News' to talk about all of this."

That TV appearance led to two unexpected twists. First, within 24 hours of his cameo, the police department petitioned to jail

Frampton for contempt of court for posting the video. Second, Frampton's phone and email were flooded with messages from more people who said they had been victimized by the officer in the video.

Those calls resulted in at least two more complaints that Frampton has already filed, also on a pro bono basis. On top of that, two public defenders called Frampton about two more cases involving the same officer. These four cases, however, involved much more serious charges. Instead of being stripped roadside, these clients were hooded and transported to the Brave Cave, a facility named after the police street crimes unit, Baton Rouge Area Violence Elimination.

One client, 21-year-old Jeremy Lee, was so badly beaten at the Brave Cave in January that the local jail wouldn't accept him into custody until he received treatment for his broken ribs and other injuries, Frampton said. Another, Ternell Brown, a Baton Rouge grandmother, claims she was stopped in June by Baton Rouge patrol officers while she was in a car with her husband. Because she was

carrying two different types of prescription pills in the same container, both of which she lawfully possessed, officers took her to the warehouse and checked her vagina and rectum for contraband. She was detained for two hours and then let go with no charges.

Frampton has also agreed to work with the two public defenders, Ryan Thompson and Jessica Hawkins, on their cases.

"We learned very quickly that there are a lot of people who have been taken to this warehouse," Frampton said. "It's not clear that everyone gets beaten up there, but everyone gets strip searched, which is totally unconstitutional."

Since the first complaint was filed in August, the city's mayor has ordered the facility closed, the police department has disbanded its street crimes unit, and five officers, including the officer at the center of the allegations and his father (the deputy chief), have been arrested. FBI officials said the agency has opened an investigation.

Frampton is using student research assistants to help manage the workload.

"Students have helped me research and draft complaints, look over [evidence obtained from] discovery and review body cam footage, basically piecing together this story," Frampton said.

Chase Gunter '23 graduated in May after helping build two cases, including Jeremy Lee's, which has garnered coverage from CNN and The New York Times. Gunter now works full-time with the Richmond Public Defender's Office.

Gunter worked as a journalist for five years between graduating from UVA as an undergraduate and enrolling in law school. While in college, his views on race and justice were shaped by the killings of Trayvon Martin, Michael Brown, Tamir Rice and others.

"I wanted to go into journalism to shine a light on this kind of thing," Gunter said. "But I felt like I bumped up against journalism's limitations, and it ultimately led me to want to go to law school. So I jumped at the chance to work on a police misconduct case with a professor who was a true mentor to me."

**FRAMPTON ANTICIPATES** filing many more federal civil rights lawsuits related to the "torture warehouse," and noted that hundreds of established criminal convictions could be compromised if the same officers were involved, or if the defendants were processed through the warehouse.

"It's going to take years to unravel all the damage that's been done here," Frampton said, "whether that's from confessions ex-

tracted through torture or the failure to provide *Brady* evidence to the defense." (Such evidence would be potentially exculpatory because, in this case, the officers interrogating suspects had a history of wrongdoing.)

In January 2022, a federal court blocked Baton Rouge's seven-month effort to jail Frampton for posting the video of his underage client being illegally strip searched. (The department itself had provided the video with no restrictions on its use.) Thanks to a "crack legal team," Frampton was never arrested, never booked and never served a day of the six-month sentence that a conviction could have carried.

Despite the dramatic twists and his hectic schedule, Frampton expressed gratitude for the opportunity to serve.

"This is what I want to be doing, and I'm glad I'm able to do it," Frampton said. "I feel really supported here at UVA to be able to write and publish my articles and also have the freedom to take on pro bono cases and to do other projects, which I think makes my teaching better by connecting what we're talking about in the classroom to the real world in a powerful way."

—Melissa Castro Wyatt

# STUDENT PLAYED ROLE IN HISTORIC \$82 MILLION VERDICT

IT MEANT HE WOULD MISS THREE DAYS OF SCHOOL, but Ben Keller took the plunge and booked a last-minute plane ticket to Tulsa, Oklahoma, while sitting in Scott Commons one sunny February morning.

“I was like, ‘Okay, let’s do it,’” the then-first-year UVA Law student said of his decision to travel, at his former boss’ request, to help with closing arguments in a lawsuit he had worked on before law school. Days later, the verdict in the case—involving a woman who died because she didn’t receive proper medical care in prison—became the largest civil rights death jury verdict in U.S. history.

Before Keller applied to law school, he clerked with Smolen & Roytman, a Tulsa plaintiffs’ firm specializing in civil rights, personal injury and employment discrimination claims. He spent much of his time on a troubling 10-year-old case that gave him cause to defer his admission to law school.

Gwendolyn Young was an inmate at Tulsa County Jail who had been detained for threatening a public official. She had a history of heart problems, and bipolar and anxiety disorders. While in the county jail, there were several reported instances where Young passed out, vomited blood and slurred her speech. Young died in 2013, after just five months in the facility.

The county contracted with Correctional Healthcare Cos. to provide medical services in its jails, but Young’s family, led by her daughter, plaintiff Deborah Young, alleged the provider failed to give appropriate medical care to Young and others.

**KELLER GOT “DEEP IN THE WEEDS”** on the Young case, compiling evidence, managing exhibits and talking to Deborah Young.

Though Keller, a recipient of the Robert G. Zack Scholarship, began his studies at UVA Law in the fall of 2022, he continued to work on the case, conducting research and communicating weekly with lead attorney Daniel Smolen in his free time, including over winter break.

“WE COULD NOT have done it without Ben, honestly. That’s how important he is to some of the work that we do.”

—DANIEL SMOLEN

“I think he’s really gifted,” Smolen said. “His ability to grasp complex information is way above average. He’s probably the most efficient person I’ve seen at getting something done.”

Young’s wrongful death claim under Section 1983 of the federal code, *Young v. Correctional Health Care Companies Inc.*, was finally scheduled for trial in February, after years of delays.

After a week of testimony, Smolen’s check-in came with a twist: Could Keller miss a few days from school to attend the closing arguments?

Keller booked the aforementioned flight, attended his Monday classes the next day, flew to Tulsa that evening and was sitting in the courtroom Tuesday morning.

**AFTER CATCHING UP WITH THE REST OF THE TEAM**, Keller started compiling information for the 90-minute closing argument. He and another employee stayed up all night to create a 50-slide PowerPoint presentation illustrating the most damning evidence of a pattern of failures to deliver appropriate medical care to inmates.

Young was one of 28 deaths that occurred in Tulsa County Jail under the medical provider’s care, and after Young’s death, the county switched medical providers.

On the morning Young died, she complained to medical staff that she was having difficulty breathing.

Prior to this, she had asked to go to the hospital and displayed symptoms like falling, slurred speech and vomiting. She was given

down to see a text from an attorney working on the case.

It read: “Oh my god.”

Keller could tell the verdict was in.

“What do you mean?” he wrote back. “Spit it out.”

Not only did Deborah Young secure \$14 million in actual damages for the loss of her late mother, but the jury tacked on \$68 million in punitive damages to deter such conduct by for-profit medical contractors in the future, Keller said.

“I did not expect that at all,” Keller said. “I had people looking at me like I was a crazy person in the airport—I was just overjoyed.”

According to Smolen, it is the largest standing verdict for a civil rights death claim in the history of the United States.

“We could not have done it without Ben, honestly,” Smolen said. “That’s how important he is to some of the work that we do.”

Keller has since returned to the more predictable life of a law student. His experience working with Smolen has inspired him to create an outlet for UVA Law students who are interested in practicing plaintiff-side law after graduating. He and a handful of other students recently received approval from the Law School and the Student Bar Association to form a new student organization, the Plaintiffs Law Association at UVA Law.

“I consider myself very lucky because I figured out what kind of law I wanted to do before I started,” said Keller, who plans to work more with Smolen after law school. “We really just want to provide an avenue to educate and inform people that plaintiffs’ firms exist too.”

—Katelyn Foster

# Showing

## STAR WITNESSES



**"MY FRIENDS** tease me relentlessly about my time as the director of my college improv troupe, but it really helped teach me to think on my feet and I think this was a big advantage during the Lile Moot Court competition. Before you get in front of your panel, be it students, professors, practitioners or actual judges, you hope you have prepared for every question they could possibly ask. But, at least in this point of our legal careers, that likely just isn't possible. The judge is always going to think about an issue in a way you haven't and will ask a question you might not have focused on, but you can't freeze up. You need to be able to trust your preparation and respond in a way that both satisfies the judge and allows you to refocus the argument on the issues most critical for you as an advocate. Taking suggestions from the audience and acting silly on stage with my friends was the perfect way to build up those skills."

—RILEY SEGARS '23



**"AFTER I RECEIVED** my master's, I worked as a home-based therapist for individuals and their families but eventually left the field and worked as an academic adviser. Sometimes, people are surprised to hear that a former therapist is (almost) a lawyer, but I find there's a lot of crossover between the skills required to be a good therapist and an effective lawyer. Attorney-client relationships and therapist-client relationships are both built on trust. As a therapist and an attorney, I build trust and establish rapport with clients through actively listening and empathizing with their problems, whether legal or interpersonal."

—KIRSTEN CLARK '24

LAW.VIRGINIA.EDU/STARWITNESS

## Two Strikes and Counting: An Alum's Career Pivot



Members of the Writers Guild of America protest in Los Angeles in May, with support from actress Fran Drescher and others.

RYAN HARTFORD/STARTRAKSPHOTO.COM

**Congresswoman Jennifer McClellan** @RepMcClellan  
As a proud @UVALaw alumna and former Notes Development Editor of @VirginiaLawRev, it was great to keynote this year's Law Review luncheon to share my journey from @UVA to Congress and give my best wishes for the new year.



**Chris Kavanaugh** • 2nd  
United States Attorney for the Western District...  
Yesterday, I went back to my roots. After two decades, I returned to 1L Criminal Law at University of Virginia School of Law to talk about the practical importance of mens rea to investigating, charging, and proving federal criminal offenses. My compliments to the student who dropped a question about the model penal code on me. I see you are in the front row.



**Anita Eley Hilson** (She/Her) • 2nd  
Senior Director of Partnerships, Bridges Baltimore  
Honored to celebrate with Elaine Jones, the first black woman admitted to the University of Virginia School of Law and also the first woman appointed president and director-counsel of the NAACP Legal Defense Fund, among her many other amazing achievements as a civil rights attorney and activist. It was a privilege to be part of the Washington, DC area Elaine R. Jones 70 Scholarship Committee, chaired by Kathleen Miles for this inspiring evening at The Mayflower Hotel in Washington, DC. Ms. Jones was honored with tributes from UVA Law School Dean Risa Goluboff, Sherrilyn Ifill and Ted Shaw, and shared amazing stories about her life and career in conversation with NPR's Michel Martin. Thank you, Ms. Jones, for "doing something that matters" and paving the way for me at UVA.  
#proudUVALawAlumna



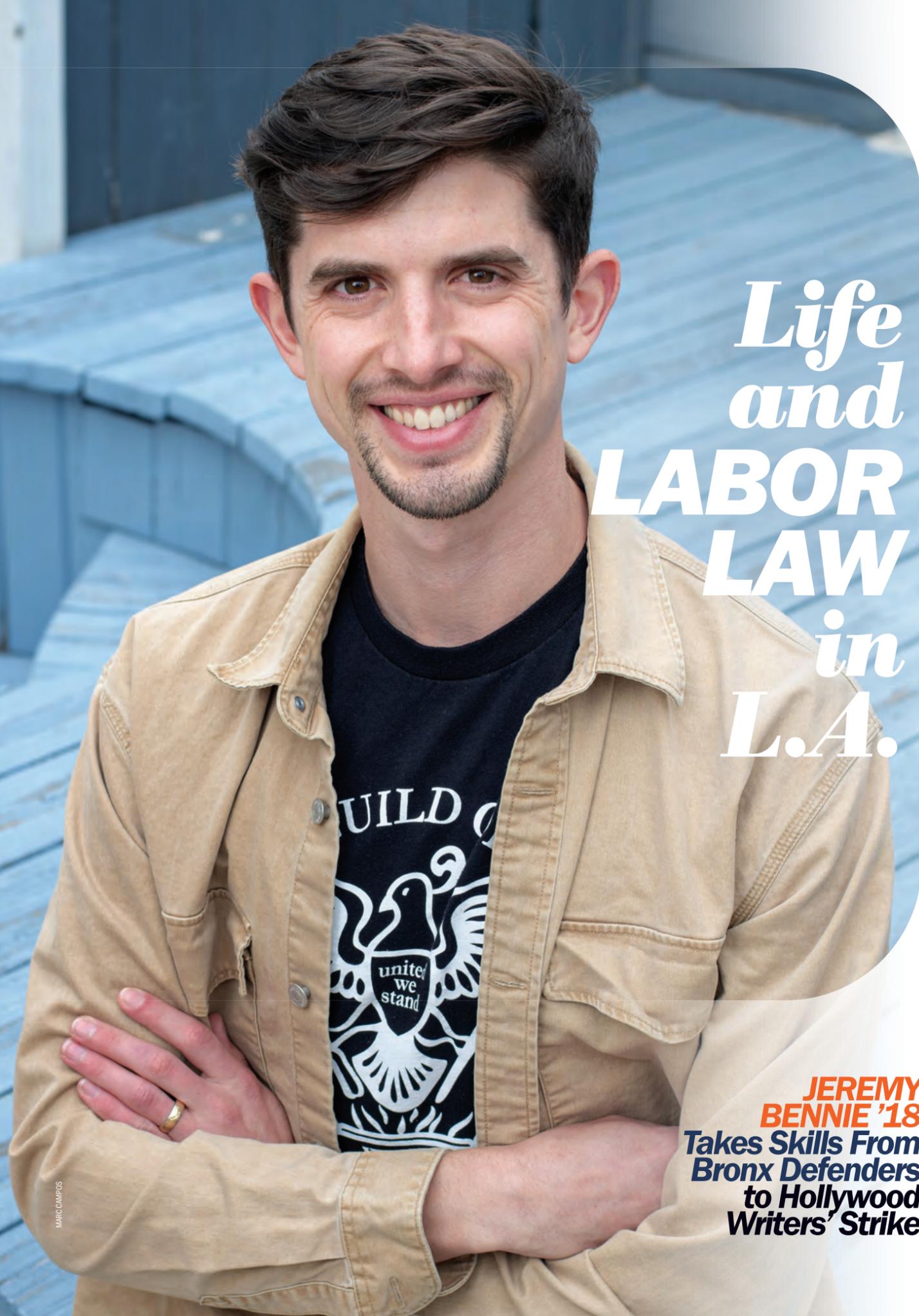
**uvalaw\_softball\_invitational** • Following  
University of Virginia School of Law  
Started from the bottom (seed), now they're here (winning the 1L tournament) 🏆  
Congrats to Section J on their big win today! Thank you to all the 1Ls who played, watched, or enjoyed lunch sponsored by Themis, and a special thank you to our Tournament Directors @sallylevin and @grace\_stev for organizing!  
213 likes  
OCTOBER 1

**Kelly Orians** @yoyokellyo  
It took 18 months, 4 hearings, 100+ pgs of court filings & most importantly, one client's relentless commitment to be recognized for the community leader he is today and not the lost kid he once was. And yesterday Martize "Tez" Tolbert had all his civil rights restored. ❤️



**Risa Goluboff** @RisaGoluboff  
In advance of the bar exam next week, I handed out treats to our graduates who are studying so hard around @UVALaw Grounds. You're almost there. Good luck!





# Life and LABOR LAW in L.A.

**JEREMY BENNIE '18**  
Takes Skills From Bronx Defenders to Hollywood Writers' Strike

MARC CAMPOS

WHEN **JEREMY BENNIE '18** SAT IN PROFESSOR RIP VERKERKE'S LABOR AND EMPLOYMENT CLASS as a first-year student in the spring of 2016, he considered it an interesting intellectual exercise—nothing more. Originally from Massachusetts, Bennie had plans to become a public defender after earning his J.D. from UVA Law School.

But life has a way of unfolding on its own terms, and five years after graduating, Bennie found himself monitoring Hollywood picket lines and de-escalating tensions that flared as the more than 11,000 members of the Writers Guild of America—his employer—went on strike to protest declining pay and royalties in the digital streaming age. With the opposing sides at an impasse, virtually all new television and movie productions were put on hold for nearly 150 days.

“Working in the labor movement never really crossed my mind, so I definitely did not think that I would be here,” Bennie said in May from his home in Long Beach, California, which is within walking distance of the ocean.

“Here”—on studio lots outside major production companies—celebrities and musicians, including Kerry Washington, Jason Sudeikis and Tom Morello, were showing up with doughnuts, pizza, signs and instruments to support and entertain the strikers.

“Our members aren't really choosing to do this—they're doing this because they have to stand up for themselves,” Bennie said at the time. “The profession of writing as we know it is at stake, so I really admire our members for taking this stand.”

Their “stand” paid off. Since Bennie's interview, the guild and producers came to an agreement in which writers will make an estimated \$233 million more per year, according to the WGA. Writers for high-budget streaming content will receive bumps in the base rate that calculates their residuals and bonuses based on the success of the content, while writers who work on TV series will be guaranteed minimum staffing numbers. The agreement includes increases in health and pension contributions.

The guild also secured some concessions on artificial intelligence, including agreements that companies cannot require writers to use AI software such as ChatGPT to write, and that AI cannot write or rewrite literary material, protecting writers' rights to their work and their compensation. The guild reserved the right to object in the future to the use of their material to train AI models.

Although the guild last struck in 2008, well before Bennie joined the organization, this writers' strike was not his first rodeo. As he had suspected back at UVA, he went on to become a public defender after interning during law school at the Public Defender Service for the District of Columbia and the Charlottesville-Albemarle Office of the Public Defender. Immediately after graduation, he joined the Bronx Defenders, a nonprofit legal provider in the New York City area, in their Criminal Defense Practice.

Almost immediately, Bennie said, he recognized that his colleagues at the Bronx Defenders wanted more say in their working conditions, from better pay for all levels of employees to for-cause protections. He became one of the first employees to join an organizing committee seeking to unionize the employees of the Bronx Defenders, whose founding in 1997 undercut the Legal Aid Society's bargaining efforts.

“That was kind of my entrance into labor law,” Bennie said. “I remembered from that class that when you are an

at-will employee—when you're not a union employee—even the best-intentioned employers have, written into law, so much free rein to control and surveil and make decisions about their employees' lives. And the best way to ensure that workers have a say in what their workplace is like is through unionizing.”

After an organizing campaign that lasted more than 12 months, the employees at the Bronx Defenders were voluntarily recognized by management as a wall-to-wall bargaining unit, Bennie said.

The employer's voluntary recognition is “not typical,” Bennie said. “So we were quite excited about it.”

Before he could experience any benefits or protections of a new collective bargaining agreement, Bennie opted to move to California to join his wife, who had just graduated from law school at the University of California, Irvine.

Once they settled in Long Beach, Bennie took a job as a staff attorney with Community Legal Aid SoCal, but still hungered for the passion he felt while organizing his old colleagues to bargain for better conditions.

“I wish there were more opportunities for people to engage in union side work, but unions as a whole have been under a concerted attack, especially in the last 30 years,” he said.

When a labor-side job opened up at the Writers Guild, he jumped.

He's found that many of his skills as a public defender have translated well to representing Hollywood writers. At any one time, he handles 90 to 100 arbitration claims under the collective bargaining agreement, using his client skills and zealous advocacy to protect and assert guild members' rights.

Outside of work, California has provided other life changes he couldn't have anticipated in his years on the East Coast and in North Grounds classrooms. In high school, college and as a public defender, Bennie read little that wasn't a textbook or a case file and was a highly successful distance runner, finishing 28th overall (out of more than 53,000 entrants) in the New York City Marathon in 2018. Now he plays beach volleyball, enjoys reading novels in book clubs, and participates in board game nights with friends and family.

“I've been loving it,” Bennie said. “Life doesn't look like what I thought it would look like, but I knew when I was in law school that I wanted to do work that I cared about, that I felt connected to, and that I wanted to cultivate and foster relationships and community outside of work. I didn't think that would be in California and I didn't think that would be doing labor work. I'm really grateful it ended up being both of those things.”

—Melissa Castro Wyatt

“Our members aren't really choosing to do this—they're doing this because they have to stand up for themselves. The profession of writing as we know it is at stake, so I really admire our members for taking this stand.”

—Jeremy Bennie

# CATCHING UP WITH ALUMNI

## 5, 10, 15 AND 25 YEARS AFTER LAW SCHOOL



**MAGGIE BIRKEL '18**

DEPUTY DIRECTOR  
SECOND LOOK PROJECT  
WASHINGTON, D.C.

**DESCRIBE YOUR WORK:** We provide advocacy and legal support for individuals who are seeking relief from extreme sentences they received in the District of Columbia, typically in the 1980s and 1990s. Our work is focused on those who are eligible for sentence reductions for those convicted of crimes committed before the age of 25, and seeking relief under D.C.'s compassionate release laws. We also provide institutional advocacy, training and litigation support for court-appointed and pro bono attorneys handling these cases. In addition to managing my own caseload, I'm also responsible for helping with operation needs, including fundraising, supervising and supporting our staff and law clerks, and working with our executive directors to evaluate our future plans for growth and development.

**WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK?** I enjoy reading (especially books from my local public library), running, gardening, traveling, live music and spending time with my friends, family and cat (Chunk) who I adopted from the Charlottesville SPCA during my 3L year. I love being back in my hometown and getting to explore it with my partner, Scott Harman-Heath '19.

**ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE?** Yes and no—I went to law school knowing I wanted to focus on reforming the criminal legal system, but I always thought that would be through traditional pretrial public defense—I wasn't even aware this type of work was being done! After graduating, I joined Still She Rises in Tulsa, Oklahoma, as a public defender. I somewhat stumbled into the post-conviction sentence reduction space. I love being part of a new, smaller organization and getting to be instrumental in figuring out how we evolve and grow as the work progresses. D.C. is in many ways at the forefront of the second chance movement, and I believe mechanisms like [these] are crucial tools for dismantling mass incarceration across the country.

**WHAT DO YOU LIKE ABOUT YOUR LIFE 5 YEARS AFTER LAW SCHOOL?** I feel incredibly privileged to get to work with and for my amazing clients and to see so many of them return home and help make our community a safer, more loving and interesting place. I am fortunate to get to use my law degree in service of others and toward the betterment of my home city. Overall, I feel balanced and supported. This work can be challenging, but doing it surrounded by my family and friends makes it feel sustainable, and I hope to be able to spend many more years doing this work in a city I love so much.



**BILLY EASLEY '13**

SENIOR PUBLIC POLICY LEAD  
REDDIT  
WASHINGTON, D.C.

**DESCRIBE YOUR WORK:** I am the head of U.S. public policy at Reddit, a social media platform. I keep our product, safety and legal teams aware of state and federal legislation that could impact our users and communities. My favorite parts of the job are when I have the opportunity to meet with lawmakers and explain the unique value of our community moderation and working on cutting-edge internet law issues that have a real-world impact.

**WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK?** I was elected last year to a two-year term as an advisory neighborhood commissioner, which means I represent 2,000 people before the D.C. Council and related agencies. I spent years working on Capitol Hill and politics after law school, but I wanted to find a new way to make a difference separate from the toxicity of national politics. I enjoy the work and it keeps me busy!

**ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE?** If you told me I would be working on internet law and content moderation after graduation, I would've given you a blank stare. But I was flexible with my career, and it's benefited me immensely. By focusing on jobs that fit my principles and taking risks, I've been able to be part of amazing projects. This year, I was able to contribute to a Supreme Court brief. I never would've thought I would be doing that!

**WHAT DO YOU LIKE ABOUT YOUR LIFE 10 YEARS AFTER LAW SCHOOL?** Everything. I have an intellectually fulfilling job that enables me to influence public policy, a wealth of friends and a wonderful husband here in D.C. Life couldn't be better.



**KRISTINA YOST '08**

PARTNER  
JONES DAY  
NEW YORK

**DESCRIBE YOUR WORK:** I defend companies in high-stakes employment litigation, and counsel clients on compliance with an increasingly complex framework of federal, state and local labor and employment laws. Much of my practice involves defending companies in class-action lawsuits and developing strategies to defeat certification or obtain dismissal of the lawsuits at the earliest possible stage, but my work spans all areas of employment law.

**WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK?** I have two daughters who are 4 and 6, so I spend a lot of my time doing different activities with them, like going on family hikes in the North Woods, taking them to music classes or shows, and cooking projects. I also enjoy Pilates and yoga, which are really helpful for my mental health.

**ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE?** Honestly, I did not come into law school thinking I would be a partner at a major law firm. The only lawyers I interacted with growing up worked in smaller firms, and that is where I expected I would be. I was incredibly fortunate to end up at Jones Day, and once I got a taste of the type of work we do, I couldn't imagine moving to a smaller market.

**WHAT DO YOU LIKE ABOUT YOUR LIFE 15 YEARS AFTER LAW SCHOOL?** I love my work, my family and living in NYC. I like that my work continues to evolve as the workplace and the world around us changes. For example, our work has been directly impacted by #MeToo and George Floyd's murder. Employers' focus on workplace diversity and investigations has increased, and there is more litigation involving allegations that companies have fostered environments that allowed pervasive discrimination or harassment to occur. I enjoy advising on and litigating cases involving these types of cutting-edge issues. The work is not only fascinating, challenging and meaningful, but the people I work with are brilliant, down to earth, and incredible lawyers and people. I am also very lucky to have two daughters [and that they] love their school down the street from us on the Upper West Side. And we have access to museums, parks and shows in the city.



**PETER BOWDEN '98**

GLOBAL HEAD OF INDUSTRIAL, ENERGY AND INFRASTRUCTURE INVESTMENT BANKING  
JEFFERIES  
HOUSTON

**DESCRIBE YOUR WORK:** I lead a team of approximately 300 investment bankers across several sectors. As a deal guy, my expertise is principally in energy and my focus is mergers and acquisitions. Most of my time is spent selling private energy companies for financial sponsors, but I have also advised on several of the largest public company mergers in the pipeline sector. More recently, I have invested significant time in energy transition, particularly clean fuels and carbon capture. I also serve on the firm's operating committee, which has given me direct exposure to the management decisions that have elevated Jefferies from the 17th-ranked investment bank a decade ago to the seventh today. And we're not stopping there!

**WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK?** I have four sons, ages 11 to 17, who are my pride and joy. I love to hunt and fish with my boys. We are also avid skiers. Our family has a cattle ranch in Burton, Texas. I consider myself a weekend cowboy, but my ranch foreman would likely describe me as a desk jockey who occasionally sits on top of a horse. My wife and I split a nice bottle of wine whenever we are able—typically right before opening the second one.

**ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE?** Hardly. I entered Virginia Law expecting to become a litigator. Instead, I became a transactional attorney before transitioning to investment banking, first at Morgan Stanley and then at Jefferies. While I learned much during my time as a lawyer, the past 20 years of investment banking have felt more like a passion than an avocation. My dad is my role model, and I chose law because he is a lawyer. I expected to practice law for 40-plus years as he did. Instead, I now describe myself as "a fully recovered lawyer." That said, I attribute a great deal of my professional success to my legal education.

**WHAT DO YOU LIKE ABOUT YOUR LIFE 25 YEARS AFTER LAW SCHOOL?** As a workaholic, I would not be happy absent real professional satisfaction. But my happiest moments are with my wife and sons. In many ways my work life is simpler than my home life—I always get out of it what I put into it. But my moments of personal accomplishment—those rare moments when I am a good husband and father—are far more gratifying.

BY RUTH MASON and Michael Knoll



**LAW STUDENTS FREQUENTLY FIND THE U.S. SUPREME COURT'S DORMANT COMMERCE CLAUSE DOCTRINE CONFUSING.** That is no surprise, given the sharp disagreement over that doctrine among seasoned practitioners, academics and even judges. And the Supreme Court's recent opinion in *National Pork Producers Council v. Ross* did little to bring clarity to that critically important area of the law.

In narrow terms, the court in *National Pork* upheld a Califor-

nia law that prohibits the sale or production in California of pork from sows confined in a manner that California residents consider to be cruel. The case, however, is about much more than pork chops and bacon. It involves weighty constitutional issues about the power of the states to regulate activity within their borders. The case also concerns the limits on those powers when a state's laws interfere with the ability of other states to regulate within their own borders—or when those laws undercut the national marketplace.

five justices supported the same reasoning for upholding the Ninth Circuit's dismissal. On the extraterritoriality claim, the pork industry had asserted an “almost per se” constitutional prohibition of state laws that had the “practical effect of controlling commerce outside the state.” All nine justices rejected such a sweeping extraterritoriality doctrine, disclaiming broadly suggestive language from prior Supreme Court cases that petitioners had relied on in asserting their claims.

Justice Neil Gorsuch wrote for a five-justice majority in rejecting petitioners' extraterritoriality claim. Gorsuch noted that, if adopted, the per se rule would invalidate any state legislation with spillover effects and would go far beyond prior doctrine. The majority rightly concluded that such a reading would be overbroad because state laws regularly have at least some impact outside the regulating state's borders.

Although all nine justices rejected the pork industry's interpretation of extraterritoriality, both the majority and the dissenters acknowledged constitutional limitations on the breadth of state regulation arising not only from the dormant commerce clause but also potentially from other parts of the Constitution, including the privileges and immunities clause. Yet none of the four opinions in the case gave any insight into what those limitations are.

*National Pork* also gave the newly constituted court a chance to state its views on controversial *Pike* balancing. Under the court's dormant commerce clause doctrine, a state law imposes an undue burden on interstate

commerce if, as the court famously articulated in *Pike v. Bruce Church*, the burden on interstate commerce is “clearly excessive in relation to its putative local benefits” and the law is not narrowly tailored to achieve those benefits.

**TWO MEMBERS OF THE COURT**—Gorsuch and Justice Clarence Thomas—expressed skepticism about such balancing in any case. Justice Amy Coney Barrett limited her criticism of *Pike* to cases that would require moral interests to be balanced against burdens on interstate commerce, a situation that she thought required the comparison of incommensurables. In her view, *Pike* balancing was impossible in *National Pork* because it required comparing a noneconomic interest in humane treatment of animals to the economic costs of the regulation.

Confirming that *Pike* balancing is not dead, the other six justices all explicitly reaffirmed *Pike's* balancing test. However, two of these six justices—Sonia Sotomayor and Elena Kagan—voted nonetheless to affirm the Ninth Circuit's dismissal because the petitioners, in their opinion, failed to plausibly allege a substantial burden to interstate commerce,

As Kavanaugh noted, because there were at least six votes to retain *Pike* balancing, better pleaded undue-burden arguments about the California regulation could survive summary judgment.

**AS WE OBSERVED ABOVE**, this case is about more than pork—it's about states' power to regulate activity within their borders and what limitations the Constitution places on those powers.

On the one hand, fans of the opinion applaud the court's humility in reinforcing federalism by allowing state citizens and legislatures to make these decisions rather than federal judges.

On the other hand, critics worry that the opinion provides states with a roadmap for how to impose their own moral and policy preferences on other (generally smaller) states, which, in turn, will lead to interstate economic warfare and undercut the national marketplace. Far from reinforcing our federalist system, critics see *National Pork* and its “California Effect” as imperiling federalism.

*National Pork* opens the door for states looking to create their own California Effect, and it is not entirely clear where the court will land on extraterritoriality or undue burdens doctrines. *National Pork* was an unusual case. Specifically, the lack of competing in-state producers prevented the industry from basing its complaint on protectionism, the issue which lies “at the heart” of the court's dormant commerce clause cases.

And although there were six votes to maintain *Pike* balancing, it is not clear, given Sotomayor's thinly reasoned concurrence that Kagan joined, what constitutes a burden on inter-

## FOR NOW, HIGH COURT IS COOL

## WITH CALIFORNIA IN CHARGE

a threshold requirement for *Pike* balancing. Unfortunately, those two justices do not tell us what would be necessary in their opinion to meet this threshold.

By contrast, five members of the court—four partial dissenters and Barrett in her concurrence—concluded that the petitioners had properly alleged a burden on interstate commerce. Chief Justice John Roberts authored that partial dissent, which concurred in part and dissented in part, joined by Justices Samuel Alito, Brett Kavanaugh and Ketanji Brown Jackson. Although the dissenters affirmed the dismissal of the extraterritoriality claim, they would have reversed on the undue burden claim and remanded the case to the lower court.

Defending *Pike* balancing, the chief justice's opinion argued that balancing of incommensurables is often required by the law. The dormant commerce clause requires such balancing for state regulations, even those that are not intentionally protectionist, in order to protect “our national common market,” those justices contended. They further argued that the petitioners had sufficiently alleged a burden to interstate commerce by citing major changes in the industry caused by the California law.

Returning to the extraterritoriality question, in a separate partial concurrence and partial dissent, Justice Kavanaugh wrote that other constitutional provisions might limit state regulations that invade other states' regulatory authority, including the import-export, privileges and immunities, and full faith and credit clauses of the Constitution. Kavanaugh grasped the most important federalism issue presented by the case: that California tried to “unilaterally impose its moral and policy preferences for pig farming and pork production on the rest of the Nation.”

state commerce for a majority of this court.

In our view, and that of the partial dissenters, the pork producers alleged classic burdens on interstate commerce by claiming that many producers would be forced to adopt the California standards even if they were willing to avoid the California market.

Aside from rejecting the petitioner's clearly overbroad claim that states violate the constitutional prohibition on extraterritoriality whenever their regulation spills over *at all* into other states, the court gave no further guidance on extraterritoriality. In today's highly polarized political environment, with state legislatures increasingly adopting “unflinchingly conservative or liberal agendas,” as one New York Times reporter phrased it, sometimes with the explicit goal of affecting behavior outside their borders, lower courts will continue to face claims of state extraterritoriality, but they will do so without clear guidance from the Supreme Court.

*The article was originally published in The Regulatory Review.*

**RUTH MASON** is the Edwin S. Cohen Distinguished Professor of Law and Taxation, the Class of 1941 Research Professor of Law and director of the Virginia Center for Tax Law at the University of Virginia.

**Michael Knoll** is the Theodore K. Warner Professor of Law and Professor of Real Estate at the University of Pennsylvania Carey Law School and the Wharton School.

# Critical Engagement

## Supporting the Free Exchange of Ideas Is Front and Center at UVA Law School

By Melissa Castro Wyatt

**AS NEW STUDENTS PACKED INTO CAPLIN AUDITORIUM** for the Law School's orientation Aug. 17, Assistant Dean for Admissions Natalie Blazer '08 delivered both a welcoming message and a reality check. She told them they would sometimes experience disagreement and discomfort during law school—because that experience is central to practicing law.

“Being a lawyer is about disagreeing all the time, but respectfully and with the goal of understanding, and that’s what we teach you how to do here at Virginia,” Blazer said. “When opposing counsel gets up and gives their opening statement, are you going to stand up and say, ‘Your honor, opposing counsel is making [me] really uncomfortable right now—they really shouldn’t be here?’”

The line evoked laughter and likely self-reflection among the 300-plus students newly admitted to a school famous for its collegial atmosphere. But with political friction high nationally, that collegiality can’t be taken for granted. To foster a sense of inclusiveness and compassion while maintaining its commitment to free expression, Law School administrators, faculty and student leaders in recent years have implemented a number of formal and informal policies, practices and programs to ensure North Grounds is a place where diverse and conflicting ideas and viewpoints flourish.

**AT THE HELM** of these efforts is Leslie Kendrick '06, who is a Kentuckian by birth, a Rhodes scholar by training and a UVA lawyer and professor by choice. With her master’s degree and Ph.D. from Oxford in English literature, she knows all the classics and can talk Milton with the best of them.

The classic she knows best today, however, is the First Amendment to the U.S. Constitution.

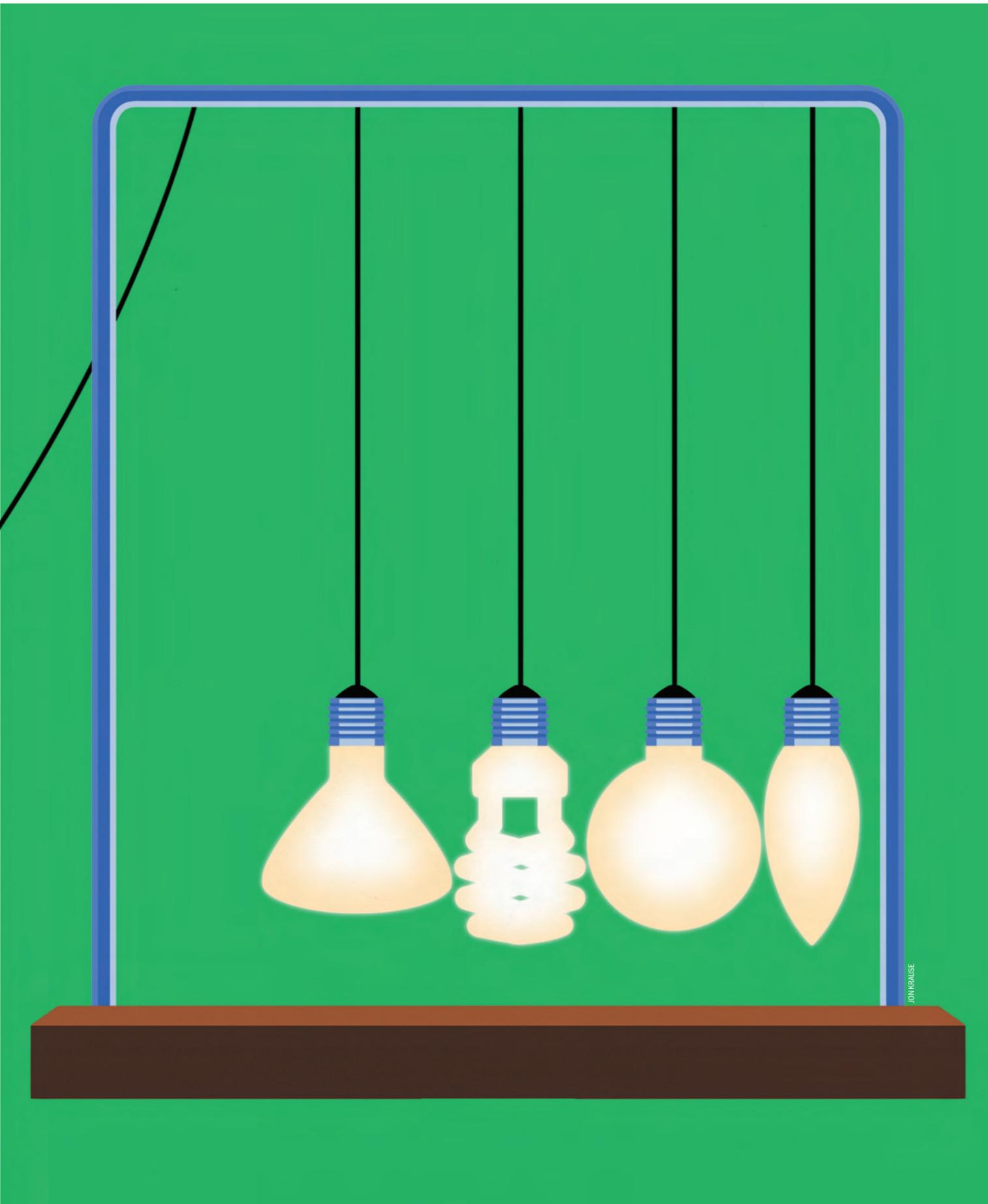
Her work focuses on freedom of speech and torts and has appeared in the Harvard Law Review, Yale Law Journal, Columbia Law Review and many other publications. Since 2020, she has served as faculty director of the school’s Center for the First Amendment, which elevates and promotes faculty scholarship in that field and sponsors events that draw on such scholars (see p. 40).

Kendrick serves as a special adviser to the University’s provost regarding free expression and inquiry, and in 2021 chaired the committee that produced the University’s Statement on Free Expression and Free Inquiry, which was endorsed by President Jim Ryan '92 and adopted by the Board of Visitors. At the Law School’s second day of orientation, Kendrick read the statement to the students as part of a session on the First Amendment and free speech policies at the school. As Kendrick noted, the statement emphasizes the University’s unique connection to the Founding Fathers and freedom of speech:

*Academic commitment to free inquiry reflects the view that every idea must be heard so that it may be subjected to*

*the rigorous scrutiny necessary to advance knowledge. This process requires deep critical engagement, as well as humility in the recognition that many commonly accepted views have proved mistaken, while many ostracized views have illuminated the path toward truth.*

*The University of Virginia has a unique connection to principles of free expression and inquiry. James Madison introduced the Bill of Rights, including what is now the First Amendment, as a member of Congress representing the district that would become home to the University. James Madison and Thomas Jefferson’s Virginia and Kentucky Resolutions were among the earliest extended interpretations of the First Amendment, which, as the Supreme Court observed years later, “carried the day in the court of history” and “first crystallized a national awareness of the central meaning of the First*





► Professor Leslie Kendrick '06 speaks about free speech at orientation in August.

JULIA DAVIS

*Amendment.” Jefferson’s vision for the University included the aspiration that “here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it.” ...*

The statement goes on to note that the University’s commitment to free expression also arises from its status as a state institution; by virtue of it being an arm of the state, it is obligated to uphold the Constitution.

Kendrick used the rest of the session to give the students their first lesson in the difference between law, policy and norms, as well as how to interpret legal language and the intent behind it.

“Generally speaking, as students, you

are not bound by the First Amendment, but the faculty and staff are,” Kendrick said. “It means that University policy and the actions of University employees have to be viewpoint- or content-neutral. ... Basically, our decision[s] should not be based on the message of what speech is saying, unless it’s one of [a] very, very narrow [group of] exceptional categories that’s not protected.”

Those categories of unprotected speech, she said, include incitement to violence, defamation, threats, violations of privacy, intellectual property infringement, stalking, harassment, unlawful discrimination, conspiracy and criminal solicitation. “There are various examples, but these are defined by the law, not by individual preferences,” she said.

“The idea is that we protect all expression of ideas, not because all ideas are created equal, but because they are not,” Kendrick said. “You are here to learn. Part of that is asking questions; part of that is putting forth propositions that you may or may not believe, but that you want to discuss, [and] it happens not just in the classroom, but also at events with speakers outside the classroom, in conversations between students outside the classroom, and in scholarship and research that your professors are undertaking and that you can help with as research assistants and co-authors.”

Students who disrupt the school’s operations and events, or jeopardize others’ safety or property, face possible disciplinary charges, arrest or criminal charges, all of which may be required disclosures on their bar applications, Kendrick said.

Nor should students expect Law School administrators to intervene or punish other students who post offensive material on social media or even say offensive things on Grounds. “That is not what public institutions do. That’s not what universities do,” Kendrick said. “It’s not what law schools do, and it’s definitely, definitely, not what public law schools do.”

What a law school like Virginia does do is “try to create a community that models what we want to see in the world, including modeling sincere and authentic discussion of important issues and treating people like a neighbor rather than treating them like an enemy, even when you disagree with them,” Kendrick noted.

Kendrick added later in an interview that talking about what free speech means at Virginia during orientation “is good for setting expectations and for making that distinction between ‘Here’s what the rules are’ and ‘Here’s where everybody has a role to play in setting what the norms are.’”

**WHEN NEW STUDENTS** head into classrooms, apartments and ball fields at UVA, they continue to learn how to, as Kendrick put it, “go hard on ideas but easy on people.” Students participate in exchanges every day that foster the practice of talking across differences (see p. 39), and the leaders of student organizations attend retreats focused on finding common ground (see sidebar, A Conversation With Mark Jefferson). Meanwhile, their professors train and engage in thinking about how to foster

## A Conversation With Mark Jefferson



**AS THE LAW SCHOOL’S ASSISTANT DEAN FOR COMMUNITY ENGAGEMENT AND EQUITY**, Mark C. Jefferson works to strengthen and advance the school’s commitment to creating an equitable environment where everyone is provided the support that allows them to flourish and succeed as individuals and as members of our community. His work creates opportunities for engagement and the exchange of ideas across differences.

**Once the isolation caused by COVID-19 ended, Jefferson found himself counseling students who had lost more than a year of socializing with others and were suddenly facing profound division on numerous fronts—abortion, affirmative action, LGBTQ+ rights, electoral politics and more.**

**When did you first sense that students were finding engagement challenging?**

I’m 53 years old, and I’ve never felt the country so divided as now. We’re a part of the country—this is a natural extension of that. But I started working in law schools in 2014, so I can say it’s been in the water for a long time. It probably reached a tipping point during the pandemic, when you couldn’t build successful social networks. The students here are collegial—that’s the culture. And that always requires work.

**You have held conversations with every Law School student group. What have they said about the free exchange of ideas on Grounds?**

Every single group imagines that there’s a mainstream that polices what you can say and how you can say it. And every group—the Black students, the conservative students, the Mormon students, the queer students, the softball players—thinks they are outside of the mainstream and the dominant narrative. This is all within their own social interactions with each other, not in relation to the administration. It’s very easy in this moment to focus solely on one group of students and their challenges and lose sight of the commonality of challenges faced across groups. But if we take a step back, you realize that we are having a devil of a time getting to know each other across our social identities, and in some ways, we are having an even harder time getting to cultivate our individu-

ality within our various social identities. In other words, groupthink is real, and our students struggle mightily against it across groups and within groups.

**Why is it important to keep talking to people who will never agree with you?**

If you treat the other side as though they’re irredeemable and can’t be listened to, eventually the other side is going to turn you off—if I’m

don’t. I’d consider myself to hold progressive political commitments, but if you don’t think Edmund Burke has anything worthwhile to say about traditions and continuity, that doesn’t even strike me as consistent with what human beings are like. Burke has lots to say to us about being a human being that is important, as does Fyodor Dostoevsky or Richard Weaver or Friedrich Hayek—three of many important conservative

discussions are structured. It’s also in how we interact with students every day. In most of my interactions with students, I attempt to be interrogative more than declarative, or worse, didactic. I’m interested in pushing our students to think carefully and critically for themselves about whatever topic is under discussion, whether it’s a school policy question, engaging with views different from your own, or

versed it, and we bowled together, did another service project together, and had another dinner together. The goal was just to create opportunities for them to be in community and conversation with each other, with the hope that they could see their similarities as leaders underneath their differences as members of [disparate] groups.

We’re working with the Student Bar Association to do a series of talks—kind of like TED Talks for students—where students are invited to speak for eight to 10 minutes about



► Assistant Dean Mark Jefferson talks with Roadmap Scholar Carson Livingston Cross.

irredeemable, there’s no need for me to talk to you. And that insistence on purity also feeds on its own, eventually chasing out people who do agree with you.

But for us to maintain our constitutional republic as we understand it, it’s not enough to engage in good-faith exchange across political commitments—we also have to think critically about the limitations of the political commitments that animate us. So I’m probably harder on students who share my political sensibilities than on the ones who

or classically liberal thinkers that we would all, regardless of our political commitments, benefit from wrestling with.

**What sorts of activities and programs do the Law School and your office arrange to foster open dialogue and collegiality?**

It’s in the way we run our classes, how we communicate our policies and how we plan events to engage the full spectrum of ideas. First off, it’s foundational to law school pedagogy and the way classroom

learning how to dissent within one’s own group and push back against what’s taken to be the popular or “correct” way of thinking about an issue. For my part, I’ve done “leadership journeys” with the leaders of the affinity organizations, the Federalist Society and the American Constitution Society. We did a ropes course together to start the year, then a dinner together to discuss a book on leadership styles, then we did a service project together at the Ronald McDonald House. Then we re-

some part of their lives you might not otherwise know. My one rule is that they make sure they have the broadest possible array of speakers, and that they’re sharing stories, not resumes.

One of the great tragedies of life, to paraphrase W.E.B. Du Bois at the end of “The Souls of Black Folk,” is that we don’t truly know one another. Hopefully, through this speaker series they can find more intimate ways to get to know each other’s stories.

productive and civil classroom discussions, including through faculty workshops where they collaborate about how to respond to challenges they've encountered.

The Law School has created a website about free expression on Grounds, gathering all of the policies, guidance and resources into one place. The website articulates the school's values and highlights how the free exchange of ideas furthers the school's mission.

Throughout it all, students are supported by Mark C. Jefferson, the assistant dean for community engagement and equity. In his role, which is similar to the position he held at Harvard Law School until 2021, Jefferson leads the school's Committee on Community Engagement and Equity, and is a resource for faculty, staff and students to ensure that the curriculum, classrooms, clinics and programs are equitable and allow students opportunities to flourish and succeed as individuals and as members of the Law School community. He facilitates "opportunities for real engagement and the open and respectful exchange of ideas across difference," as he put it.

Peter Lee Hamilton, a conservative student in his final year of a joint J.D./MBA program, first approached Jefferson during his second year at the Law School, feeling both curious and a bit dubious about Jefferson's role.

"I think a lot of people are a little bit hesitant to engage because of the connotations associated with his role and the emotional baggage attached to it in the culture right now," said Hamilton, a member of the Federalist Society and Law Republicans. "But my first interaction with him was just walking into his office, sitting down and talking about philosophy for two hours."

Jefferson, who majored in philosophy and considered pursuing theology, finds himself engaging with and counseling students from across the political spectrum.

"I'm pretty much a free-speech absolutist," Jefferson said. "The answer to difficult speech is more speech and, working with lawyers in the making, I've become very clear about the extent to which I value expression."

In the academic space, Jefferson said, "We tend to conflate 'rights' and 'norms,' and it's an important distinction. We can articulate rights—you have a right to be offensive. You get to say what you want—that's your right—but I get to say that's offensive to my sensibilities."

The bigger question to Jefferson is,

"Who gets to determine the norms? That's a much more multivocal conversation than it has ever been in our country, and that's a good thing. Once we are clear about everyone's rights, we can get down to the much more difficult work of establishing norms by which we live together."

**THROUGH MULTIPLE INITIATIVES**, Jefferson and Hamilton both hope to encourage students to think more intentionally about this relationship between rights and norms, and to help students across the spectrum get to know each other as whole people. In the spring of 2022, Hamilton co-founded the Fun Club, a group that brings together students from across the political spectrum to realize one common goal: to support Virginia's varsity teams by attending at least one event for each sport before graduating.

"Sports is one of the few things that hasn't been polarized yet," Hamilton said. "As humans, we tend to limit our circles to people who think like we do, but then you don't know who your neighbors are and what they think, and you don't get to engage with people who are nice, normal people who just happen to hold significantly different views than you."

Hamilton, Jefferson and Shivani Arimilli '23 organized a "law presidents summit" to bring together for discussion the incoming and outgoing presidents of every student organization across the political spectrum. (With apologies to Lin-Manuel Miranda: Hamilton and Jefferson together planned the menu, the venue and the seating for the room where this happened.)

"We sat all the faith groups down at the same table for the dinner, and they were able to have a good conversation, get to know each other, share their contact information and start a group chat," Hamilton said. "That's the kind of thing we're trying to foster."

By agreeing to protect the process of free speech here on Grounds, Jefferson said he believes these future leaders can learn how to protect democracy and the rule of law. "We're in a fractious moment. We need to talk more, not less," Jefferson said. "If lawyers are incapable of listening to all points of view—especially the ones that you have the most vehement disagreements with—then who can? We would be lost."

Julia "JJ" Citron is a third-year student leader who, as co-director of programming for the liberal-leaning UVA Law student chapter of the American Constitution Society for Law and Policy,





▶ Dean **Risa Goluboff** told students at orientation, “We are always looking for ways to foster the kind of community and belonging in which the free exchange of ideas can truly occur.”

JULIA DAVIS

has also worked with Jefferson to bridge divides in the student body—including between ACS and the conservative-leaning Federalist Society.

“He’s supportive of, for example, paying for a dinner where members of the boards of both organizations share a meal together,” Citron said. “That’s something that I’m personally interested in exploring, and it’s opt-in, which is appreciated.”

Citron noted that the transition to law school discourse, where topics naturally have heavily political undertones and real-life consequences, can be jarring for some—particularly if one’s pre-law school years were spent in like-minded siloes.

“These conversations continue out-

side of the classroom, and you can’t run away from these discussions,” Citron said. “I had been in very specific liberal Democrat spaces, so I really appreciate UVA having diversity of thought and events that foster people from different backgrounds coming together. It’s so important to be able to work across the aisle and talk to people of different beliefs.”

**IN HER OWN ORIENTATION REMARKS**, Dean Risa Goluboff delivered much of the same message about how central facilitating the free exchange of ideas is to the Law School’s mission. She noted that school administrators can’t achieve that mission alone, and exhorted incoming students to join in efforts to engage

with one another and create new opportunities to do so, just as Hamilton and Citron have.

“We are always looking for ways to foster the kind of community and belonging in which the free exchange of ideas can truly occur,” Goluboff said. “But we, the Law School, the administrators, can’t do that for you. We can articulate the value of a diverse and inclusive community and create the conditions for it. We can articulate the value of the free exchange of ideas and create the conditions for it. But it is up to each one of you and each member of this law school community to sustain that community and to engage in that exchange.”

## Bridging the Divide

Student Group Aims for **Constructive Dialogue** in Fractured World



JULIA DAVIS

*“I never considered a difference of opinion in politics, in religion, in philosophy, as cause for withdrawing from a friend.”* —THOMAS JEFFERSON, April 1800

**WITH POLITICAL DISCORD** and polarization at a fever pitch nationwide, one student group has found a novel way to strengthen the social fabric through conversation at UVA Law.

Common Law Grounds, now approaching its seventh year, continues to organize and sponsor student events focused on discussing difficult and timely topics at large roundtable discussions, one-on-one lunches and, last year, through autobiographical monologues.

“We’ve had a roundtable about abortion, and that can be a really difficult topic because not only do people have varying opinions on it, but it also affects people in very different ways, so that’s going to be very personal,” said Kristen Carpenter, a second-year student serving as vice president of the organization. “I think affirmative action is another example that affects a lot of people, especially in the higher education context. Being able to have those conversations is really valuable, even if it might be difficult.”

At the group’s first event of the year, held on Sept. 11, the assigned topic was designed to be an introduction to the value and complexities of having these conversations. Students who participated were broken into groups of six or so to discuss how and why these conversations are meaningful, and how to start such a dialogue with someone who consumes different news sources.

The conversations are civil, Carpenter said, “because you’re not going to be able to have a fruitful conversation if you’re attacking other people for who they are or what they believe.”

Common Law Grounds President Rachel Lia ’24 noted that the group is not a centrist organization, nor one that necessarily seeks to build consensus where it doesn’t otherwise exist. To help ensure the next year’s board is ideologically diverse, board applicants are asked to place their own

political beliefs on a numerical spectrum, with 1 being the most liberal and 10 being the most conservative.

“People think we’re a bunch of centrists, but we’re not all 5s,” Lia said. “I don’t know if we have 1s and 10s—people who would say ‘I have no sympathy whatsoever for the opposing viewpoint’—but we do have those sides.”

Centrism wouldn’t achieve this group’s goal, she added. In a hyperpartisan world, it’s crucial to bring in starkly opposing viewpoints to inform one another. Lia has been asked to speak about the group on a national level, including at an event at the Bipartisan Policy Center in D.C.

Over the past year, the group’s roundtables have addressed political protests, sustainability, student loan forgiveness, the role of the Supreme Court and gun policy.

The gun debate took place last October, just a month before the Nov. 13 shooting deaths of three football players on Main Grounds. The discussion handouts asked students to consider and discuss the reasoning behind each side’s current stance, as well as the logic of the Second Amendment. The three-pager also included a plethora of data, from gun violence statistics to polling data, and asked students to discuss specific proposals they could support.

“I think this event was especially interesting because everyone could find a very clear common ground—gun violence is horrific and seems ever-present,” Lia said. “I thought it presented an opportunity for a very practical, solution-focused conversation.”

Although Common Law Grounds did not formally revisit the topic after the shooting on Grounds, Lia said, “I think it solidified the need for conversations that can effect change.”

—Melissa Castro Wyatt

# Faith, Law and Freedom

## National Law and Religion Scholars Clash and Collaborate at UVA Law Roundtable

By Melissa Castro Wyatt

**THE 13TH ANNUAL LAW AND RELIGION ROUNDTABLE**, a two-day symposium that brings together an international group of ideologically diverse scholars to discuss works in progress and religious freedom issues, was held at the Law School on June 22-23.

UVA Law was the latest school to host the roundtable, which has rotated around various North American law schools since its inception in 2010. This year's event took place less than a week before the U.S. Supreme Court ruled unanimously in *Groff v. DeJoy* to strengthen religious accommodations for workers.

The event is one of the most important yearly events in the field of law and religion; in fact, several scholars present at the roundtable had either filed or joined various amicus briefs in *Groff*, according to Rick Garnett, a Notre Dame Law School professor who is one of the three longstanding co-organizers of the event. (Garnett led a brief representing religious liberty scholars in *Groff*.)

The list of participants included academics across the ideological spectrum and also a mix of senior and up-and-coming scholars in the field of law and religion, according to Paul Horwitz, a University of Alabama School of Law professor who is another co-organizer. Attendees repre-

sented a number of academic disciplines, including law and religion, theology, political theory and history, Horwitz said.

"That approach has offered senior scholars the benefit of new ideas and methods, junior scholars the benefit of early mentoring, and all of us the benefit of encouraging a true, collegial scholarly community," Horwitz said.

One attendee, who is now a senior lecturer in law at the University of London, first joined the roundtable while he was earning his LL.B.

Participation in the event can be a heavy lift: 15 works in progress were presented, and participants are expected to read all submissions ahead of time so the day can be devoted to questions and discussion, rather than presentation.

UVA Law professors Richard Schragger and Micah Schwartzman '05 presented their paper "Religious Freedom and Abortion"—one of two submissions discuss-

ing the possibility of religious exemptions from abortion bans.

"These are obviously controversial issues, and it's helpful to get pushback and to see where our arguments might need more work," Schwartzman said.

As co-director of the school's Karsh Center for Law and Democracy, Schwartzman was one of the co-hosts of this year's event, and his participation highlighted the breadth of ideological and political views among participants.

"Disagreement (and agreement!) with both papers came from around the table, from folks with different views on the underlying questions, different disciplinary focuses and different levels of experience in the academy," Horwitz said. "Our goal is to improve each paper, regardless of the views of either speaker or questioner, with a view toward enriching the field as a whole."

The roundtable also featured a talk by Robert Cochran '76, an emeritus professor at Pepperdine's law school and a leading figure in Christian legal thought, Horwitz said. Cochran presented a paper on legal practice from a religious perspective and faced questions from a wide range of attendees.

The works in progress discussed included a paper by Alyssa Penick, a postdoctoral research associate in the Center for the Study of the Age of Jefferson at the Jefferson Scholars Foundation. Her work on the history of disestablishment in Virginia and Maryland is part of her forthcoming book, "American Reformation: Church, State, and Law in the Revolutionary Chesapeake," which will be published by the University of Virginia Press.

Other papers covered a broad terrain, including religious freedom during the pandemic, conflicts between religious liberty and LGBTQ+ rights in the context of

government-funded social services, the role and scope of conscience provisions after last year's *Dobbs v. Jackson Women's Health Organization* decision, and the relationship between religious freedom and other fundamental rights, particularly freedom of speech, Schwartzman said.

More than 50 published articles have acknowledged the help of the roundtable in their notes, and some of the most influential papers in the field have been workshopped at the symposium over its 13 years.

Horwitz also said many chapters and whole book manuscripts have been given early exposure at the event. Those books, such as Brian Leiter's "Why Tolerate Religion?," have become some of the most important and influential contemporary works in the field, Horwitz said.

"Agreeing to Disagree," a new book by Nathan Chapman and Michael McConnell on the establishment clause, was workshopped at the roundtable a few years ago and was published just four days after this year's event, Garnett said.

Nelson Tebbe, a Cornell Law School professor who is the third of the three co-organizers for the annual event, opened this year's roundtable by noting a few important developments in the field, including the retirement of UVA Law professor Douglas Laycock, one of the nation's preeminent experts on the law of religious liberty.

Tebbe also noted the recent passing of Kent Greenawalt and Steven Shiffrin, two influential scholars who had participated in the roundtable for many years.

The event was co-sponsored by UVA Law's Karsh Center for Law and Democracy and Center for the First Amendment, and Notre Dame Law School's Program on Church, State & Society.





MICHAEL BAILEY

## Richard Bonnie's Half-Century Career Shaped Drug Policy, Mental Health and Capital Justice Reform

By Melissa Castro Wyatt

# BECOMING BONNIE

**WHEN RICHARD BONNIE GRADUATED** first in UVA Law's Class of 1969, the Vietnam War and the draft loomed over the lives of the graduating men. His own future seemed circumscribed by a pending military obligation. Never having taken an undergraduate psychology course, he certainly couldn't have envisioned that he would later help define the intersection of mental health and criminal justice in the United States and elsewhere.

This fall, Bonnie stepped down from his tenured position at the Law School after nearly 51 years of teaching and research, 44 years of death row advocacy, and decades of shaping law and public policy on drugs, mental health, adolescent development and gun violence.

The Norfolk, Virginia, native first set foot in Clark Hall, the Law School's former home, at a time when young people's paths seemed defined more by catalytic and cataclysmic events than by personal agency.

Eight years earlier, the immorality of Virginia's "massive resistance" to school desegregation pushed Bonnie—a liberal, Jewish youth—to choose to sit at the back of city buses and then nudged him north to Johns Hopkins University for college.

"I was thrust into the maelstrom of massive resistance at the very time that I was opening my eyes to the world around me and becoming conscious of my own identity—and of my responsibilities to others and to my community," Bonnie wrote in a personal essay in "Law Touched Our Hearts," a 2009 collection of essays he co-edited with UVA Law professor Mildred Robinson marking the 50th anniversary of the Supreme Court's decision in *Brown v. Board of Education*.

His contemplation bred new ideas about the role of race in inequality and criminal justice, and "transformed" him from a kid who dreamed of playing professional baseball into a serious young student who knew he wanted to embrace the law as a path to reform.

Despite its Southern locale, Bonnie quite liked the vibe when he visited the Law School in the mid-1960s, and with the Vietnam War in full swing, it made sense to stay close to

home for his legal education—but what kind of future lay ahead was unclear.

"It was the '60s, and our nation seem to be coping with a tragedy every moment," Bonnie said. "And the Vietnam War and the draft narrowed your vision of your future."

Because Bonnie had already received a draft deferment to attend law school, he knew he would be called up the moment he graduated unless he had a suitable military or qualifying public service commitment. During his second year, he accepted an offer from the Air Force General Counsel's office at the Pentagon to serve in that civilian office for three years during his commitment as an Air Force captain.

Just days before Bonnie was set to graduate from the Law School, a possible clerkship with the Supreme Court evaporated and the school asked the 23-year-old Bonnie if he would instead like to teach for the year. The Air Force agreed to defer his active duty until July 1970.

During his yearlong teaching stint, Bonnie started a criminal appellate clinic that helped establish prisoners' First Amendment rights and he began questioning the country's drug laws, a path of inquiry that would seed virtually all his subsequent work.

### THE MARIJUANA COMMISSION

Deep in the bowels of Clark Hall—two stories below the surface of the Lawn—Bonnie's office shared a busy basement hallway with the Virginia Law Review managing board and a colorful

young professor, Charles Whitebread, whom Bonnie dubbed the “pied piper for young ’60s counterculture students.”

The two were horrified by a Virginia court decision that sent a young man to prison for 20 years for possessing a small amount of marijuana.

“I’m sure Charlie smoked weed and other mind-altering substances, while I’m just a boring innocent who’s never touched the stuff,” Bonnie said. “But I didn’t think you should put people in jail for it.”

Together they wrote an influential Virginia Law Review article about the history of U.S. marijuana laws, based on case law, legislative background and a few newspapers. The article took over virtually the entire June 1970 issue.

After Bonnie left to work at the Pentagon, he continued to drive back to Charlottesville to present Law School seminars on issues he was learning about in the military. On one of those trips, he attended a lunch event at the Judge Advocate General’s Legal Center and School, next door to the Law School, about the newly enacted U.S. drug laws and President Richard Nixon’s National Commission on Marijuana and Drug Abuse.

At the lunch, Bonnie sat next to the Department of Justice’s speaker, who had just been appointed executive director of the new commission.

“It came up that I had just written this article on the history of the marijuana laws, and he said, ‘Well, how would you like to be a consultant to the commission?’” Bonnie recalled. “I said, ‘I can do better than that! All you’ve got to do is get John Dean [his colleague in the Justice Department and then general counsel to Nixon] to tell the Air Force to send me over to the White House.’”

He spent the next two years as the associate director of the commission.

“It was a life-changing event,” he said. The job informed his values, taught him how to lead multidisciplinary working groups and synthesize massive amounts of information and facilitate consensus on difficult policy issues.

The leaders of the commission characterized Bonnie as a “principal architect” of the commission’s two reports, including its unexpected recommendation that simple possession of marijuana be “decriminalized.”

Bonnie and Whitebread’s historical research in the federal records also provided the material for their co-authored 1974 book, “The Marijuana Conviction,” which ties prohibition to xenophobic perceptions and argues for the decriminalization of marijuana possession. The book was republished in 1999 as a “drug policy classic.”

“My work at the commission was essentially a graduate education in addiction, clinical psychology and social sciences,” Bonnie said. “Everything I have subsequently done in my career is essentially attributable to the serendipity of sitting next to the commission’s executive director at lunch. It introduced me to areas of law, science and public policy that I otherwise would not have known a thing about.”

## A NEW INSTITUTE

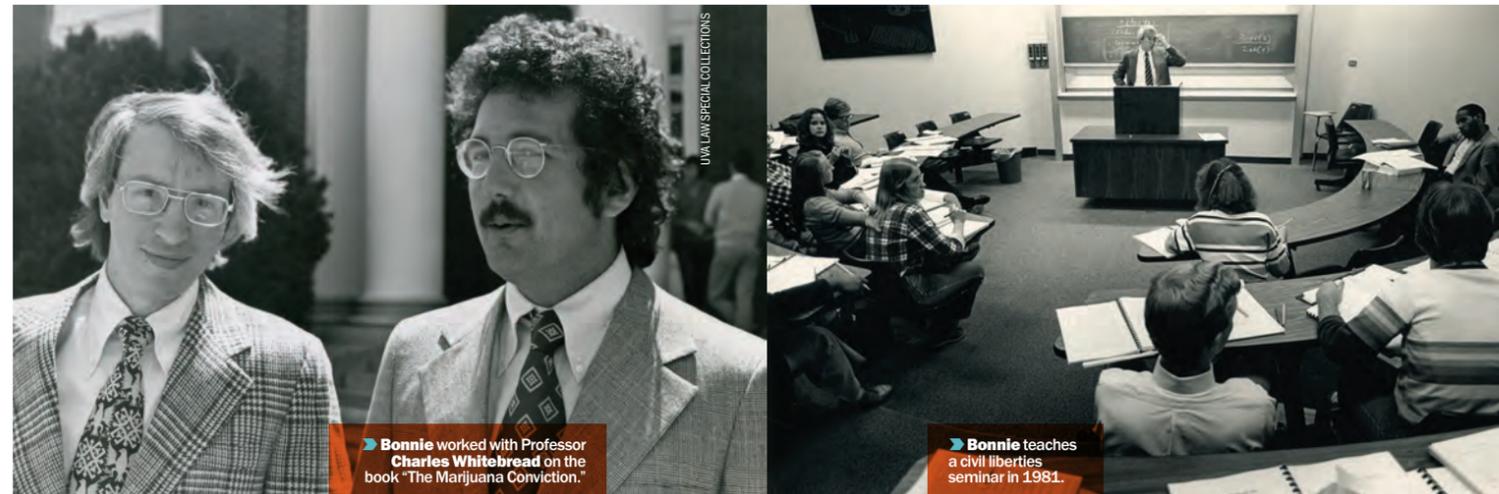
Bonnie returned to UVA Law in 1973 after three years in Washington and found an intellectual home in a new research center the Law School and Medical School were developing together.

The center, which is now known as the Institute of Law, Psychiatry and Public Policy, was led by a psychiatrist named P. Browning Hoffman, who had been recruited from Yale and trained by thought leaders in the emerging medical ethics field.

“When I showed up, we created this new interdisciplinary program and were able to fund postgraduate fellowships, and many people who are now leaders in the field were trained here,” Bonnie said. “It was an opportunity to seed a new field, and was a genuinely exciting period of intellectual history.”

Hoffman died unexpectedly in 1979 but left a nationally influential forensic clinic as his legacy. The Law and Medical Schools have continued to collaborate and have sustained the interdisciplinary bonds in law and medicine that Bonnie and Hoffman created.

Over the years, the institute would expand research and legal innovation in law and psychology in several ways, including reformulating criteria for involuntary psychiatric commitment, promoting advance directives for people with mental illness, refining the boundaries of the insanity defense, advocating for



Bonnie worked with Professor Charles Whitebread on the book “The Marijuana Conviction.”

Bonnie teaches a civil liberties seminar in 1981.

“red flag” laws to limit gun purchases by persons at elevated risk for suicide or violence, pushing to raise the legal age for purchasing for tobacco and alcohol, reducing the use of criminal punishment as a deterrent to the use of other addictive drugs, and rethinking the rules governing competency to stand trial.

In 1980, Bonnie helped recruit John Monahan, a trained psychologist specializing in public policy and the psychology of violence, to continue and enrich the interdisciplinary research between the Law School and the institute.

Noting that Bonnie is among the handful of scholars at the forefront of analyzing laws regulating both mental illness and substance abuse, Monahan said “it’s hard to exaggerate Richard Bonnie’s accomplishments.” Monahan also called Bonnie “the hardest-working person I’ve ever known.”

While Bonnie intends to keep working—now from Slaughter Hall as the Harrison Foundation Professor of Medicine and Law Emeritus—his interests have shifted.

“Now that I’m retired, I’m really focused on trying to make sure that all this intellectual investment and financial investment that’s been made here—and the program Browning and I developed—survives and thrives in the decades ahead,” Bonnie said.

## TOUCHING HISTORY

Bonnie’s expertise at the intersection of psychiatry and criminal law has drawn him into the legal aftermath of some of the most notable crimes in recent history, from the attempted assassination of President Ronald Reagan; the Unabomber homicides, 9/11 and D.C. sniper attacks; and the Virginia Tech and Sandy Hook shootings.

Professors Peter W. Low ’63 and John C. Jeffries Jr. ’73 drafted Bonnie to co-author a casebook on criminal law because of his expertise in applying mental health issues, Low said, particularly to the analysis of the insanity defense and capital punishment. The three also co-wrote “The Trial of John W. Hinckley, Jr.: A Case Study in the Insanity Defense.”

Low calls Bonnie’s work on the Hinckley book “innovative, effective and important” to understanding the complexities of the defense. After Hinckley was acquitted—by reason of insanity—of attempting to assassinate Reagan (and wounding three others), the defense was nearly abolished at the federal level and in some states. Instead, Bonnie developed a “mend it, don’t end it” strategy and convinced the American Bar Association and American Psychiatric Association to endorse his proposed modifications to the defense—focusing on the defendant’s ap-

preciation of wrongness rather than their volitional control—and the abolitionist zeal wore off. In 1984, Congress adopted his compromise for the federal insanity defense criteria.

Low also calls Bonnie “tenacious and thorough” and “indefatigable,” all qualities that came into play when he was pulled into death penalty defense work due to being one of the few scholars to have written on capital punishment and mental health.

He co-represented the first cluster of prisoners sentenced to death under Virginia’s revamped 1976 capital punishment statute and spent the next decade of his scholarly career writing about capital sentencing, with a particular focus on the ethical dilemmas arising in capital defense.

“If you’re going to do a post-conviction appeal, you have to find a lawyer to do it, and there wasn’t a capital representation system around then,” Bonnie said. “Who the hell do you send people to? Because I had expressed interest in this, people just said, ‘Go call Bonnie.’”

One potential client, however, contacted him by mail. The return address said the letter was from Theodore Kaczynski, a man also known as the Unabomber. Kaczynski, a former mathematics professor, attacked other academics, businessmen and random civilians with homemade mail bombs between 1978 and 1995.

Though the letter was sent in the winter of 1998 from Kaczynski’s underground supermax prison cell in Florence, Colorado, Bonnie wasn’t keen to open it.

He took the letter to class and one of his students opened it there.

It did not contain explosives, but it had a bit of a bombshell request: Kaczynski wanted Bonnie to write a petition to vacate

the guilty plea that had kept him off death row. He had pleaded guilty in part to avoid pleading insanity, but Kaczynski would rather risk capital punishment or life in prison than have his mental capacity questioned, Bonnie said. Kaczynski also wanted to maintain his right to appeal his conviction based on illegitimately admitted evidence.

Bonnie wanted nothing to do with overturning the life sentence meted out to a man who had killed and maimed academics like himself. Nor did he want to expose Kaczynski (or anyone else) to the death penalty by retracting his guilty plea. On the other hand, Bonnie believed strongly in the right of psychologically competent defendants to make decisions about their own defense.

“I believe in the autonomy of defendants to make their own decisions, just like people in the medical context make their own decisions,” Bonnie said. “The doctor doesn’t make the decision—the patient makes the decision—as long as he is competent to do so.”

In January 1999, he and a student flew out to Colorado to meet Kaczynski in person to assess his mental state. Bonnie decided to take the case.

“He’s got his issues, but I didn’t think it was really interfering with his ability to make a rational decision about this,” Bonnie said.

Bonnie was able to launch an ethics seminar that very semester, in which the class would discuss the dilemmas raised by the Unabomber’s case and help draft his habeas petition. As the months passed, though, Bonnie decided he couldn’t file the petition.

“Let me just say, I didn’t come to this lightly. Obviously, I had made a promise to him but ultimately it just took me a while—working with psychiatrists and his previous counsel—to understand how disturbed he really was, and that he wasn’t making a rational decision,” Bonnie said. “But I also had an ethical problem because he only had a certain number of days until the District Court’s deadline.”

As a compromise, Bonnie gave Kaczynski the draft petition, which was nearly complete. Kaczynski finished it himself, filed it, and lost at the district and circuit court levels. Thus he remained sentenced to life under the guilty plea, though he did convince one circuit court judge of his position on appeal. (While serving his life sentence, Kaczynski killed himself this past June in a North Carolina medical facility for federal inmates. He was 81.)

Other thorny ethical issues arose over the years. From 2002-06, Bonnie advised the court-appointed lawyers representing Zacarias Moussaoui, the would-be 20th hijacker in the 9/11 attacks.

“They had their hands full, to say the least,” Bonnie said.

After Moussaoui pleaded guilty over their objection in 2006, the jury could not agree on whether he should receive a death sentence. Just days later, Moussaoui sought to withdraw his guilty plea, eventually appealing up to the Fourth Circuit. The clerk’s office then asked Bonnie to represent him, but he declined to take the case on the grounds that Moussaoui’s most likely motivation was to mock the U.S. legal system. (Moussaoui remains in prison under a life sentence.)

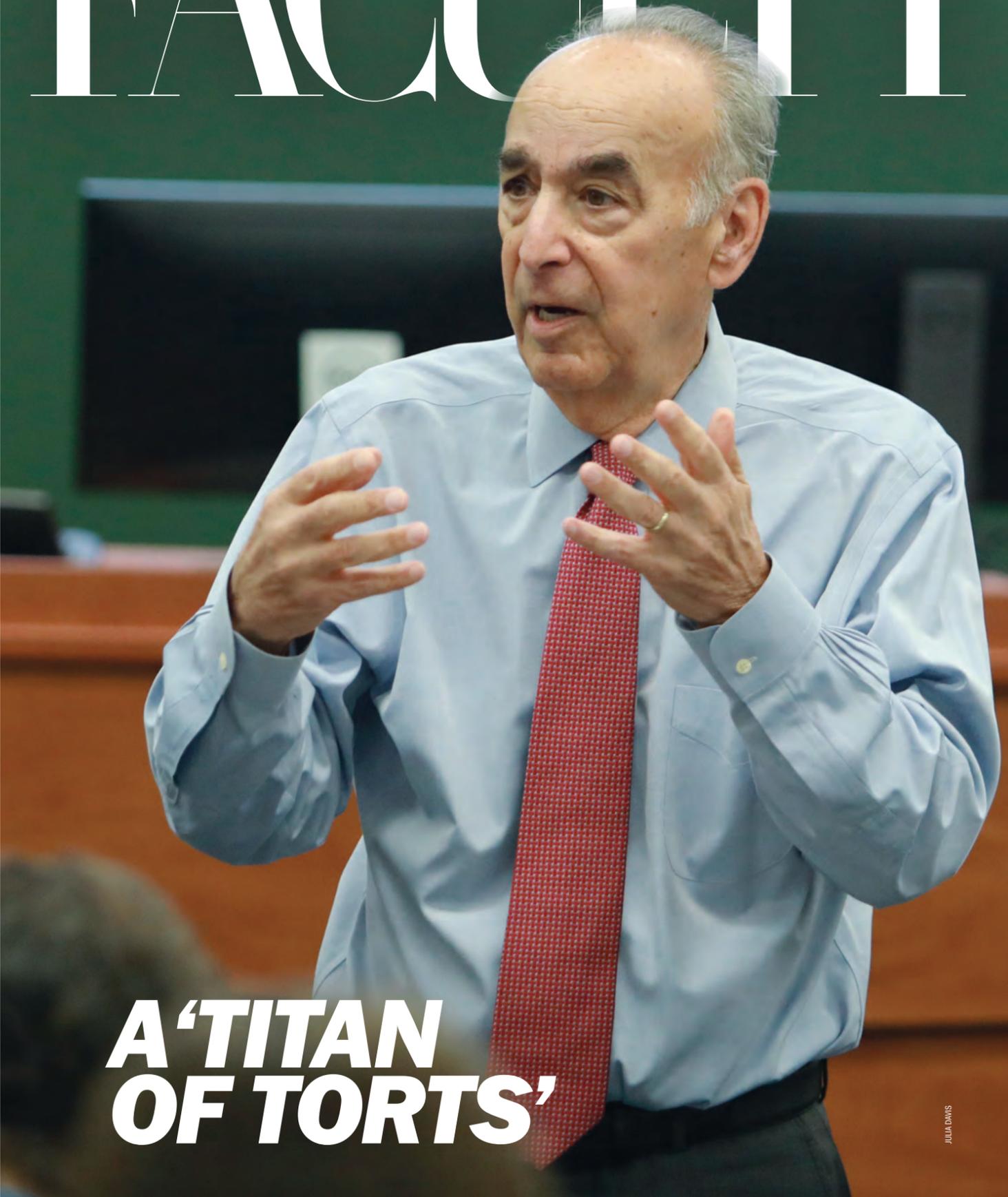
Virginia, which once led the nation in executions, abolished the death penalty in 2021, after 113 people had been executed under the 1976 statute. Although Bonnie applauds the repeal, he takes no credit for the policy achievement.

“[A]s it is administered in the United States in the twenty-first century, capital punishment is an ignoble activity, not a praiseworthy one,” Bonnie writes in a forthcoming essay in a book examining the death penalty. “Its human subjects are an unfortunate collection of disadvantaged, deprived, and defeated criminal defendants selected by a discriminatory lottery. How can this be done in the name of justice? In OUR name?”



► In the wake of the Sandy Hook shooting, Bonnie took part in a roundtable discussion on gun violence and possible reforms with Vice President Joe Biden in January 2013 in Richmond, Virginia.

# TEACULTY



## SHAPING PUBLIC POLICY

Bonnie's indefatigable work ethic led to another achievement that looms large in his career. He was elected to the National Academy of Medicine in 1991 and subsequently led committees of experts charged with writing its reports on more than 10 public health challenges, including two reports on tobacco, and others on underage drinking, aging, adolescence, juvenile justice and the opioid crisis.

He was also tenacious about using his influence and connections in the field to create opportunities for colleagues and students—often without ever mentioning his behind-the-scenes efforts to the beneficiary. When Professor Margaret Foster Riley developed an interest in health law and bioethics after her husband died of cancer, Bonnie recommended her for three different academy report committees, including one that produced the National Academy of Sciences' 453-page strategy for reducing the overprescription and misuse of opioids.

"Richard does that for anyone working with him, at least where he thinks they can do more than they're doing and that other entities could benefit from their help," Riley said. "And it's not just for me—I could tell you at least 10 people he's done this with, maybe more."

When Katharine Janes '21 applied to the Law School to pursue juvenile justice, her essay mentioned that she hoped to one day work with Richard Bonnie. He never knew that, but he invited her to be his research assistant after she took his 1L Criminal Law class. After Janes told Bonnie of her interest in pursuing academia, he gave her the opportunity to co-author a paper he was writing and provided "invaluable guidance" on her independent research. He also authored such an effusive letter of recommendation for her that one employer asked in jest just how much she had paid Bonnie to write it.

"My career as a student and lawyer would not be what it is without Professor Bonnie," Janes said. "He took such care to cultivate me to be the type of scholar and intellectual I wanted to be, in the field that I wanted to be in. His support was unconditional and so genuine, and I will be forever grateful."

For the 34 years he has been associated with the National Academies, Bonnie has been a force driving policy change, Riley said.

"This almost never happens, but the Food and Drug Administration has either met or is striving to meet almost all the recommendations of his [opioid] committee," Riley said. "By being such an important voice in the National Academies, in many ways he has focused and guided many of the issues that the institution has focused on over decades."

Bonnie is demure about such lofty praise. "I'm good at organizing other people to write reports, I guess, so the academies just kept asking me to do those things," he said. "As I see it, my story is more about the culture of the times and about the Law School than it is about me. I'm just a basically boring person, who is interested in learning about challenging problems and coming up with reasonable solutions."

The challenge—and the opportunity—is to formulate a framework that exposes the choices that have to be made, he said. That was true with marijuana in 1973 and is true with deciding how to deal with youth offenders in 2023.

In 2007, Bonnie was awarded the University's 54th Thomas Jefferson Award, the University's highest honor, given annually to a University community member who exemplifies in character, work and influence the principles and ideals of Jefferson. In presenting the award to Bonnie, then-President John T. Casteen III read from a citation that said, "The world's foremost legal expert in the field of mental health law, Mr. Bonnie has fundamentally shaped the way in which doctors, lawyers and citizens approach their relationship with some of the most vulnerable members of our society."

## A 'TITAN OF TORTS'

JULIA DAVIS

# ABRAHAM TO RECEIVE AALS' TOP TORTS AWARD

Professor **KENNETH S. ABRAHAM** will receive the 2024 Prosser Award from the Association of American Law Schools Section on Torts and Compensation Systems. Abraham, who has taught at the Law School since 1983, is one of the nation's leading scholars, teachers and consultants in both torts and insurance law.

Named in honor of William L. Prosser, a seminal figure in the field of torts, the award recognizes lifetime contributions to scholarship, teaching and service in the torts field. Prosser's treatise, "Prosser on Torts," has been a staple for law students and lawyers for decades, along with the casebook, "Prosser and Keeton on Torts." Prosser also led the Restatement (Second) of Torts, a key summary of common law tort rules in the United States. Abraham will receive his award at the annual AALS meeting in January.

Abraham is the author of more than 70 law review articles and six books, and his own torts treatise, "The Forms and Functions of Tort Law," has also become a basic text for first-year law students across the country. His casebook, "Insurance Law and Regulation," has been used as the principal text in courses on insurance law in more than 100 American law schools. His first book, "Distributing Risk: Insurance, Legal Theory, and Public Policy," written in 1986, brought modern legal theory to the study of insurance law.

In practice, Abraham has been consulting counsel and an expert witness in a variety of major insurance coverage cases, involving commercial general liability, directors and officers liability, environmental cleanup liability, toxic tort and products liability, and property insurance claims. He has also served as an arbitrator for the Dalkon Shield Claimants Trust, resolving more than 100 claims by women seeking damages for injuries caused by the Dalkon Shield intrauterine device, both in the United States and Europe.

Abraham is a life member of the American Law Institute and for 20 years he served on ALI's Council—the board of lawyers, judges and academics that governs the Institute. He is also an adviser to the ALI's Restatement of Torts (Third) and was the senior adviser to the Restatement of the Law of Liability Insurance. He has served on a number of other boards and commissions concerned with tort law



and insurance reform, and he is a fellow of the American Academy of Arts and Sciences.

He is also, according to the student editors of the Virginia Law Weekly, a "Titan of Torts."

Historic Prosser Award recipients have included Fleming James, Wex Malone, Page Keeton, John Wade and Willard Pedrick. More recently, the award has recognized Judges Guido Calabresi and Richard Posner of the Second and Seventh Circuits, respectively.

—Melissa Castro Wyatt



**KENNETH S. ABRAHAM** published "Doctrinal Forks in the Road: The Hidden Message of The Nature of the Judicial Process," co-authored with **G. EDWARD WHITE**, in the Yale Journal of Law & the Humanities and the chapter "The Work of the American Law Institute in Historical Context," co-authored with White, in "The American Law Institute: A Centennial History." He also presented "How an Old Tort Became New: The Case of Offensive Battery" at the Clifford Symposium on "New Torts" on June 8.



**PAYVAND AHDOUT** published her paper "Separation-of-Powers Avoidance" in the Yale Law Journal.



**BARBARA E. ARMACOST** was invited to contribute her article, "Racism in Policing: A Theology of Justice," to a

symposium on "Law, Christianity, and Racial Justice: Shaping the Future" that will be published in the Journal of Law and Religion in collaboration with the journal Political Theology. The symposium includes an interdisciplinary group of scholars of law, political theory and thought, theology and religious studies. The jumping off point for the symposium is Martin Luther King Jr.'s monograph, "Where Do We Go From Here: Chaos or Community?" Armacost was also invited to give two lectures at the King Institute for Faith and Culture at King University in Bristol, Tenn., drawing on her current work on Christianity and policing.



**MICHAL BARZUZA** published "The Millennial Corporation: Strong Stakeholders, Weak Managers" in the Stanford Journal of Law, Business, and Finance and "ESG and Private Ordering" in the University of Chicago Business Law Review, both co-authored with Quinn Curtis and Boston University law professor David H. Webber. In 2023, she presented at the Chicago International Scholars Conference, to a faculty workshop at Hebrew University and at the ESG Conference at Tel Aviv University Buchman Faculty of Law. She also presented at the Annual Conference of Empirical Legal Studies at UVA Law, the Berkeley Forum on Governance Conference and a faculty workshop at Duke University. Her work on corporate relocations was featured on Bloomberg Law.

# CITRON ELECTED TO AMERICAN ACADEMY OF ARTS AND SCIENCES

Professor **DANIELLE K. CITRON**, an expert in privacy law who has advanced the idea of intimate privacy as a civil right, was inducted into the American Academy of Arts and Sciences in October.

Founded in 1780 during the American Revolution, the American Academy of Arts and Sciences elects members "who discover and advance knowledge and those who apply knowledge to the problems of society," according to the academy's website. Members join with other experts to produce studies "that inform public policy and advance the public good." Citron is the 11th current



UVA Law faculty member to be elected, and joins a class that includes Lin-Manuel Miranda, Zadie Smith and Ilya Kaminsky.

"I'm so honored to be included alongside our great colleagues who are members." Citron said. "Just to be with them—luminaries all—is really something."

At UVA, Citron is the Jefferson Scholars Foundation Schenck Distinguished Professor in Law and Caddell and Chapman Professor of Law. She is the inaugural director of the school's LawTech Center, which focuses on pressing questions in law and technology, and has been a co-host of the Law School podcast "Common Law." Her latest book, "The Fight for Privacy: Protecting Dignity, Identity, and Love in the Digital Age," is about the "central role that intimate privacy plays in our lives," and the need to protect it. The book was named by Amazon among its top 100 books of 2022.

"Intimate privacy should be treated as a human and civil right because without intimate privacy, we have difficulty developing iden-

ties, enjoying self-respect and social respect, and opening up to others so that we can forge relationships and fall in love," Citron said in an interview about the book.

Citron's scholarship and advocacy have long been recognized nationally and internationally. In 2019, she received a MacArthur Foundation "genius" grant based on her work on cyberstalking and intimate privacy. Citron is the vice president of the Cyber Civil Rights Initiative, a nonprofit devoted to fighting for civil rights and liberties in the digital age founded in 2013 and named after her article "Cyber Civil Rights."

The MacArthur fellow has worked to put her scholarship into action, collaborating with lawmakers, law enforcement and tech companies to combat online abuse and to protect intimate privacy. In recent months she has been involved in efforts to reform Section 230 of the Communications Decency Act. The law was designed to incentivize online companies to self-monitor online abuse and "offensive" material, Citron has noted, but has resulted in immunizing websites that traffic in nonconsensual porn.

Currently, she is an adviser to the dating app Bumble, the music streaming service Spotify, the video-sharing platform TikTok and video-streaming service Twitch. She also serves on Facebook's Non-consensual Imagery Taskforce.

Her numerous media appearances range from HBO's "Last Week Tonight with John Oliver;" to National Public Radio to a TED talk, "How Deepfakes Undermine Truth and Democracy," which has garnered more than 3 million views.

—Mary Wood



**RACHEL BAYEFSKY** presented her piece on judicial institutionalism at the Association of American Law Schools' Jurisprudence Workshop, at a UVA Law faculty workshop and at the University of Arizona constitutional law conference. Her piece on *Dobbs* and stare decisis was published in the Harvard Law Review Forum. She also presented a piece on Article III standing doctrine at the Civil Procedure Workshop and at a conference on federalism.



**DARRYL K. BROWN '90** presented his paper at a Northwestern Pritzker School of Law symposium on "Extraterritorial Enforcement of State Criminal Law" on March 16. The paper will be published in the Journal of Criminal Law and Criminology.



**NAOMI R. CAHN**, who co-directs the Family Law

Center with **GREGG STRAUSS**, spoke about the *Dobbs* decision at the American Pediatrics Society, and at the law schools of several universities, including Seton Hall, American and George Washington, and at the University of North Carolina with her frequent co-author June Carbone. She spoke about her forthcoming paper "Singlehood" at Washington University's Nonmarriage Roundtable, and another forthcoming paper, "The Court's Morality Play: The Punishment Lens, Sex, and Abortion," at the University of Haifa with Carbone. She addressed legal issues with donor identity at the University of Porto and she and Carbone spoke to the Society of Socio-Economics about family law and vulnerability theory, via Zoom. At UVA Law's Shaping Justice conference, she addressed youth health access to gender-affirming care and reproductive justice. Cahn and Strauss spoke at a workshop on prenuptial agreements at the UVA Darden School of Business. Cahn also discussed: digital fertility tracking at an international conference via Zoom; "Gender Equality After CEDAW" at the Indiana University Maurer School of Law; "The Abortion Pill" at the Center for American Progress; "Adolescents and Reproductive Equity" at the Pediatrics Academic Societies; and "Informal Sperm Donation" at the American Society of Law, Medicine & Ethics conference. Her paper "Family Law for the One-Hundred-Year Life," co-authored with Clare Huntington and Elizabeth S. Scott, was published in the Yale Law Journal. The paper argues that family law should address the interests and needs of families across life spans, not just those of younger people. Her paper "The Price of Exit," co-authored with Eleanor Brown and Carbone, was

published in the Washington University Law Review. The paper examines how the cost of exit influences family decision-making. She also co-authored two introductions in the Family Law Review, including "Nonmarital relationships: Introduction" and the introduction to a special issue about dynamic pedagogy and experiential exercises for teaching family and juvenile law. In a column on Jotwell.com titled "Let Kids Be Kids," she reviewed Kristin Henning's "The Rage of Innocence: How America Criminalizes Black Youth." She published "Fertility, Immigration, and Public Support for Parenting" with Brown and Carbone in the Fordham Law Review and "Nonmarital Cohabitants: The US Approach" with Barbara Atwood in the Houston Journal of International Law. Cahn also wrote a number of shorter pieces for *The Conversation*, *Bloomberg Law* and other media outlets.



**DANIELLE K. CITRON** has written "How to Reform Section 230" for the Boston University Law Review; "Foreword: The Fight for Intimate Privacy" for the European Data Protection Law Review; "FOSTA's Mess" with Quinta Jurecic for the Virginia Journal of Law and Technology; "Intimate Privacy's Protection Enables Free Speech" for the Journal of Free Speech Law; "Spying's Chilling of Student Expression" for the Stanford Law Review; "Data Privacy: Everything Old Is New" for the Boston University Law Review;

"The Continued Invisibility of Cyber Harassment" for the Yale Law Journal Forum, "Intimate Privacy in a Post-Roe World" for the Florida Law Review; and the chapter "Intimate Image Abuse: Intimate Privacy Violation" for "The Criminalization of Intimate Image Abuse."

She delivered a keynote address at the U.S. State Department on Aug. 2; delivered a keynote on "Deepfake Sex Videos and the Challenge for Intimate Privacy" at Twitch on July 18; and spoke at the White House Convening with State Lawmakers to Discuss Non-Consensual Intimate Imagery and Online Harassment, sponsored by the White House Gender Policy Council on April 26. Citron also spoke at the Knight First Amendment Institute, The 19th Summit, the Industrial Technology Research Institute of Taiwan and the International Association of Privacy Professionals Global Privacy Summit. She spoke to the IAPP's Trevor Hughes via LinkedIn Live and was a panelist for "Getting a Clerkship," sponsored by the UVA Law chapter of the American Constitution Society for Law and Policy. She spoke about her book "The Fight for Privacy" for TikTok's World Privacy Month, and at Fordham University School of Law's Center on Information Law and Policy, Penn State University and at FlyLeaf Book Store in Chapel Hill, N.C. At UVA Law, she moderated a conversation with Mutale Nkonde about artificial intelligence and equality, a virtual conversation with Chris Gilliard on "Luxury Surveillance" and the panel "Privacy in a Post-Dobbs World." She is working with U.S. Rep. Jake Auchincloss on a bill based on her article "How to Fix Section 230." She appeared in the Hulu series "Ashley Madison Diaries," released July 7.



**GEORGE M. COHEN** gave an ethics presentation on "The Controversy Over Rule 8.4(g)" at the Law School as part of Alumni Weekend on May 12.



**ASHLEY DEEKS** and **ANDREW HAYASHI** published an article, "Tax Sanctions and the Russia-Ukraine Conflict" which will appear in a symposium volume of the University of North Carolina's Journal of International Law. Deeks published an essay, "National Security AI and the Hurdles to International Regulation," as part of Lawfare's "The Digital Social Contract" series. She also appeared on a Lawfare podcast about the paper and presented it to audiences at Georgetown Law School and the U.S. Defense Department. She spoke to the Israeli Defense Forces about her paper on codifying the law of armed conflict into military systems. She gave a talk at the American Law Institute's annual meeting, "The Double Black Box: National Security, AI, and Democratic Accountability." In March, she was invited to Taiwan to give talks about legal perspectives on explainable artificial intelligence at

National Cheng Kung University and on U.S.-China-Taiwan national security issues at National Taiwan University. With **KRISTEN EICHENSEHR**, she co-hosted the UVA-Chicago Foreign Relations Law Roundtable in April, where they presented a co-authored paper about the U.S. technological cold war with China.



**KRISTEN EICHENSEHR** published "National Security Creep in Corporate Transactions," co-authored with **CATHY HWANG**, in the Columbia Law Review. She presented the paper at colloquia at the Georgetown University Law Center and New York University School of Law, and at a workshop on the concept of security in international law hosted by the American Society of International Law Legal Theory Interest Group and Temple Law School. She published a blog post on the article for the Harvard Law School Forum on Corporate Governance and discussed the article with Hwang on the Business Scholarship Podcast. She co-convened two conferences at UVA: "Regulating Conflict and Competition: The Economic Levers of National Security" (and moderated a panel at the same conference on regulating cross-border technology and data flow) and the Virginia-Chicago Foreign Relations Law Roundtable on foreign relations law and the management of international conflict. She was also a member of the discussion panel on sanctions and security.

Eichensehr gave a keynote address, "Resilience in a World of Multifaceted Threats," at the Seventh Annual North American Environment, Energy and Natural Resources Conference, "Increasing Risks to Energy Security: Taking on Political, Climatic, and Criminal Risks to North American Energy Supply," at the University of Houston Law Center. She moderated a discussion about cybersecurity's role in conflicts at the Virginia Journal of International Law symposium, "China vs. Taiwan: Using Current Conflicts to Predict the Future." She discussed "Gloss and Congressional Power" at the Historical Gloss and Foreign Affairs Book Conference (on a forthcoming book by Curtis Bradley) at the University of Chicago Law School.



**AMANDA FROST** published an essay, "The Rise of Reparative Citizenship," in the peer-reviewed journal Citizenship Studies in the fall. She published the essay "Everyone Born in the United States is a Citizen. Here's Why" in The Washington Post's Made by History section on March 28. She published a review of Adam Goodman's book "The Deportation Machine" in the Federal History Journal last spring. She published an op-ed, "Clarence Thomas Keeps Undermining the Courts. The Other Justices Could Stop Him," in Slate on Dec. 5. She was a guest on two episodes of NPR's "Throughline" podcast, "The Myth of Whiteness" in February and "By Acci-

dent of Birth," in June. She participated in a panel in San Francisco's Chinatown hosted by the Chinese Benevolent Association celebrating the 125th anniversary of the Supreme Court's decision in *United States v. Wong Kim Ark* establishing birthright citizenship. She testified before the Senate Judiciary Committee on May 2 on Congress' power to regulate Supreme Court ethical standards. She was a panelist at the Fifth Circuit's annual conference discussing nationwide injunctions in May. She also sat on the panel "New Directions in Migration and Citizenship" at the Organization of American History Annual Conference in Los Angeles on March 30.



**MICHAEL D. GILBERT** continues to serve as vice dean of the Law School. He presented research at the American Law and Economics Association annual meeting, the ComplianceNet Conference, Peking University Law School and the Max Planck Institute for Research on Collective Goods. He also presented at the Congreso Internacional de Regulación y Consumo, which was organized by the Universidad Autónoma de Chile. He participated in symposia on social media and democracy at UVA and on judicial decision-making at Washington University. His paper "Truth Bounties: A Market Solution to Fake News," co-authored with Professor Yonathan Arbel at the University of Alabama, is forthcoming in the North Carolina Law Review.



**RISA GOLUBOFF** published "Charlottesville" as Legal History" in the Journal of American Constitutional History, based on the plenary lecture she gave at the American Society for Legal History's Annual Meeting in 2022. She became inaugural senior editor of the Journal of American Constitutional History and chair of the Karsh Institute Advisory Board in October. She delivered the luncheon keynote "An Eloquence of Lawyers: Free Expression and the Legal Profession" to the Charlottesville-Albemarle Bar Association in March.



**RACHEL HARMON** published "Law and Orders" in the Columbia Law Review. The article argues that although coercive policing is carried out mostly by commands, commands are both underregulated and misunderstood. Long-standing law dictates that officers cannot usually stop or arrest people without commands or use force against them unless the officers first issue commands that are not followed. Yet police departments have no policies on commands, officers receive little training about them,

and courts inadequately scrutinize whether commands are authorized and given appropriately. The article offers initial answers to critical legal questions about commands and suggests ways legislative and departmental action could clarify, extend and enforce appropriate limits on police command authority.

She presented "Law and Orders" in faculty workshops at Northwestern University Law School in April and the University of Pennsylvania Law School in March. She published the book chapter "Evidence-Based Policing and the Law: The American Perspective" in the book "The Future of Evidence-Based Policing," published by Cambridge University Press. Her chapter argues that law and research on policing influence each other in ways that shape evidence-based policing strategies, and it suggests ways researchers could improve both policing and the law by considering the needs of courts and legislatures as well as police executives as they contemplate and communicate future research. She gave an interview on police commands and coercion to "TalksOnLaw" in March and served as panelist for an American Philosophical Association webinar on policing, policy and ethics in April. She is working on the second edition of her casebook, "The Law of the Police," due out from Aspen Publishing in early 2024.



**ANDREW HAYASHI** published "The End and the

# FACULTY HONORS IN BRIEF



Schauer

## SCHAUER WINS SCRIBES BOOK AWARD

Professor **FREDERICK SCHAUER** won the 2023 Scribes Book Award for “The Proof: Uses of Evidence in Law, Politics, and Everything Else.”

Scribes presents the award for the best work of legal scholarship published during the previous year, and the book award committee receives upwards of 50 nominees each year. Professor **G. EDWARD WHITE** won in 1994 for “Justice Oliver Wendell Holmes: Law and the Inner Self,” and Professor Emeritus **DOUGLAS LAYCOCK** won in 1991 for “The Death of the Irreparable Injury Rule.” Past winners also include Erwin Chemerinsky, Lawrence M. Friedman, E. Barrett Prettyman Jr. ’93 and Laurence H. Tribe.

Schauer’s book explores the use of evidence in courts but also in areas ranging from medicine to art to history and beyond, and explains what kinds of evidence matter in different contexts.

Schauer is a David and Mary Harrison Distinguished Professor of Law. He is a world-renowned expert in the areas of constitutional law, evidence, legal reasoning, freedom of speech, and jurisprudence and the philosophy of law. His expertise has been demonstrated in hundreds of books, book chapters, articles, essays, classes and personal appearances.



Le



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## 5 PROFESSORS JOIN ALI PROJECTS

Five professors have recently joined American Law Institute projects. **CHINH Q. LE '00** is an adviser with Principles of the Law, High-Volume Civil Adjudication. Professors **ASHLEY S. DEEKS**, **KRISTEN EICHENSEHR** and **PAUL B. STEPHAN '77** are advisers and **PIERRE-HUGUES VERDIER** is part of the Members Consultative Group with Restatement of the Law Fourth, The Foreign Relations Law of the United States. The former will address the adjudication of high-volume, high-stakes, low-dollar-value civil claims, and the latter will address topics not already covered by the first iteration of that Restatement, which were treaties, jurisdiction and sovereign immunity.

Le is a visiting professor of practice at the Law School and formerly served as legal director of the Legal Aid Society of the District of Columbia. Deeks is the Class of 1948 Professor of Scholarly Research in Law and a senior fellow at UVA’s Miller Center of Public Affairs. Eichensehr directs the National Security Law Center and is a senior fellow at the Miller Center. Stephan is the John C. Jeffries, Jr., Distinguished Professor of Law; the David H. Ibbeken ’71 Research Professor of Law; and a senior fellow at the Miller Center. Verdier is the author of the book “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance.”

## LIVERMORE VISITS PARIS FOR FELLOWSHIP FOCUSED ON FUTURE

Professor **MICHAEL A. LIVERMORE** will be in Paris this school year through a fellowship dedicated to addressing looming global challenges.

Livermore, who teaches courses on environmental law, regulation, and law and technology, will study legal, ethical and political responses to human interactions with the environment and with artificial intelligence, as the Major Changes Chair, hosted by Sorbonne University and the Paris Institute for Advanced Study.

Livermore is a public member of the Administrative Conference of the United States, and author or editor of four books, most recently “Reviving Rationality: Saving Cost-Benefit Analysis for the Sake of the Environment and Our Health.” He recently served as director of the Law School’s Program on Law, Communities and the Environment, or PLACE.



Livermore



Abraham



White



Cahn



Ware

## PROFESSORS CONTRIBUTE TO ALI HISTORY

Four professors contributed to “The American Law Institute: A Centennial History,” published in April by Oxford University Press. Marking the organization’s 100th year, the collection of essays provides original perspectives on both the ALI and its relevance for American law. Professors **KENNETH S. ABRAHAM** and **G. EDWARD WHITE '05** wrote “The Work of the American Law Institute in Historical Context,” Professor **NAOMI R. CAHN** co-wrote “The Restatement of Trusts—Revisited,” and Professor **FREDERICK SCHAUER** wrote “The Restatements as Law.”

They are among 34 members of the faculty affiliated with the institute.

## PROFESSORS SERVE AS KARSH FELLOWS

Professors **NAOMI R. CAHN** and **SARAH STEWART WARE** were named 2023-24 fellows with the UVA Karsh Institute for Democracy. The fellowship’s theme is “Is the Good Life Political? Civic Engagement, Ethics, and Student Well-Being.” Cahn and Ware’s project will explore how rhetoric used in judicial opinions and other legal writing affects broader civic engagement.

Cahn is the Justice Anthony M. Kennedy Distinguished Professor of Law and Armistead M. Dobie Professor of Law, and co-directs the Family Law Center. Ware co-directs the Legal Research and Writing Program.

—Mike Fox

Beginning of Animus” in the Alabama Law Review; “Charitable Giving and Civic Engagement” in the Illinois Law Review; “Tax Enforcement and Redistributive Politics in the Florida Tax Review”; “Tax Sanctions and the Russia/Ukraine Conflict,” co-authored with **ASHLEY DEEKS**, in the North Carolina Journal of International Law; and “Taxing Digital Platforms in the Virginia Journal of Law and Technology.” His paper “Law for Angels and Empaths,” co-authored with **MICHAEL GILBERT**, was presented at the American Law and Economics Association annual meeting. Hayashi also participated in conferences at Oxford University and Columbia Law School and served on the Program Committee for the ALEA annual meeting.



**DEBORAH HELLMAN** presented her work at several places in the past few months, including giving a lecture for the University of Florida’s Philosophy and AI Lecture series on April 7, presenting her paper “Discrimination by Proxy” at the University of Chicago Constitutional Law Workshop series May 1 and at the Yale Law School’s Legal Theory Workshop on Sept. 28. In addition, she presented her work and taught in Northeastern University’s summer training program to expand the artificial intelligence and data ethics research community, which was run through Northeastern’s philosophy department. Hellman also published “Big Data and

Compounding Injustice” in the Journal of Moral Philosophy.



**A. E. DICK HOWARD '61** organized and moderated a plenary session on “The Supreme Court from Warren to Roberts” at the Virginia Bar Association’s annual meeting at The Homestead. Joining Howard as panelists were retired U.S. Judge **J. MICHAEL LUTTIG '81**, Judge **TOBY HEYTENS '00** of the Fourth U.S. Circuit Court of Appeals, and William and Mary Law School professor **KATHERINE MIMS CROCKER '12**. Each panelist had clerked for a Supreme Court justice: Howard for Hugo Black, Luttig for Warren Burger, Heytens for Ruth Bader Ginsburg and Crocker for Antonin Scalia.

Howard delivered the keynote address at the statewide meeting in Charlottesville of participants in the program “We the People: The Citizen and the Constitution.” Begun in 1987 and administered by the Center for Civic Education, “We the People” sponsors state and national competitions on the history and principles of U.S. constitutional government.

When Virginia’s judges met at their annual judicial conference in Roanoke, Howard spoke on the history of the commonwealth’s Constitution, with special attention to the question of “Who Belongs”—how Virginia’s Constitution shapes participation in the political community. In Williamsburg, Howard gave the keynote talk at the annual

statewide meeting of Virginia’s League of Women Voters. Emphasizing threats to the right to vote, both in Virginia and in the nation, Howard argued for amending Virginia’s Constitution to make it easier to restore voting rights to former felons. Under the auspices of the Sorensen Institute for Political Leadership and the Karsh Institute of Democracy in Charlottesville, Howard spoke on Virginia’s constitutional history to students enrolled in the 22nd Century Scholars program.

For a projected history of the Law School, Howard submitted an essay on how constitutional law was taught and understood at the Law School in the years between the promulgation of Virginia’s 1902 Constitution and the adoption of the 1971 Constitution. In his essay, Howard traces the role of the Law School and its graduates in reinforcing notions of white supremacy in the years after Reconstruction and, by contrast, the positive role UVA and its graduates played in the shaping and adoption of the more progressive 1971 Constitution.



**CATHY HWANG** gave a talk on the role of regulation in corporate governance at the Securities and Exchange Commission Divisions of Investment Management’s Conference. “National Security Creep in Corporate Transactions,” co-authored with **KRISTEN EICHENSEHR**, was published in the Columbia Law Review and presented at the University of Pennsylvania Carey Law School

and as a spotlight paper at the Winter Deals Conference in Park City in March. She presented “The Limits of Governance,” co-authored with Emily Winston of the University of South Carolina, at the Berle Symposium at the University of Southern California. She presented “Nonparty Interests in Contract Law” to the University of Pennsylvania Law Review in March. She presented “The Lost Promise of Private Ordering” at a Cardozo Law School faculty workshop in March. Her chapter “National Security Implications of Corporate Transactions,” co-authored with Steven Davidoff Solomon of the University of California, Berkeley, will be published in the Oxford Handbook of Governance.



With students in the Environmental Law and Community Engagement Clinic, **CALE JAFFE '01** represented the Idaho Conservation League as an amicus curie in *Sackett v. Environmental Protection Agency*, a major Clean Water Act case the U.S. Supreme Court heard last term. Jaffe, who had written in support of the Environmental Protection Agency’s position, broke down the Supreme Court’s summer ruling in an article to be published in the Environmental Law Institute’s Environmental Law Reporter in October. He also discussed *Sackett* as a featured guest on the “Hot-house Earth” podcast and wrote an op-ed for The Roanoke Times about the case.

# HWANG'S SCHOLARSHIP AMONG 10 BEST CORPORATE LAW ARTICLES OF THE YEAR

Professor **CATHY HWANG'S** paper showing that most empirical corporate governance scholarship is based on bad data has been named one of the top 10 corporate and securities law articles of 2022.

In a poll conducted for Corporate Practice Commentator, Hwang's fellow academics voted the paper "Cleaning Corporate Governance" as one of the top 10 among more than 400 entries. The paper, published in the University of Pennsylvania Law Review, is co-authored by law professors Jens Frankenreiter of Washington University in St. Louis, Yaron Nili of the University of Wisconsin and Eric L. Talley of Columbia University. With data gathered by dozens of law students and scholars, the paper makes available its collection of three decades' worth of corporate charters for thousands of public companies.

By examining the new dataset, the team found that scholars' reliance on a preexisting set of corporate governance data had been misplaced. "We demonstrate that several of the most heavily relied upon datasets suffer from inaccuracies so extensive as to call into question some of the landmark insights in the field" of empirical corporate governance research, the authors write in their introduction.

The new database, the CCG dataset, offers a clearer picture of the power dynamics that control corporations and what that might imply in terms of profit potential, valuation and long-term prospects, among other business factors, according to Hwang.

"There are so many questions that arise out of this," Hwang said in a Q&A. "One that's really interesting to me is the role of stakeholders in the firm. Existing datasets have focused on shareholder governance, but using CCG, a researcher could figure out a way to measure stakeholder involvement and test whether it impacts factors like investment return."

The authors' initial analysis of that question found that it doesn't—at least not directly—and their finding upends scholars' longstanding faith in the ubiquitous corporate governance index, dubbed the "G-Index."

Corporate Practice Commentator is a set of journals featuring articles written on all aspects of corporate law. The articles poll began in 1994. Past polls have also recognized Professors **MICHAL BARZUZA**, **QUINN CURTIS**, **GEORGE S. GEIS**, **EDMUND W. KITCH** and **PAUL G. MAHONEY**.

Hwang, who joined the law faculty in 2020, is the Barron F. Black Research Professor of Law. Her research and teaching focus on business law, including mergers and acquisitions, corporate contracts and corporate governance. She has also been a co-host of the Law School podcast "Common Law" with Dean **RISA GOLUBOFF**.

Hwang was appointed a research member of the European Corporate Governance Institute earlier this year.

The same poll recognized three other papers of Hwang's as among the top 10 in the years they were published: "Shadow Governance" (2021), "Deal Momentum" (2018) and "Unbundled Bargains: Multi-Agreement Dealmaking in Complex Mergers and Acquisitions" (2017).

—Mike Fox



This past June, **MICHAEL A. LIVERMORE** presented new work at a workshop in Segovia, Spain, sponsored by the Journal of Institutional and Theoretical Economics and the Max Planck Institute for Research on Collective Goods, on machine learning and law. In May, he presented research using computational tools to study the discursive influence of the U.S. Supreme Court at a workshop at Vanderbilt Law School held in association with the journal Philosophical Transactions of the Royal Society. Recent guests on his podcast, "Free Range with Mike Livermore," included environmental law professor Richard Lazarus of Harvard University, artist Jenny Kendler, in residence at the Natural Resources Defense Council, and economist Danae Hernandez-Cortes of Arizona State University.



**RUTH MASON** was a panelist with European Commission Vice President Margrethe Vestager discussing tax state aid. With Tsilly Dagan of Oxford University, she co-hosted the conference "Taxation of People: The Next 100 Years" at Worcester

College, Oxford, and featured papers by leading international tax scholars from around the world. She also co-hosted with Dagan the latest installment of Oxford-Virginia Legal Dialogs, featuring the work of Durham University constitutional law scholar Robert Schuetze with commentary by Wirtschaftsuniversität Vienna tax scholar Georg Kofler. She published "Bibb Balancing: Regulatory Mismatches and the Dormant Commerce Clause," co-authored with Michael Knoll of the University of Pennsylvania, in the George Washington Law Review. She published "Tax Competition and State Aid" in the Oxford Yearbook of European Law. She was quoted in The New York Times Magazine on the "California Effect" and the article linked to her forthcoming paper "Bounded Extraterritoriality." Her students placed second in the international tax moot court competition in Belgium. She gave papers at the University of Lausanne, the University of Leeds and the University of Edinburgh.



**JOY MILLIGAN** presented a paper on "Interpreting the Undemocratic Constitution," co-authored with **BERTRALL ROSS**, at the University of Texas Law School faculty colloquium in January; presented a paper on "Resisting Affirmative Action" at the Loyola Constitutional Law Colloquium in November 2022; presented a paper on "The Constitution and Racial Repair: Reconstructing the American State" at the Law

& Society Annual Meeting in Lisbon, Portugal, and moderated a panel there on "The Historical Legacy of Slavery and Discrimination" in July 2022. She presented at an Alabama Law Review symposium in March 2022, which was organized around the demise of the animus doctrine; the resulting article, "Animus and Its Distortion of the Past," was published in the Alabama Law Review. She created a new Law & Inequality colloquium at the Law School with Ross, which they taught during the spring semester, bringing in scholars to speak on current projects relating to various aspects of law and inequality. The fall 2023 visiting speakers work in the fields of financial regulation, immigration, gender and sexuality, disability and more.



**GREGORY MITCHELL** presents new empirical data bearing on the debate over nondisclosure clauses in settlements in his article "Balancing Private and Public Interests in the Disclosure of Sexual Harassment Information," which is forthcoming in the Georgetown Journal of Legal Ethics. Over the summer, Mitchell served as a member of the faculty for the Law School's Roadmap Scholars Initiative, teaching Introduction to the Legal Process, and was a member of the faculty for the Institute of Judicial Administration's 64th New Appellate Judges Seminar at New York University School of Law. Mitchell's IJA panel addressed the topic "Valuing Diverse Experiences and Interrupting Bias."



**JOHN T. MONAHAN** recently co-authored two articles: "Pretrial Risk Assessment, Risk Communication, and Racial Bias" in the journal Criminal Justice and Behavior and "The Predictive Performance of Criminal Risk Assessment Tools Used at Sentencing: Systematic Review of Validation Studies" in the Journal of Criminal Justice. Monahan directs a research project for the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge program on ways to improve pretrial risk assessment. He also serves on the advisory board for Advancing Pretrial Policy & Research, a project supported by Arnold Ventures.



This May, **THOMAS B. NACHBAR** served as a faculty member for the American Bar Association's 2023 Antitrust Law and Economics Institute for Federal Judges, discussing the role of vertical restraints in antitrust law. In July, he expanded on his work at the Federal Executive Institute by teaching a class on the U.S. Constitution for the Department of Defense's Defense Civilian Personnel Advisory Service.

# MASON AWARDED PRESTIGIOUS MAX PLANCK FELLOWSHIP

**RUTH MASON** has been awarded a multiyear fellowship by Germany's Max Planck Society to research problems at the intersection of taxation and social policy. She will be hosted by the Max Planck Institute for Tax Law and Public Finance and the Max Planck Institute for Social Law and Social Policy, which are both located in Munich.

Election as a Max Planck Law Fellow is the highest honor the Max Planck Law network confers on scholars working outside the Max Planck Society, and

Mason is one of just five current law fellows worldwide.

During the fellowship, Mason will spend half of each year in residence at the two institutes in Munich, researching the role of "interstate solidarity" in federations, including taxation, social security systems, and the effect of subsidies and transfers from wealthier states to poorer states.

"The Max Planck Society is one of the most important research institutions in the world, so this is a significant honor," Mason said. "MPI has been on my radar for as long as I've been a tax professor, and I've visited the Institute for Tax Law and Public Finance many times to give talks and to attend conferences. But this fellowship represents a special opportunity for deep collaboration with other scholars and to mentor the brightest up-and-coming doctoral and postdoctoral students."

With the challenges posed by globalization, pandemics, climate change and energy crises, federations—including the United States and Germany, and quasi-federal unions, such as the European Union—face increasing pressure

to maintain social cohesion and economic solidarity. The two MPI directors who nominated Mason saw an opportunity to learn from one another's expertise while exploring the legal puzzles inherent in these social problems.

Professor Wolfgang Schön, director of the MPI Tax Law and Public Finance Institute, nominated Mason for the fellowship, along with Professor Ulrich Becker, director of the MPI for Social Law and Social Policy.

An internationally recognized scholar, Mason lectures around the world and has been a visiting professor at several institutions, including Yale Law School, the University of Paris (Panthéon-Sorbonne), Vienna University of Economics and Business, and the International Bureau of Fiscal Documentation. She also has served as national reporter for the United States to the International Fiscal Association and is a member of the American Law Institute.

Mason's research focuses on federalism, tax discrimination and cross-border taxation. Her work on comparative fiscal federalism has been cited by the U.S. Supreme Court and in the opinion of an advocate general of the Court of Justice of the European Union.

At UVA, Mason is the Edwin S. Cohen Distinguished Professor of Law and Taxation and the Class of 1941 Research Professor of Law. She teaches taxation and serves as faculty adviser to UVA's tax moot court team, which has won three international championships. She was named faculty director of the Virginia Center for Tax Law last summer.

—Melissa Castro Wyatt

## BUSINESS ASSOCIATIONS: A Modern Approach

**CATHY HWANG** and Paolo Saguato  
FOUNDATION PRESS

WHEN PROFESSOR CATHY HWANG JOINED THE LAW SCHOOL FACULTY, the former mergers and acquisitions attorney was asked whether she would prefer to teach the specialized corporate law class geared toward aspiring corporate lawyers or the class geared toward the school's generalists.

"I elected to teach the general section because I think business law should be for everybody and everyone should take business law," Hwang said. "Business law is everywhere, but you don't see it until someone shows it to you."

Hwang's goal with teaching—and with her new textbook, "Business Associations: A Modern Approach," available Sept. 18—is to make corporate law visible, accessible and relevant to all.

She curated the book with her co-author, George Mason University law professor Paolo Saguato, over the course of three years. A cadre of research

modern life, and how an understanding of this material will help them achieve their goals and advocate for their clients."

The fresh cases support rather than supplant the traditional *Revlon* and *Caremark*-type cases. "We have all the 'greatest hits' in there," Hwang said. "Students are still going to be able to graduate and when their [firm] partner asks if they've read *Smith v. van Gorkom*, they're going to be able to say 'Yes.'"

As she does in the classroom, Hwang takes a hands-on, student-centered approach to teaching the book materials, based on pedagogical research about what makes learning "stick." At times, that means turning certain lessons into games or role-playing exercises, while the teacher's manual provides laugh lines and Socratic questions for professors who are newer to the material.

"That's something Paolo and I desperately wanted as new professors," Hwang said.

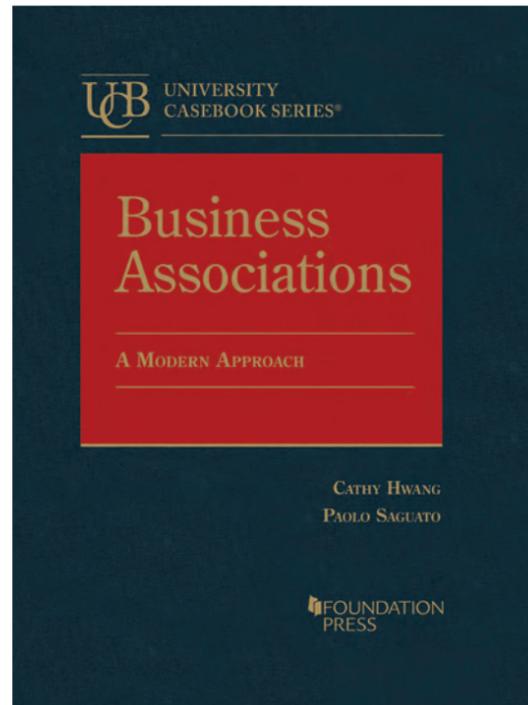
Both Hwang and Saguato also wanted to empower students to engage more deeply with the subject on their own. One way they've done that is by using real cases as inspiration for the end-of-chapter review questions and giving students citations to the cases.

"The answers are usually in the teacher's manual. So if your professor doesn't go over the problems, you don't know what the answers are," Hwang said. "Most of our problems in the book are based on real cases and at the end of the problem, there's a footnote so you can just go look up the answer."

Both Hwang and Saguato have earned accolades for their writing and teaching prowess. Four of Hwang's articles have been voted among the top 10 corporate and securities law articles of the year by fellow business law professors, and she has won two major teaching awards since she began teaching in 2016, including the University of Utah's highest teaching award for early career faculty.

Saguato began his academic career as a fellow at New York University School of Law. Before immigrating to the United States in 2016, he served as a fellow at the London School of Economics and Political Science, where he won the LSE Class Teacher Award. He has been shortlisted every year for George Mason University's highest teaching award.

—Melissa Castro Wyatt



assistants helped find the perfect cases to appeal to today's students.

"We asked them to find cases that state the law clearly and that excite you, that you think are interesting," Hwang said. "They would send us briefs with 12 summaries of cases that define, say, agency. Our leading case, for example, is about agency in the context of fair housing."

Other cases tackle corporate concepts through cases involving music licensing deals, migrant workers, bungee-jumping and skiing accidents, diverse parties, Twitter owners, Jay-Z and shareholder suits to force corporate social responsibility.

"Many of our students are Gen Z students who chose to attend law school to make a difference," Hwang said. "These cases will help them see how business and business law impact every aspect of

## RETIREMENT GUARDRAILS: How Proactive Fiduciaries Can Improve Plan Outcomes

**QUINN CURTIS** and Ian Ayres  
CAMBRIDGE UNIVERSITY

WHEN LEFT TO THEIR OWN DEVICES AND A MULTITUDE OF OPTIONS, many workers make poor choices about their retirement accounts. That's why guardrails are needed to keep them on the road to a comfortable future, according to a new book co-authored by Professor Quinn Curtis.

Curtis, an expert on the regulation of mutual funds and retirement accounts, examined his own employer's retirement system to gain insights on investor choices for the book, "Retirement Guardrails: How Proactive Fiduciaries Can Improve Plan Outcomes," co-written with Yale law professor Ian Ayres. The book was published by Cambridge University Press this summer.

Ayres and Quinn argue that too many 401(k) and 403(b) plan sponsors don't know how investors are using their plan menus. By gathering better information about participant choices, and putting in place guardrails against obvious problems, plan sponsors can make it easier for people to save.

"We're trying to think beyond just assembling a menu of reasonable investment options and leaving employees to their own devices," Curtis said. "Plan sponsors have rich information about investment choices. How can they be proactive in using that information to help employees do better?"

The book offers practical reforms, including monitoring portfolios for extreme concentrations in specialty funds, looking for risk profiles inappropriate to investors' ages, and eliminating pitfalls (such as inappropriately high fees) to improve the outcomes of retirement plans for employee-investors and employer-sponsors alike. Funds that frequently appear in problematic portfolios could be subject to guardrails that limit investors' allocations to them, or could generate warnings to investors that they are choosing something unusual.

Ayres and Curtis used data from the UVA retirement plan to demonstrate the guardrail concept. In 2017, the UVA plan streamlined from a menu offering hundreds of investment options to just offering a few dozen. Many of the eliminated funds were highly specialized, expensive or both, and investors in those funds were moved to low-cost target-date funds.

"The UVA plan is actually a really good plan but, when I started a decade ago, it had an enormous menu," Curtis said. "While there

were plenty of good options, there were also lots of ways investors could go wrong. Having the redesigned plan in the data gave us an opportunity to see what happens when the menu is made easier to navigate."

One troubling example they uncovered in their

analysis of the UVA plan was a run on gold, of sorts. Prior to the plan redesign, UVA offered employees the option of investing in a fund that tracked the price of gold. According to the authors, 35% of employees who invested in the gold fund had more than half their money in it, and 11% of the gold-faithful put all their money in it.

"Those investors don't have the cushion that greater diversification, or any diversification, would provide should the price of gold decline," the authors noted in an op-ed they penned for The Wall Street Journal.

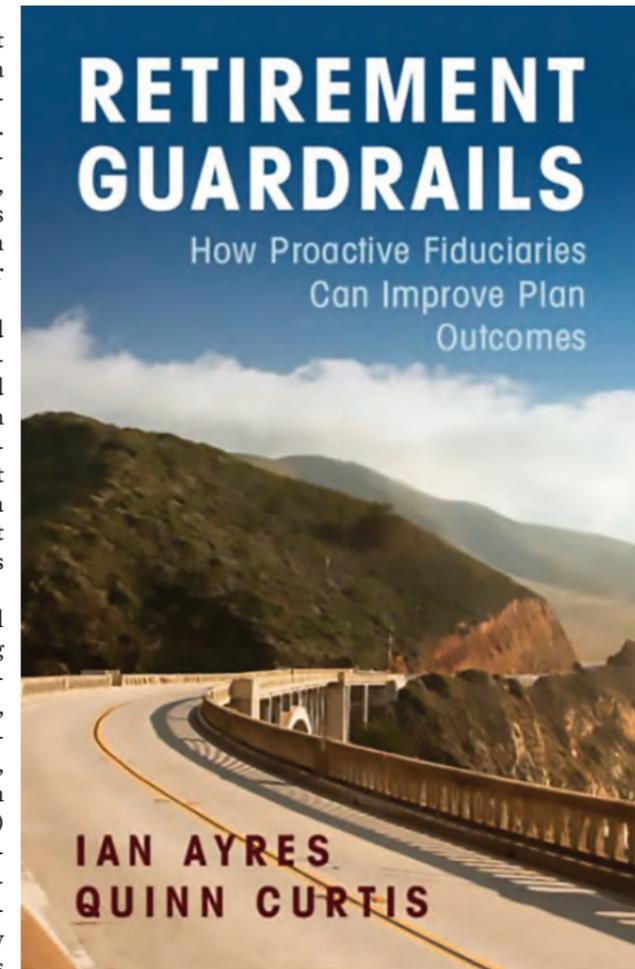
While the redesign eliminated the gold fund, Ayres and Curtis argue that plan sponsors need not be limited to the binary choice of including a risky fund option in the menu or keeping it out.

Ayres and Curtis discuss a variety of potential guardrails, including a set limit on the amount of money that can be invested in certain asset classes and dynamic limits that adjust based on factors such as age and risk tolerance.

"Setting maximum allocations, giving warnings and other 'nudge' type interventions are a way to expand choice while addressing the worst problems that might arise," Curtis said.

Ayres, who teaches at Yale Law School, is a prominent scholar, lawyer and economist who has been a columnist for Forbes magazine, a commentator on public radio's "Marketplace" and a contributor to the New York Times' Freakonomics blog. Ayres is the Oscar M. Ruebhausen Professor at Yale Law School and a professor at Yale's School of Management. Curtis, the Honorable Albert V. Bryan Jr. '50 Research Professor of Law and associate dean for curricular programs, is a charter board member of the Society of Investment Law and a research member of the European Corporate Governance Institute, an international nonprofit focusing on major corporate governance issues.

—Melissa Castro Wyatt



## ORTIZ CONCLUDES 17-YEAR RUN AS DIRECTOR OF SUPREME COURT CLINIC

Professor **DANIEL R. ORTIZ** recently ended his tenure as director of the Supreme Court Litigation Clinic,



concluding a 17-year run.

Launched as a trial class in the spring of 2006, the clinic has argued 18 cases on the merits over the years and won “9½” of those cases, Ortiz said, having received one split decision and one ruled as being improvidently granted.

As new UVA Law professor **XIAO WANG** (see p. 16) becomes director of the clinic, Ortiz will return to teaching classes in administrative law, constitutional law and election law.

“I’ve had a lot of fun, but after 17 years, it’s time for new blood,” Ortiz said. “I’ll be excited to see where Xiao takes it.”

The yearlong clinic offers students the chance to find potential cases to appeal to the Supreme Court, research and write briefs for those cases, and prepare one of the instructors for oral arguments while also preparing any supplemental materials.

“Students really love it—it’s a great way of capping their three

years of work at the law school,” Ortiz said. “They get to go up against some of the best lawyers in the United States, and it’s just a great training ground.”

Of the 36 alumni who went on to Supreme Court clerkships since the clinic began, 22 participated in the clinic. The clinic has also brought back former students, including **MATTHEW M. MADDEN ’07** and **DONALD BURKE ’08**, to teach.

Ortiz said one challenge in running the clinic is ensuring students have work to do, so finding cases is imperative.

“You have to work very hard to find cases that the Supreme Court might be interested in,” he said. “That probably took up more of my time than actually working on the cases once we got them.”

He has argued seven cases himself since he launched the clinic, but the actual argument is the least memorable part, in some ways, Ortiz said.

“When you’re doing oral argument, it passes so fast and you’re just locked in, in the moment,” he said. “I can’t honestly remember much of any one oral argument.”

Over the years, various professors have co-taught the clinic, including **TOBY HEYTENS ’00**, now a U.S. judge on the Fourth Circuit, and UVA President **JIM RYAN ’92** when he was a full-time law professor, but Ortiz has been a consistent presence throughout.

**MARK STANCIL ’95**, an appellate litigator with Willkie, Farr & Gallagher who has co-taught the clinic off and on for 10 years, said Ortiz was “indefatigable” as the course’s leader.

“Dan has unlimited patience for the private practitioners with whom he taught and unbridled enthusiasm for his students,” Stancil said. “He just worked tirelessly to take every opportunity and make the most of the clinic’s cases.”

—Mary Wood



**SAIKRISHNA PRAKASH** presented his draft paper “Spirit” at faculty workshops at the University of San Diego School of Law, Texas A&M University School of Law and UVA Law.



**KIMBERLY JENKINS ROBINSON** was an invited attendee for the National Summit on Equal Opportunity in Higher Education following the Supreme Court affirmative action decision in *Students for Fair Admissions v. Harvard*. She also published comments in *The Conversation* about the decision. She was an invited speaker at the symposium at the Loyola University Chicago Law Journal on the 50th anniversary of *San Antonio Independent School District v. Rodriguez*. She delivered remarks at the Virginia Law Review symposium “50 Years After *San Antonio Independent School District v. Rodriguez*: New and Old Fights for Equity in Public Schools.” She serves as the inaugural director for the Education Rights Institute (see p. 14) and as director of the Center for the Study of Race and Law.



**GEORGE RUTHERGLEN** is working on a short article, “Territoriality and Admiralty,” to correct certain misconceptions that territorial boundaries don’t count in maritime law. He is also working on a book, “Employment Discrimination Law After Affirmative Action,” which takes account of the recent and pending decisions of the Supreme Court in forecasting the future of employment discrimination law.



**FREDERICK SCHAUER** received the 2023 Scribes Book Award for “The Proof: Uses of Evidence in Law, Politics, and Everything Else” as the best work of legal scholarship published in the previous year (see p. 52). He published the following: “Disestablishing the Establishment Clause” in *The Supreme Court Review*, “The Restatements as Law” in the *Centennial History of the American Law Institute*; and “Precedent and Similarity,” co-authored with **BARBARA A. SPELLMAN**, in “Philosophical Foundations of Precedent.” He spoke on “Lon Fuller and the Rule of Law” at a Rutgers Law School conference on the rule of law and on “The Rules of Order” at a University of Southern California Gould School of Law legal

theory workshop. He also spoke on “Judicial Opinions as (Imperfect) Evidence” at a conference on machine learning and the law, organized by the Max Planck Institute for Collective Goods, in Segovia, Spain, with a paper to be published in the *Journal of Institutional and Theoretical Economics*.



**RICHARD C. SCHRAGGER** spoke about “The Supreme Court and Takings Law” at the annual meeting of the International Academic Association on Planning, Law, and Property Rights. He presented his paper “The Perils of Land Use Deregulation” at the Association of American Geographers’ annual conference. He presented his paper “Religious Freedom and Abortion,” co-authored with **MICAH J. SCHWARTZMAN ’05**, to a Nootbaar Institute workshop at the Pepperdine Caruso School of Law. His paper “Do Investors Care About Municipal Debtors’ Access to Bankruptcy? Evidence From Bond Disclosures,” co-authored with **MITU GULATI**, appeared in the *Fordham Urban Law Journal*.



**PAUL B. STEPHAN ’77** taught a special course in public international law at the Hague Academy of International

Law in July and lectured in the Liverpool Summer School, both in Europe. He has made presentations about his book “The World Crisis and International Law: The Knowledge Economy and the Battle for the Future” at George Washington, Chicago, Yale, Duke, Virginia, Oxford and Cambridge law schools as well as the Council on Foreign Relations, the Albuquerque Committee on Foreign Relations, Sandia Laboratory and UVA’s Miller Center. He also has discussed the sanctions regime imposed on Russia as a result of the Russia-Ukraine war for Duke University and City Bar Association of New York. He has published “Rethinking the WTO—An Essay in Honor of Bob Lutz” in the *Southwestern Journal of International Law* and “Marry the Domestic and the International” in the *Virginia Journal of International Law*.



**MEGAN T. STEVENSON** has written “Cause, Effect, and the Structure of the Social World” for the *Boston University Law Review*, “Systemic Failures to Appear in Court” with Lindsay Graef, Sandra Mayson and Aurelie Ouss for the *University of Pennsylvania Law Review* and “The Counterintuitive Consequences of Sex Offender Risk Assessment at Sentencing” with Jennifer L. Doleac for the *University of Toronto Law Journal*. She presented at the Stanford Law and Economics Workshop and a University of Pittsburgh series on prediction and forecasting.

## ROBINSON WINS ALL-UNIVERSITY TEACHING AWARD

Professor **KIMBERLY JENKINS ROBINSON**, a nationally acclaimed education law and policy expert, has been named a recipient of one of this year’s All-University Teaching Awards.

Robinson, a former education policy lawyer at the U.S. Department of Education, has been a member of the Law School faculty since 2019, after teaching at two other law schools.

The graduate of UVA and Harvard Law School said she feels teaching is her “calling.” From the moment she became a professor of law, she took it upon herself to make her students and her teaching skills a priority, attending sessions on pedagogy at conferences and reading about best practices in teaching.

“We’re not trained to teach—we are subject matter experts,” Robinson said. “I teach education law and policy, and believe that it’s my responsibility to make sure they’re with me and they’re understanding the multilayered analysis we’re doing. It’s not just making sure we analyze what the case says, but the rationale, what wasn’t said and the assumptions and research underneath what the court is saying.”

Robinson said she respects teaching and the transmission of knowledge as “a science” and works hard to create an inclusive classroom that draws in all students, including those who are reluctant to voice their opinions and raise questions.

That collaborative and inclusive approach to teaching has set Robinson apart in the minds of her students, and several cite her as the reason they chose to attend law school at the University of Virginia.

“Not only did she communicate material effectively, but she had the highest expectations for her students while giving us the tools necessary to succeed,” **SPENCER HAYDARY ’23** said. “When it was time to write first drafts for her class, she gave each of us individualized feedback and grew my writing more than any professor I have had.”

Robinson is the editor of the book “A Federal Right to Education: Fundamental Questions for Our Democracy” and co-editor, with Harvard law professor Charles Ogletree Jr., of “The Enduring Legacy of Rodriguez: Creating New Pathways to Equal Educational Opportunity.” Her forthcoming book, “The United States of Education: How the Federal Government Can Work with States to Fix Our Struggling Schools,” will be published by the Harvard University Press.

Robinson said she consistently invests in her students inside and outside of the classroom and challenges them to become the people who implement the changes they propose.

“One of the reasons I love teaching at UVA is that I know these students are going to go out and do great things,” Robinson said. “I want to impact their thinking when they’re doing those great things; I want to shape them to understand and engage the world and the law a little bit differently because they were in my class.”

—Melissa Castro Wyatt





## STEVENSON WINS INAUGURAL EPHRAIM PRIZE IN LAW AND ECONOMICS

Professor **MEGAN T. STEVENSON**, an economist and criminal justice scholar, has won the inaugural Donald M. Ephraim Prize in Law and Economics.

Sponsored by the University of Chicago Law School, the award recognizes an early-career scholar in the field of law and economics whose work has advanced the state of knowledge in the field and whose intellectual impact has the potential to reach the legal academy, legal profession and beyond, according to the school.

The prize includes a \$30,000 cash award, and Stevenson will be invited to present research at Chicago in spring and during the 2023-24 academic year. Stevenson will receive the prize at a recognition event in Chicago.

Ephraim said in a statement that he created the prize “to recognize and reward an eminent younger scholar whose promise and potential is likely to significantly impact the field of law and economics.”

“I am exceptionally pleased that our respected selection committee chose Professor Stevenson, a distinguished and extensively published academic, for the inaugural award,” he said.

Stevenson has conducted empirical research in various areas of criminal justice reform, including bail, algorithmic risk assessment, misdemeanors and juvenile justice. She also serves on the American Law and Economics Association board of directors. Her research on bail was cited extensively in a landmark federal civil rights decision, *O’Donnell v. Harris County*, which reformed the bail system in that part of Texas.

In 2022, Stevenson and her team received a \$200,000 grant from the Laura and John Arnold Foundation to study the hidden long-term effects of incarceration. She was the 2019 winner of the Oliver E. Williamson prize for best article, chosen among all articles published in the *Journal of Law, Economics, & Organization* within the previous three years.

—Mike Fox



**MICAH J. SCHWARTZMAN '05** testified before the U.S. House Select Subcommittee on the Coronavirus Pandemic regarding the constitutionality of certain federal, state and local actions during the COVID-19 pandemic. With **RICHARD C. SCHRAGGER**, he published an article, “Religious Freedom and Abortion,” in the *Iowa Law Review* as part of a symposium on the future of religious liberty under the First Amendment. As director of the Karsh Center for Law and Democracy, he sponsored the third annual May Gathering, a symposium that focused this year on social media and democracy, and the 13th Annual Law and Religion Roundtable, which was co-sponsored with Notre Dame’s Program on Church, State & Society. This fall, he is working on an edited volume about religion and discrimination under contract with Oxford University Press.



**PIERRE-HUGUES VERDIER** presented his work in progress on international leadership in law enforcement at the Law School’s faculty workshop and at the American Society of International Law’s Research Forum in Miami. The article will appear in the next volume of

the *Virginia Journal of International Law*. He was also invited to discuss his book, “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance,” as a guest lecturer at Cornell Law School. In March, he presented his article “Sanctions Overcompliance: What, Why, and Does It Matter?” at the North Carolina Journal of International Law’s symposium. The article was subsequently published as part of the journal’s symposium issue. In April, Verdier spoke on a panel organized by UVA’s John W. Glynn Jr. Law & Business Program, and chaired by **CATHY HWANG**, on the collapses of Silicon Valley Bank and Credit Suisse. He reports that he looks forward to his return to teaching Banking and Financial Institutions in 2023-24.



**G. EDWARD WHITE** and **KENNETH S. ABRAHAM** published two articles, “How an Old Tort Became New: The Case of Offensive Battery” in a forthcoming symposium in the *DePaul Law Review* and “The Offensiveness Torts” in a forthcoming issue of *The Journal of Tort Law*. White published “Justice Robert Jackson ‘Arrives’ in Washington” in the July issue of the *Journal of Supreme Court History* and “That Man: Robert Jackson’s Portrait of Franklin D. Roosevelt” in the spring issue of *Green Bag*. He was interviewed on the “New Books” podcast about his book “Law in American History: 1930-2000” in June and on “Viewpoints Radio” about his book “Soccer in American Culture” in July.



# Rounding UP Fellow Legislators

**SOUTH DAKOTA HOUSE LEADER FOCUSES ON BUILDING CONSENSUS**

## Will Mortenson '16

**IN HIS FREE TIME**, Will Mortenson '16 herds cattle. During the work week, as majority leader of the South Dakota House of Representatives, he herds cats.

At age 35, Mortenson is the youngest Republican caucus leader in state history and—as a member of the Cheyenne River Sioux tribe—he is the first Native American to lead the GOP caucus.

**“I TRY TO APPROACH EVERYONE IN A WAY THAT IS RESTRAINED, CORDIAL AND RESPECTFUL.”**

The Republicans have supermajorities in both houses and there is a Republican governor. Legislatively speaking, in other words, Republicans can do anything they want, which would seem to make Mortenson’s job easy.

“You might think so,” he laughed, “but we are a pretty diverse group.”

Much of that diversity comes from geography. Some members’ districts cover thousands of square miles of rural range land. Others represent places such as Sioux Falls, which is home to large meat-packing plants and corporate offices. There are social conservatives, fiscal conservatives and a few libertarians, as well.

“We tend to range from hard right to pretty hard right,” Mortenson acknowledges. “There aren’t a lot of moderates in South Dakota.”

**AS MAJORITY LEADER**, Mortenson does a little bit of everything: helping to set budgetary priorities, leading negotiations with the Senate, dealing with the press, raising money and serving as a liaison with the state’s nine sovereign Indian tribes.

In this year’s session, Mortenson boasts that the legislature enacted the largest tax cut in state history while expanding merit-based scholarships for higher education and approving needed infrastructure projects.

“Generating consensus positions can sometimes be a struggle,” he said, “but that’s the job.”

Mortenson grew up in Fort Pierre, a cow town across the river from the state capital, spending weekends working on his family’s ranch 70 miles to the northwest. After earning his undergraduate degree from the University of South Dakota, he managed the 2010 reelection campaign of Public Utilities Commissioner Dusty Johnson (now



➤ Mortenson introduces articles of impeachment against then-South Dakota Attorney General Jason Ravnsborg on April 12, 2022.

the state’s representative in Congress) and worked as a policy analyst for Gov. Dennis Daugaard.

Mortenson seemed assured a future in South Dakota throughout law school, and he polished his resume as a member of the Virginia Law Review and the Federalist Society. Still, for a little while at least, he entertained the possibility of staying in the East. But after getting married, he realized he wanted to return home.

“It was so liberating, not to be looking at federal clerkships or getting a job in Big Law,” Mortenson said now. “I’m sure my classmates were somewhat confused by what I was doing there, but I wouldn’t change going to UVA for the world.”

He looks back with particular fondness for his Contracts and Family Law classes with Jason Johnston and classes on tax law and Indian law with Michael Doran.

After practicing in Pierre for four years, focusing on agricultural and business law and estate planning, Mortenson was elected to the state house in 2020.

He rose rapidly.

**A SELF-DESCRIBED** “commonsense conservative,” he proved he could rise above partisanship when, as a freshman legislator, he introduced articles of impeachment against Republican Attorney General Jason Ravnsborg, who had killed a pedestrian while talking on his cellphone while driving.



➤ Mortenson rides Mr. Tibbs while working at his family ranch.

“[T]he Attorney General is a member of the same party as me and I know him,” Mortenson said in a statement at the time. “Those facts cannot dissuade me from making this decision. We need to put principle and our people ahead of politics or our party.”

Ravnsborg was impeached by the House and later convicted by the Senate, the first person in state history to be removed from office through impeachment.

**MORTENSON’S WILLINGNESS TO SPEAK OUT** contributed to his election as majority leader last year—and to his role as Cat-Herder-in-Chief. The key to being an effective majority leader, he explained, is to be willing to set aside his own views in order to listen to

his fellow caucus members and understand their needs.

“I try to approach everyone in a way that is restrained, cordial and respectful,” he said.

By law, the South Dakota Legislature meets for only 40 days in odd-numbered years and 35 days in even-numbered years. The rest of the time, Mortenson practices law and works at his family’s cattle ranch. His bio on X, formerly known as Twitter, says, “My heroes have always been cowboys,” and he was in the saddle himself for 11 days last May during the spring roundup.

“I’m a pretty good roper,” Mortenson acknowledged, with a dash of Great Plains modesty.

He communicates with constituents on

X and through a chatty column distributed on the state news service, in which he addresses a wide range of subjects. Last March, he penned an ode to the citizen legislature, which Mortenson believes provides a model for the rest of the country.

“Our nation’s founders had a vision for how the United States was supposed to be governed: by leading citizens from each state taking a few months out of their year to come together and pass a limited set of laws before returning to live under those laws,” he wrote. “We’re just regular South Dakotans who come to the Capitol for nine weeks and do the people’s work.”

—Mark F. Bernstein ’89

**DESCENDANT OF AFGHAN ROYALTY NOW WORKS IN FOREIGN AFFAIRS**



# Fulfilling a Duty to Serve

## Mary Kabir-Seraj Bischoping '19

**AS A GIRL** growing up in Orange County, California, Mary Kabir-Seraj Bischoping '19 heard stories from her parents about their ancestral home in Afghanistan, a country she would never see.

Bischoping, who in May started a job with the U.S. House Committee on Foreign Affairs, is the child of immigrants, but hers is not quite the typical immigrant story. Her father's relatives

**"FOR ME IT WAS AN OPPORTUNITY TO WORK ON THE ISSUES THAT WERE CLOSE TO MY HEART."**

were the ruling monarchs of Afghanistan from 1823 until 1978, the Barakzai Dynasty. Her great-grandmother, Soraya Tarzi, was once queen consort and an early advocate for women's rights in the country. Her grandmother, Latifa Kabir Seraj, was one of the first female journalists in Afghanistan and later worked for the Voice of America.

"Afghanistan's modern history is riven with war and tragedy," Bischoping said, "but that is not the Afghanistan my family grew up in, nor is it the one those of us who have studied the country, and appreciate it, know."

When the Soviet Union invaded Afghanistan in 1979, her family was targeted due to their social and political prominence. Both of her parents were smuggled out, and after finishing their educations in Europe, settled in Southern California, where Bischoping

Her father, however, did return, leaving his job as a civil servant to spend nearly 10 years at Bagram Airfield as a linguist for the U.S. military.

Determined to pursue a career in public affairs, Bischoping took a gap year after high school to study in Germany, which eventually spanned nearly three years as she volunteered for human rights organizations and international publications. She returned to the U.S. and graduated summa cum laude from UCLA in 2016, majoring in political science.

Seeing a commitment to public service—among the faculty as well as the students—is part of what attracted Bischoping to UVA Law. "I had never met students who were so happy in their studies," she said.

Near the end of her first year, she met her

"It felt like everything crumbled around me," Bischoping said. "I saw pictures of children clinging onto planes looking for the very freedoms that I was given by accident of birth, and I felt like I had to do something."

An opportunity presented itself at the end of her clerkship, when she learned about an opening at the State Department, in the Office of the Legal Adviser. With the help of recommendations from former Dean Paul G. Mahoney and Professors Paul B. Stephan '77 and Ashley Deeks, Bischoping got the job. From October 2022 until May 2023, she handled a variety of tasks, including prepping senior staff for litigation, taking and defending depositions, and working on issues concerning local staff at U.S. embassies and consulates.

"For me it was an opportunity to work on the issues that were close to my heart," Bischoping said.

After Republicans regained control of the U.S. House of Representatives after last November's elections, Bischoping welcomed the opportunity to work for the Committee on Foreign Affairs, which is investigating the details of the U.S. withdrawal from Afghanistan. In October, Bischoping was appointed to lead the investigation. Although the committee has been highly criti-

cal of the Biden administration, Bischoping said she sees no tension between her new job and her work at the State Department, and in fact says her former colleagues encouraged her to take the job.

"I grew up with a deep appreciation for how unique American institutions are, and the constant questioning of ourselves," Bischoping reasoned. "To me, irrespective of whether it's this administration or another, it's the United States. We're one country and we're trying to achieve the best possible outcome."

—Mark F. Bernstein '89



► The Seraj royal family, pictured in Afghanistan in the 1920s.



► Bischoping celebrates her wedding at a Yale Club reception in New York with her mother, Nahid Yakoub Seraj; her father, Habib Kabir Seraj; and her sister, Sophia Kabir Seraj.

was born. Unsure when they might be able to return to their home country, Bischoping's parents kept up her Afghan cultural studies. She did not speak English until she was 5 years old but instead spoke only Dari, an Afghan dialect of Farsi. But as time passed, her family knew their dream would not be realized.

"My parents knew that unless something changed dramatically, there was little chance of me seeing the country they grew up in," Bischoping recalled. "We grew up talking about the Cold War, its impact, and the importance of democratic institutions and all the privileges that come with them."

future husband, a law student at the University of Pennsylvania, at a North Grounds Softball League invitational.

Bischoping spent the first two years after graduation in private practice in New York, then clerked for Judge Kent Jordan on the U.S. Court of Appeals for the Third Circuit. (Her husband previously clerked for Jordan, as well.) Her clerkship began, however, just about the time of the U.S. withdrawal from Afghanistan in 2021. The withdrawal had a visceral impact on Bischoping, whose father had only recently returned home after a decade spent supporting the U.S. mission.

**ALABAMA  
ATTORNEY  
HELPS ATHLETES  
NAVIGATE  
THORNY  
LEGAL  
ISSUES**

# A One-Man Sports Group

**Donald Jackson '90**

**"MY FAMILY LOVES ME,  
MY CLIENTS RESPECT ME,  
AND MY DOG WON'T BITE ME AS LONG AS I BUY HIM THE RIGHT DOG FOOD.  
EVERYTHING ELSE IS SECONDARY."**

**UVA BASKETBALL FANS** might owe Law School graduate Don Jackson '90 a special debt of gratitude. Without Jackson, there would have been no buzzer-beating shot by forward Mamadi Diakite to send the Hoos to the Final Four and eventually win an NCAA championship in 2019. When Diakite, who hails from Guinea, struggled to gain NCAA eligibility, he hired Jackson.

Over the past four decades, hundreds of professional, collegiate and amateur athletes, both in the U.S. and around the world, have hired Jackson to represent them in whatever sort of dispute they happened to be having, from NCAA compliance issues to contracts, family law matters and beyond. When University of Memphis basketball coach Penny Hardaway was accused of recruiting violations, he hired Jackson. When Howard University lacrosse player Taylor Matthews was kicked off the team in the spring after accusing her coach of not supporting her mental health, she hired Jackson.

"My practice is sports-based," Jackson said, "but it's not entirely sports."

**JACKSON'S FIRM**, based in Montgomery, Alabama, is called The Sports Group, but to call it a firm is something of a misnomer. Right now, it's just him. One advantage, though, to being as prominent and successful as Jackson has been is that it's less important to advertise. Many of his clients now come by word of mouth. In fact, Jackson's office has no name on the door or in the building's directory.

Jackson's hours are also unconventional. His day usually begins at 1 a.m.; he takes a workout break at 4 a.m. and closes shop by mid-afternoon. That comes with the job when your clients are in places like South America, Africa and Asia.

"Quite often, I'll have to get local counsel in these places, because I need someone on the ground who I've worked with," he explained. "You're going to have to collect a lot of information that will require a lot of legwork."

In the early days, that meant Jackson spent a lot of time on the road too, but much less so in recent years.

"I've got an aversion to travel," he admitted. "It was enjoyable early on and not so enjoyable now."

He makes an exception for trips to England

MICHAEL LARSON



▶ Jackson played baseball at Alabama State University.

to visit his son Theo, who earned his undergraduate and master's degrees there and is now an intern with the English Premier League's Burnley Football Club.

**HE HAS A REPUTATION** for tenacity and bluntness in representing players—including one he legally adopted. Ousmane Cisse, born in Mali, moved to Alabama under Jackson's guardianship and was drafted out of high school by the NBA's Denver Nuggets in 2001. (Cisse played for several years in Israel, Cyprus and France, and even had a stint with the Harlem Globetrotters.)

UVA men's basketball coach Tony Bennett—who can thank Jackson for getting Diakite on the court—said of Jackson, "I think everyone in college sports has used his expertise. He's excellent at what he does and has helped so many people."

Sonny Vaccaro, former head of Nike, calls him "a defender of the downtrodden"—despite Jackson's clients being on the opposite side of many an endorsement deal with Vaccaro.

## "I THINK **EVERYONE** IN COLLEGE SPORTS HAS USED **HIS EXPERTISE.**"

—UVA MEN'S BASKETBALL COACH **TONY BENNETT**

Jackson enjoys the accolades but does not let them go to his head. As he told a reporter for the Montgomery Advertiser in 2020, "My family loves me, my clients respect me, and my dog won't bite me as long as I buy him the right dog food. Everything else is secondary."

**JACKSON'S EXPERIENCES** with collegiate sports began as a player. After being recruited by multiple colleges as a basketball player, he ended up playing baseball at Alabama State University and was a Rhodes Scholarship candidate. Still, he insists that he never considered a career in sports—as an athlete or an attorney—when he entered law school at UVA. He lived on the Range his third year and cites his Torts professor, Saul Levmore, and former UVA President Robert O'Neil as favorites.

Jackson still brushes up on tort law by listening to Levmore's current University of Chicago lectures online. And as much as he enjoyed O'Neil's commercial law classes, Jackson said the professor's influence was greater outside the classroom.

"He knew I was from Alabama and that my intention was to return there," Jackson said, "but he challenged me in a strictly intellectual way to not limit myself to a particular type of practice area."

After graduation, Jackson did indeed return to Montgomery, where he worked in corporate tax and municipal finance work for a small firm. Try as he might to put sports in his rearview mirror, his connections kept creeping back up on him. Two years out of law school, he represented players in the 1992 MLB and NFL drafts. Shortly afterwards, Jackson went into practice for himself, mixing sports work with other types of commercial law. By the end of that decade, his practice became entirely sports-based.

**IN THE TWO DECADES** since, Jackson has represented numerous current and former professional and college athletes from the U.S. and overseas, including two Olympic athletes. He also represents coaches and the occasional team or athletic organization.

From 1990 to 2014, Jackson volunteered as a baseball, soccer and basketball coach at four different high schools, and he's taught sports law at Samford University's Cumberland School of Law since 2012. (When your day starts at 1 a.m., you can fit a lot in.) During the 2021-22 academic year, Jackson was named Cumberland's Adjunct Professor of the Year.

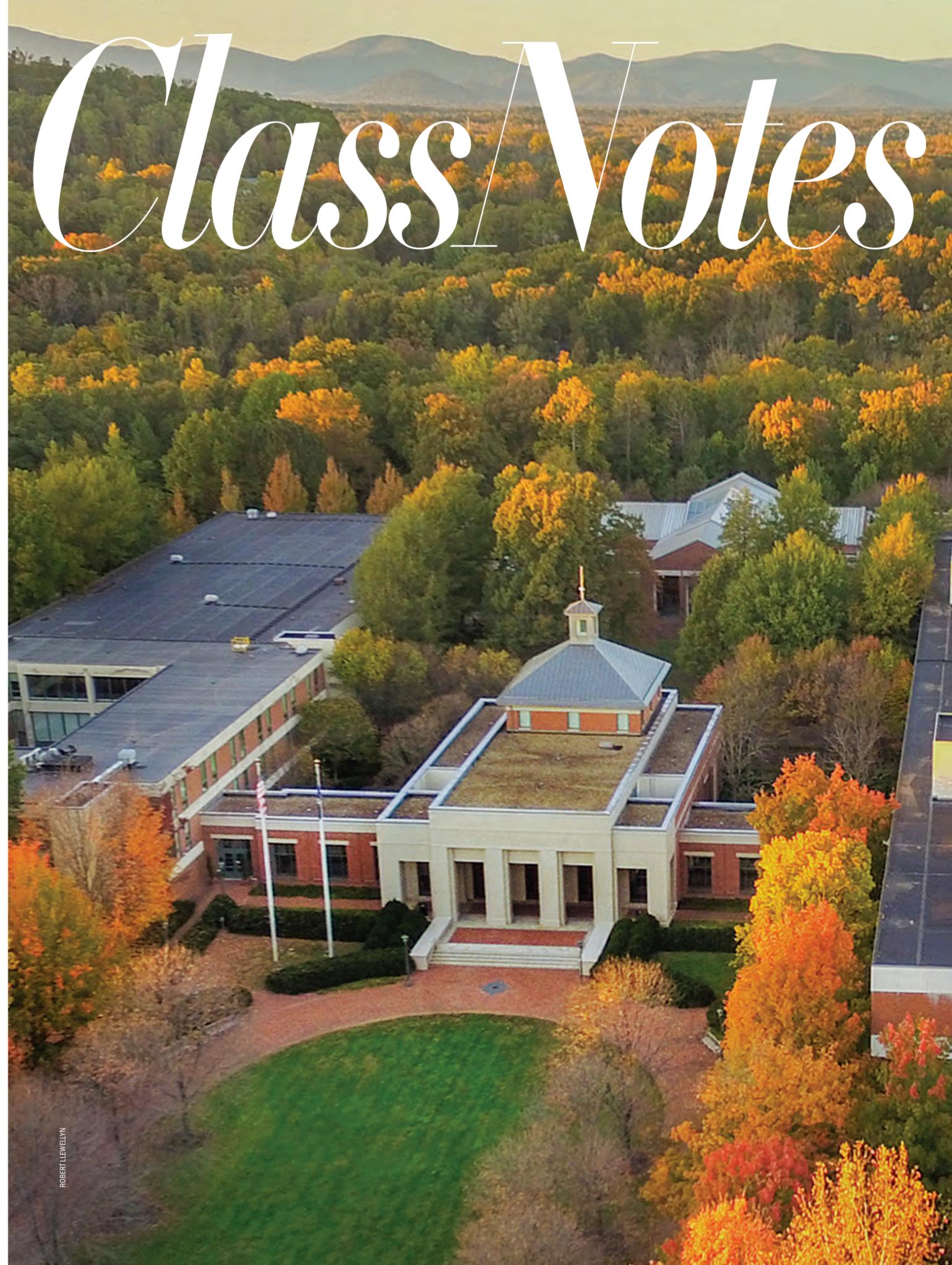
Living in the heart of the state, Jackson is trapped between rabid Alabama and Auburn fans, but insists that he is still "an ACC guy." He also acknowledged that working in the field for so long has sapped his interest in rooting for collegiate or professional sports. When he wants to relax, Jackson said he might tune into a UVA lacrosse or Premiere League soccer match, but otherwise, "The fan side of it left for me a long time ago."

Perhaps that is an inescapable casualty of seeing the darker side of the sports industry, but Jackson treats it as an aspirational outcome.

"I tell the law students I teach that my goal is that my class will change the way that they think," he says. "And that, from then on, when they go to games, they won't be watching with a fan's hat on. They'll be trying to pick out antitrust violations."

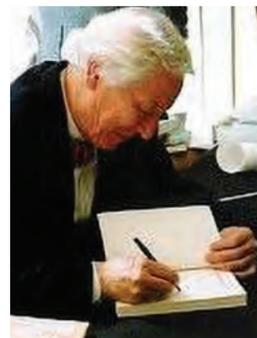
—Mark F. Bernstein '89

# Class Notes



ROBERT LEWELYN

1953



**GEORGE W. MARTIN**, 97, died in Kennett Square, Pa., on June 8. A historian and writer, Martin wrote “The Opera Companion: A Guide for the Casual Operagoer” and 11 other books about opera, Giuseppe Verdi and an eclectic array of other historical subjects. In 2005, he received the Supreme Court Historical Society’s Erwin N. Griswold Book Prize for his biography of a prominent New York lawyer and reform leader, titled “CCB, The Life and Century of Charles C. Burlingham, New York’s First Citizen, 1858-1959.”

Martin’s family shared that he was beloved for his erudition, wit and charm. He was born in New York in 1926 to George Whitney Martin Sr., a lawyer, and Agnes Wharton Hutchinson Martin. He graduated from Groton School, Harvard College and UVA Law. He practiced law for five years but then turned to writing as his life’s vocation.

“The Opera Companion,” published in 1961, became a standard reference and was reprinted in four more editions through 2008. It was followed by “Twentieth Century Opera: A Guide” in 1999 and “Opera at the Bandstand” in 2014.

Martin’s four books and numerous articles about Verdi were notable for including historical context and filling some previously unstudied niches in Verdi scholarship. “Verdi: His Music, Life and Times” was published in 1963 and “Aspects of Verdi,” a col-

lection of essays, in 1988. His “Verdi at the Golden Gate: Opera and San Francisco in the Gold Rush Years” (1993) and “Verdi in America, Oberto through Rigoletto” (2011) described the public’s reception of Verdi operas in various American cities.

His interest in Verdi’s sympathy for the Risorgimento led to a historical study: “The Red Shirt and the Cross of Savoy, the Story of Italy’s Risorgimento” (1969). He was also a collector of Verdi papers and in 1992 donated 350 Verdi scores and librettos to the Pierpont Morgan Library.

Martin’s love of New York City and knowledge of its musical life and legal milieu resulted in several other histories and biographies. The New York City Bar Association commissioned him to write its centennial history, “Causes and Conflicts: The Centennial History of the Association of the Bar of the City of New York 1870-1970,” describing the association’s role in the struggle against city corruption. “Madam Secretary, Frances Perkins,” a biography of the nation’s first female Cabinet member, was published in 1976.

“The Damrosch Dynasty, America’s First Family of Music” appeared in 1983. In 1962, he wrote “The Battle of the Frogs and the Mice,” a retelling of an ancient Greek fable about the futility of war. It was illustrated by actor Fred Gwynne, his Harvard classmate and friend.

Martin was predeceased by his four sisters: Amy Pemberton Chapin, Julia Whitney Cheever, Agnes Whitaker Booher and Fanny Alice Connelly Cracknell. **JOHN P. SWEENEY ’52**, his companion in life, died in 2002. He is survived by 11 nieces and nephews, including **RIDLEY M. WHITAKER ’77**, and their children, who remember him as an intellectual

mentor, a family leader, a great storyteller and an affectionate uncle who made each of them feel valued.

1955

**JOHN F. “JACK” NOVATNEY JR.**, 92, died at home in Hilton Head Island, S.C., on March 24. Novatney was born and spent all but his later years in Cleveland. He was a graduate of University School, Brown University and UVA Law School. He practiced with Baker & Hostetler for over 35 years. Late in his professional career, he served as general counsel of Central Reserve Life and volunteered as a municipal judge.

Novatney’s family writes that his grace, fairness, integrity, loyalty, discipline and sense of mission were matched by a wonderful sense of humor, characteristic grin and a ready laugh.

He served in the Marine Corps from 1955-61, where he attained the rank of captain and earned a Bronze Star, Purple Heart and the Marine Corps Presidential Unit Citation.

Novatney loved the water, piloting power boats around the Great Lakes for most of his life and enjoyed being a long-time member of both the Catawba Island Club and the Cleveland Yachting Club. After retiring from boating in his 80s, he insisted on living near “navigable” water, settling on beautiful views of the Atlantic in Boca Raton, Fla., and then of the Port Royal Sound on the north end of Hilton Head. He was a natural athlete, a football star, captain of his high school baseball team and a college basketball letterman. He was an avid sports fan, particularly his beloved Cleveland Guardians (formerly the Indians) and the Ohio State Buckeyes.

Novatney was prede-

ceased by his parents, Dr. John F. Novatney Sr. and Wilma P. Novatney, and sister, Joan C. Novatney. He is survived by his wife, June Pearce Novatney, Ph.D., and his children, Karen P. Kane (Patrick) of Missoula, Mont., **STEVEN J. “JAY” NOVATNEY ’96** (Heidi) of Hinsdale, Ill., and John F. Novatney III (Kari) of San Francisco; and grandchildren Shannon, Seamus, Drew, Bridget, Wes, Anna and Caroline.

1957

**NOEL C. CROWLEY** wrote that, while he still mourns the loss of his dear wife in 2015, he has “the great and good fortune to have 23 grandchildren, 10 great-grandchildren and counting.” He never learned to play bridge or chess, doesn’t collect coins or stamps, and ignores his fishing rod. “So, to escape the torments of idleness, I continue to spend weekdays and a great many weekends with my law partner and son, Mike, at the Crowley & Crowley office in Morristown, N.J., where we represent wrongfully terminated and otherwise afflicted employees. We occasionally plea for help from (other) lawyer son, Scott, in Richmond [Va.].”

1958

by **LARRY GRIM**  
Class Secretary  
jlawrencegrimjr@gmail.com

*I write these notes on the eve of my 90th birthday, reporting the sad loss of three giants of our class, but also offering joyful recollections brought on by our 65th reunion at Farmington Country Club and a visit to the Law School in the spring.*

**LEN COOPER’S** Dec. 18, 2021, death was reported in the spring of 2022. His



LEFT TO RIGHT: Three generations of UVA lawyers, **Stuart Raphael ’89**, **Abby Raphael ’89**, **Allan Johnson ’58** and **Dana Raphael ’20**. Allan died July 22.

widow, Vickie, follows up: “Len’s ceremony to be interred at Arlington National Cemetery took place July 13, delayed because of a large backlog at ANC. It was a beautiful service, and it was so meaningful to me because he is where he belongs. Len was drafted right out of high school in 1946 and served two years as a Navy medic. Then, when he graduated from Rutgers in 1952, the Korean War was on, so he reenlisted, went to officers’ training and served two more years as a line officer on a destroyer/minesweeper doing combat patrols off the shore of North Korea. Congress made members of the military in 1946 World War II veterans to make them eligible for the GI Bill, so that made Len a veteran of both WWII and Korea.”

The always dependable **BILL GRIESAR** reports: “My wife Jane and I are well—a little creakier (me, not she), but quite upright and above ground. [After recent travel to Vermont, the Southwest and Oregon], now we are settled at our cottage on the coast of Maine for the summer. Our boating days are over, but Maine still has its unique charms.”

On July 22, **ALLAN RICHARD JOHNSON** died. His daughter, **ABIGAIL “ABBY” JOHNSON RAPHAEL ’89**, sent us the news: Allan adored his wife of 68 years, Nancy; his children, Josh, Gil and his wife Maureen,

Abby and her husband **STUART RAPHAEL ’89**; and his granddaughters, **DANA RAPHAEL ’20** and Caroline—who called him Allie.

The University of Virginia and Charlottesville were very special to Allan and Nancy. They moved there after they were married in Wilton, Conn., in June 1955. They met their lifelong friends, Kitty and Ken Williams, and had great fun with them when Allan was not studying law or Nancy teaching at St. Anne’s-Belfield School. Allan was so proud to have his daughter, son-in-law and granddaughter follow in his footsteps to UVA Law.

Allan was born in Connecticut in 1933 and was raised by his loving parents, Anna and Karl Johnson. He graduated from the Kingswood School and Wesleyan University (Middletown). During their freshman year, he and Nancy met at Mount Holyoke College, where she was a student.

After Allan graduated from the Law School, he and Nancy settled in Southport, Conn. They restored their historic home and were leaders in the community. Allan was president of the Sasquanaug Association, one of the earliest community preservation associations in the country. He and Nancy were also founders of the Southport Conservancy. Allan later became its president.

Abby writes that the water was always a part of Allan’s life—from fishing as a child to sailing Long Island Sound and on to

Martha’s Vineyard. He loved being at the helm of his boat, the Cygnet. He happily served on the board of governors of the Pequot Yacht Club.

Allan was a partner in the firm of Tate, Capasse and Johnson in Westport. After a successful career as a trial attorney, Allan delivered on his promise to Nancy to return to Virginia. In 1989, they moved to Virginia Beach, where they enjoyed sailing the Chesapeake Bay with dear friends.

He played competitive men’s doubles tennis until he was 80 years old and led his team to national tournaments. The small island of Anguilla felt like a second home as Allan and Nancy spent time there each year.

Allan was gracious beyond measure. He enjoyed telling a joke, delivering the punchline with a smile and twinkle in his eye. His family will forever cherish his love and kindness. Still waters run deep and are eternal, writes Abby.

**DOUG MACKALL** presided over our reunion. In 2018 for our 60th reunion, Doug treated a spirited gathering of a couple dozen of us to cocktails at his home overlooking Farmington Country Club before the Law School dinner. Alas, this year attendance was down to two: Doug and your secretary.

We reminisced about our mini-reunion in Sarasota, Fla., three years ago with **HOBART MCWHORTER** and

his wife, Ellen; and **BEN PHIPPS** and his wife, J.J.; and my companion, Kathy O’Dea.

Doug is a loyal UVA sports fan and has probably set a record for most athletic competitions watched. He was in splendid spirits, full of zip, sharing sports news. While Hobart and Ben are gone, Ellen reports she summured on the beach with grandchildren and three great-grandchildren and attended Hobart’s granddaughter’s wedding in Athens, Ga. J.J. reports she moved to Tallahassee.

It was at our 60th reunion that we learned our beloved class secretary from our Law School days, **TED TORRANCE**, was in the hospital. I sent him some notes of the festivities but, though he recovered his health, he turned over his job to me. This year, again at reunion time, we learned he passed away.

**EDWIN G. “TED” TORRANCE**, husband of Constance (Conner) Torrance, died peacefully on April 24 in Vero Beach, Fla. He was a resident of Barrington, R.I., until his retirement in 1997.

Ted was born Jan. 5, 1932, in Waterbury, Conn., the son of Walter F. Torrance and Harriet (Gager) Torrance. He was educated at Phillips Academy in Andover, Mass., and at Yale University. Following two years in the Army, with service in Germany, he attended UVA Law. He then practiced in New

York City at Alexander and Green for several years. In 1962, he joined the Providence, R.I., firm now known as Hinckley Allen, and spent the remainder of his professional career there.

During his years with Hinckley Allen, Ted was involved in a number of charitable, business and civic organizations and in-state bar association activities. He also served as firm chairman for several years and as president of the Yale Association of Rhode Island. On the political front, in the 1980s, Ted made an unsuccessful bid for a seat in the Rhode Island House—an outcome he described as disappointing but one providing an invaluable experience.

Ted had a lifelong interest in a variety of amateur sports. At Yale, he was captain and MVP of the lacrosse team his senior year. His love of lacrosse led him to officiate at high school and college-level games after his playing days were over.

He also was a former president of both the University Club of Providence, where he enjoyed competing in squash, and Rhode Island Country Club, where he could be found on the golf course. His enthusiasm for golf led him to participate competitively as a member of both the U.S. Seniors’ Golf Association and the Rhode Island State Seniors’ Golf Association, and for many years he served as captain of the Rhode Island tri-state team.



**Doug Mackall** and **Larry Grim**’s daughter, **Chris Grim Neikirk** (Col ’88).

# Class Notes

## SUBMIT A CLASS NOTE

EMAIL  
alumni@law.virginia.edu

MAIL  
UVA LAWYER  
University of Virginia  
School of Law  
580 Massie Road  
Charlottesville, Va 22903

Please send your submissions by **Feb. 1, 2024** for inclusion in the next issue.

## WANT TO BECOME A CLASS SECRETARY?

Help collect class notes from your class.

CONTACT  
alumni@law.virginia.edu



## IN MEMORIAM: LOWELL P. WEICKER JR. '58, 'MAVERICK' CONNECTICUT SENATOR AND GOVERNOR

**LOWELL P. WEICKER JR. '58**, a former U.S. senator and governor of Connecticut known for his independent streak, died June 28. He was 92.

He served as governor from 1991-95 after serving in the U.S. Senate from 1971-89. He previously served in the U.S. House of Representatives and the Connecticut House of Representatives. Weicker sought the GOP nomination for president in 1980.

Weicker gained national attention for his service on the Senate Watergate Committee starting in 1973, where he became the first Republican senator to call for President Richard Nixon's resignation. As chair of a Labor and Human Resources subcommittee a decade later, he sparred with President Ronald Reagan over proposed cuts to domestic spending.

President Joe Biden served with Weicker in the Senate for nearly 20 years. He said Weicker helped lay the groundwork for passage of the Americans With Disabilities Act and worked to boost funding for medical research and disease prevention.

"Throughout, Lowell was guided not by party, but by principle," Biden said in a statement. "He was a fearless moderating force who stood up for those who couldn't always stand for themselves—and he relished the fight."

Weicker advocated for assistance to AIDS patients, obtained funding for important vaccines, helped establish research centers to study Alzheimer's disease and worked to prevent cuts in funding for the National Institutes of Health, according to The Washington Post.

Weicker was elected governor as a third-party candidate and proposed a state income tax and spending cuts to remedy Connecticut's growing deficit, the worst in the nation. Despite public protests and clashes with the legislature over budget bills, his economic plans were ultimately approved. He retired after one term.

Gov. Ned Lamont, a personal friend, said Weicker loved to challenge convention and "we're better for it."

"Opinionated? Yep. Absolutely," Lamont said in his eulogy. "Inverse of that, maybe, is also highly principled. He was 100% certain that he was absolutely right 100% of the time. He usually was. And you know what? When he wasn't, he was willing to change his mind."

Weicker published his autobiography, "Maverick: A Life in Politics," in 1995. He served in the U.S. Army from 1953-55, attaining the rank of first lieutenant, and earned a bachelor's degree from Yale University in 1953.

—Mike Fox

When Ted left the Army in 1955, he elected to be discharged in Germany, whereupon he purchased a moped and embarked upon a summer-long tour ranging from the north of Scotland to Italy. It was that trip that sparked his desire to tour the U.S. in a similar fashion—a classic bucket list entry.

"To her enormous credit," in Ted's words, Connie eventually signed on to sit behind Ted on their newly acquired Gold Wing motorcycle and accompany him in the late 1980s on two round trips from Rhode Island to Seattle—with visits to many national parks ranging from Banff and Lake Louise in the North to the Grand Canyon in the South.

Ted and Connie also traveled extensively by more conventional means, many of their trips being centered on golf, but he always described as most interesting their journey by train from Beijing to Moscow, largely via the Trans-Siberian Railway.

In addition to Connie, with whom he shared over 60 happy years, Ted is also survived by their much-loved, supportive sons, David and Kimball; and grandson, Clay Curran.

On this page is another obituary of a different kind of class luminary, **LOWELL WEICKER**, who died June 28. Sadly, many of us never got to know Weicker, who went on to be a U.S. senator and governor of Connecticut.

**BILL GRIESAR** expressed his condolences and added, "I knew him slightly in law school. Remember him from those times as a gentle giant, always well-liked. In his career, I knew him as a moderate Republican." (Your secretary does not remember him at all from law school but once dated a senior at Bryn Mawr College, Eunice B. Strong,



**CLASS SECRETARY Larry Grim '58** jumps from a gurney in the Phi Delta Phi Libel Show, as captured in the 1958 Barrister.

who would become his lieutenant governor.)

During our reunion visit, we were lucky to stay at Farmington, designed in part by Thomas Jefferson and still the most beautiful golf clubhouse I've ever seen—and I've seen lots! The octagonal Jefferson Room was where, in 1955, immediately following College graduation, Mary "Memo" Mann, daughter of beloved evidence professor **CHARLES "GUMMY" NASH '25**, married Ensign **BRECK ARRINGTON '61**. After the Navy, Breck lawyered in

Norfolk, Va., New York and Los Angeles. He also served for a time as executive director of the Virginia Bar Association. Professor Nash lost an arm in World War I while shooting down—and being shot down by—Germans in bi-winged planes over Germany.

With the aid of another fraternity brother, my father became a member of Farmington, enhancing my access to its golf course and thus my popularity with golfers Torrance, Oram, **GEORGE HARRIS**, **TOM OTIS** and others. Otis got an apartment for us overlooking the 14th

hole and my longtime roommate **OLLIE WARD '59** joined us. Ollie can be seen in the Barrister, pushing a gurney from which I'm jumping! It is in the Phi Delta Phi Libel Show picture taken by classmate **BILL BUNTING**, our brilliant class photographer.

In college, I was lucky to get a room on the Lawn in my third year but had to move out and into the Phi Gam house as I was treasurer. There, I lived in a pig pen, and became a slob for a roommate, **THOMAS DOUGLAS SOUTTER '62**. Tom dropped out of law school to marry Ginny Hovenden, long-time sweetheart, and attend Navy officer school. After three years he was back at UVA Law, on law review, and vice president of the class. He went on to serve as the general counsel of Textron. He loved UVA Law and for a few years was the national chair of alumni giving.

Otis married Mina Ellis, and at the reception dinner she directed me (one of 16 ushers along with Ted Torrance) to sit next to bridesmaid Nell Fisher, her fellow Harvard M.A.T. grad. I did. We later married. Chris was our first child; our second was our son Greg, now managing partner of Grim law firm, a 20-lawyer practice begun in 1895.

Between tours of the Law School and Farmington,



**Ted Mathas '92**, Kathy O'Dea, **Larry Grim '58** and Dean Risa Goluboff meet at the Law School reunion in May.

I made a quick visit to the Martha Jefferson House, a gorgeous 100-year-old mansion that is now a rehabilitation and retirement home. There I enjoyed a delicious hour's visit with former UVA historian Alexander Gordon "Sandy" Gilliam Jr., a dear college friend. Sandy's father and uncle both attended the College, then the Medical and Law Schools, respectively.

While visiting the Law School with my daughter, Chris, I had the pleasure of meeting several of her friends from Norfolk. **BLAIR WIMBUSH '80**, who followed her as chair of the Children's Hospital of the Kings Daughters, chatted with us. So did **TED MATHAS '92**, former CEO of New York Life.

Dean Risa Goluboff came by and posed for a photo with Ted, Kathy and me.

After a brief but lovely chat, we had the treat of walking the great halls into the Phi Gam house as I was treasurer. There, I lived in a pig pen, and became a slob for a roommate, **THOMAS DOUGLAS SOUTTER '62**. Tom dropped out of law school to marry Ginny Hovenden, long-time sweetheart, and attend Navy officer school. After three years he was back at UVA Law, on law review, and vice president of the class. He went on to serve as the general counsel of Textron. He loved UVA Law and for a few years was the national chair of alumni giving.

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Between tours of the Law School and Farmington,

—LARRY GRIM, SECRETARY  
(215) 896-1120

1962

**PAUL D. PEARLSTEIN'S** review of "When the Smoke Cleared: The 1968 Rebel-

lions and the Unfinished Battle for Civil Rights in the Nation's Capital," by Kyla Sommers, was published in the Washington Independent Review of Books this spring.

When Martin Luther King Jr. was assassinated, Black residents of Washington, D.C., protested for nearly two weeks, resulting in 6,000 arrests and more than \$30 million in property damage. The long-term unrest had both good and bad results, Pearlstein writes, as they "birthed powerful new [...] leaders who demanded full civil rights for all residents of D.C. Most importantly, these leaders insisted, D.C. had to be freed from intrusive control by Congress; it must be granted home rule"—a goal still not fully realized.

Pearlstein was one of 250 volunteer lawyers called to court in D.C. the day after King's assassination. He stayed and represented prisoners assigned to him until they were finally released from jail at 3:30 a.m. the next day.

1963



**THAD GLADDEN LONG'S** 2020 book, "The Impossible Mock Orange Trial," was selected as the nationwide October Book-of-the-Month by the Online Book Club, a free online community for book lovers. It's a courtroom thriller that examines the social, racial, legal and economic issues involved after a tire blows out, killing one child and severely injuring others.

## IN MEMORIAM: VENTURE CAPITALIST JOHN W. GLYNN JR. '65 ENDOWED LAW & BUSINESS PROGRAM

Philanthropist, venture capitalist and visionary alumnus **JOHN W. GLYNN JR. '65** died July 26. He was 83.

Glynn inspired and later endowed the Law School's John W. Glynn Jr. Law & Business Program, which has helped introduce thousands of students to the language of the corporate world.

"John was a treasured member of the Law School community from the time he enrolled as a first-year law student more than 60 years ago," said Dean Risa Goluboff. "A dedicated alumnus and volunteer, John devoted innumerable hours to the institution he loved."

While a student in the mid-1960s, Glynn met his wife, Barbara, a student at UVA's Graduate School of Arts & Sciences. After graduation, Glynn started his brief legal career at the San Francisco firm then known as McCutchen, Doyle, Brown & Enersen.

In 1968, sensing that something big was about to happen in Silicon Valley, Glynn left McCutchen to obtain his MBA at Stanford Business School, focusing on technology and venture capital.

"Silicon Valley was starting to take off in the '60s, and I was attracted to investing in new technology companies, creating major waves of change and addressing new growth markets that had a chance to really make an impact on our lives, our society and the way we do things," Glynn said in a 2013 interview with the UVA Law Communications Office.

After graduating from Stanford in 1970, Glynn went to work for a venture capital firm focused on emerging technologies. Six months into the job, he met Robert Noyce and Gordon Moore—two engineers who co-founded what would become Intel Corp.

"They had raised a little bit of money a year earlier just to get started, and we ended up putting a substantial amount of money in to help them grow the business," Glynn said. "So we were a very early investor in Intel and that became a major, successful company and a terrific investment for us."

Glynn credited Noyce and Moore with helping him start his own firm, Glynn Capital Management, less than five years later in December 1974. Over the years, Glynn and his firm invested in a variety of companies in the semiconductor industry, software, social media and gaming.

Glynn Capital Management was an early investor in Facebook

and LinkedIn, as well as DocuSign, Intel and Intuit, among others.

Once Glynn had established himself in business and built his family's financial security, he and Barbara began supporting UVA through their time, expertise and generosity. In 1995, the Law School established an alumni Business Advisory Council, to take advantage of the strength of alumni in business, finance and corporate practice.

With input from Glynn and the council, the school introduced the Law & Business Program in 2003.

Nearly 90% of J.D. graduates since the spring of 2020 have taken a class in the "Business and Finance" concentration.

Glynn also served as a member of the UVA Law School Foundation's Board of Trustees from 2000 to 2013 and helped manage the Foundation's endowment as chair of its investment committee. He continued to serve as an honorary trustee and an adviser to the investment committee until his death.

In 2022, the Glynnns made matching gifts establishing three professorships, resulting in a total impact of \$10 million for endowed chairs at the Law School (in Law & Business), the Darden School of Business, and the College and Graduate School of Arts & Sciences.

"John's wisdom, coupled with his and Barbara's incredible personal generosity, has ensured that the Law School's world-class educational opportunities are available to generations of future UVA Law students," Goluboff said. "He was a remarkable man, and a kind and brilliant one."

Glynn considered his investments in students—including his teaching, mentorship and career counseling—to be as important and meaningful as his monetary investments.

"I'm a believer that, as a young person, your challenge in life is to find something you really have a passion about—it doesn't have to be business, it can be anything—that's what you need to pursue because that's what you'll be good at," Glynn said. "That's what I hope to do in the Law & Business program. Give our students ... a chance to think about career opportunities that they would have a passion about. [...] Frankly, life goes by very quickly. You know, you only have one chance and you've got to find something you love and pursue it aggressively."

Glynn's survivors include his wife, Barbara, and four children.

—Melissa Castro Wyatt



## 1965

**IRVING LEE FAUGHT**

published "Oklahoma Business and Commercial Law" through Matthew Bender. Faught also authored "Oklahoma Business Organizations: Formation and Representation," a practice manual for lawyers concerning material specific to Oklahoma corporate, partnership, limited liability companies and securities law.

Faught is currently an adjunct professor of law at the Oklahoma City University School of Law. He retired in 2019 after serving as the administrator of the Oklahoma Securities Commission for 29 years. He is a member of Dispute Resolutions Consultants.

Retired Holland & Hart partner **SAMUEL P. GUYTON** and his wife, Jean, founded the Holland & Hart Foundation in 1998. The foundation is focused on volunteerism and building community. The couple was highlighted in the firm's annual report for their efforts.

## 1967

Having served as Bartlett Maritime's general counsel since 2019, **STUART S. DYE** now serves as general counsel emeritus. Dye will continue to advise the founder and board of directors on strategic matters.

Following the tragic loss of the USS Thresher, Dye, a former naval officer, served as the board secretary for the secretary of the Navy's deep submergence systems review group which led to the creation of the SUBSAFE program.

Dye is a retired partner at Holland &

## BELL '95, EDWARDS '70 ANNOUNCE RETIREMENT FROM VIRGINIA GENERAL ASSEMBLY

**ROB BELL '95 (COL '88)** and **JOHN EDWARDS '70**

announced their retirements from the Virginia House of Delegates and state Senate, respectively, after saying they would not seek reelection this year.

Bell resigned from the House in September after being appointed deputy attorney general for health, education and social services in the Virginia Office of the Attorney General.

"I have known Rob from our work together in the General Assembly, especially on the Courts of Justice Committee. I have a deep respect for his work ethic, intellect and knowledge of Virginia laws," Attorney General Jason Miyares said in a statement. "I have confidence that he will work vigorously for the citizens of the Commonwealth."

Bell, of Albemarle County, was first elected in 2001, chaired the House Courts of Justice Committee and Virginia State Crime Commission, and served on the state Behavioral Health Commission. He twice sought the Republican nomination for attorney general.

"It has been the honor of a lifetime to serve in the House of Delegates," Bell said, announcing his retirement in February. "I want to thank the voters who allowed me to represent them in Richmond for the last 22 years."

In a statement, Bell listed his political victories, including cracking down on repeat drunk drivers, keeping sex offenders off school property, criminalizing the distribution of "revenge porn," establishing minimum standards for mental health care in state jails and coordinating jail-provided mental health services with community services after inmate release.

"[Bell and] I often came from opposite perspectives but worked hard to find common ground when we could," state Sen. **SCOTT SUROVELL '96**, a Democrat from Fairfax County, said on X, the platform formerly known as Twitter. "He's an ex-

traordinary legal mind who's sacrificed much to serve—I will miss my sparring partner [and] wish him luck in his next endeavor."

Bell had been an attorney at Davidson & Kitzmann in Charlottesville and served for five years as a state prosecutor in Orange County.

Edwards, of Roanoke, was first elected in 1995 and has chaired the Senate Rules and Judiciary committees. He has also chaired the Virginia Code Commission, the Board of Trustees of the Roanoke Higher Education Authority and the Virginia War Memorial Board.

"I have thoroughly enjoyed my many years in the Senate and the honor and opportunity to improve the lives of my constituents and all Virginians," he said in a statement in February announcing he would not run for reelection. His term ends in January.

Edwards' accomplishments include sponsoring a measure establishing the Roanoke Higher Education Center and being instrumental in bringing Amtrak service to Roanoke. He twice sought the Democratic nomination for attorney general.

In 1993, Edwards was appointed to fill a vacancy on Roanoke City Council and was elected to a four-year term and as vice mayor in 1994. In 1980, President Jimmy Carter appointed Edwards as U.S. attorney for the Western District of Virginia. He served in the U.S. Marine Corps from 1971-73 as a judge advocate general, attaining the rank of captain.

At UVA Law, Edwards has been an adjunct professor in trial advocacy and was a writing instructor assistant to future U.S. Supreme Court Justice Antonin Scalia, an adjunct professor at the time.

"[Edwards] and I have very different views on many issues, but, more importantly, a shared love of the Roanoke Valley that allowed us to work together," state Sen. David Suetterlein, a Republican from Roanoke County, said in a statement. "... I have great respect for Senator Edwards and thank him for his dedication to the Commonwealth and his service to the people of our region."

Edwards practices at Edwards Law Firm in Roanoke.

—Mike Fox



# IN MEMORIAM: LINDA G. HOWARD '73, TRAILBLAZING PUBLIC SERVANT, SCHOLAR

**LINDA G. HOWARD '73**, the first woman and first Black student to serve as president of the student council at the Law School, died Sept. 15 after a battle with breast cancer. She was 74.

Most recently, Howard served as general counsel and vice president of legal affairs for Landmark Worldwide. Her earlier career focused on academia and government service, from Congress to the White House to New York City's law department.

"Linda Howard's trailblazing life was marked by her major contributions to every institution of which she was a part. She was deeply committed to bringing people together and promoting inclusivity and understanding across differences," Dean Risa Goluboff said.

Delivered by a Black doctor in a segregated hospital outside Richmond, Virginia, Howard grew up in Ettrick, a town centered around the historically Black Virginia State College (now Virginia State University). Her father was chairman of the college's biology department and her mother was a math professor. The college chapel, she recalled, hosted cultural events that included the Joffrey Ballet and Duke Ellington.

"I had an educational experience that was unusual for young Black kids of the time because we had a state-of-the-art education available to us," Howard said in a 2018 UVA Lawyer interview with Jianne McDonald '19, who was then president of the Black Law Students Association. "And surrounding us, of course, was a white community. My upbringing was very much in a Black-only environment."

At 13, her life became integrated when she moved to Massachusetts to attend a boarding school. There she met students from Africa, Hong Kong, Europe and South America, and helped establish an affiliate school in Europe during her junior year.

In 1966, she enrolled at Reed College in Oregon, and majored in math.

"Life was in our faces" in those "tumultuous" years, she said in remarks to Reed's graduating class of 1997. The assassinations of Martin Luther King Jr. and Sen. Robert F. Kennedy '51 and the Watts riots in Los Angeles all occurred before she started

her junior year.

But those years also taught her how to "engage with people whose beliefs and experiences are different from my own, and I gained a profound respect for the other fellow's point of view," she said in the Reed remarks.

When she returned to Virginia to attend law school in 1970, the number of female students was growing, the school had the most Black students that had ever enrolled, and several veterans joined the class after returning from the Vietnam War. At the same time, Howard said in the interview, the school lacked Black professors and social events seemed to divide along class lines. She ran for student council president to help unite the community.

She worked with administrators and law enforcement to allow alcohol in Clark Hall—not for the purpose of drinking, but for the broad-based social engagement it would promote.

"On March 17, 1972, we had a St. Patrick's Day party in Mural Hall to which all the students and all the faculty were invited, and we served green beer," Howard said in her 2018 UVA Lawyer interview. "For me it was really bringing together the law students and the faculty in a social commonality such that everyone had a sense of belonging."

After graduating, Howard worked in Washington as a staff attorney for the U.S. Department of Transportation, a legislative assistant for Sen. Lloyd Bentsen and acting director of a White House task force on women under Jimmy Carter. She later taught evidence, legislation and sex-based discrimination as a tenured professor at Ohio State's law school before

moving to New York City to serve as counsel to Donna Shalala, who was president of Hunter College at the time. Howard has also worked as an attorney for New York City, and as a solo practitioner and a civil rights lecturer on speaking tours to New Zealand, India and Japan.

At Hunter College during the 1980s, Howard worked with Shalala to create an affirmative action program that dramatically increased the number of professors of color, and she drafted the school's first sexual harassment policy. In 2007, while at her solo practice, Howard wrote "The Sexual Harassment Handbook"

She returned to the Law School to address the Class of 2019, her remarks inviting them "to stand for something that is important to you, something bigger than yourself and bigger than your own comfort and your own personal success and gratification."

Due to her illness, Howard missed her 50th UVA Law reunion this year—only the second such reunion she ever missed.

—Melissa Castro Wyatt



HELIBEE PHOTOGRAPHY



Howard served as president of the Law School's student council.

Knight and has more than half a century of experience in maritime and government affairs practice. During his career, he has represented domestic and multinational corporations and trade associations involved in transportation, homeland and maritime security, and energy.

**JOHN G. MILLIKEN** is currently a senior fellow in residence at the Schar School of Policy and Government at George Mason University, after more than five decades of service as a public official and private attorney.

Beginning in 1975, Milliken served as chief of staff to U.S. Rep. Joseph L. Fisher and was elected to the Arlington County Board in 1980, stepping down in the middle of his third term to serve as secretary of transportation under Gov. L. Douglas Wilder. During his years on the Arlington Board, he was a member of the Washington Metropolitan Area Transit Authority Board and the Transportation Planning Board of the Council of Governments. More recently, he served as chairman of the board of commissioners of the Virginia Port Authority under six Virginia governors, concluding his service in 2022.

He is co-editor of "The New Dominion—The 20th Century Elections that Shaped Modern Virginia," which explores the demographic and economic changes that drove the transformation of the state's politics.

## 1972

**HOWARD E. GORDON** was recognized in Virginia Business magazine as a "legal elite" in real estate land use law. Gordon practices with Williams Mullen in Norfolk, Va.

## 1976

**RENEE E. RING**, chief operating officer of Environmental Financial Consulting Group, and her husband, EFCG founder Paul Zofnass, received the John

C. Whitehead Social Enterprise Award from the Harvard Business School Club of New York at their leadership dinner in April.

## STANLEY A. TWARDY JR.

was selected as the second recipient of the 2023 Richard Law Award, which honors those who have rendered exemplary service to the federal court of Connecticut. Twardy is a leading corporate litigator who previously served as U.S. attorney for the District of Connecticut, chief of staff to former Connecticut Gov. **LOWELL P. WEICKER JR. '58** and managing partner of Day Pitney.

## 1977



**DAVID LOGAN** retired from the Roger Williams University School of Law in the spring. Logan served as dean for 11 years, from 2003-14, which at the time made him one of the longest-serving law deans in the country. Thereafter he taught torts and seminars on free speech and civil rights.

Before joining Roger Williams, Logan was a tenured professor at Wake Forest University School of Law, where he won teaching awards and published in leading law reviews. He has held visiting positions at nine other law schools, including Arizona, Florida

State, North Carolina and Texas.

Logan has taught more than 4,000 students over more than four decades of legal education. He won the Deborah Rhode Award for Public Service and Pro Bono Leadership from the Association of American Law Schools, as well as awards from the Providence NAACP, Rhode Island Legal Services, and Rhode Island for Community and Justice for his efforts to diversify the bench and bar in Rhode Island.

Logan is a nationally recognized expert in the law of defamation. His scholarship has been cited multiple times by the Supreme Court, and he is regularly sought out by national media for his commentary, most recently in *Dominion Voting Systems vs. Fox News*.

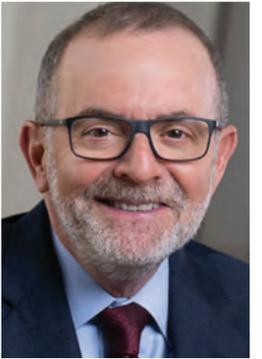
## 1979

**JOHN HEAD** continues his teaching and research in international and comparative law as a member of the law faculty at the University of Kansas.

## 1980



**LEONARD "LEN" C. MARTIN**, a shareholder in Baker Donelson in Jackson, Miss., was recognized as a leading practitioner in the 2023 Chambers High Net Worth Guide, which covers the private wealth market. Martin earned a Band 1 ranking in private wealth law.



**SCOTT D. MICHEL** was named chair of the American Bar Association's 12,000-member Section of Taxation. Michel, a member and previous president of Caplin & Drysdale, has more than 40 years of experience in complex and sensitive tax controversy matters. He has been active in the section his entire career, having served as the vice chair for committee operations, section council director, and as the chair of the section's committees on Civil and Criminal Tax Penalties and Standards of Tax Practice. He also served as a mentor in the ABA Rule of Law Initiative, advising government officials responsible for tax enforcement in the Croatian Ministry of Finance.

**WILLIAM NUSBAUM** wrote that he is enjoying serving as president of the Hampton Roads Association for Commercial Real Estate. Nusbaum continues his practice with Williams Mullen in its Norfolk, Va., office, where he focuses on tax-exempt municipal bonds, commercial real estate and some corporate law and alcoholic beverage control work.

## 1982

**THOMAS A. RYAN** was recognized in Chambers USA 2023 for environmental law in the Kansas City area. Ryan is senior counsel with Lathrop GPM.

**DENNIS DUFFY**, a director in the Houston office of Kane Russell Coleman Logan, was recognized in 2024 Best Lawyers in America for employment law.

## 1983

After more than 29 years of federal service, **MARK A. BRADLEY** retired in June as the director of the Information Security Oversight Office at the National Archives and Records Administration. Bradley's appointment by David S. Ferriero, former archivist of the United States, was approved by President Barack Obama in 2016. He led several initiatives with far-reaching impacts for NARA and the federal government, serving as an advocate for modernizing and reforming the classified national security information system to meet today's challenges. His efforts have helped elevate these concerns to senior White House National Security Council staff, who have begun an interagency process intended to make long-needed changes to the current system.

Before joining NARA, Bradley served in several key positions with the Department of Justice and the CIA. He was U.S. Sen. Daniel Patrick Moynihan's legislative assistant for foreign affairs and intelligence matters and his last legislative director. In that role, he co-drafted the legislation that established the Public Interest Declassification Board.

Bradley wrote that he considers his two most demanding assignments to have been his service as a CIA intelligence officer in Pakistan after the Soviet Union's invasion of Afghanistan and as one of the Department of Justice's voting members who served on the Periodic Review Board, the interagency body that reviews which detainees at Guanta-

namo no longer pose a significant national security threat to the United States.

The Rev. **RICH HENDRICKS** was named a One Iowa and DSM Magazine LGBTQ Legacy Leader for 2023. The award honors Iowa's LGBTQ leaders whose contributions to equality and justice have helped ensure that gender and sexual orientation are not stigmatized or marginalized in Iowa. Hendricks is pastor of Metropolitan Community Church of the Quad Cities in Davenport. He is the co-founder of One Human Family QCA, QC Pride and Quad Cities Pride in Memory, and the Creation Care co-chair for the Universal Fellowship of Metropolitan Community Churches.

**JAY MITCHELL** is a professor of law and the founding director of Stanford Law School's Organizations and Transactions Clinic. In a three-year project, the clinic created a mission-critical suite of contracts for Feeding America, the nation's largest hunger relief organization. "The scale of the Feeding America network's work is huge: its members provide food to one in seven Americans, totaling 5.2 billion meals last year. According to the U.S. Department of Agriculture, 34 million people in the United States, including 9 million children, experience food insecurity," according to a Stanford Law news story. The complex contracting landscape included nearly 200 partner food banks/independent nonprofits that have relationships with each other, 75 affiliate food banks, 21 state associations of food banks, eight regional food purchasing co-operatives, roughly 60,000 points of distribution, and the Chicago-based national organization Feeding America.

**JANET NAPOLITANO** is a professor of public policy at the University of California, Berkeley, and was appointed by President Joe Biden to the President's Intelligence Advisory Board.

## 1985

**EVA DILLARD** was named one of the Alabama River Alliance's River Heroes at their 2023 Water Rally. This recognition is given to individuals who profoundly impact Alabama's river movement through their hard work and leadership, and who go above and beyond to protect rivers, the health of local communities and the environment. Dillard has been the staff attorney at Black Warrior Riverkeeper in Birmingham since 2010.

**PAUL A. LOMBARDO** was named Distinguished Professor of Bioethics and Law by the Sindh Institute of Medical Sciences in Karachi, Pakistan, for his contribution to teaching there over the past two decades. Lombardo was also recognized as a fellow of the Hastings Center for work that "has informed scholarship and public understanding of complex ethical issues in health, health care, science and technology."

**JAMES WHEATON** joined William & Mary Law School as clinical associate professor of law and as director of the PELE



Mary Braunsdorf '87 and Jayshree Parthasarathy '87 visited Franz Heidinger LL.M. '87 in Southern France in May.

(Parents Engaged for Learning Equality) Special Education Advocacy Clinic.

for special programs in the 2011-12 calendar years and as interim dean during the 2013-14 academic year.

## 1986

**WILLIAM S. BREWBAKER III** was named dean of the University of Alabama School of Law. Brewbaker is a native of Montgomery and practiced law in Birmingham from 1986 to 1992 before pursuing a Master of Laws in health care law at Duke University. He became a full-time faculty member with the UA School of Law in 1993 and taught courses in health care law, property law, antitrust and jurisprudence, as well as seminars in bioethics, law and economics, and Christian legal thought. His research interests include health care law and legal philosophy.

An elected member of the American Law Institute, Brewbaker served as the school's associate dean

## 1987



**KIM BOYLE** made the non-profit Lawyers of Color 2023 Power List. One of the only comprehensive collections of minority leaders in the legal profession, the list recognizes influential attorneys pushing diversity forward in law practice.

Boyle, who helps to lead Phelps Dunbar's New

Orleans office as a vice managing partner, represents public and private employers in employment-related claims and commercial and tort litigation matters. She often speaks on employment-related topics, litigation and issues of procedure, as well as diversity, ethics and professionalism. She served as the first female African American president of the Louisiana State Bar Association and the first African American president of the New Orleans Bar Association.

She also serves on the boards of Dillard University, the Amistad Research Center, the United Negro College Fund and the Lawyers Committee for Civil Rights Under the Law. She previously provided leadership for the Anti-Defamation League, ACLU of Louisiana, and other organizations advancing the rights and inclusion of Black Louisianians and Americans.

## 1988

**SARAH BORDERS**, a retired partner with King & Spalding in Atlanta, was honored for her 33-year career with the firm. She was featured in a Q&A on Law.com in June. Borders had a leading restructuring and finance practice in the Southeast.



**GREGORY A. HAYES** was named managing partner of Day Pitney. Based in Stamford and Greenwich, Conn., Hayes has served on the firm's executive committee for five years and before

that was chair of the firm's private client department. In addition to his leadership role, Hayes will continue to practice, advising private clients on all aspects of their estate planning. He is a fellow of the prestigious American College of Trusts and Estates Counsel and a former member of the executive committee of the Estates and Probate Section of the Connecticut Bar Association. He has been ranked in Chambers HNW Guide and named to the Best Lawyers in America in trusts and estates.

**DAVID A. STUTZMAN** was promoted to partner with Seward & Kissel in New York. Stutzman focuses on complex estate, trust and charitable planning and administration for high net-worth individuals and families. He co-authored Bloomberg BNA's tax management portfolio, "Planning for Authors, Musicians, Artists and Collectors (Portfolio 815)," part of Bloomberg's estate planning series, an interdisciplinary guide to representing artistic creators and collectors.

## 1989

**J.A. "JAY" FELTON** was recognized in Chambers USA 2023 for general commercial litigation for the Kansas City area. Felton is a partner with Lathrop GPM.

**TOM MORIARTY** joined Albertsons as executive vice president and general counsel in June. Moriarty was the longtime legal chief at CVS Health.

## 1990

**KARL BAZIN** retired from the FBI in 2019 after more than 20 years of service.

**JAMES A. MCLAUGHLIN'S** second novel was published on April 4 by Flatiron Books, an imprint of Macmillan. "Panther Gap" garnered some attention from fellow alumni writers. McLaughlin wrote that the book's cover received a "generous blurb from fellow UVA Law grad and ace novelist **DAVID BALDACC'I '86**. And the talented novelist **HEATHER YOUNG '91** provided a wonderful blurb on the back cover." The launch party occurred in April at King Family Vineyard in Crozet, Va. "Bearskin," McLaughlin's first novel, won the Edgar Award for Best First Novel. In 2018, McLaughlin was named one of "4 Writers to Watch This Summer" by The New York Times.

**STAN PERRY** was asked to join Kids in Need of Defense's National Pro Bono Strategic Advisory Group. The group's mission is to increase attorney commitment as KIND starts its 16th year, ensuring that child immigrants fleeing violence, neglect and abuse have pro bono counsel. Perry is a partner with Reed Smith in Houston and is the global director of the firm's pro bono and community service efforts.

## 1992



Spilman Thomas & Battle partner **CLIFFORD F. KINNEY JR.** joined the International Association of

Defense Counsel, one of the most respected legal organizations in the world. The IADC is an invitation-only association for lawyers and insurance executives representing corporate and insurance interests worldwide. At Spilman, Kinney chairs the chemical, medical monitoring, product liability and toxic tort practice groups. He also serves as co-chair of the firm's high-stakes litigation strike force.

**JAMES F. LANG** was named in 2024 Best Lawyers of America as a lawyer of the year in the field of energy law in Cleveland. Lang has also been recognized by Best Lawyers in the fields of energy law since 2021, energy regulatory law since 2022, municipal litigation since 2023 and commercial litigation this year. Lang was named to Chambers USA 2023 in energy and natural resources, Band 1, in Ohio.

The Asian American Bar Association of New York honored **MICHAEL C. WU** with its Corporate Leadership Award. Wu, chief legal officer and corporate secretary for Bath & Body Works, has helped "pave the way and advance the AAPI community in the legal and corporate spheres," according to the AABA.

Wu joined Bath & Body Works in 2021, after serving as chief legal officer and corporate secretary for Madewell, a division of J. Crew, where he drove the company's preparation for an initial public offering and spin-off. He previously served as general counsel at Carter's, a leading children's apparel brand; Rosetta Stone, an education technology software company; and Teleglobe, an international telecommunications company.

## 1993

**SHANE COBB** wrote, "It is with deep sadness that I share the news that our classmate **JON GOLDBERG** died suddenly in Denver [on] June 19, a day before his 57th birthday. He leaves his loving wife, Megan, and adored sons, Owen and Sebby. Jon was an original—funny, smart, big-hearted and loyal. He was passionate about music, skiing, rugby and the outdoors. He had many talents, all worn lightly. He worried about everything—big and small—but especially his family and friends. He loved underdogs. While unable to attend our recent 30th reunion, Jon cherished his time at UVA and the many friendships he made there." A celebration of Goldberg's life was held in September.

## 1995



**RHONDA QUAGLIANA** was named a member of the Virginia Lawyers Weekly's Influential Women of Law for 2023. Each year, the Influential Women of Law recognizes a select group of women for their contributions to the legal profession.

Quagliana is a trial attorney and partner with MichieHamlett in Charlottesville. Her practice concentrates on criminal defense, and she has represented litigants in some



## WAY '96 SWORN IN AS LIEUTENANT GOVERNOR OF NEW JERSEY

**TAHESHA WAY '96** was sworn in as lieutenant governor of New Jersey on Sept. 8. She was appointed by Gov. Phil Murphy after Lt. Gov. Sheila Oliver died Aug. 1.

New Jersey's lieutenant governors are first in the line of succession to governor and serve as acting governor when the governor is out of state or unable to serve.

Way will continue to serve as secretary of state, a position she's held since 2018. Way became the first Black person and first secretary of state from New Jersey to lead the National Association of Secretaries of State as president in 2022-23.

"I come to this position as the child of two public servants who molded me into the person I am today," Way said in a statement. "Having experience at different levels of government has showed me the important role that those of us in public office can play in improving the lives of families across our state."

Prior to joining the Murphy administration, Way was an administrative law judge for the state of New Jersey. In 2006, she was elected to the Passaic County Board of Chosen Freeholders and served as the freeholder director in 2009. She served as special counsel for the Passaic County Board of Social Services, overseeing all agency litigation. She also served as a councilmember for the New Jersey Highlands Water Protection and Planning Council.

Way is former president of the Women Empowered Democratic Organization of Passaic County and served on the board of directors for the Institute for Women's Policy Research.

"Tahesha has been with our administration from the very beginning, and her work over the past five and a half years leading the Department of State has grown New Jersey's tourism economy, uplifted small businesses, and strengthened our election system," Murphy said in a statement. "Tahesha is the perfect candidate to join me in finishing the job that Sheila and I started."

Way earned her bachelor's degree from Brown University.

—Mike Fox

of the most high-profile cases in Virginia. In addition to her J.D., Quagliana holds her doctorate from UVA and serves as an adjunct faculty member, teaching federal criminal trial practice. She has also taught trial advocacy at the Law School.

**JOEL H. TROTTER** testified before Congress on the bipartisan success story of the JOBS Act of 2012, focusing on provisions related to initial public offerings, of which he was a principal author. Trotter is a partner at Latham & Watkins in Washington, D.C.

## 1998

**NEALE T. JOHNSON** was elected to the governing committee of the American Bar Association's Forum on Construction Law. He will serve a three-year term, which began Sept. 1. As co-chair of Fox Rothschild's litigation department in Greensboro, N.C., Johnson focuses his practice on empowering construction industry stakeholders to solve challenging legal problems.

## 1999



**RILEY H. ROSS III**, a partner at Mincey Fitzpatrick Ross in Philadelphia, began a three-year term as a zone governor on the Pennsylvania Bar Association Board of Governors in May.

At the PBA, Ross is a Civil and Equal Rights Committee member and served as its chair from 2018-20. In 2021, Ross received the PBA Civil and Equal Rights Champion Award, which honors an individual who champions civil rights in Pennsylvania by making a significant impact through constitutional advocacy, legislative acts or advocacy, or individual representation and development of case law.

Ross also serves on the following boards of directors: ACLU of Pennsylvania as vice president; No Longer Bound; Lawyers Concerned for Lawyers of Pennsylvania; Defenders Association of Philadelphia as secretary; the Barristers' Association of Philadelphia Advisory Board; Disciplinary Board of the Supreme Court of Pennsylvania Hearing Committee; and the Supreme Court of Pennsylvania Criminal Rules Committee. He is a member of the executive committee of the Federal Criminal Law Committee of the Eastern District of Pennsylvania.



**JANELL AHNERT** was elected a fellow in the College of Labor and Employment Lawyers' 2023 class. Ahnert is a shareholder with Littler Mendelson in Birmingham, Ala. Her practice encompasses all facets of employment law, specifically in the representation of management in both employment counseling and litigation.

## 2000



**SHAHEEN SHEIK-SADHAL**, a Southern California-based writer born to Indian immigrants in Strongsville, Ohio, was awarded the 2023 Ohio Writer's Scholarship, sponsored by the Sandra Carpenter Memorial Fund/Stockholm Writers Festival. The committee selected Sheik-Sadhal on the merits of her memoir, which documents her journey with her mother as they left everything they knew in Ohio, including her father and their tight-knit South Indian community, to start anew in Southern California. The scholarship sponsors a native, long-time resident or Ohio-educated writer pursuing publication. Sheik-Sadhal was awarded entry to the Stockholm Writers Festival and a meeting with a literary agent.

## 2001

In May, the U.S. Merit Systems Protection Board determined that the Patent Trial and Appeal Board must reinstate Administrative Patent Judge **MICHAEL FITZPATRICK** to its patent review panels after improperly removing him five years ago. The MSPB agreed that the PTAB retaliated against Fitzpatrick following his protected whistleblower disclosures.

**GUNES HOPSON** reports that she enjoys running her business, Luxe Travel by

Gunes. Hopson provides curated luxury travel planning services.



The 2023 graduates of the Ohio State University's College of Law voted **DARREN NEALY** the 2022-23 Outstanding Staff Member of the Year. This is the third consecutive year Nealy has won the award for his work as assistant dean of students. In addition to his administrative duties, Nealy teaches a graduate- and doctoral-level course, Legal Aspects of Higher Education Administration, at the university's College of Education and Human Ecology and a course at the College of Law on the Supreme Court's 1967 *Loving v. Virginia* decision. Nealy also serves as president of the National Association of Law Student Affairs Professionals.

## 2002

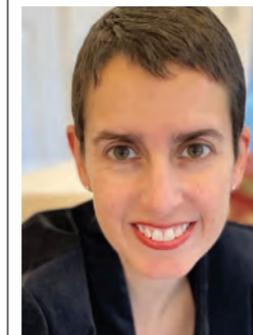
**ANDREW "DREW" CANNADY** married Charles Cockrell in Richmond, Va., on April 22. **PETER DZIEDZIC** and many other UVA alumni friends and family members attended. Cannady wrote, "The drag queen at the after-party did not believe that I was celebrating my 21st birthday (rude), but otherwise, a fun time was had by all." The couple recently moved to Norfolk. Cannady was promoted to assistant general counsel for legal services with the U.S. Government Accountability Office.

Cockrell is the safety and mission assurance director at NASA's Langley Research Center.



Fox Rothschild partner **AFI S. JOHNSON-PARRIS** was named chair-elect of the American Bar Association's Law Practice Division, which teaches the business of practicing law through marketing, management, technology and finance to more than 27,000 members.

## 2003



**ILANA BERRY** published her first novel, "The Peacock and the Sparrow," with Altria Books, a division of Simon & Schuster. Berry served as a spy with the CIA for six years, living and working throughout the Middle East, Europe and the Balkans, with a year in Baghdad during the war. The novel—written under the pen name "I.S. Berry"—is a modern, literary tale of espionage set against the Arab Spring, and Berry said it's based mainly on her own experiences as a spy (see p. 85).



**HAROLD JOHNSON**, partner and chair of Williams Mullen's education practice, is co-hosting the podcast "Gavels & Gowns" with **MICAH B. SCHWARTZ '08**, a partner in the firm's labor, employment and immigration section. The podcast explores topics important to leaders of primary and secondary institutions and higher education.

**ROSCOE JONES JR.** was elected to the Council on Foreign Relations and named a fellow of the American Bar Foundation. Jones co-chairs Gibson, Dunn & Crutcher's public policy group and is a core member of the congressional investigations practice in Washington, D.C.

## 2005

**MEGAN F. RAYMOND** joined Groombridge, Wu, Baughman & Stone as a partner in Washington, D.C., at the end of 2022. Founded late last year, the patent litigation firm, half of which is owned by women, has offices in New York and D.C. and approximately 25 attorneys. Raymond's practice is focused on proceedings at the Patent Trial and Appeal Board, although she also continues to try patent cases in district court and argues appeals before the federal circuit. She was elected secretary of the PTAB Bar Association this year and co-developed the

association's inaugural Women at the PTAB report on gender diversity in the association. She is the primary author of the "Post-Grant Proceedings Before the Patent Trial and Appeal Board (Second Edition)," published in September.

## 2006



**TAM DINH** joined Cantor Colburn as counsel in Hartford, Conn. Dinh has more than 15 years of domestic and foreign patent drafting, prosecution and counseling. His patent practice focuses on small molecules, proteins/polypeptides and polynucleotides, and he is also experienced with polymers, medical devices and analytical instruments.

## 2007

**ALEXANDER R. HUNT** is a board-certified trial attorney in Florida. He practices with Goldman Daszkal in Deerfield Beach in the areas of personal injury, medical malpractice, wrongful death, class action, civil rights litigation, aviation and maritime law.

## 2008

The Los Angeles Business Journal featured **DANIEL DUBELMAN** in its 2023 Leaders of Influence: Private Equity, Investors & Advisors special report

in June. Dubelman is a partner with Massumi + Consoli, a boutique private equity-focused transactional firm.



**DANIEL J. DURST** is a partner with Williams Mullen in Richmond, Va. Durst advises high net-worth individuals, business owners and professionals with their estate planning needs, including the preparation of wills and trusts. He was named a fellow of the American College of Trusts and Estate Counsel in 2019 and has been listed in Best Lawyers in America for trusts and estates law since 2018.

**OM JAHAGIRDAR** joined Amtrak as deputy general counsel, focusing on real estate and infrastructure. His work entails large capital projects related to the Infrastructure Investment and Jobs Act, such as New York's Penn Station, Washington, D.C.'s Union Station and a series of rail projects to modernize the northeast corridor, known as the Gateway Program.

**REBECCA E. IVEY** was named a Pro Bono Service Honor Roll Member by the Virginia Access to Justice Commission after reporting 40 or more hours of pro bono service to the Virginia State Bar. Ivey practices with Williams Mullen in Richmond.



**MICAH B. SCHWARTZ**, a partner in Williams Mullen's labor, employment and immigration section, is co-hosting the podcast "Gavels & Gowns" with **HAROLD JOHNSON '03**, partner and chair of the firm's education practice. The podcast explores topics important to leaders of primary and secondary institutions and higher education.

## 2009



Former federal prosecutor **ERIC GERARD** joined Sorrels Law as a partner in Houston. His practice focuses on catastrophic injury, product liability and other complex litigation for injured plaintiffs. Gerard has received several honors and awards throughout his career, including being named a Texas Rising Star, one of Houston's top personal injury lawyers by Houstonian Magazine, and a fellow of the Texas Bar Foundation and the Houston Bar Foundation.

**ANDREW HALBERT** was elevated to counsel with Fox Rothschild in Chicago. Halbert represents public and private clients, including cannabis companies, in a broad range of transactions.

**PATRICK MCCANN JR.** was named a Georgia Rising Star in Georgia Super Lawyers. McCann is a shareholder with Chamberlain Hrdlicka in Atlanta. He focuses on representing taxpayers at all stages of tax controversy, including examination, appeals and litigation. He also advises clients on various tax planning and restructuring matters designed to withstand future Internal Revenue Service scrutiny.

On Sept. 30, 2022, **PAUL MYSLIWIEC** received the U.S. Attorney's Award for the District of New Mexico. Awarded each year to one assistant U.S. attorney, the award acknowledges exemplary performance by a federal prosecutor.

In the year leading up to his selection, Mysliwiec conducted six federal jury trials, each featuring some COVID-19 protocols. While every jury trial is difficult, these trials were unusually challenging, ranging in subject matter from prohibited possession of a firearm by a foreign national, to attempted murder of a government witness, to cyberstalking by publishing "revenge porn," to a two-week trial related to multimillion-dollar government contract fraud. Two of the trials were conducted in successive weeks, and one was a conflict case in a different state. During the same time, Mysliwiec continued to negotiate pleas for his other cases and

investigate new crimes, including the attempted murder of a federal task force officer and several investigations into white supremacist groups.

## 2010



**MINOO S. BLAESCHE** was elected to partner with Jackson Walker in Dallas. Blaesche focuses on business and commercial litigation and handles a wide array of complex litigation for a variety of clients, including high-stakes matters for many financial institutions. In 2021, she was selected to participate in the Dallas Bar Association's WE LEAD program. Outside the firm, Blaesche is an avid volunteer for Cycle for Survival.

## 2011

**CAROLINE FOX** was promoted to counsel with Haynes Boone in Dallas. An intellectual property practice group member, she is experienced in patent litigation matters involving a range of technologies, including wireless communications, electronics and life sciences. Fox has been recognized by Super Lawyers Rising Stars, Thomson Reuters, from 2017-23.

**BRIAN A. WRIGHT** was promoted to counsel with

Hunton Andrews Kurth in Richmond, Va. Wright represents corporate clients in a wide array of commercial disputes, including construction litigation, contract claims, corporate torts, insurance claims, trademark infringement claims and post-mergers and acquisitions disputes. In his 10 years as a trial lawyer, he has obtained nearly \$100 million in combined awards and judgments for his clients.

## 2012



**DOUGLAS HANCE** was promoted to partner at Morris, Manning & Martin in Atlanta. Hance is the national coordinating counsel for a Fortune 500 company and the associate primarily responsible for its successful global defense strategy.



**CAITLIN M. POE** was named to Benchmark Litigation's 40 & Under List for 2023. This is her sixth consecutive year being recognized as an attorney among the top young talent in their respective litigation com-

munities in the U.S. and Canada. Poe is a trial lawyer and regulatory adviser with Williams Mullen in Raleigh, N.C. She represents criminal and civil clients, with a particular focus on representing clients adverse to the state or federal government. Her experience includes criminal and civil cases involving securities regulation, intellectual property, consumer protection, environmental compliance, health care fraud and financial fraud.

**DANIEL WATKINS** recently helped found a new law firm specializing in "reputation management and fighting misinformation." Meier Watkins Phillips Pusch is based in Washington, D.C. The firm was founded by Watkins and three other Clare Locke partners who had served as co-counsel to Dominion Voting Systems in its defamation lawsuit against Fox Corp., which led to a sizable settlement for their client.

## 2013

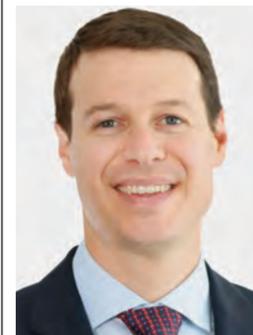


**MICHAEL S. DAWKINS** joined Winderweedle, Haines, Ward & Woodman in Winter Park, Fla., as a partner. Dawkins has a wide range of experience in all aspects of real estate, including acquisition, development, sale and

leasing, particularly complex commercial leasing.



**MELINDA HAN GAMMELLO** was named a partner in Skadden's tax controversy and litigation group in Washington, D.C. Gammello advises multinational corporations, financial institutions and individuals on a wide range of tax controversy and tax planning matters.



**WILLIAM HALLIDAY** joined Williams Mullen's corporate section as a partner in Tysons, Va. Halliday focuses his practice on corporate and securities matters, including initial and follow-on public stock offerings, private stock offerings, growth equity financings, mergers and acquisitions, and corporate reorganizations.

**NICOLE JACKSON-LESLIE** was named one of Business Insider's Top Private Bankers Under 40 in April. Jackson-Leslie is vice president and a wealth planner with Brown Brothers Harriman in Boston.



**P. RYAN MESSIER** was elected to partner with Fried Frank in Washington, D.C. Messier practices in mergers and acquisitions, private equity and complex corporate transactions.

## 2014

**EMILY FEDER** was promoted to partner with Allen Matkins in Los Angeles. Feder's practice focuses on all types of real estate transactions.

**CHELSEA LEITCH** was promoted to counsel with Haynes Boone in Dallas. A member of the corporate practice group, Leitch's practice focuses on structuring, drafting and negotiating commercial agreements and related arrangements, bringing strategic legal insight and practical solutions into clients' business relationships.

## 2015



**AISHA HALEY** joined Caldwell Cassady & Curry as counsel in Dallas.

Following two clerkships, Haley worked on commercial and patent trial work with two firms in Washington, D.C. Most recently, she was an integral member of a trial team that secured a \$15 million jury verdict in the Northern District of California.

## 2016

**ANDRE FERRARI** was promoted to vice president of transactions and general counsel at Tellus Group, a real estate developer in Dallas. Ferrari focuses on acquiring large tracts of land in Texas and developing them into amenity-rich, master-planned residential communities. Recently, Ferrari was honored as one of the Dallas Business Journal's 40 Under 40.

In July, Ferrari completed the legal transaction he is most proud of—representing his parents in the sale of the remaining assets and intellectual property of their company, Free Donkey Sports. Ferrari and his mother founded the cornhole bag company while Ferrari was studying for the LSAT. His mother and stepfather grew it so much in the past decade that its sale has "sent them into well-deserved retirement."

## 2017

**JOHN H. ELLIOTT** is a litigation associate in Bradley's new Atlanta office. Elliott represents a wide range of clients in complex commercial disputes and has been recognized in Best Lawyers: Ones to Watch for Commercial Litigation and Litigation—Labor & Employment.

## 2019



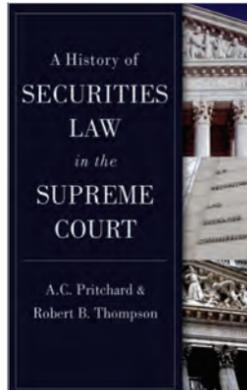
**MATTHEW JOHNSON** joined Fish & Richardson as an associate in Minneapolis. With technical experience in many areas—including electrical engineering, cybersecurity and thermodynamics—Johnson focuses his practice on patent litigation in U.S. District Courts, the U.S. International Trade Commission, and the Patent Trial and Appeal Board.

## 2020

**RONALD PANTALENA** started clerking for Chief Magistrate Judge Matthew M. Scoble with the U.S. District Court in Alaska in June.

# Alumni Books

## NONFICTION

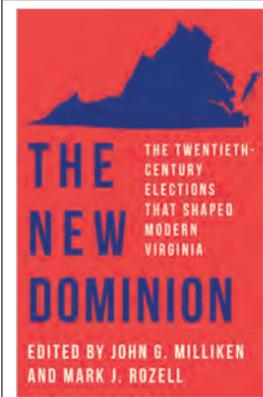


**A HISTORY OF SECURITIES LAW IN THE SUPREME COURT**  
A.C. PRITCHARD '92  
and ROBERT THOMPSON '74  
OXFORD UNIVERSITY PRESS

“A History of Securities Law in the Supreme Court” explores how the court has made—and remade—securities law. It covers the history of the federal securities laws from their inception during the Great Depression, relying on the justices’ conference notes, internal memoranda and correspondence to shed light on how they came to their decisions and drafted their opinions. That history can be divided into five periods that parallel and illustrate key trends of the court’s jurisprudence more generally, the authors argue.

The first saw the administration of President Franklin D. Roosevelt triumph in its efforts to enact the securities laws and—aided by his filling eight seats on the court—establish their constitutional legitimacy. This brought an end to the court’s longstanding hostility to the regulation of business. The arrival of Roosevelt’s justices, all committed to

social control of finance, ushered in an era of deference to the Securities and Exchange Commission that lasted into the 1950s. The 1960s brought an era of further expansion and judicial activism by the Warren Court, with purpose taking precedence over text in statutory interpretation. The arrival of Lewis F. Powell Jr. in 1972 brought a sharp reversal. Powell’s leadership of the court in securities law produced a counterrevolution in the field and an end to the SEC’s long winning streak at the court. Powell’s retirement in 1987 marked the beginning of the final period of this study. In the absence of ideological consensus or strong leadership, the court’s securities jurisprudence meandered between expansive and restrictive decisions.

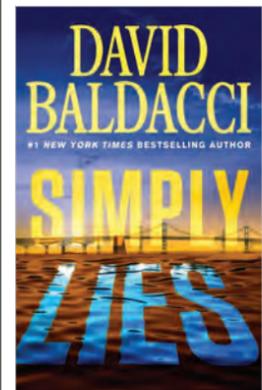


**THE NEW DOMINION**  
The Twentieth-Century Elections That Shaped Modern Virginia  
EDITED BY JOHN G. MILLIKEN '70  
and MARK ROZELL  
UNIVERSITY OF VIRGINIA PRESS

“The New Dominion” analyzes six key statewide elections to explore the demographic, cultural and

economic changes that drove the transformation of the state’s politics and shaped the political Virginia of today. Countering the common narrative that Virginia’s shifting politics are a recent phenomenon driven by population growth in the urban corridor, the contributors to this volume consider the antecedents to the rise of Virginia as a two-party competitive state in the six critical elections of the 20th century they profile.

## FICTION



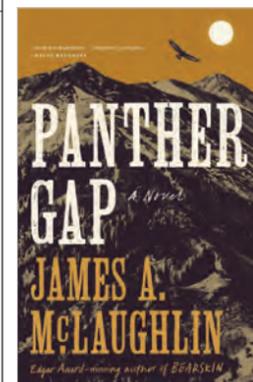
**SIMPLY LIES**  
DAVID BALDACCIO '86  
GRAND CENTRAL PUBLISHING

Mickey Gibson, single mother and former detective, leads a hectic life similar to that of many moms: She juggles the demands of her two small children with the tasks of her job working remotely for ProEye, a global investigation company that hunts down wealthy tax and credit cheats.

When Mickey gets a call from a colleague named Arlene Robinson, she thinks nothing of Arlene’s unusual request for her to inventory the vacant home of an arms dealer who cheated ProEye’s clients and fled. That is, until she arrives at the mansion to discover a dead body in a secret room—and realizes that nothing is as it seems. Not only does the arms dealer not exist but the

murder victim turns out to be Harry Langhorne, a man with mob ties who used to be in witness protection. What’s more, no one named Arlene Robinson works at ProEye.

In the blink of an eye, Gibson becomes a prime suspect in a murder investigation—and her job is also on the line until she proves that she was set up. Before long, Gibson is locked in a battle of wits with a brilliant woman with no name, a hidden past and unknown motives—whose end game is as mysterious as it is deadly.

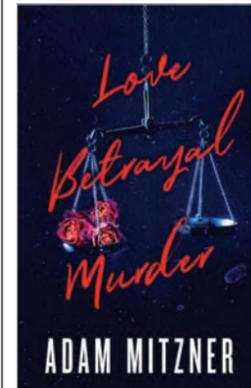


**PANTHER GAP**  
JAMES MCLAUGHLIN '90  
FLATIRON BOOKS

Siblings Bowman and Summer were raised by their father and two uncles on a remote Colorado ranch. They react differently to his radical teachings and the confusions of adolescence. As young adults, they become estranged but are brought back together in their 30s by the prospect of an illegal and potentially dangerous inheritance from their grandfather. They must ultimately reconcile with each other and their past in order to defeat ruthless criminal forces trying to extort the inheritance.

Set in the rugged American West and populated by drug cartels, shadowy domestic terrorists and nefarious business interests, “Panther Gap” combines descriptive environmental writing,

a white-knuckle thriller plot, and characters dealing with legacy, identity and their own place in the world.



**LOVE BETRAYAL MURDER**  
ADAM MITZNER '89  
BLACKSTONE PUBLISHING

Matthew Brooks and Vanessa Lyons are a perfect love match, both attorneys at a powerful New York City law firm. But there’s a hitch: Matt just made partner, and Vanessa is coming up for partner next year. And Vanessa’s husband has his suspicions.

Vanessa is assigned to the biggest case at the firm, the one that will determine her future. Unfortunately, Matt has been working the case for years, leaving him no choice but to supervise his lover in violation of firm policy. When Vanessa is denied her partnership, despite assurances to the contrary, she can only assume that her affair with Matt was the reason.

Then, on a crowded Manhattan street corner, a knife flashes in the midday sun, leaving behind a scene of horror. But with so many having been betrayed, and no one telling the truth, will the murderer be brought to justice? Even after hearing the gripping courtroom testimony, readers will be unsure who is the betrayed and who is the betrayer, right up until the culminating jaw-dropping reveal.

# THE PEACOCK AND THE SPARROW

## Debut Spy Thriller by Former CIA Officer

**I.S. BERRY (ILANA BERRY '03)** SIMON & SCHUSTER/TRIA BOOKS

As Ilana Berry’s UVA Law classmates were kicking off their lucrative law firm careers, Berry hunkered in a flimsy trailer as mortars pelted her Baghdad “Green Zone” compound and the air reeked of smoldering Iraqi rocket engines.

“It was worse than I thought it would be,” said Berry, who was 28 and single when she agreed to a yearlong intelligence-gathering assignment during the Iraq War. “I don’t know if I would have volunteered had I known just how bad it would be and how few precautions we had when I was over there.

“There were times I would go to bed just hoping I would wake up in the morning.”

Berry’s six years undercover as a CIA operative—including experiences she chronicled in a memoir still too personal and painful to publish—form the frames of her debut spy thriller, “The Peacock and the Sparrow,” written under the name I.S. Berry. But before she could pursue her long-envisioned career as a writer, Berry had to, in spy parlance, “come in from the cold.”

“It means you’re done spying,” she said. “It was when I had my cover lifted. And that’s pretty final. It’s like you know you’re not going back.”

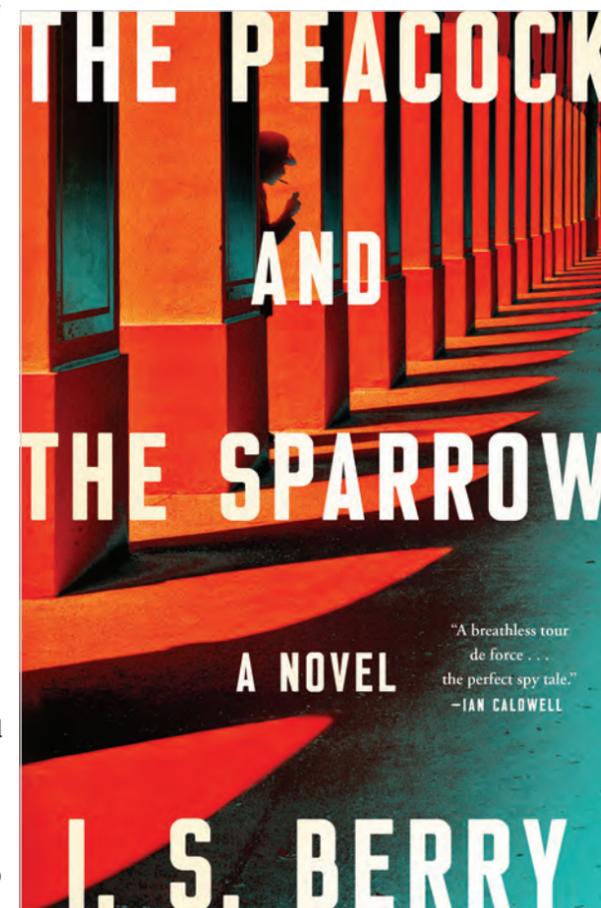
But that doesn’t mean the CIA has released its grip on the former agent. Nearly everything she writes—fact or fiction—requires agency approval.

Those restrictions also meant she couldn’t send draft chapters to literary agents or publishers. She had to finish “The Peacock and the Sparrow” and get it cleared by the government before anyone could peek at a page.

“It was such a lonely process. It was such a leap of faith,” Berry said. “There were times where I thought this could be the absolute worst book on the planet.”

Fortunately, publisher Simon & Schuster didn’t think so and released “The Peacock and the Sparrow” in May. The New Yorker has since featured it as one of its best books of 2023.

The title comes from an Arabian parable. A sparrow becomes anxious when he sees a man laying traps. The peacock tells the sparrow not to worry, but the sparrow takes extra precautions to avoid capture. One day the sparrow witnesses two birds quarreling, drops his guard and swoops in to intervene. The man ensnares all three. Berry’s character, an aging, road-weary spy named Shane Collins, rambles along something akin to the sparrow’s path.



“A breathless tour de force . . . the perfect spy tale.”  
—IAN CALDWELL



► Berry spent six years undercover, including a harrowing tour in Baghdad gathering intelligence during the Iraq War.



Berry’s own career path was at times as fraught as the sparrow’s. She had already applied to the CIA when terrorists struck New York and the Pentagon on Sept. 11, 2001. The attacks steered her resolve.

CIA spy training then was still largely based on Cold War techniques: Go to a cocktail party, make some connections, develop those relationships. But there were no soirees in Baghdad. Berry spent most of her time assessing the stories of Iraqis who were hoping to trade sketchy information for money.

“Most of it was just worthless,” she said. “We struggled because there were very few sources that were really valuable.”

She did find one source who led her to a suspected terrorist. At the time, “that was such a huge coup, because we just weren’t getting information like that.”

Now, many years on, Berry and some of her colleagues wonder if they got the right guy after all. She’s never learned the suspect’s fate—an experience she still carries and that inspired her to put the story in her head on paper.

“I’d always wanted to be a writer. I just hadn’t found the right story,” she said. “My protagonist makes decisions that affect the course of the Arab Spring, and they are not necessarily the right ones. But you don’t know. When you’re in the thick of it, you just don’t know. It’s the murk of espionage.”

—Mike Mather



ROBERT ULEWELYN

# IN *memoriam*

Daniel S. Ely '53 NOBLESVILLE, IND. May 31, 2023	George B. Dornblaser Jr. '64 ROCHESTER, MASS. April 19, 2023	Elizabeth D. Whiting '75 LEESBURG, VA. Sept. 8, 2021
George W. Martin '53 KENNETT SQUARE, PA. June 8, 2023	Thomas Grimm '64 THOMASVILLE, GA. Feb. 20, 2023	Nancy S. Sparks '76 FALLS CHURCH, VA. Feb. 24, 2023
Chester Ira Bays '55 BOWLING GREEN, KY. May 25, 2023	Samuel B. Witt III '64 RICHMOND, VA. July 6, 2023	Carmen R. Johnson '79 UPPER MARLBORO, MD. July 13, 2023
John F. Novatney Jr. '55 HILTON HEAD ISLAND, S.C. March 24, 2023	John W. Glynn Jr. '65 ATHERTON, CALIF. July 31, 2023	T. Spence Chubb '80 ARLINGTON, VA. July 17, 2023
William D. Moore '57 JACKSONVILLE, FLA. May 8, 2023	F. Allan Kelly '65 KINGSFORD, TENN. June 25, 2023	Gayle R. Westbrook '80 DENVER May 31, 2023
William R. Edwards Jr. '58 CORPUS CHRISTI, TEXAS March 13, 2023	Robert Bronson Haines '67 LEBANON, N.J. May 9, 2023	C. Michael Alston '83 HERNDON, VA. Jan. 30, 2018
Allan R. Johnson '58 VIRGINIA BEACH, VA. July 22, 2023	Karl W. Boyles '68 PENSACOLA, FLA. April 14, 2022	James L. Richey '83 BIRMINGHAM, ALA. June 15, 2023
Edwin G. Torrance '58 VERO BEACH, FLA. April 24, 2023	Raymond C. Robertson '68 STAUNTON, VA. April 21, 2023	Virginia A. Fowler '84 POTOMAC, MD. May 11, 2023
Lowell P. Weicker Jr. '58 OLD LYME, CONN. June 28, 2023	Malcolm P. Smith '68 PARIS, KY. Oct. 10, 2017	Cathy L. Lucrezi '85 FORT MYERS, FLA. April 8, 2023
Allan Ralph Zenowitz '58 CAMBRIDGE, MASS. Sept. 20, 2023	Thomas G. Wood '68 ARLINGTON, VA. May 18, 2019	Catherine Ann Lowe '88 FREDERICKSBURG, VA. Sept. 26, 2022
John D. Clark Jr. '59 CHANDLER, ARIZ. May 9, 2023	Donald O. Manning '69 ARLINGTON, VA. April 20, 2023	Charles L. Baker '89 MAYNARD, WASH. July 2, 2023
Shant J. Harootunian '59 GAINESVILLE, GA. Feb. 23, 2023	Harold R. Bailes '71 DURHAM, N.C. May 26, 2023	William I. Garrad LL.M. '90 MOORESVILLE, IND. June 2, 2023
Erwin H. Baumer '60 ATLANTA March 11, 2023	Andrew H. Goodman '71 RESTON, VA. May 21, 2023	K. Edward Greene LL.M. '90 DUNN, N.C. May 23, 2023
Philip V. Moyles '60 BELMAR, N.J. Feb. 3, 2023	Richard Hobert May '71 ORANGE PARK, FLA. March 15, 2023	Thomas G. Hohenthaner '90 ALEXANDRIA, VA. Feb. 6, 2023
C. Barry Buckley '61 WEST CHESTER, PA. April 16, 2023	David Hart Nelson '72 CHARLOTTESVILLE April 18, 2023	Jonathan I. J. Goldberg '93 DENVER June 19, 2023
C. Hiram Upson III '62 WASHINGTON DEPOT, CONN. Dec. 9, 2022	Kenneth E. Ahl '73 DOYLESTOWN, PA. April 29, 2023	Michael A. Stroka '95 WESTERN SPRINGS, ILL. June 14, 2023
James A. Wade '62 SIMSBURY, CONN. July 3, 2023	Linda Howard '73 SAN FRANCISCO Sept. 15, 2023	James Fitzgerald Bowyer '08 FLOURTOWN, PA. Nov. 14, 2022
H. Spencer Everett Jr. '63 BOYNTON BEACH, FLA. Feb. 10, 2023	Burtis M. Dougherty Jr. '74 ARLINGTON, VA. April 23, 2023	Cecile Farmer Casali '15 GALESVILLE, MD. April 29, 2022
Hadley S. Roe '63 MOUNT KISCO, N.Y. June 19, 2023	Robert G. Jones '74 VIRGINIA BEACH, VA. June 3, 2023	Douglas B. Rogers '16 GAINESVILLE, VA. Dec. 12, 2022
James A. Rogers '63 CHARLES TOWN, W.VA. April 3, 2023	John P. Tucker Jr. '74 BLUE RIDGE, GA. May 23, 2023	Frances Hayden Hutto '18 NEW YORK June 6, 2023

# Whittington W. Clement '74

SPECIAL COUNSEL, **HUNTON ANDREWS KURTH**

**WHITTINGTON W. CLEMENT** RECENTLY ENDED A TWO-YEAR TERM AS THE **UNIVERSITY OF VIRGINIA'S RECTOR**, leading the Board of Visitors. Clement was first appointed to the board by then-Gov. Terry McAuliffe in 2015.

A Double Hoo—he holds a bachelor's degree in history and a law degree from UVA—Clement has deep ties to the University. He was an original trustee and member of the UVA College Foundation, and a former member of the UVA Alumni Association Board of Managers and of the Jefferson Scholarship National Selection Committee.

Clement served seven terms in the Virginia House of Delegates, from 1988 to 2002, and he served as Virginia's transportation secretary under then-Gov. Mark Warner. He is currently special counsel and a former partner at Hunton Andrews Kurth in Richmond.

He is also a past president of the Virginia Bar Association and former chair of the State Council of Higher Education for Virginia. He found time to answer a few questions from UVA Lawyer after he was succeeded as rector by Robert Hardie. (Carlos Brown '99, a 1996 College graduate, became vice rector.)

**WHAT WAS THE BIGGEST CHALLENGE YOU SAW AS THE UNIVERSITY TRANSITIONED** through and away from the COVID-19 era?

Balancing the need to take health precautions with the reasonable expectation of a traditional residential and in-person classroom experience. Striking that balance was a massive undertaking and I believe the Board of Visitors and President [Jim] Ryan '92 threaded that needle about as well as any large university. That work also led to new ways of working together across the institution that have continued to benefit UVA.

**YOU'VE BEEN INVOLVED IN PARTISAN ROLES AND NONPARTISAN SERVICE, SUCH AS FOR THE VIRGINIA BAR ASSOCIATION.** How do you keep politics from affecting your work relationships in and out of politics?

In the hyper-charged polarized environment we find ourselves, the best policy has often been to avoid discussions about politics unless with close friends. I fervently hope that will change, but in the meantime, I do believe that as lawyers we should strive for rational, dispassionate exchange of views and seek consensus where compromise is possible.

**WHY IS THE FREE EXCHANGE OF IDEAS** important at UVA?

True to the ideals of the University's founder, the free exchange of ideas is critical for an informed citizenry and for our democratic republic. Intellectual diversity and civil discourse should be bedrock principles in all facets of University life, especially in academics, and even more so in our Law School, where so many of our students will become community and political leaders. All students at UVA should have an opportunity to hear, debate and formulate their own views on a variety of topics. Toward

that end, the Board of Visitors enthusiastically adopted in 2021 a Statement of Free Expression and Inquiry (see p. 32).

**IF YOU COULD GIVE ONE PIECE OF ADVICE TO A RECENT UVA LAW GRAD,** what would it be?

My most fulfilling times were those when I felt I had shared knowledge that impacted the lives of others in a positive way, whether for a client in the practice of law or through community or public service.

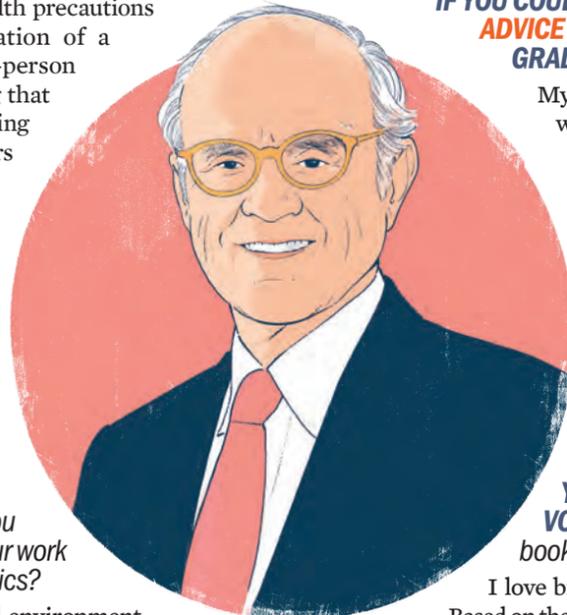
Though graduates are facing different financial pressures today, I hope they also take joy in serving others and the rich satisfaction that can come from doing so.

**YOU'RE A SELF-DESCRIBED VORACIOUS READER.** What books would you recommend?

I love biographies and historical books. Based on the fact that our country is consumed with politics today, I highly recommend Robert Caro's books on President Lyndon B. Johnson, particularly, "Master of the Senate." I recently purchased a book on Frederick Douglass, "Prophet of Freedom." I very much look forward to reading it.

**YOU HAVE THE LAST WORD.** What do you want to say?

First, I give credit to my professors and classmates for providing me the skill set and friendships to accomplish many of the personal goals I had set for myself. My UVA law degree has been the gateway that has opened doors for a wide assortment of opportunities. Second, I have found that a UVA law degree in many circles brings instant credibility and confers an immediate assumption [that the] person places great importance on integrity, hard work, fair play and using one's capabilities to serve others. I've done my best to live up to those standards, and I hope that legacy will benefit younger generations in the same way.



ALEX FINE

ROBERT LLEWELYN



**Events:** Connect with alumni at a reception near you. [law.virginia.edu/alumni](http://law.virginia.edu/alumni)

**DEC. 11 New York**  
The Yale Club  
**6:30-8:30 P.M.**  
Holiday Reception

**DEC. 13 Washington, D.C.**  
The Metropolitan Club  
**6:30-8:30 P.M.**  
Holiday Reception

**JAN. 18 Miami**  
With Dean Risa Goluboff  
Offices of Carlton Fields  
**6:30-8 P.M.** Reception

**FEB. 7 Silicon Valley/  
San Francisco**  
With Dean Risa Goluboff  
British Bankers Club,  
Menlo Park  
**6:30-8 P.M.** Reception

**FEB. 20 Atlanta**  
With Dean Risa Goluboff  
Four Seasons Hotel  
**NOON**  
Luncheon

**FEB. 21 Birmingham, Ala.**  
With Dean Risa Goluboff  
The Summit Club  
**NOON**  
Luncheon

**MARCH 25 Dallas**  
With Dean Risa Goluboff  
Arts District Mansion  
**NOON**  
Luncheon

**MARCH 25 Houston**  
With Dean Risa Goluboff  
Offices of Vinson & Elkins  
**6:30-8 P.M.**  
Reception

**APRIL 17 New York**  
With Dean Risa Goluboff  
The Yale Club  
**11:45 A.M.**  
Luncheon

**MAY 10-12 Charlottesville**  
Law Alumni Weekend



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580 Massie Road  
Charlottesville, Virginia  
22903-1738

VOICE: 434.924.3466

TOLL-FREE: 877.307.0158

FAX: 434.296.4838