

UVA LAWYER

SPRING 2023





From Dean Risa Goluboff

HERE AT THE LAW SCHOOL, our mission has three parts. We educate the next generation of lawyers for careers of distinction, leadership and service. We create and disseminate new legal knowledge—in the classroom and the pages of scholarly journals, trials and judicial opinions, and in congressional hearings, podcasts and treatises. And we serve the public through the intellectual leadership of our faculty, our pro bono and clinical work, and the significant support we provide students entering public service.



This issue's cover story details the deep engagement of faculty with how federal courts are shaping our nation and democracy. We profile the work of nine professors—some longstanding members of our faculty and some more recent additions—who take up matters ranging from whether judges should adhere to “personal precedent” to the tempo at which they resolve cases concerning executive privilege; from the imposition of administrative stays by federal appellate courts to the use of universal injunctions by district courts; from the validity of state and federal government standing in certain cases to the creation of the first restatement of law on constitutional torts.

The work of our faculty, and the impact it is having on the law, reminds us of what we have long known: that our legal system is created and sustained by every generation of lawyers, judges and litigants. The cornerstone institutions of our legal system and democracy have been in place for centuries, but every day we build, refine and adapt them as we actively engage the mechanisms of justice. Our faculty play a critical role in that process—through their scholarship, their teaching and their public engagement.

So too do so many of our students, faculty, staff and more than 20,000 living alumni—as lawyers and lawmakers, students and scholars, judges and best-selling novelists. Their accomplishments are myriad and varied, given that the members of our UVA Law community come from all walks of life, hold vastly different views and pursue a wide range of careers. In this issue, we profile Professor Douglas Laycock, who retires this summer from a distinguished career as a leading authority on the law of religious liberty and the law of remedies. We also highlight Judge Patricia Tolliver Giles '98 of the U.S. District Court for the Eastern District of Virginia, Seyfarth Shaw's managing partner-

elect Lorie Almon '94, a group of accomplished assistant U.S. attorneys from the Class of 2011, and a host of other remarkable alumni.

You will read about two of the flagship programs that help us fulfill our mission of preparing students for the dynamic, challenging and critically important profession that is the law. We celebrate the 20th anniversary of the John W. Glynn Jr. Law & Business Program, which educates our students inside and outside the classroom for a suite of careers in corporate law and the business world. We also share the exciting news that we have made our Virginia Loan Forgiveness Program both more generous and more broadly available to our graduates. These programs exemplify the investments we make in our students' professional and intellectual development, equipping them in every way to launch and sustain the fulfilling and wide-ranging careers we know await them when they graduate.

That we continue, more than 200 years after our founding, to produce not just any lawyers but UVA lawyers is a source of unending pride. The integrity and judgment of our alumni, their ability to collaborate with and listen to those with whom they disagree, the humanity and joy they share here and bring with them to every institution they join are what make UVA lawyers so special. Our graduates have shaped the law, the profession, the commonwealth, the nation and the world for generations. And their—your—generosity and engagement ensure that we will be able to do so for generations to come.

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▶ Rachel Lia '24 greets an admitted student in Spies Garden at the Law School's open house March 16.

JULIA DAVIS



“To cure insomnia, read the fine print of a bond contract. For extra somnolence, check out its Definitions: dozens of pages of technicalities, all before the first provision.”

—**PROFESSOR MITU GULATI**, in an op-ed with University of North Carolina law professor Mark Weidemaier (*Financial Times*)

“Potentially these could be the most significant changes to the regulation of equity market structure since Regulation National Market System.”

—**PROFESSOR PAUL G. MAHONEY**, discussing sweeping reforms to stock trading (*Financial Times*)



“A computer probably will be able to write something like a legal opinion—maybe in 10 years.”

—**PROFESSOR MICHAEL LIVERMORE**, on artificial intelligence in the legal industry

“It’s virtually impossible to imagine a 6-year-old being found competent to stand trial.”

—**PROFESSOR ANDREW BLOCK**, discussing the case of the child who shot his teacher in Virginia (*The Associated Press*)



“We do have to understand that the doctrine we’re getting out of court isn’t telling us exactly what the constitutional contours of executive privilege are.”

—**PROFESSOR PAYVAND AHDOUT**, discussing her paper “Separation-of-Powers Avoidance” (*Common Law*)

“What I suspect is happening and will continue to happen is that more law firms have really become more sophisticated businesses



in terms of the way that they operate ... in that they’re [hiring] more higher-level professional employees who are not attorneys.”

—**PROFESSOR ELIZABETH ROWE**, explaining a growth in trade secrets litigation in law firms (*Law 360*)

“It will be very difficult, absent an international crisis, to achieve a global agreement about what types and uses of autonomous weapons are acceptable.”

—**PROFESSOR ASHLEY DEEKS**, in an op-ed (*Articles of War*)



“[Deepfake porn] has been a pervasive problem. We nonetheless have released new and different [AI] tools without any recognition of the social practices and how it’s going to be used.”

—**PROFESSOR DANIELLE CITRON** (*The Washington Post*)

“I wanted to make sure as the chief investigator that every single statement that any member made, that any witness made, we could stand behind.”



—**TIMOTHY J. HEAPHY '91**, discussing his work as chief investigator for the U.S. House Jan. 6 committee (*The New York Times*)

“It feels hard to imagine how this would corrupt his vote.”

—**PROFESSOR AMANDA FROST**, discussing whether Chief Justice John Roberts should recuse himself from certain cases based on his wife’s work as a legal recruiter (*The New York Times*)



“I am getting more calls from parent groups asking, ‘What can we do to challenge the level of education my child is getting?’ It’s a silver lining that the pandemic has generated new energy for reform.”

—**PROFESSOR KIMBERLY JENKINS ROBINSON** (*Harvard Law Bulletin*)



“So it has taken me only 22 years from when I first put pen to paper, scribbling about my experiences as a lawyer, to seeing it on Netflix. ... But the whole time during my full-time lawyering, I was always trying to work on that manuscript, whenever I could, whether that meant weekends or early in the morning or after work at night.”

—**HELEN WAN '98**, author of “*The Partner Track*,” which became a Netflix series (*Original Jurisdiction*)

“There is every reason to believe that the states would not have agreed to a constitution that denied their highest courts that judicial review.”

—**JUDGE J. MICHAEL LUTTIG '81**, formerly of the Fourth U.S. Circuit Court of Appeals, arguing against the “independent state legislature” theory in an op-ed on *Moore v. Harper* (*The Atlantic*)



“It’s hard to leave a place so collegial it’s like family, but 39 years after entering the courthouse it’s time to turn the reins of the clerk’s office over to the next clerk.”

—**PATRICIA S. “PAT” CONNOR '81**, in an email about her retirement as the Fourth U.S. Circuit’s clerk of court (*Law.com*)



Quoted

Discovery

UNIVERSITY OF VIRGINIA
SCHOOL OF LAW
NOW

LOAN FORGIVENESS PROGRAM EXPANDS

THE LAW SCHOOL is expanding its loan forgiveness program this year so that more graduates will be eligible for greater benefits.

The Virginia Loan Forgiveness Program will now help repay the loans of all graduates earning less than \$100,000 annually, up from \$85,000. Participants in the program who earn less than \$80,000 annually (previously \$65,000) will receive benefits covering 100% of their qualifying law school loans. Those earning between \$80,000 and \$100,000 will receive prorated benefits based on income.

“We are grateful for the alumni support making this expansion possible,” Dean Risa Goluboff said. “Our students go on to work as prosecutors, public defenders, in nonprofits and legal aid organizations, and in federal, state and local governments. This increased funding for loan forgiveness will continue to make those careers possible, while also supporting graduates who strike out on their own as solo practitioners or pursue practice experiences that are less remunerative or uncertain—like working in-house for a startup.”

Though the expansion will in practice mostly affect graduates working in public interest roles, it will also provide relief to graduates working in the private sector. The school is simplifying the requirements to participate in the program by allowing any kind of employment to qualify, so long as legal skills are required for the role. With the median and 25th percentile private-sector salaries both at \$215,000 for the Class of 2022, in effect the program will continue primarily to support alumni working in public service.

Graduates entering qualifying employment

within two years of graduation or completing a clerkship are eligible for the program.

“By removing financial barriers to careers in public service, we hope this change empowers students taking on graduate school loans to pursue any career they wish, with substantial support from the Law School,” said Assistant Dean for Public Service Leah Gould, who serves as director of the Mortimer Caplin Public Service Center.

The expansion is made possible by alumni and other donors, including Stephen '72 and Martha Anne Yandle, and the Horace W. Goldsmith Foundation.

The expansion of the loan forgiveness program builds upon increases in the Law School's funding for public service over the past several years, including guaranteeing funding for qualifying students working in public service jobs over the summer. The Law School last year began fully shouldering the costs of the grants through funding from alumni and other donors, with more than \$800,000 going to 167 students in 2022. Funds raised by the Public Interest Law Association,

a student organization that began the grant program, now go toward the PILA+ program, which distributed an additional \$40,000 to students living in areas with higher costs of living.

The number of Law School summer fellowships earmarked for public service has also grown in recent years, with new additions to the longstanding Linda Fairstein Public Service Fellowships including the Katherine and David deWilde '67 Public Interest Summer Fellowships, the Democracy Summer Fellowships and the Women's Health Summer Fellowships. In 2017, the school created the Virginia Public Service Scholarships—full-tuition scholarships with flagship endowment funds from Tim '83 and Lynne Palmer, Dave Burke '93, and Ted '92 and Keryn Mathas in honor of former professor Bill Stuntz '84. Twelve students have received the award.

Other initiatives include an expanded menu of clinical offerings, new courses focused on public interest skills, the hiring of additional career counselors, and establishing the Shaping Justice conference and awards to honor the work of alumni serving in public interest careers.

—Mary Wood

ACCOLADES

1 **ETHAN TREACY '23** and **DEV RANJAN '23** won the 94th William Minor Lile Moot Court Competition.

2 **YEWANDE FORD '23** was named this year's recipient of the Gregory H. Swanson Award.

3 **HELEN SONG '23** will assist survivors of human trafficking as the 22nd Powell Fellow in Legal Services.

4 **BIRUKTAWIT "BIRDY" ASSEFA '23** was named the new editor-in-chief of the Virginia Law Review.

5 **TOMMY CERJAS '23** was elected president of the Student Bar Association.

6 **NATALIE ANDERSON '22, SUJATA BAJRACHARYA '23, MEGAN JONES '22, ELANA OSER '23** and **ARIANA SMITH '23** will join the federal government in the fall through attorney honors programs.

7 **SEAN GRAY '24** won the Virginia Law Review Online 2022 Student Essay Competition for “Chronic Nuisance Ordinances, Impossible Choices, and State Constitutions.”

8 **MARY MERKEL '23** was awarded an Equal Justice Works Fellowship to help families navigate New York City public school hearings.

9 As an Equal Justice America fellow, **RUBY CHERIAN '23** will represent incarcerated and formerly incarcerated clients in Virginia on civil rights matters.

10 Professor **RUTH MASON** (not pictured) and **NATALIE MAUCH '23** (from left) helped coach **KATRINA MEYER '23**, **KATHRYN KENNY '24**, **DANIEL ELLIOTT '24** and **NEIL KELLIHER '23** to a second-place finish at the International and European Tax Moot Court competition in March. Kelliher also won first place in the International Fiscal Association USA 2022 International Tax Student Writing Competition.



ERIN BROWN '21 TO CLERK AT U.S. SUPREME COURT

ERIN BROWN '21 will clerk for Justice Brett Kavanaugh at the U.S. Supreme Court for the 2024 term, becoming the second UVA Law alumna to line up a high court clerkship for that term.

"If you had told me at the beginning of law school that I would clerk at the Supreme Court, I wouldn't have believed you," Brown said. "The amazing professors and classmates that I had along the way put that goal within reach."

The Law School is fifth after Harvard, Yale, Stanford and Chicago in placing clerks on the U.S. Supreme Court from the 2007 through 2022 terms. Rachel Daley '21 will clerk for Justice Neil Gorsuch, also for the 2024 term. Henry Dickman '20 and Michael Corcoran '17 are currently clerking for Justices Amy Coney Barrett and Clarence Thomas for the 2022 term.

Brown is now clerking for Judge Carl J. Nichols of the U.S. District Court for the District of Columbia and previously clerked for Judge Britt C. Grant of the U.S. Court of Appeals for the Eleventh Circuit.

At UVA Law, Brown was a Karsh-Dillard Scholar, recipient of the Bracewell LLP Appellate Advocacy Award, executive editor of the Virginia Law Review and a participant in the Supreme Court Litigation Clinic. She was also a research assistant to Professors

A. E. Dick Howard '61 and Saikrishna Prakash, who both advised Brown on her Virginia Law Review note, "The Lost Judicial Review Function of the Speech and Debate Clause."

"Erin is the total package—brilliant, industrious, indefatigable. She's the epitome of the legal eagle," Prakash said. "To top it off, she is a wonderful, enthusiastic and energetic person."

Brown said she looks forward to seeing justices with differing perspectives tackle the difficult issues that have divided circuit courts with the aim of finding the right result under the law.

"Being exposed to the high caliber of advocacy at that level will help me become a better lawyer when I am an advocate myself," she said. "I couldn't be more grateful for this opportunity to continue to develop skills that I will put to use for the rest of my career, all while learning directly from Justice Kavanaugh."

Brown earned her bachelor's degree from the University of South Carolina.

—Mike Fox

THE FORUM HOTEL OPENS

AFTER TWO YEARS OF CONSTRUCTION, The Forum Hotel, run by Kimpton and owned by the Darden School Foundation, officially opened for business in April.



Located next door to the Law School, the site—featuring 198 hotel rooms, a restaurant and sports bar, numerous event spaces, and five acres of gardens, walking trails and water features—offers a long list of potential benefits for community members. In addition to providing a convenient place for Law School visitors to spend the

night, it promises to be a locus for gatherings on North Grounds. The school's Career Development Office has slated some employer networking events for The Forum's ballroom, which accounts for 6,000 of the 40,000 square feet of interior and exterior event space.

"We are already in demand as a wedding venue from

alumni with a strong North Grounds connection and people simply interested in a memorable experience in a beautiful location," said Ashley Williams, CEO and chief learning officer of Darden Executive Education & Lifelong Learning.

—Mary Wood

GESPARMARQUEZ

LGBT RIGHTS LITIGATORS RECEIVE JEFFERSON MEDALS IN LAW

MENAKA GURUSWAMY AND ARUNDHATI KATJU, who have advanced LGBT rights as lawyers in India, were named this year's recipients of the Thomas Jefferson Foundation Medal in Law.

Sponsored jointly by the University of Virginia and the Thomas Jefferson Foundation, the nonprofit organization that owns and operates Monticello, the Thomas Jefferson Foundation Medals are awarded each year to recognize the achievements of those who embrace endeavors in which Jefferson—author of the Declaration of Independence, third U.S. president and UVA

founder—excelled and held in high regard. The law medal, and its counterparts in architecture, citizen leadership and global innovation, are UVA's highest external honors.

"Menaka Guruswamy and Arundhati Katju have worked tirelessly to advance equality and LGBT rights in India, the world's largest democracy," Dean Risa Goluboff said. "I'm thrilled to

► Menaka Guruswamy and Arundhati Katju were among TIME magazine's 100 Most Influential People of 2019.

celebrate their achievements and for our students to learn more about their groundbreaking work and careers."

Guruswamy and Katju were scheduled to talk at the Law School on April 12, but India's Supreme Court scheduled a conflicting trial date involving the lawyers.

Guruswamy and Katju represented plaintiffs in a landmark 2018 ruling in which the Supreme Court of India unanimously decriminalized homosexuality by striking down a colonial-era anti-sodomy law. Their petition was the first time LGBT Indians had challenged the law as a violation of their fundamental rights. In recognition of their success, Guruswamy and Katju were named among TIME magazine's 100 Most Influential People of 2019. In a current case before the Supreme Court of India, Guruswamy and Katju are representing clients seeking same-sex marriage rights.

Guruswamy, a senior advocate at the Supreme Court of India, has also worked on cases related to white-collar defense, constitutional law, corporate law and arbitration. Guruswamy was the B.R. Ambedkar Research Scholar and Lecturer at Columbia Law School from 2017-19. She has also been a visiting faculty member at Yale Law School, the University of Toronto Faculty of Law and New York University School of Law, where she taught comparative constitutional law.

Katju, a lawyer practicing in Indian trial and appellate courts, has worked on cases including white-collar defense, commercial law and legal aid, in addition to LGBT rights litigation. In 2015, Guruswamy and Katju represented a transgender man brought from the United States to India by his parents so he could be "reformed." They successfully persuaded the Delhi High Court to force his parents to return his travel documents, and the court reaffirmed the man's civil rights.

—Mike Fox

SCHOOL RESPONDS TO TRAGEDY ON GROUNDS

CLASSES RESUMED AT THE LAW SCHOOL and across UVA just days after a tragic shooting on Main Grounds that left three students dead and two others hospitalized on Nov. 13.

To welcome students back to North Grounds and give them room to grieve together, the school hosted a communitywide breakfast Nov. 16 in Caplin Pavilion, organized by the Student Affairs Office. The school also hosted two

drop-in gatherings a day earlier while observing the University's Day of Reflection.

Nearly 100 students, faculty and staff filed into the pavilion, where three small candles lit the jersey numbers of the three football players who



were killed: Devin Chandler (15), Lavel Davis Jr. (1) and D'Sean Perry (41). Dean Risa Goluboff delivered brief remarks.

"People are going to [have] different levels of grieving, different levels of anger, different levels of loss and mourning," Goluboff said. "I will tell you that the [glimmers of hope] I find are all about community—

community on a number of different levels," Goluboff said, citing the outpouring of support the University and its members have received from alumni, from Charlottesville and beyond.

"I just want you to feel like you're part not only of this community, but of this very big community who all have our backs," Goluboff said. —Melissa Castro Wyatt



ONE YEAR AFTER RUSSIAN INVASION, UVA HUMAN RIGHTS LAWYER IS SUING ON BEHALF OF UKRAINIANS

OLENA PROTSENKO REMEMBERS EXACTLY where she was when she heard that the unthinkable had become Ukraine's reality on Feb. 23 last year. She was putting her 8-month-old son to bed in her Charlottesville apartment, while her husband was watching the evening news. He came into the room and whispered in her ear that Russian President Vladimir Putin had declared a "special military operation" in their homeland.

It was already 5 a.m. on the 24th in Ukraine. "I called my aunt and told her that the war had started," Protsenko said. "I can hear it," her aunt replied, through tears.

A year later, Protsenko is waging her own battle, working as a staff attorney through the Law School's International Human Rights Law Clinic and marshaling the efforts of students to hold Russia accountable for possible war crimes.

Protsenko had moved to the United States in 2019 as a Fulbright Scholar studying international human rights law while earning her LL.M. at the University of Indiana McKinney School of Law. Since 2020, she had been in Charlottesville, archiving oral histories about the Soviet use of punitive psychiatry to suppress dissent, as part of a postdoctoral research fellowship with UVA Law professor Richard Bonnie '69.

But before arriving in the United States, she had represented Ukrainian victims of gross human rights violations committed by Russian forces and pro-Russian militants during the 2014 invasion of the East and the annexation of Crimea.

"One of my first clients was the family of a girl I used to play with growing up; she lived next door to my grandmother," Protsenko said. The girl, who was 20, perished when the civilian bus she was riding on in the Donetsk region was fired on as it passed through the Volnovakha checkpoint.

Protsenko filed the family's lawsuit against the Russian government in the European Court of Human Rights, which had jurisdiction over Russia since it joined the Council of Europe and signed the European Convention on Human Rights in 1998.

Once Protsenko pulled herself away from the invasion news and located her family—which took a month—she reached out to Professor Camilo Sánchez, director of the

International Human Rights Clinic. The school hired her as a staff attorney, allowing her to work on behalf of Ukrainian victims and offer students a once-in-a-lifetime work experience.

Protsenko filed her first lawsuits related to the current war in June 2022, one on behalf of the family of "the woman with the red manicure," who was shot while riding a bike in Bucha, and another on behalf of a 9-year-old child who survived being shot in the neck at a Russian checkpoint.

Though her lawsuits are not part of the clinic's curriculum, students have flocked to help further the cases.

Upon recognizing the potential of Protsenko's litigation to serve as a valuable teaching tool for international law, Sánchez put out a call for pro bono volunteers to help her work out two preliminary issues that could block the victims from having their day in the European court: exhaustion of domestic remedies in Russia and jurisdiction over the human rights breaches in Ukraine.

Twenty-five students responded, which was more than Protsenko could manage at this point in her litigation efforts. Eight joined her team.

As a legal matter, there are two European court rulings that live on Protsenko's desk and in her mind.

In the controversial interstate case of *Georgia v. Russia (II)*, the European Court of Human Rights held that it had no jurisdiction over events that transpired during the Five-Day War that occurred when Russia invaded Georgia in August 2008. The court said that the so-called "context of chaos" during active hostilities meant that neither state had control over the affected area and therefore neither could be held liable for the civilian killings committed during that period.

However, Protsenko was quick to point out that the facts



are different in her cases, which is where the second document on her desk comes in. Issued in January this year, the European Court's decision in *Ukraine and the Netherlands v. Russia* concerns Russia's responsibility for the 2014 downing of Malaysia Airlines Flight 17 over Eastern Ukraine. The court concluded that, because Russia effectively controlled the self-proclaimed separatist "republics" and the surface-to-air missile was launched outside of the "context of chaos," the European Court has jurisdiction.

"The court said it can hear the case because the plaintiffs would find no effective remedy in the Russian justice system," Protsenko said.

The students who volunteered to help with Protsenko's cases each spent at least 50 hours doing legal and factual research to distinguish her clients' cases from *Georgia v. Russia* and to analogize them to *Ukraine and The Netherlands v. Russia*. Stewart Lawrence, a first-year student, helped narrow the "context of chaos" argument and Russian-speaking IL Megan Chapelle researched Russian laws that shield their war criminals from responsibility.

Most of Protsenko's cases involve Ukrainian civilians shot by Russian soldiers or kept in Russian captivity in inhumane and degrading conditions. Other cases deal with extrajudicial executions, including the family of a village mayor from the Kyiv region who was allegedly taken into a nearby forest, tortured and killed.

"There is no circumstance under which one can be tortured or extrajudicially executed," Protsenko said. "Combatant or not, it is not allowed under any circumstances."

Another group of clients are the survivors of Russian air raids in Mariupol, forced at gunpoint to leave the city and be transported to Russia. (They later escaped to Europe, she said.)

An LL.M. student, Yali Liang, said Protsenko's passion for human rights resonated with her.

"Working on this program means a lot for me," Liang said. "This is not just about a legal practice, but also about doing something meaningful."

The students have expressed frustration at the procedural hurdles and the pace of justice in the European Court of Human Rights—a court whose decrees the Putin regime is unlikely to recognize. Protsenko understands that frustration and counsels her clients to take the long view.

"I told all my clients that you can either do nothing or you can act and be optimistic that whoever comes after Putin will care about international law and will do everything they can to be accepted back into the democratic world," Protsenko said. "But even if the victims don't get the money from Russia, they still get moral satisfaction—an acknowledgement of their pain and Russia's responsibility for their suffering."

—Melissa Castro Wyatt



'PARTNER TRACK' AUTHOR HELEN WAN TO SPEAK AT GRADUATION

HELEN WAN '98 will serve as the Law School's commencement speaker for the Class of 2023 in May.

Wan is a lawyer and a diversity and inclusion consultant, as well as the author of a novel that has been turned into a Netflix series and has even been featured in some law schools' curricula. Her book, "The Partner Track," was published in 2013 to positive reviews, while "Partner Track" premiered on Netflix in August.

After graduating from UVA Law, 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. Ultimately, she worked as in-house counsel at three media companies, including Time Inc. She also recently served as vice president and associate general counsel for the Hachette Book Group.

Although "The Partner Track" is a work of fiction, Wan's experience as a young woman of color working at an elite firm allowed her to write a candid portrayal that rings true to many others who have struggled with decoding the unwritten rules of law firm culture.

Published by St. Martin's Press, the book follows the struggles of protagonist Ingrid Yung, who is on the cusp of becoming the first Chinese American partner of the firm. Following a racial incident at the firm, she is unwillingly cast onto the new diversity committee—a juggling act she does not want to perform.

The book and television series have encouraged reflection about work-life balance and equity and inclusion efforts at top-tier law schools and law firms alike, and Wan has been an in-demand speaker on these issues since 2014.

Wan said she was honored to be asked to address her alma mater's graduating class, "particularly at a time when the themes I often write about—how to make the legal profession a more inclusive, level playing field, and how cultural factors influence ambition and our pursuit of happiness—are finally part of the conversation and are being examined in a meaningful way."

—Melissa Castro Wyatt

ANNE SWERLICK '77 AND LAUREL SAKAI '11 were recognized for their public service work at the seventh annual Shaping Justice conference Feb. 3.

Swerlick, who retired in August from the Florida Policy Institute after more than 30 years in public interest law, received the Shaping Justice Award for Extraordinary Achievement.

For the last five years of her career, Swerlick served as the senior policy analyst and attorney at the Florida Policy Institute, focusing on health, economic and social justice issues. Her efforts led to two major recent legislative victories in a polarized political climate, as well as an award from Georgetown University.

“People think of a public interest law path as sort of a selfless route to go, but when I look back, I’ve gotten so much more than what I’ve given out,” she said. “I grew up very sheltered, and it’s been a privilege to get to know and learn from people who have experienced completely different life paths than me, to share their stories of resilience and confide in me.”

Sakai received the Shaping Justice Rising Star Award. She is the national director of public policy and government affairs at the Planned Parenthood Federation of America. She joined the organization just a few weeks before the U.S. Supreme Court overturned the constitutional right to abortion.



SHAPING JUSTICE CONFERENCE HONORS TWO HEALTH CARE ADVOCATES

Before joining Planned Parenthood, Sakai spent 10 years on Capitol Hill, most recently as the deputy health policy director for the U.S. Senate Committee on Health, Education, Labor and Pensions, under the direction of Chair Patty Murray. Sakai was senior counsel to the HELP Committee before that.

“It can be really hard sometimes, especially when there are so many forces operating against you,” Sakai said. “But I think remembering who you’re trying to help and working really hard every day to try to make a difference for them—even if you don’t have all the solutions or wins—is the thing that

keeps me going.”

The theme of this year’s conference was “Safeguarding Bodily Autonomy: Examining the Intersections of Health and Justice.” Panels of experts discussed topics on reproductive justice, health care in correctional facilities and detention centers, climate change and indigenous health, and more.

Reproductive justice scholar Khiara M. Bridges, a professor at the University of California, Berkeley School of Law, delivered the keynote address.

—Melissa Castro Wyatt



CLINIC AIDS LEGISLATIVE REFORMS IN VIRGINIA

State and Local Government Policy Clinic students **Tim Dodson '24**, **Clare Hachten '24**, **Michael Ferguson '24** and **Michael Pruitt '24** stand in the Virginia House of Delegates.

WITH THE HELP OF TWO UVA LAW STUDENTS, mental health legislation to address overcrowding in the state’s hospital emergency rooms recently became law. Two more students assisted with education bills.

Michael Ferguson '24 and Clare Hachten '24 of the State and Local Government Policy Clinic worked with state Sen. Creigh Deeds on bills to reform temporary detention orders, or TDOs, which allow courts to direct a law enforcement officer to take an at-risk person into custody and transport them to a specified facility for mental health treatment.

Ferguson assisted with SB 1302, which streamlines the process of securing a TDO for intoxicated individuals and allowing them to remain in a local hospital for treatment, and Hachten worked on SB 1299, which establishes a new process to reevaluate someone subjected to a TDO to see if they still meet the criteria to be hospitalized and, when appropriate, provides for their release with a discharge plan.

Deeds, who has spent much of his legislative career working to improve Virginia’s behavioral health system, said the state is facing a shortage of staffed psychiatric beds, meaning Virginians who are in crisis have to wait days for any to open up. His son killed himself in 2013 after he failed to receive court-ordered mental health treatment because a hospital bed could not be found.

“Both bills will reduce the number of people waiting unnecessarily in our emergency rooms, limit unnecessary transfer to psychiatric hospitals and ensure people get an appropriate level of care,” Deeds said.

The clinic helped pass four bills this year, and a total of 14 over the past three years.

“We have a great group of students who, in a complicated political year, were able to help their legislative clients make real progress on important issues,” said Professor Andrew Block, the clinic’s director. “Clare and Michael’s work with Sen. Deeds is a great example of the impact that students can have.”

Samira Nematollahi '23 and Ethan Young '24 worked with Professor Katie Ryan '92 to assist Del. Carrie Coyner on the other two bills that passed. The legislation, which was signed into law March 26, expanded Virginia Literacy Act protections and services to students in grades 4-8 and established a working group to design a data portal for parents to track their children’s progress.

—Mike Fox



LIBRARY PODCAST EXPLORES SCHOOL'S HISTORY

“**LEGAL KNOWLEDGE**,” a new podcast produced by the Arthur J. Morris Law Library’s Special Collections department, is exploring the history of legal education at UVA. The show debuted March 29.

Meggan Cashwell, the library’s Horatio and Florence Farmer Postdoctoral Fellow in Legal History, produces the podcast in collaboration with Library Coordinator Addie Patrick and UVA English master’s

student Rebecca Barry. Along with Randi Flaherty, head of special collections, and Loren Moulds, head of digital scholarship and preservation, Cashwell is co-editor of a forthcoming contributor volume on the history

► **Meggan Cashwell**, **Addie Patrick** and Professor **Anne Coughlin** record an episode at WTJU.

of legal education at UVA that inspired the podcast.

Cashwell said “Legal Knowledge” is a way for the library to educate a larger audience

about the central themes of the book and the Law School’s history.

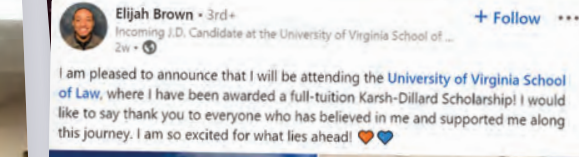
“I think this is a timely moment for an institutional history podcast, as UVA continues to grapple with its legacy,” she said. “In our case, curricular history has provided a lens to explore changes in and outside the classroom over time. The podcast is as much about legal teachings as it is the national landscape of the law and major social and cultural developments in the U.S.”

Season one will cover the Law School’s first 100 years over six episodes, with topics ranging from the Law School’s founding and how slavery was taught as a legal concept, to the Civil War and coeducation. Guests include Professor Anne Coughlin and UVA history professor Elizabeth R. Varon.

—Mike Fox



Sharing



STAR WITNESSES



"I ENDED UP externing for Athletes First, one of the premier sports agencies for NFL athletes. During my time there, I spent a lot of time working with lawyers, and seeing their skills negotiating, writing and interpreting contracts up close piqued my interest enough that I decided to study for the LSAT right after graduation—and the rest is history. They inspired me to go to law school because they demonstrated the power words have and the special work lawyers do in crafting contracts and negotiating life-changing amounts of money for people."

—SEAN ONWUALU '24



"ONE OF THE accomplishments that I am most proud of is being able to serve as the original voice of the character Koko on the animated TV series 'Chuggington.' ... Koko is the lead female role in the show, and I always enjoyed meeting little girls who admired her for being a strong, empowering female character. ... After studying political science at the University of Notre Dame and completing three internships with the U.S. House of Representatives, I realized that law and public policy would enable me to do what I had liked most about acting on a far larger scale and in a more enduring way."

—BRIGID HARRINGTON '25

LAW.VIRGINIA.EDU/STARWITNESS

INSIDER



Meet **10 AUSAs** From the Class of **2011**

Assistant U.S. Attorney **Danya Atiyeh** appears at a 2019 press conference outside the federal courthouse in Alexandria, Virginia, where then-U.S. Attorney G. Zachary Trawick announced the arrest of Henry Kyle Freese, a Defense Intelligence Agency official charged with leaking classified information.

Made in the AUSA

10 CLASS OF 2011 ALUMS SHARE THEIR EXPERIENCES SERVING AS ASSISTANT U.S. ATTORNEYS

Illustrations by Alex Fine

MAYBE IT WAS THE GRADUATION SPEECH BY ATTORNEY GENERAL ERIC HOLDER. Or maybe it was the pull to work in public service spurred by a clinic, or an inspirational professor. Whatever the cause, the Class of 2011 has an unusually high number of assistant U.S. attorneys, with at least 10 serving currently.

Alex Blanchard '11 sent a note in August to let UVA Lawyer know that he tallied four UVA-bred AUSAs from his class in his own Alexandria, Virginia, office, including himself and his colleague Jamar Walker '11, who left their ranks seven months later to serve as a federal District Court judge (see p. 80). Veronica Dragalin '11 also recently turned in her badge in California to serve in a key role prosecuting corruption in her family's homeland, Moldova (see p. 66). Even with those alums launching new careers, the number of classmates working as AUSAs was high, with four more alumni working in Virginia, two in Miami and one in Pennsylvania, Law School Foundation records revealed. Many more serve in the Justice Department in other kinds of roles. Holder, who delivered the Law School's commence-



► Christopher Browne

ment address on May 22, 2011, signed the certificate appointing Christopher Browne '11 an AUSA in 2013.

"Each time I look at that piece of paper on my wall, it reminds me that my dream career started, in a real way, on North Grounds in Charlottesville," Browne said.

Browne is now deputy chief in the Major Crimes Section in Miami, where he supervises other AUSAs prosecuting human smuggling, narcotics, fraud, child exploitation and firearms offenses. He has also worked on economic cases and cybercrimes.

Browne was inspired to become a federal prosecutor after his first post-college job working as a news assistant at CNN in New York, where he covered financial crimes.

"Watching great lawyers advocate for their clients and on behalf of victims made me want to be a part of

it," he said. Today, "serving the same community that welcomed my Cuban immigrant mother and her family in 1960" is one of the best parts of his job.

Browne also credited Professor Rachel Harmon, a former federal prosecutor herself, who taught him criminal law and criminal procedure.

"I was very lucky [to have her as a teacher]. She was one of the first people I thanked when I got this job," Browne said.

Fellow Miami office AUSA Christopher Cheek '11 said he fondly remembers his Child Advocacy Clinic experience with Professor Andrew Block and a seminar with then-Professor Jim Ryan '92. Today he works in affirmative civil enforcement with an emphasis on combating health care fraud, and enjoys the "significant independence" of his job, as well as working with co-workers who similarly value working in public service.

"I feel lucky to have work that serves a greater mission and broader community," he said.

A District Court clerkship played a pivotal role on Cheek's journey to becoming a prosecutor in the same district.

"Clerking with a district judge gave me insight into federal practice in that specific district, which I imagine would have been difficult to come by as quickly in other jobs as a newer attorney," he said. "That insight was valuable for the job I ended up in and probably made me a more competitive applicant."

Ravi Romel Sharma also clerked for a U.S. District Court, though in the Eastern District of Virginia. He spent seven years after that in law firms before making the leap in 2020 to become an assistant U.S. attorney in the Harrisburg, Pennsylvania, office. Sharma was inspired during his college days by a professor who had been both a federal prosecutor and the father of a UVA Law graduate who became an AUSA.

The professor "always said it was the best job you could have as a lawyer," Sharma said. "It turns out he was right."

During law school, Harmon's criminal procedure course made the material "come alive." When he got the job in Harrisburg, he was excited to share the news with Harmon, who had long been supportive of his prosecutorial aspirations.

Today, Sharma handles a broad range of white-collar fraud matters, including cases relating to health care, government contracts, counterfeit art, elder fraud and international money laundering.

"Right now, fraud related to pandemic-assistance programs is a main area of focus for us and our partner agencies," he said.

He compared fraud cases to a "complex puzzle." "It is extremely satisfying to figure out what a set of defendants did and how they did it, and to hold

them accountable for it," he said. "Most ordinary members of the community go to work every day and work hard to support themselves and their families. It's rewarding to be able to demonstrate to them that there is accountability for those who try to take advantage of others and defraud government programs."

One of Blanchard's 2011 colleagues in the Eastern District of Virginia, April Russo, said she has long been committed to helping crime victims.

"Over the years, I have specialized in prosecuting child exploitation and human trafficking crimes and found that my original passion for working with victims has only grown," said Russo, who is now the deputy chief of the Special Assistant U.S. Attorney Unit. She supervises between 15 and 20 "special AUSAs," who are attorneys from other government agencies assigned via temporary detail to the Eastern District of Virginia, as well as AUSAs who are new to the district.

"It is so rewarding to be a part of mentoring new attorneys and watching the progress they make from the time they come into our unit to when they leave," she said.

In 2021, Russo, then serving with the Child Exploitation and Human Trafficking Unit in the U.S. Attorney's Office for the District of Columbia, received the Shaping Justice Rising Star award from the

Law School.

Russo said her UVA Law professors taught her to "put integrity first, and they led by example in doing so."

Another Alexandria colleague, Danya Atiyeh, got a shoutout from Attorney General Holder on their 2011 graduation day because she was coming to work for the Justice Department as a trial attorney in the National Security Division immediately after law school.

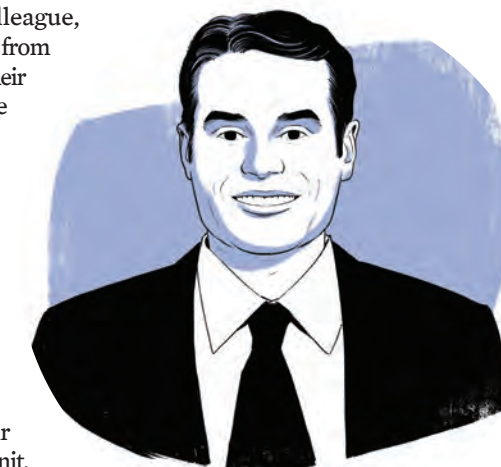
Two summer internships with the DOJ as an undergraduate, including with the U.S. Attorney's Office in Washington, D.C., in their Victim/Witness Assistance Unit, locked in her interest in the AUSA



► Christopher Cheek



► April Russo



► Ravi Romel Sharma

"You are the sole person telling the entire story of the case to the jury, and you're the one who has to decide exactly how to tell it. It's a huge responsibility, but also an incredible privilege—there's just nothing else like it."

—Danya Atiyeh

► Assistant U.S. Attorney Danya Atiyeh appears at a press conference in Alexandria, Virginia, in 2019.



Danya Atiyeh

role. In that internship, Atiyeh worked on a project arranging travel for a group of victims of a large-scale financial fraud.

“These folks were from all over the country, many of them had lost their life savings to the scammers, and they were coming to give victim impact testimony at sentencing,” she said. “It was a reminder of how devastating crime can be to members of the public, and the ways that prosecutors can help bring some measure of justice to people who need help.”

Looking back at her law school years, Atiyeh’s 1L criminal law course with Professor Anne Coughlin holds a “special place” in her heart, not only for the professor’s engaging lectures, but because she met and began dating her husband, Wells Harrell ’11, through the class. (Several AUSAs cited both Coughlin and Harmon.)

For her 2L year, Atiyeh deliberately picked a Trial Advocacy class taught by an AUSA, Jean Hudson from the Western District’s Charlottesville office. (Now she occasionally crosses paths with Hudson when their cases overlap.) Atiyeh also took the Prosecution Clinic, which “throws you straight into hands-on courtroom practice in a way that few clinics anywhere do.”

As chief of the National Security and International Crimes Unit in the Eastern District, Atiyeh supervises and prosecutes cases involving international and domestic terrorism, espionage and disclosure of classified information, and export control cases, such as violations of international arms trafficking laws and sanctions.

Her unit handles some of the most high-profile national security cases in the country, including the prosecutions of Alexandra Kotey and El Shafee Elsheikh, the two surviving members of the ISIS “Beatles,” the terrorist cell of British-born foreign fighters in charge of the international hostage-taking operation for ISIS. The pair were responsible for beheading three American citizens—journalists James Foley and Steven Sotloff, and aid worker Peter Kassig, whose deaths they filmed and broadcast—

and the death of American aid worker Kayla Mueller.

“These are complex, difficult federal trials, and every aspect of the trial rests on you,” Atiyeh said. “You are the sole person telling the entire story of the case to the jury, and you’re the one who has to decide exactly how to tell it. It’s a huge responsibility, but also an incredible privilege—there’s just nothing else like it.”

Blanchard, who now works as the chief of the Major Crimes Unit in Alexandria, supervises attorneys who handle the investigation and prosecution of complex violent crime across Northern Virginia. Blanchard recently prosecuted an MS-13 double-murder trial that made headlines, but beyond gang-related kidnappings and murders, his unit also handles firearms trafficking, armed robberies, sex trafficking, international human rights violations, forced labor trafficking, threats against government officials, criminal civil rights violations, and sexual assaults committed at military and intelligence installations where the federal government has jurisdiction.

A Double Hoo, Blanchard realized in law school that he wanted to become a prosecutor, but he also knew there would be “a lot of competition” for the appointment. He took on a District Court clerkship with Judge Norman K. Moon ’62 in the Western District of Virginia and an appellate clerkship at the Fourth Circuit, and worked as a law firm associate at Jones Day. Today, in addition to being a prosecutor, he’s an adjunct professor at Georgetown University Law Center.

He characterizes his prosecutor role as “challenging and dynamic.”

“No one day is just like the other.

There are always different problems arising and presenting themselves, whether from a case investigation standpoint or trial standpoint or supervising standpoint,” he said. “For me, it’s just important to have a sense that I am working toward something larger than myself, and it just feels great to think that you’re helping keep people safe by getting bad guys off the street.”

Blanchard praised his experience in the Law School’s Prosecution Clinic as “a tremendous opportunity” to handle cases and do bench and jury trials before even graduating from law school.

Having wanted to be a prosecutor since she was 12, Melanie Smith served as an assistant commonwealth’s attorney in Virginia Beach before making the leap to AUSA. She was attracted to the role because it allowed her to be more proactive, working side by side with federal agents to help cases take shape.

Her first federal role was in the DOJ’s Tax Division, then she moved to Dallas, where she prosecuted cases involving drug cartel money launders, kidnappings and bank robberies.

“But I really developed a true passion for prosecuting sex trafficking cases,” she said. “Being able to work



Alex Blanchard



Lena Busscher

with victims and see real, concrete change as a result of my efforts was incredibly rewarding. I love that when I go to bed at night, I know that I have worked to make the world a better place.”

One of the trafficking victims she worked with is now an Ivy League college student, while another is on her way to becoming a victims’ advocate.

“The agents and I were able to not only prevent violent traffickers from continuing to abuse and damage new victims, but we were also able to provide support and services to help these women improve their lives,” Smith said.

“Seeing the good that can come out of such terrible situations makes the tough parts of the job worth it.”

Now serving in the Charlottesville U.S. Attorney’s Office, Smith works on “a little bit of everything,” from sex trafficking to white-collar crimes.

“The variety is great. I am constantly learning new things,” she said.

For Double Hoo Lena Busscher, taking an AUSA role in the Abingdon Division in the Western District of Virginia in 2019 came with the advantage of moving near her hometown in Southwest Virginia. She had interned for a federal magistrate judge in the district before law school, then interned and clerked for the federal district court judge in the same courthouse.

“Those experiences and Anne Coughlin’s criminal law classes at UVA sparked my excitement about being a prosecutor,” she said.

Busscher and other AUSAs in the small Abingdon office handle a variety of cases, from firearms offenses to white-collar crimes. She has focused on prosecuting out-of-state drug traffickers linked to fentanyl overdoses in the area, and serves as the Project Safe Childhood co-coordinator for the district, and in that role has prosecuted several child exploitation cases.

“The work is extremely rewarding—especially when you get to serve in your hometown,” she said.

“I love that every day is different, and that I get to play a role in making our community safer. I also enjoy the team aspect of



Sean Jansen

working with agents in the investigatory stage of cases.”

Rebecca Gantt, who works in the Eastern District of Virginia’s Norfolk office with 2011 classmate Sean Jansen, took a winding path to her current role working on criminal fraud, child exploitation, human trafficking, civil rights and national security cases. After clerking for the 1st U.S. Circuit Court of Appeals, the U.S. Supreme Court and the U.S. District Court for the Eastern District of Virginia—in that order—she worked for more than four years as an associate in McGuireWoods’ Norfolk office.

“I was lucky to be exposed to many different areas of law and learn from many excellent attorneys,” she said. After she moved to government investigations and white-collar litigation, “I really began to appreciate the truth-seeking mission of criminal law.”

At the firm, she helped represent the family of Otto Warmbier in a lawsuit against North Korea. Warmbier, a UVA student, returned to the United States in a coma after a lengthy detention in North Korea, and died shortly afterward. The family was awarded \$501 million in damages, but Pyongyang ignored the order.

Later, the family was awarded \$240,000 in assets to be seized from a North Korean bank.

“That case showed me the great reward that can come from seeking some measure of justice for victims,” she said. “Having served in the U.S. Navy prior to law school, I was also ready to return to public service and knew how meaningful such mission-focused work could be.”

Jansen, Gantt’s Norfolk office colleague, represents the U.S. and its agencies in civil litigation filed in the Eastern District.

His work varies from Federal Tort Claims Act cases, such as medical malpractice claims, to employment discrimination matters, *Bivens* cases involving constitutional claims against individual federal employees, immigration matters, admiralty issues and land cases in which the U.S. has an interest in property being sold.

“One day you might be representing a branch of the military in a multimillion-dollar contract dispute, the next day you might be dealing with an admiralty dispute, and the next you might be defending [the U.S. Postal Service] in a minor fender bender,” he said. “Because we represent every federal agency in court, the work never gets old and the types of cases are always new and fresh.”

Jansen said he appreciated the autonomy and responsibility of seeing a case through from start to finish.

“What attracted me [to this role] was the opportunity to handle my own cases and represent my country in court,” he said. “There’s something very special about being able to stand up in court and say you represent the United States.”

—Mary Wood

“It’s rewarding to be able to demonstrate ... that there is accountability for those who try to take advantage of others and defraud government programs.”

—Ravi Romel Sharma



Melanie Smith

THE DAY WILL COME, PERHAPS SOON, when the elevation of a woman to be head of a major American law firm is not a big deal. But that day has not yet arrived, so the election of Lorie Almon '94 to be the next chair and managing partner of Seyfarth Shaw, which has nearly 900 lawyers across 17 offices worldwide, still merits attention.

Almon, an employment litigator, gets that. According to a 2021 report by Law360, only about 23% of equity partners at U.S. law firms are women, even though women make up more than 55% of U.S. law students. Similarly, a 2017 study by McKinsey & Co. found that women held only about a quarter of law firm board of director seats, and a similar percentage served as managing partner.

At Seyfarth, Almon proudly noted, more than 40% of the firm's executive committee and practice group heads are women. That was just one factor that led Seramount.com to name the firm to its annual "Best Law Firms for Women" list last year. Almon credited Seyfarth's culture, which she believes encourages all their lawyers to be their "authentic selves." As a young partner, Almon deliberately brought her son to the office and let others in the firm know she planned to attend a kid's school recital or ballgame. The point, she explained, was "not making parenthood something that seemed inconsistent with being a good lawyer."

There are certain constants to life in Big Law—there is no escaping the fact it is hard work to handle complex problems for some of the world's most prestigious companies. "This is a client service business, and that means being readily available, working hard and providing nuanced and sophisticated advice," she said. "But it's not an all-or-nothing choice, and we can normalize the idea that you can have both a successful professional and personal life."

When young lawyers, especially women, recognize that, "you see a real change. They feel the firm is a place where they can succeed, and they become even more passionate in their commitment to their careers."

After earning her undergraduate degree with honors at the University of Vermont, Almon said she decided to attend UVA because it offered both a top-tier legal education and a collaborative environment. While on campus, she "learned an enormous amount about leadership and integrity"—and incidentally, met her future husband, Mitchell Bompey '94, in their small-section Contracts class. Outside of class, she chaired the Student Funded Fellowships Program and initially thought that public service would be her mission going forward. Upon graduation, the faculty awarded Almon the Robert F. Kennedy Award for Public Service.

"I have always had a passion, which I maintain today, about giving back to the community," Almon said. "UVA supported my commitment to public service."

A Student Funded Fellowship enabled her to take a job as an assistant corporation counsel for the New York City law department, where she spent 3½ years handling complex and high-profile litigation. Two

years out of law school, she recalled, she was already handling jury trials and speaking to the media about high-profile constitutional cases.

"The great thing about going straight into government is that you get so much experience," Almon said.

In February 1998, she moved to Seyfarth, expecting to stay for only a few years. Twenty-five years later, of course, she is still there.

Almon made partner in 2003 and has co-managed the firm's New York office since 2005. Seven years ago, she was first elected to the firm's seven-member executive committee, which she will chair come September.

Almon will be the second UVA Law grad to hold the top spot at Seyfarth. Stephen Poor '80, who was Seyfarth's chair from 2001-2016, was a key mentor for Almon as she rose through the firm's ranks. In fact, Poor interviewed Almon as an associate candidate, greeting her with "Wahoowa."

"To my great surprise, I found I really loved working in a law firm!" she laughed. "I found that Seyfarth offered me the opportunity to handle complex work in a team-based, innovative environment. As my leadership responsibilities grow, I hope to continue to drive a high-performance culture that leads the market in innovation and collaboration, both within the firm and with our clients."

But that doesn't mean she has forgotten her commitment to public service. For nearly 20 years, Almon has served on the board of directors of Jumpstart, a nonprofit organization that recruits and trains thousands of college students to work in pre-K programs around the country, helping under-resourced children enter kindergarten with the pre-literacy and learning skills to succeed.

"It's just remarkable the difference it makes," Almon said of Jumpstart's work. "A young child's participation in a Jumpstart program can be a life-changing course correction. I'm very proud to be associated with the organization."

Perhaps eventually, one of the children helped by the nonprofit will be featured in a story like this one. Almon would like that to be the case, though she recognizes that just naming a woman to head a major American law firm is still a step forward.

"I hope that one day when women get appointed to these roles, their gender is not one of the key features of the story, but it is today," she acknowledged. "Still, it's exciting for all of us when we see women move into key leadership roles. And I'm enormously proud to be part of a firm that has created an environment where that can happen."

—Mark F. Bernstein '89



A PIONEERING *spirit*

LORIE ALMON '94 ELECTED CHAIR, MANAGING PARTNER OF SEYFARTH SHAW

CATCHING UP WITH ALUMNI

5, 10, 15 AND 25 YEARS AFTER LAW SCHOOL



SHIRIN BARADARAN '18

LEGAL COUNSEL
FIDELITY INVESTMENTS
BOSTON

DESCRIBE YOUR WORK: I am currently in-house counsel for Fidelity Investments. My area of focus is asset management and specifically registered investment funds. While my day-to-day responsibilities vary, fundamentally I help the business solve problems and develop and execute its strategies in a way that complies with applicable laws. I get to help the business understand its obligations, develop plans for compliance, effectively communicate those plans to both internal and external stakeholders, and assist with many other projects to keep the business moving in the right direction.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? I enjoy reading, cooking (especially Persian food), gardening, exploring New England and spending time with my family, friends and 1-year-old golden retriever. I am also currently an elected official in the town of Dedham, Massachusetts. I am chair of the town's Board of Library Trustees, which consists of five community members elected by the town to oversee the library's operations and strategic plans.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? While I try to not approach life with too many expectations, I've always wanted to learn about and experience as many things as possible. So far, I have been able to work for startups, a big law firm, both the federal and local government, and now a large financial institution. I've been privileged to learn about many different industries and legal practices, and to use that knowledge to try to help those around me. That's more than I could ever have hoped for by this point in my career and life!

WHAT DO YOU LIKE ABOUT YOUR LIFE 5 YEARS AFTER LAW SCHOOL? I most appreciate the perspective that I have gained over that time. Over the past five years, so much has happened personally, professionally and globally—I moved across the country, got married, changed jobs, ran for elected office, faced a global pandemic, bought and renovated a house, raised a puppy and so much more. Each of those things presented its own challenges and collectively taught me to be more patient with myself and trust in the journey. I also am so grateful for the mentors and friends who helped me find my way.



NICK MATCH '13

PRINCIPAL
McKOOL SMITH
WASHINGTON, D.C.

DESCRIBE YOUR WORK: I represent innovative and creative clients, helping them navigate the intellectual property system to protect their technology, ideas and businesses. At McKool Smith, everyone is a trial advocate, so most of my work is intellectual property litigation of some stripe, with a heavy dose of non-litigation strategy and advising.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? My wife, Elise, and I have four sons and one daughter, and spending time with them is usually my focus, but I like trying to learn some new skill with them. During the pandemic we did a lot of gardening, planting roses and laying new sod in our front yard. Watching the garden grow and enjoying the springtime was wonderful. Recently, I've spent my Sundays on woodworking or handyman projects around the house.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? I assumed I'd be practicing law, but the path my career has taken has been totally unexpected. After clerking, I went to Williams & Connolly, but left when a friend asked me to join a smaller appellate boutique where he worked. Through serendipity, I later ended up in the West Wing of the White House and then the Patent and Trademark Office. I had no plans to do either of those jobs, but they were both fascinating opportunities. Both were also unusual but excellent preparation for the litigation and advising I do now.

WHAT DO YOU LIKE ABOUT YOUR LIFE 10 YEARS AFTER LAW SCHOOL? Professionally, I love learning new things, in patent cases especially. I've gotten to learn about how semiconductor devices are made, how proteins fold (I didn't know they did!) and how cellular networks function. Diving into the technical details is always great fun. Personally, being a husband and father is the most important thing. I love that Elise and I share the task of helping our children grow in virtue and that we have our immediate family nearby and a community in our church and children's school to help us do that.



JOHN COOPER '08

EXECUTIVE DIRECTOR
SAFE & JUST MICHIGAN
LANSING, MICHIGAN

DESCRIBE YOUR WORK: We have a staff of 11 (including myself), and the criminal justice reform advocacy work we do involves a broad range of tasks—e.g. research, policy development, organizing, storytelling, media and legislative advocacy—and issues from bail reform, to sentencing and parole reform, to removing barriers to success for people with criminal records. We have helped pass many important reforms since I joined SJM as policy director in April 2017, and we have a full agenda in the 2023-24 legislative session.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? My wife and I have two small children (3-year-old son and a 6-month-old daughter), and a lot of family in town (both grandparents live within walking distance), so we have limited time for outside activities. But when I have the time, I enjoy food and wine, cards and board games, sports and fantasy sports, podcasts and spending time outdoors.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? I didn't come to law school with any specific expectations. I was the first person in my family to go to law school, and I was 22 and fresh out of undergrad when I started. So I didn't know enough to even have expectations beyond getting a job or a clerkship after graduation and hoping things worked out from there. Thankfully, they did! I was fortunate to clerk for a judge I admire and spent about seven mostly good years at a firm before I decided to move back to Michigan to pursue policy work. Expectations aside, I could not have predicted any of this, but I am grateful for how things have worked out.

WHAT DO YOU LIKE ABOUT YOUR LIFE 15 YEARS AFTER LAW SCHOOL? I feel like I am in the right place, finally settled and doing meaningful work. I also have a good work-life balance, control over my schedule and a job that is a better fit for me than practicing law. That's not to say I don't value my time practicing law—that experience helped bring me to where I am today. But I am glad I left when I did and came home.



PATRICIA TOLLIVER GILES '98

U.S. DISTRICT JUDGE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA, VIRGINIA

DESCRIBE YOUR WORK: Every day is different. I may be in motions hearings, plea hearings, trial or in chambers preparing for court. From moment to moment, I could be deciding a case involving constitutional issues, employment law, patents, contracts, criminal law or a host of other areas of law. It is an awesome responsibility, and I fully appreciate that my decisions impact many lives.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? I would love to say that I have interesting talents and hobbies, such as penning a novel or creating some abstract masterpiece, but I don't. I spend most of my free time enjoying my family, friends and dog. When I consider the obligations of work and everyday life, spending quality time with people who matter the most to me is what I treasure. I also enjoy exploring nature and listening to podcasts from time to time.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? Yes and no. I definitely envisioned a legal career in public service. I thought I would be doing that as a trial attorney. I never envisioned myself as a U.S. District judge. But thankfully I had mentors who encouraged me to think about this path. As a judge, I am still very much a public servant, so in that way I am doing what I envisioned—service. My advice to students and younger attorneys: Do not limit yourself. You don't know what is truly possible. Each day, commit to working hard and doing your best—in matters big and small—so that you will be prepared for the opportunity when it arises.

WHAT DO YOU LIKE ABOUT YOUR LIFE 25 YEARS AFTER LAW SCHOOL? Both personally and professionally, I'm in a great place. I'm doing work that is not only intellectually stimulating but more importantly, personally gratifying—every day is an act of service. Additionally, 25 years later, I know myself in a way that I did not when I first graduated. I'm more confident and know about setting priorities and having balance in my life.

BY PAUL B. STEPHAN '77



BIG DATA LOOMS LARGE IN TODAY'S WORLD. Much of the tech sector regards the construction of enormous sets of searchable data as a substantial part of its business model. Surveillance-oriented states—China, first and foremost—uses big data to monitor their own people as well as potential foreign threats. Many other states are not far behind in the surveillance arms race. Most recently, ChatGPT has revived popular interest in artificial intelligence, which depends on big data to optimize its capabilities.

Could big data join territory, people and property as objects of international controversy, including armed conflict? So far it has not mattered much in Russia's invasion of Ukraine.

But future conflicts could

DETERRING **ATTACKS** ON **BIG DATA**

feature attacks on this resource. China and Taiwan, for example, both have sophisticated technological infrastructures that encompass data and AI capabilities. The risk that they might find themselves at war in the near future is greater than anyone would like.

I am interested in two issues: Under the law governing the legality of war, what kinds of attacks on big data might justify an armed response, touching off an armed conflict (a war)? And within an existing armed conflict, which parts of the law governing the conduct of war (international humanitarian law, or IHL) govern such attacks?

If cyber operations rise to the level of an armed attack, then the targeted state has, according to the U.N. Charter, an "inherent right" to respond with armed force. Moreover, the target need not limit its response to a symmetrical cyber operation. If a state regards, say, a takedown of its financial system as an armed attack, it may respond with missiles.

In a world where big data takes on greater importance and becomes more consequential, it will be easier to regard attacks on it as an outrage. If the harmful potential of cyberattacks—triggering an economic collapse or taking a hospital out of commission—requires legal regulation within war, as many propose, why wouldn't such an attack also justify armed retaliation outside an armed conflict as a deterrent against future attacks? Why should the wiping out of vast wealth stored in the cloud not count as a *causa belli* if a conventional armed incursion, however slight, would count?

When faced with a legal conundrum, international lawyers often recommend that we make new law to provide a solution—for example, a treaty providing that IHL applies to databases while clarifying when a cyberoperation would trigger the right to self-defense. The states with the greatest cyber capacities are the least likely to agree to a common text.

The alternative approach is for states to walk and talk in a way that raises reasonable expectations on the part of the relevant audiences. These expectations in effect would become customary international law. The question becomes how to pitch this behavior and talk to best regulate threats to big data.

Without clearly and fully explaining their views, an increasing number of states have indicated that they accept a distinction between how IHL regulates actions against big data and how the rules of self-defense apply to cyberattacks. This implies that they might not see all cyber operations as automatically triggering their right to self-defense.

The international community might hope that this stance can survive as big data gains more significance and value. I wonder, though, if the facts change, shouldn't we reassess our views? Why not deter attacks on big data with armed force?

The alternative involves what one might call legal stovepiping. Rather than trying to fit cyberattacks into a broader legal framework, whether IHL or the law of self-defense, states might instead treat cyber operations as *sui generis* and develop consistent state practice that implies views regarding acceptable conduct.

A legalistic approach could affirm current law that treats espionage operations as unregulated by international law but subject to stringent sanctions under national law. It might treat cyber operations with direct effects in the material world as equivalent to kinetic actions. It might treat cyber operations that render big data inaccessible or dysfunctional, whether through ransomware or simply by incapacitation, as triggering a power to respond in kind, rather than a right to resort to arms.

How might we get there? Perhaps the United States would articulate the rules it will observe, act accordingly and respond to attacks consistently. It would have to act reasonably, including laying out an acceptable case for attribution when it sanctions states for particular operations. If the U.S. rules seem generally useful rather than selfish, the other cyber powers might eventually join in without acknowledging they were doing so.

A piecemeal, tentative and implied response to a serious problem may not satisfy lawyers the way a grand new treaty would. But in today's world, it often is the best alternative to anarchy.

PAUL B. STEPHAN '77 is the John C. Jeffries, Jr., Distinguished Professor of Law and the David H. Ibbeken '71 Research Professor of Law. He is a senior fellow at UVA's Miller Center. His new book, "The World Crisis and International Law," is available now (see p. 58).

How **Federal Courts** Are Shaping Democracy



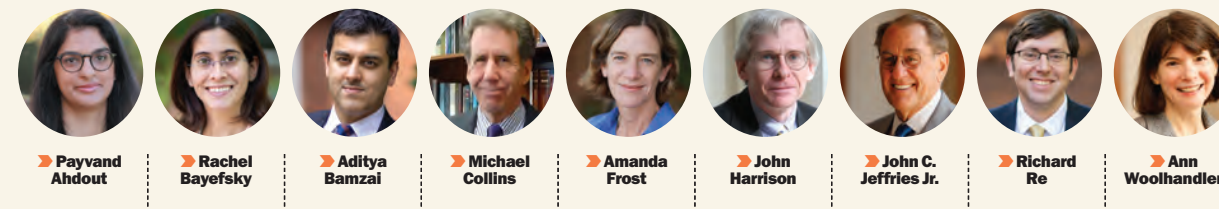
Illustrations by Jon Krause

FEDERALISM, SEPARATION OF POWERS AND THE RULE OF LAW—the issues federal courts are grappling with in the United States—are both provocative and polarizing.

As the most consequential cases on immigration, the scope of executive power, abortion, election law, states' rights and more work their way through the judicial system, any number of mechanisms

and lower court judges can influence the ultimate disposition of the issue.

At times, the most significant judicial moves go unnoted by the media and the general public.



THE UNIVERSITY OF VIRGINIA'S FEDERAL COURTS SCHOLARS reflect on the trends they are seeing and how the outsized impact of process—from docket management to the issuance of stays—can shape society and the contours of democracy.

Avoiding Questions Over Separation of Powers

What happens when courts fail to expeditiously resolve cases involving executive privilege?

AS A FORMER SUPREME COURT CLERK, Professor Payvand Ahdout has always kept tabs on the trends she sees in the federal judiciary. Over the past few years, she has forged her scholarly bona fides by backing these observations with data that reveal what's going on behind the scenes. In 2022, the Yale Law Journal honored Ahdout as the journal's inaugural Emerging Scholar of the Year.

In her latest paper, "Separation-of-Powers Avoidance," forthcoming in the Yale Law Journal, she looks at how the federal appellate courts in recent years have gone to great lengths to avoid questions about separation of powers in cases in which Congress and the executive branch are in conflict. The result, she theorizes, is a distortion of legal meaning and the creation of vacuums that will ultimately be filled by someone other than a judge.

"Courts are trying to avoid compelling officers to do something—that's the main thrust of this paper," Ahdout said in an interview about the paper on UVA Law's "Common Law" podcast. "But I think that has a whole host of implications for how it affects the merits and getting decisions on the merits."

Ahdout's research revealed how this pattern shapes the outcome of matters ranging from discovery, to standing, to mandamus to statutory construction. Applied to clashes between Congress and the president, it muddles the bounds of executive privilege and allows the executive branch to run out the clock on congressional subpoenas—via remands to lower courts to answer separation of powers questions—when an appellate court wouldn't hesitate to address the merits of a congressional subpoena of a private party.

"There's nothing barring a court of appeals or the Supreme Court from taking the standards that it articulates and applying them in the case at hand, instead of

remanding," Ahdout said. "So it's the disparity between cases involving the executive and Congress as parties, and non-separation of powers cases that might involve similar doctrines, that is particularly striking for me."

The federal courts are flush with congressional subpoenas and executive privilege claims right now, in part because of the "aberrational events" surrounding Donald Trump's time in office, Ahdout said. But the doctrines being applied to these cases have a tendency to take on a life of their own, she cautioned.

"When you look back and see where doctrines like executive privilege come from, most cases have at their inception something going on during the Nixon era, which people thought was aberrational," Ahdout said. "And the executive privilege that Nixon was claiming is the same one that Barack Obama was claiming, and so once you create a tool or you develop a doctrine, I don't think you can then take the worms and put them back in the can."

Whether this type of avoidance is a good or bad thing is beside the point for Ahdout, who says she hasn't decided that for herself yet.

"But if we're relying on courts to tell us, 'This is what the law is,' what we're getting is not an articulation of what the law is," Ahdout said. "The court isn't telling us exactly what the constitutional contours of executive privilege are."

—Melissa Castro Wyatt



A Standard for Administrative Stays

Can **consistency** help temper the impact of cases that affect millions?

“ADMINISTRATIVE.” It’s a word that calls to mind minor housekeeping matters—maybe boxing up dusty manila files—rather than the kinds of federal cases that affect millions of lives. However, according to a recent article by Professor Rachel Bayefsky published in the *Notre Dame Law Review*, federal judges’ administrative stays have had real-world consequences in recent high-profile cases involving abortion, homelessness and immigration.

An administrative stay allows federal courts to halt the effect of legal proceedings until a ruling is made on a party’s request for expedited relief—often a request for a more extended stay.

Despite the potential for such stays to affect lives and policies in these areas, Bayefsky says, federal courts have yet to introduce a uniform standard for determining whether an administrative stay should be issued in a given case.

Administrative stays affected Texas women’s ability to have an abortion even before the Supreme Court overturned *Roe v. Wade*. During the pandemic, Texas Gov. Greg Abbott issued an executive order postponing certain medical procedures, including abortions. When the federal district court blocked enforcement of Abbott’s order with regard to abortions, Texas officials appealed, seeking administrative stays to block the lower court’s ruling on an expedited basis.

The Fifth Circuit issued two administrative stays, portions of which lasted 19 days. Critics argued that the stays—which temporarily barred certain abortions—effectively denied some women’s constitutional rights and elevated their health risks.

Texas officials, on the other hand, argued in favor of the administrative stay because it preserved government power to protect public health during the pandemic.

“Administrative stays underscore the difficulty of devising value-neutral mechanisms for guiding the courts’ exercise of their discretion,” Bayefsky writes.

Her paper presents a series of recommended standards for determining whether a court should issue an administrative stay.

Among these recommendations is that stays should only be granted for a limited period of time, to promote legitimacy and consistency in the court system. Another is that for efficiency’s sake, some types of cases involving irreparable harm—such as those involving the death penalty or deportation from the United States—should automatically receive an administrative stay.

CONTINUES PAGE 32

Standing Too Tall

The Supreme Court is considering the boundaries of **states’ standing** to sue the federal government.

FUN FACT: The state of California sued the Trump administration at least 122 times, averaging one new lawsuit every 12 days.

Since Donald Trump left office, the state of Texas has been in hot pursuit of the Biden administration, having filed at least 27 suits against the federal government since the White House changed hands. In one of those suits, *United States v. Texas*, the Supreme Court is considering the limits around states’ standing to sue the federal government.

In its *Texas* brief, the United States cites a recent article by Professors Ann Woolhandler and Michael Collins, “Reining in State Standing,” which argues that current standing doctrine was designed for individual plaintiffs and there should be a presumption against state standing.

“If one believes that standing doctrine is an important structural limitation on the federal courts’ ability to make pronouncements of law restraining the political branches and other parties, then the upsurge of state-initiated suits is a matter of concern,” they write.

The impetus for *U.S. v. Texas* is the way the federal Immigration and Customs Enforcement Agency has prioritized the removal of different categories of immigrants under different administrations. In a country with 11 million undocumented immigrants, the priority has shifted from one administration to another, and Texas and Louisiana now allege they have standing to challenge these guidelines because they will increase the number of undocumented immigrants in their states, and so increase the incarceration, education and health care costs for the state. Under the theory of standing, these higher costs are the cognizable injury.

Woolhandler and Collins propose limiting state standing to cases in which states are the direct regulatory objects of federal statutes and regulations.

In a post on SCOTUSBlog, Professor Amanda Frost, who joined the faculty last fall, seconded her new colleagues’ position, writing that their approach would fit more comfortably with states’ traditionally limited role as litigants before federal courts.

“Under the tripartite requirements for standing, a plaintiff must show an ‘injury in fact’ that is traceable to the challenged action and redressable by a court,” Frost writes.

But that standard gives states “enormous leeway” to claim injury on behalf of themselves or their citizens “because almost any change to federal policy will have a fiscal impact on a state and its residents.”

Limiting states to standing as regulatory objects would help to restore some limits on state standing, Woolhandler and Collins write in their article.

CONTINUES PAGE 32



A Matter of **Personal Precedent**

Is a justice's personal consistency a building block of the rule of law or a **political grenade**?

OVER THE PAST YEAR, Professor Richard M. Re's analysis of justices' use of "personal precedents" at the Supreme Court has attracted attention from many corners, including the Harvard Law Review, which published his article on the topic this past January, and The New York Times, which previewed it back in April 2022.

Re defines "personal precedent" as a judge's propensity to adhere to her own previously expressed views of the law, including previous court opinions, law review articles, speeches and confirmation testimony.

The Times treatment preceded the abortion-opinion leak in *Dobbs v. Jackson Women's Health* by less than a month, by which point there was little question that, as former appeals Judge Richard A. Posner warned in 2008, "If changing judges changes the law, it is not even clear what law is."

Re, however, argues that the apparent "choice between impersonal law and personal whimsy poses a false dichotomy." He argues that adherence to one's previously expressed legal views offers a path to decision-making that is "both personal and law-like."

Personal precedents will always play a role when a justice is faced with open questions or with ancient precedent that they believe to have been based on prejudice, ignorance or methodological confusion, Re says. Moreover, justices are predisposed to hold fast to their previously expressed views to protect both their professional integrity and their "celebrity brand" and legacy. Majority opinions often incorporate—or even avoid upsetting—a particular justice's personal precedent in order to win that justice's vote, he writes.

As a practical matter, personal precedent adds an element of predictability that "facilitates settlements and streamlines litigation efforts." A consistent dissenter, for example, may help point the way toward clearing up a

doctrine's muddled status quo, he writes.

Re also uses an ironic pre-*Dobbs* twist to illustrate the ways in which personal precedent can help reinforce a shaky institutional precedent: In *Planned Parenthood of Southeast Pennsylvania v. Casey*, the constitutional right to abortion was essentially preserved because of personal precedent. For example, the controlling opinion included a string citation of six of Justice Sandra Day O'Connor's previous opinions, all lending support for a new "undue burden" test for abortion restrictions.

Critics of personal precedent as guiding principle, such as William & Mary law professor Allison Orr Larsen '04, warn that it turns every confirmation hearing into a zero-sum game that cannot end well.

"The endgame is an even more polarized Supreme Court with very little room for consensus and common ground," Larsen said in The New York Times piece.

Re acknowledged that perspective but said, "My take is that personal precedent is already here, so we can't ignore it. And it's also virtually impossible to get rid of."

Instead, we might look into our political toolkits to manage its impact.

"Perhaps seeing personal precedent for what it is strengthens the case for court reform—potentially including voluntary judicial term limits," Re noted, gesturing toward another area of his scholarship.

Re is the Joel B. Piassick Research Professor of Law.

—Melissa Castro Wyatt

Administrative Stays *continued*

Bayefsky's proposed standards "are meant to limit the influence of merits-based reasoning in the decision to grant an administrative stay," she writes. "These steps would help to underscore that administrative stays are a

docket-management device rather than an occasion for courts to opine on a controversial matter."

—Fran Slayton '94

Too Tall *continued*

That would "reinforce the principle that Article III courts do not exist to resolve the policy disputes between governments," they write in their conclusion.

Frost is the John A. Ewald Jr. Research Professor of Law, Woolhandler is the

William Minor Lile Professor of Law and the Armistead M. Dobie Professor of Law, and Collins is the Joseph M. Hartfield Professor of Law.

—Melissa Castro Wyatt



Seeking a Unified Theory of **Constitutional Torts**

A new American Law Institute **restatement** will clarify public officials' liability for constitutional torts.

SINCE AT LEAST 1871, when the predecessor to 42 U.S.C. Section 1983 was enacted, money damages have been authorized for violations of constitutional rights. Written shortly after the Civil War, the law was originally aimed at the Ku Klux Klan but has been interpreted to apply to all constitutional violations by those acting under color of state law.

As cases were brought, a range of defenses for public officials evolved, from absolute immunity—for the president, legislators, judges and sometimes prosecutors—to qualified immunity for all others. Qualified immunity precludes liability unless the defendant's conduct violated a "clearly established" constitutional right.

But what law is "clearly established"? By which court? With what degree of specificity? And under what facts?

John C. Jeffries Jr. '73, a David and Mary Harrison Distinguished Professor of Law and former UVA Law dean, has been tapped by the American Law Institute to answer those questions and many others, along with former UVA Law professor Pamela S. Karlan. Jeffries and Karlan, now the Kenneth and Harle Montgomery Professor of Public Interest Law at Stanford Law School, will serve as co-reporters for ALI's first restatement of the law on constitutional torts.

Constitutional tort discussions turn almost immediately to excessive force in policing "because that's what everybody talks about today," Jeffries said. "But the law of Section 1983 provides a damages action against anyone acting under color of state law. That includes school board members, it includes people who give or deny welfare benefits, and it includes people who make zoning decisions." (The U.S. Supreme Court recognized an analogous right to sue federal officers in *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*.)

In most of these contexts, qualified immunity is the crucial issue. As applied to excessive force, "qualified immunity is almost a negligence standard," Jeffries said. "If a police officer or any other government official violates constitutional rights but makes a reasonable mistake, they're not liable for damages."

Under the Fourth Amendment, force is unconstitutionally excessive only if it is "objectively unreasonable." But, when the law has been in flux, some courts have held that an officer may make a reasonable mistake about whether force is objectively unreasonable.

In other words, it's possible for an officer to be reasonably unreasonable. The whole thing can feel a bit like a trip through a hall of mirrors.

"There is a good deal of variation in those cases, and it would be good to have a more uniform understanding of

exactly what qualified immunity means in that context," Jeffries said.

Jeffries, who first joined the UVA Law faculty in 1975, has spent most of the spring semester outlining the black letter law for the restatement project and assigning other scholars to work as the initial drafters of the comments that will elucidate the complexities of each rule. He's also started drafting his own comments on excessive force and which decisions count as "clearly established law."

Although Jeffries has authored numerous books and textbooks, he expects this to be his largest undertaking to date, with final ALI Council and membership approval several years in the future.

Jeffries expressed pride in being one of five UVA Law faculty members who are currently serving as reporters or co-reporters for ALI projects. Others include Douglas Laycock, who is a reporter for "Restatement of the Law Third, Torts: Remedies"; Paul B. Stephan '77, a reporter for "Restatement of the Law (Fourth): The Foreign Relations Law of the United States"; Richard J. Bonnie '69, an associate reporter for "Restatement of the Law: Children and the Law"; and Rachel Harmon, an associate reporter for "Principles of the Law, Policing."

Restatements are addressed to courts, while principles projects are primarily addressed to legislatures, administrative agencies and private actors.

Jeffries has written—often pointedly—about the complexities of constitutional tort law and qualified immunity since 1989. Some considered his 2013 Virginia Law Review piece, "The Liability Rule for Constitutional Torts," to be his final say on the issue.

In it, he noted the widening gulf between constitutional tort doctrine's priorities and the importance of the underlying constitutional rights that may have been violated. In that self-described attempt at a "unified theory of constitutional torts," Jeffries concluded that current doctrine considers only the identity of the defendant and the nature of the act she performs, thereby losing any "underlying stratum of good sense."

The ALI project has pulled Jeffries back into the field and given him and Karlan a formidable platform for a comprehensive accounting of the field of constitutional torts.

—Melissa Castro Wyatt



Making a **Federal Case**

When can the federal government sue for relief **on behalf of citizens?**

WHEN THE FEDERAL GOVERNMENT appealed to the U.S. Supreme Court to stop a Texas abortion law in the fall of 2021, the case, *United States v. Texas*, harkened back to a 19th-century railway strike case that is relevant today, says Professor Aditya Bamzai.

Bamzai, a former Justice Department lawyer who teaches and writes about civil procedure, administrative law and conflict of laws, appeared on the UVA Law podcast “Common Law” to talk about why *In re Debs* is still relevant. He explores the topic in a paper with Samuel L. Bray of Notre Dame Law School, “*Debs* and the Federal Equity Jurisdiction,” published in the Notre Dame Law Review in December.

The *Debs* case concerned the 1894 Pullman strike led by Eugene V. Debs, president of the American Railway Union and later a leader of the Socialist Party. A federal injunction ordered the strikers to stop interfering with train service, but Debs refused to end the protest. After being held in contempt of court, Debs appealed to the Supreme Court. He lost unanimously, with justices ruling that the U.S. government had a sovereign interest in using its own courts’ equitable remedies to ensure the mail ran smoothly, preserving the most important way goods traveled state to state at the time.

Many reviled the decision as an affront to the democratic process, calling it “government by injunction.” After *Debs*, injunctions continued to be “a really important, effective tool that the government and industry had to stop workers from striking,” ultimately leading to statutory reforms that became incorporated into modern labor law, Bamzai says.

Making the case for a sovereign interest to sue also came up in the *Texas* case, in which the justices considered whether the federal government could stop the implementation of state law S.B. 8, which makes abortions illegal as early as six weeks into pregnancy.

The Texas law is enforced through private civil lawsuits

rather than by state or local officials, making it difficult for opponents to sue, which prompted the federal government to step in on behalf of the state’s residents. A federal injunction initially paused the Texas law. When the Fifth Circuit Court of Appeals stayed that injunction, the Supreme Court weighed in.

As Bamzai explains on the show, a narrow reading of *Debs* might suggest that, in the absence of statutory authorization, the government can obtain an injunction only when the government has a proprietary interest to protect. But in the *Texas* case, the Biden administration focused on the part of the *Debs* decision that implied a more sweeping holding, Bamzai and his co-author write—“that the federal government could invoke the fallback equitable option of ‘a right to apply to its own courts for any proper assistance whenever there was ‘injury to the general welfare.’”

Although the Supreme Court initially agreed to hear the *Texas* appeal, in December 2021 it dismissed the writ of certiorari as improvidently granted, and returned the case to the Fifth Circuit, which soon ended the hopes of S.B. 8 opponents. Just two months later, the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* turned the abortion debate in a completely new direction.

But the dismissal in the *Texas* case “only highlights that the issue will not go away, and the courts will continue to struggle with precisely when, and how, and why” the federal government can bring a suit to enjoin state laws with which it disagrees, Bamzai writes.

Bamzai is the Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law.

—Mary Wood

The Problem With **Universal Injunctions**

Are lower courts **misinterpreting** the Administrative Procedure Act?

WHAT DO TRAVEL BANS, mask mandates and the Deferred Action for Childhood Arrivals program have in common?

In each case, lower federal courts have used universal remedies—in the form of a universal injunction—to block government policies from being carried out.

Professor John Harrison argues that lower courts using universal injunctions in this manner are misinterpreting what the law says about available remedies. He makes his case in a Yale Journal on Regulation Bulletin article, “Vacatur of Rules Under the Administrative Procedure Act.”

Universal injunctions direct the government not to take some action, such as enforcing a regulation, with respect to anyone, whether they are a plaintiff in a lawsuit or not, Harrison explained. When the U.S. District Court for the Middle District of Florida struck down mask mandates on public transportation, saying the Centers for Disease

Control and Prevention had exceeded its authority, it delivered a universal injunction that vacated the rule for the entire country.

“By giving a remedy of that kind, a single district court can have the kind of effect that usually only the Supreme Court has,” Harrison said, “without the benefits of percolation.”

In the past several years, legal scholars have hotly debated whether lower federal courts have authority to issue universal remedies. Lower courts often rely on section 706(2) of the Administrative Procedure Act in support of their authority to provide universal relief. Harrison said that’s a mistake.

“Many lower courts take the position that section 706(2) of the Administrative Procedure Act directs them to give

universal relief in many circumstances,” Harrison said. “In doing so, they rely on statutory language stating that courts are to ‘hold unlawful and set aside’ agency actions ... that are contrary to statute or unconstitutional.”

Harrison argues the “set aside” language of section 706(2) should not be interpreted as providing a remedy, such as “vacating” a rule. Rather, Harrison

says that to “set aside” a rule under 706(2) should be interpreted as meaning “to disregard” the rule and not treat it as binding.

Furthermore, the idea of vacating a rule because it was unlawful “was unknown” to the drafters of the APA in 1946, Harrison writes. In the paper, he details why vacatur of rules was not recognized as a remedy.

“Section 706(2) does not

authorize universal remedies,” Harrison said. “Questions of remedy are addressed by bodies of law other than the APA, such as statutory provisions governing judicial review of specific agencies and general principles of federal equity.”

In fact, Section 703 of the APA points to those bodies of law when it identifies proper proceedings for judicial review.

For these reasons, Harrison said, “Courts that rely on the words ‘set aside’ in section 706(2) ... are looking in the wrong place.”

Harrison is the James Madison Distinguished Professor of Law and the Thomas F. Bergin Teaching Professor of Law.

—Fran Slayton ’94



▶ **Carrie Stanton '11**, a corporate partner in Williams Mullen's Charlottesville office, teaches Introduction to Law & Business during the spring 2023 semester.

JES/SPINO

Law & Business at 20

Program Offers Students 'One Key' To Unlock World of Career Opportunities

By Melissa Castro Wyatt

IT'S THE SECOND WEEK of the second semester at UVA Law and Carrie Stanton '11, a young corporate partner in Williams Mullen's Charlottesville office, has dedicated her Wednesday evening to teaching 50 chattering first-years a scaled-down version of everything she knows about startups and initial entity formation.

She'll come back every Wednesday for the rest of the semester—next week's topics include governance and fiduciary duties—to take students through the life cycle of a company in her Introduction to Law & Business class, a cornerstone of the school's John W. Glynn Jr. Law & Business Program, which celebrates its 20th anniversary this year.

"I remember how it felt to be a 1L ... not sure whether I had a handle on anything," she whispered just before the class started. "So I'm hoping to provide some practical experience that'll give them confidence in their summers and then confidence going into the higher-level Law & Business courses that follow."

JOHN GLYNN '65 has been a California venture capitalist for 52 years, with investments in leading tech companies that include Facebook, LinkedIn, DocuSign, Intel and Intuit. Yet he still remembers the uncertain feelings Stanton described,

as he started his career at the second-largest San Francisco law firm, fresh out of law school.

"I was working for a mergers and acquisitions partner, and I had no idea what any of the terminology they were throwing around—'pooling,' 'accounting' and what have you—meant," Glynn said. "So I figured, 'Gee, if I want to be any good as a corporate lawyer, I'd better learn something about accounting and finance and a little bit of business so I can hold my own with them.'"

Within four years, Glynn had left the practice of law to pursue his MBA at the Stanford Graduate School of Business, a move he might not have needed to make if law students at the time had been more exposed to the language and ways of the business world.

By 2003, Glynn was a leading member of a UVA Law alumni group called the Business Advisory Council, which was formed in 1995 to take advantage of the strength of alumni in business,



► Professor Quinn Curtis talks to admitted students about the Law & Business Program at the spring 2023 open house.



► In 2020, Glynn named and endowed the Glynn Family Bicentennial Professorship held by Professor George S. Geis, who at the time was serving as director of the Law & Business Program.



► John W. Glynn Jr.

► Cathy Hwang

BY THE NUMBERS

2,827 students enrolled in "Law & Business" courses over 20 years
16% of current students taking one or more core Law & Business classes, spring 2023
87% of J.D. graduates since spring 2020 have taken a class in the "Business and Finance" concentration

"I WAS WORKING for a mergers and acquisitions partner, and I had no idea what any of the terminology they were throwing around—'pooling,' 'accounting' and what have you—meant, so I figured, 'Gee, if I want to be any good as a corporate lawyer, I'd better learn something about accounting and finance and a little bit of business so I can hold my own with them.'" —JOHN W. GLYNN JR. '65

finance and corporate practice. He was also a member of the UVA Law School Foundation Board of Trustees and chaired its investment committee.

With input from Glynn and the council, and under the leadership of then-Dean John C. Jeffries Jr. '73 and Professor Paul G. Mahoney (who was then associate dean for academic affairs), the school introduced the Law & Business Program. The program added classes focused on quantitative methods, finance, accounting, corporate governance and an understanding of capital markets, according to Foundation President and CEO Luis Alvarez Jr. '88.

Mahoney was charged with developing the content and sequence of the new Law & Business Program. Glynn "liked and encouraged it" and—after a decade of proof of concept in the classroom—he endowed the program, giving it the means to function in perpetuity, Alvarez said.

Glynn said he believes business knowledge is more in demand than ever. "What you find now is a tremendous interest in the entrepreneurial area, even in law school, and the Law & Business Program is one key to that world," he said.

TWENTY YEARS IN, the program offers a full ring of keys to students hoping to enter the world of business, whether as a corporate lawyer, in-house counsel, entrepreneur, executive or financier.

Students interested in taking specialized versions of the school's business law classes are encouraged to first take the Accounting and Corporate Finance classes. (Certain under-

graduate business courses provide the necessary background, as well.)

From there, specialized versions of corporations, securities regulation, bankruptcy law and more are available, along with dozens of short courses typically taught by alumni who are luminaries in the business or corporate law field.

George S. Geis, who has served as a director of the program twice while regularly teaching courses in the program, said there are multiple advantages to these core courses.

"Because [the students] already have that business skills training, the professors who teach the Law & Business sections know they can use their time a little bit differently than in a regular section of the class," Geis said.

THE SHORT COURSES, which occur throughout the year, give students an opportunity to look at, say, an actual ripped-from-the-headlines acquisition deal, with a more practical eye, according to Thomas R. Denison '86, a private equity veteran who has been teaching Law & Business short courses as an adjunct for more than a dozen years.

"It doesn't take much to have more experience than the average first-year associate," Denison said. "How easy is it to put together the second IKEA shelf once you've figured out the first? If I can allow people to show up [at their firms] having gone through a transaction and looked at all the different phases of it, they will be so much more prepared."

Short courses this spring have included Corporate Litigation in the Delaware Court of Chancery, taught by one of the

court's vice chancellors, Morgan Zurn (Col '03), and Energy and Environmental Products Trading and Commodities Regulation, taught by commodities lawyer and vineyard owner Athena Velie Eastwood '02.

Glynn expressed admiration and gratitude for the adjuncts who teach the courses, calling their contributions a "gift."

"We have some of our brightest, most successful alumni coming down and giving us a week or two or more of their time to teach these courses," Glynn said. "You don't get this from every law school."

For the short course instructors, their time is quite literally a gift-in-kind. Although they are paid a stipend for the time they spend in Charlottesville, it essentially covers their lodging costs and many donate it to the Foundation, Alvarez said.

Jim Donovan, the vice chairman of Goldman Sachs who has taught corporate strategy, leadership and team management at the Law School for 15 years, has put all of his salary, in addition to his own gifts, into a scholarship fund for students in financial need. His goal is to create a \$1 million scholarship endowment, Alvarez said.

Although Donovan has no formal ties to UVA Law, his daughter and son are undergraduate Hoos.

"I feel so fortunate to be part of the UVA community, and it makes me very happy to think I might play a small role in others having that same opportunity," he said.

With a significant chunk of UVA Law graduates headed into corporate-focused law firms, Glynn's and the adjuncts' gifts through the Law & Business Program have produced thousands of law graduates more prepared for the early years of practice.

Since the program began, the school's curricular and extracurricular options in corporate law have flourished, including a student-run business journal, a clinic advising startups and nonprofits, and an investment club. Last year, those organizations along with the Law & Business Program co-sponsored the first Transactional Law Competition for second- and third-year law students—a moot court-type competition for aspiring M&A lawyers at UVA.

That contest, won by Class of 2022 graduates Max Ain and

Andrew Teal, tested students' negotiating skills.

"Max and I were fortunate to have taken UVA Law courses that touch on skills helpful for the competition, including the Transactional Approach to M&A course, and a drafting and negotiation course," Teal said.

The broad business offerings have helped more students feel ready on day one of their careers.

Stanton, who took a healthy dose of Law & Business classes during her time on North Grounds, still recalls her first client matter as an associate.

"They had an issue with a capitalization table, showing the ownership of the company," she said. "Cap tables can get pretty complicated, but I was able to run with it in a way that some young lawyers who hadn't had the business curriculum could not."

THE PROGRAM'S CURRENT DIRECTOR is looking ahead to the next 20 years at the school. Professor Cathy Hwang, a former Skadden Arps mergers and acquisitions attorney who is now the Barron F. Black Research Professor of Law, has some ideas for expanding the program even further.

Hwang hopes to broaden a pipeline of clerks to the premier business courts in the country, the Delaware Court of Chancery and the Delaware Supreme Court, through mentoring relationships with judges and former clerks and perhaps by organizing an annual field trip to Delaware to watch a trial at the Chancery Court.

She's also looking to sponsor roundtable events that feature diverse scholars, to elevate their public profile and inspire students to pursue this field.

"My goals are to increase diversity, inclusion and access to business law, scholarship and practice," Hwang said. "There are relatively few women and women of color in business legal practice and business law academia, and I think we can change that."

As of this year, the program has two student fellows who work as rotating research assistants to support affiliated faculty, assisting them on projects such as data collection, casebook editing and other research projects.

Dean Risa Goluboff expressed pride that the Law School has been among the "early movers and innovators" in bringing business expertise into the curriculum.

"We couldn't have done this with as much focus and intention were it not for the generosity of John Glynn and the leadership and foresight of the program's directors over the years," Goluboff said. "I look forward to seeing how the program will continue to expand and innovate in the future."

As the Law & Business Program has evolved, Glynn has observed its growth and progress with satisfaction.

"This experience gives students a much, much, much better chance of broadening their horizons and being more effective at whatever they choose to do," he said. "I'm proud of the fact that this thing didn't fade away—it's still with us."



Professor Douglas Laycock talks to reporters following his Supreme Court argument for *Town of Greece v. Galloway* in 2013.

A Giant in Two Fields

Professor **Douglas Laycock**, Who Has Made a Significant Impact as a Religious Liberty and Remedies Scholar, **Retires**

By Melissa Castro Wyatt

DOUGLAS LAYCOCK doesn't remember all the events surrounding his public high school's 1963 Christmas assembly. Half a century of appellate litigation, writing and teaching will do that. But he does clearly remember hearing the Christian Nativity story from the Gospel of Luke. And he remembers walking out in protest.

Laycock, who retires from the University of Virginia School of Law in May as perhaps the nation's preeminent expert on religious liberty—and one of its most effective advocates—said an outspoken atheist he was sitting next to helped him take the plunge.

"He said something like, 'Let's just leave,' and I went with him," Laycock recalled.

The Supreme Court's big school prayer cases, *Engel v. Vitale* in 1962 and *Abington School District v. Schempp* in 1963, had just come down. Those and other Warren Court cases, along with Perry Mason's television courtroom dramatics, left an impression on Laycock, who had grown up in Wood River, Illinois, a blue-collar oil refinery town. His father, who had contracted malaria after fighting at Guadalcanal in World

War II, loaded petroleum products on barges on the Mississippi River.

“It was naive, but I thought I was going to argue cases in the Supreme Court and save the world,” Laycock said. “Well, 40 years later I did argue cases in the Supreme Court. I certainly didn’t save the world.”

Laycock’s briefs, oral arguments and frequent congressional testimony on behalf of religious groups have helped reinvigorate the free exercise clause and lay the groundwork for four federal statutes protecting religious liberty.

At times he has been the target of both the left and right in the culture wars, and he has represented both sides in court. At the Supreme Court, he represented the Catholic Archbishop of San Antonio and, in another case, Texas parents and students who objected to prayer at high school football games. His work—and a letter of support he co-authored—built support for the bipartisan Respect for Marriage Act, which codified federal protections for same-sex and interracial marriages while protecting the right of religious organizations not to participate in those weddings.

“I could just as well have been a gay-rights lawyer as a religious liberty lawyer,” Laycock mused. “I got pulled into the religious liberty space serendipitously, and of course the gay-rights space was well occupied.”

Still, he wrote amicus briefs supporting both same-sex marriage and religious liberty in the two Supreme Court cases that recognized the rights of married same-sex couples, *Obergefell v. Hodges* and *U.S. v. Windsor*. When the Masterpiece Cakeshop case was before the court, John Dao ’19, a student who was active in the LGBT student group Lambda Law

Alliance, invited him to address Lambda and the American Constitution Society, to allay the student groups’ concerns about the decision’s potential to hurt the gay rights movement.

Laycock will head off to retirement in Austin, Texas, where his sons and his granddaughter live. He retires as the author of a five-volume collection of his writings on the law of religious liberty, lead counsel in six Supreme Court cases and the author of 35 amicus briefs filed there, and the leading expert on the law of remedies. He literally wrote the book on remedies, too, authoring “Modern American Remedies: Cases and Materials”—a widely used law school textbook that reorganized the way remedies are taught—and “The Death of the Irreparable Injury Rule.” He is currently working as a reporter on the American Law Institute’s “Restatement (Third) of Torts: Remedies.”



JULIA DAVIS

Laycock achieved all this in the role of the “trailing spouse,” following his accomplished wife, Teresa A. Sullivan, as she climbed the ranks of higher education. Ultimately, she served as the eighth president of the University of Virginia.

His dad once told him he couldn’t “keep following that girl around,” and a rural Illinois cousin tried to “console” him after he left private practice so he and Sullivan could teach at the University of Chicago. “He said, ‘It’s OK, Abe Lincoln failed, too,’” Laycock said with a chuckle. “But following that girl around has worked out pretty well.”

He and “that girl” have been “very happily married” for 52 years this June, he said.

SHIFTING SANDS ON RELIGIOUS LIBERTY

Many of Laycock’s current and former law students from his time on the faculty at the universities of Chicago, Texas, Michigan and Virginia are in awe of his accomplishments.

“He’s a giant in not one, but two fields—a leading scholar of both remedies and religious liberty,” said Joel Johnson ’15, who went on to clerk at the Second Circuit and now teaches criminal procedure and torts at Pepperdine Caruso School of Law after working as an appellate litigator in private practice.

Laycock’s lectures had a “peek-behind-the-curtain feel to them,” Johnson said. “In a Constitutional Law course I took, he had litigated several of the First Amendment cases we read and he spoke about the cases and the justices the way a Supreme Court litigator might talk with a client.”

Yet, Laycock is self-effacing about his career and the impact of his scholarship and advocacy, despite his Supreme Court wins and mark on the field. He won his first Supreme Court oral argument 9-0, in *Church of the Lukumi Babalu Aye v. City*

of Hialeah, because they feared the grotesque facts made it unwinnable and would create bad precedent.

He shared this skeptical background chorus with his students, including Dao, a former research assistant who had been invited to dinner at the Laycock/Sullivan home and was tickled by the tales from *Lukumi* and other cases.

“He’s one of the reasons I have a lot of fond memories at UVA,” Dao said. “I was able to interact with him inside and outside the classroom.”

To Laycock, the animal sacrifice ban was an open-and-shut case.

“If anything violates the free exercise clause, this did—you could kill an animal in Florida for pretty much any reason you can imagine, but you could not sacrifice it to a god,” Laycock



President Bill Clinton joined a White House meeting on how the administration should interpret or enforce the Religious Freedom Restoration Act. Pictured are Laycock, Ed Gaffney from Valparaiso University, Mike Whitehead from the Southern Baptist Convention, Clinton, Steve McFarland from the Christian Legal Society, Brent Walker from the Baptist Joint Committee on Religious Liberty, and Michael McConnell, then a professor at Chicago, now at Stanford. McConnell was one of Laycock’s first students.

of Hialeah, a case challenging a set of Miami-area ordinances that prohibited animal sacrifice.

A leading religious liberty lawyer had asked him to argue that case at the 11th Circuit U.S. Court of Appeals because the No. 2 person on his staff was a strong supporter of animal rights.

“Of the six cases where I’ve been the lead lawyer for the party, I got some on the merits, but I got others because somebody else got cold feet or had a colleague on the opposite side, or somebody didn’t have any appellate experience and called a lawyer who happened to have just met me,” Laycock said. “The world is a funny place.”

When he lost the animal sacrifice case in the court of appeals, other lawyers in the field urged him not to take it to

explained. “The ordinances had been very carefully drafted so they affected absolutely nobody in the universe except my clients and their [Santería] religion.”

Laycock remembers the moment Justice Anthony Kennedy posed a hypothetical asking whether the church would still violate the anti-sacrifice ordinances if it used a perfectly legal slaughterhouse’s equipment to kill their sacrificial animals. Hialeah’s attorney conceded that it would. Laycock’s co-counsel passed him a note: “We just won,” it said.

That was 1993. Until that decision, the Supreme Court had seemed intent on paring back the religious liberty protections in the free exercise clause, particularly after Justice Antonin Scalia penned a 1990 majority opinion, in *Employment Division v. Smith*, holding that the Constitution does not allow a person



Laycock participates in a moot session in preparation for *Town of Greece v. Galloway*.

TOM DAILY

to rely on a religious reason to disobey a neutral and generally applicable law.

Laycock would go on to litigate five more cases at the Supreme Court. Johnson, his student, remembers his professor's second-to-last case, *Town of Greece v. Galloway*, because Laycock had to cancel class to make it to oral argument.

"He was so nonchalant about it, too," Johnson said. "He informed us of the reason for the cancellation in the same tone one might use to announce a dentist appointment."

Laycock's own interpretation of the *Smith* decision was that, in crafting laws of general applicability, religious groups should be treated as though they enjoy a "most-favored-nation" status—the law can't restrict a religious practice if it allows anyone else to engage in the same or an analogous activity for secular reasons. That highly protective interpretation made

REMEDYING A MISCONCEPTION

In the field of remedies, in writing "The Death of the Irreparable Injury Rule" in 1991, Laycock was the first to recognize that judges had essentially abandoned the longstanding equitable rule against issuing injunctions when money damages would provide an adequate remedy.

Under that rule, the Supreme Court of West Virginia in 1911 said, "The world is full of horses. If a man threatens to take away or kill his neighbor's horse, a court of equity will not interfere by injunction, because the owner may recover the value of that horse and buy another."

Laycock said that this "tort now, pay later" rule never made any sense, and that no court with a choice would actually stand by and let the horse be killed.

His extensive research for the book showed that the irreparable injury rule does not stand in the way of injunctions, and that judges deny injunctions to successful plaintiffs only when the injunction is unworkable or excessively burdensome.

In a quote published on the book's cover, Dan Dobbs, the author of the leading treatise on remedies, said he was "reminded of Cardozo, of Chafee, and even of Maitland in the power Laycock seemed to have over the ideas and in the sweep of materials he was able to bring to bear," referring to famous legal scholars.

"A lot of academics have been persuaded by what I found, but it's had zero impact on judges," Laycock said. "They keep doing what they've been doing for 200 years, which is to recite the rule but then grant the injunction anyway. Or recite the rule when they deny the injunction for some completely different reason that has nothing to do with the so-called rule."

Now, as one of the reporters for the ALI's update of the

him a strong advocate for religious individuals and groups. He was also the first to bring widespread attention to the idea that religious organizations have a right to autonomy in the management of their internal affairs and governance. Many academics rejected these ideas as inconsistent with *Smith*, but eventually, the Supreme Court adopted both of them.

Although Laycock would not win every case he argued, over the arc of his career the Supreme Court has bent toward an increasingly robust embrace of religion in public life. The guy who walked out of his high school's Christmas assembly is not entirely happy about that.

"The court has taken that most-favored-nation idea and they're just running it into the ground, so 'free exercise' has gone from the brink of repeal to actually being over-enforced these days," Laycock said. "In some of the COVID cases, they were analogizing churches to things that weren't analogous at all—things that posed much less danger of spreading the virus than a worship service does."

But the establishment clause is going the other direction, Laycock said. "They're not enforcing it at all anymore. You can have Christian prayers at government meetings and a 40-foot cross in the middle of the biggest intersection in town and they just rationalize it all as somehow secular," he said. "Short of passing a law requiring people to go to church, it's not clear the court would consider anything a violation of the establishment clause."

restatement on remedies, he's writing the first draft of the sections on injunctions. "So we're going to put [my findings] in there and that will have a lot more visibility—we'll see if it has any impact."

Perhaps it's his blue-collar upbringing, but Laycock is loathe to claim that his life's work has had a definable impact, even in the religious liberty arena.

"Occasionally you can tell from the court's opinion that you had some impact, but very often the result was predetermined before you ever got there," Laycock said. "I think in *Lukumi*, I probably made a real difference because I got them to look at that case in a different way."

In other cases—some won, some lost—there were no movable votes, he said. "And it's the same thing in Congress. You can make rational arguments to them and sometimes they matter, but ideological commitments and donors and pressure from constituents matter so much more."

Rather, Laycock chooses to take pride from the fact that his work was generally unpaid and an act of pure nonpartisan civil libertarianism. He is most proud that he has always defended gay rights *and* religious liberty, and that he worked to enforce the establishment clause *and* the free exercise clause.

"I've always been willing to defend the liberty of people I deeply disagree with," he said.

TEACHING FACULTY

SPORTS, GAMES... AND LAW?

RICHARD RE'S NEW COURSE GIVES STUDENTS A FRESH TAKE



ERIN EDGERTON/UVA COMMUNICATIONS

RICHARD RE'S COURSE EXPLORES LAW OF SPORTS AND GAMES

Sarah Walsh, a former competitive cheerleader and current third-year UVA law student, was commuting to work over the summer when she learned of a new course taught by Professor **RICHARD RE** being offered in the fall.

“We’re taking this, right?!?” Walsh texted immediately to her friends and classmates Jack Brown and Parker Kelly.

“This” wasn’t Torts or Legal Research or Contracts or any traditional law course. Rather, it had terms like “make-up calls” and “swallow the whistle” and “competitive hot dog eating” in its description.

“I was so excited,” said Walsh, an Atlanta native and huge baseball fan.

The trio hasn’t been disappointed by the course, Sports and Games.

“This course has helped me think a lot about adjudicating decisions in the real world, in a mundane context,” Brown said. “I’m getting practical experience doing something I would never get otherwise. It’s helped me with decision-making and has me thinking more clearly about what rules I’m creating, what rules I’m enforcing.”

The course is based on “The Jurisprudence of Sport: Sports and Games as Legal Systems,” a casebook co-written by law professors Mitchell Berman of the University of Pennsylvania and Richard Friedman of the University of Michigan. Re, a friend of Berman’s, was sent the book, sparking his interest in creating a course.

“You can make a lot of the same points about discretion and the value of rules or the role society plays in managing adjudication in both sports and games, and law,” Re said. “What’s great about approaching it from the sports-and-games angle is we naturally shed a lot of the preconceptions that we bring with ourselves to the discussion of law. And we take on new preconceptions.”

“So it’s interesting to do a deep dive on these questions in a sports or games context and, then at the end of it, step back and say, ‘OK, how does that compare with similar questions in law?’”

One Sports and Games class focused on a case close to Re’s heart: the 2019 National Football Conference championship game, when an infamous no-call toward the game’s end benefited the Los Angeles Rams and might have cost the New Orleans Saints a shot at the Super Bowl.

Re, a New Orleans native and lifelong Saints fan, opened the class by promising to try to stay impartial and to hold back tears as he played the clip of Rams defensive back Nickell Robey-Coleman leveling Saints receiver Tommylee Lewis before a pass arrived. The third-down play occurred with the game tied at 20 and under two minutes left in the game. Had officials called a pass interference penalty, there’s a good chance the Saints could have run down the clock before kicking a game-winning field goal.

Instead, there was enough time on the clock for both teams to

trade field goals. The Rams eventually won in overtime, ending the Saints’ season. Reacting to public outcry, the National Football League made all forms of pass interference and non-calls subject to video reviews the following season. That experiment, considered a failure, was discontinued after a year.

The breakdown of the play—and its fallout—led to a class discussion with several analogies to law.

Re said *Rucho v. Common Cause*, the landmark Supreme Court case in 2019 that ruled partisan gerrymandering is beyond the reach of the federal courts, would typically be analyzed in legal education through a federal courts or election law course. But Sports and Games provided the platform for Emma McLaughlin, a second-year student, to bring it up in a perhaps more relatable context.

What McLaughlin “saw as one of the main issues of debate in that case was the exact same issue that we’re talking about in instant replay,” Re said. “One of the main issues that was at stake in this very divisive case was if the federal courts get involved a little bit, what will happen the next time? Where do we draw the line for when we get involved and we don’t get involved? If we dip our toe in, do we end up going all the way in the pool? If we give the mouse a cookie, will the mouse come back for more a thousand times?”

Re has been able to spark these kinds of discussions through several real-life sports examples. The list of clips he’s played for the class include the controversial no-catch involving the Dallas Cowboys’ Dez Bryant in the 2014 NFL

playoffs, tennis player Serena Williams’ foot fault in the 2009 United States Open and even Anthony Poindexter’s goal line stop of Warrick Dunn to cement UVA football’s upset of Florida State University in 1995.

Walsh, who was eager to get her friends involved in this course, is now calling Sports and Games “easily my favorite class I’ve taken at the Law School.”

Re, a Yale Law alumnus, is well aware of the rigorous law school curriculum, loaded with a notable amount of reading on dense topics. All he’s tried to do this semester is offer a fresh—yet still worthy—break from the norm.

“One of the challenges in legal education sometimes—that I think UVA does a great job of overcoming—is you can have a problem where the student feels like they’re getting kind of bogged down in rule, rule, rule,” Re said. “There are huge books of these things, like hundreds of pages of these rules. That’s great and it’s important to learn these rules, but it’s also important to step back and understand what we’re doing here. And what is animating the rules and so forth.”

“I think that’s part of the theoretical perspective of what this course naturally lends itself to.”

Re is the Joel B. Piassick Research Professor of Law.

—Andrew Ramsbacher



KENNETH S. ABRAHAM published “The Limits of Regulation by Insurance,” co-authored with Daniel Schwarcz, in the *Indiana Law Journal* and “Shadow Tort Law: Lessons from the Reptile” in the *Columbia Law Review Forum*. He also presented “The Limits of Regulation by Insurance” at the Stanford Law School Law and Economics workshop on Nov. 17.



PAYVAND AHDOUT presented her project “Separation-of-Powers Avoidance” which will be published in the *Yale Law Journal*, at the University of Texas faculty workshop. She also participated at the Managerial Judges @ 40 Symposium at Yale Law School, reflecting on the 40th anniversary of Judith Resnick’s seminal civil procedure article.



RACHEL BAYEFSKY work on *Dobbs v. Jackson Women’s*

Health Organization and reliance interests is forthcoming in the Harvard Law Review Forum. She taught a short course in December at the Hebrew University of Jerusalem. She presented her work on administrative stays, reliance issues in *Dobbs* and judicial institutionalism at various venues, including the Civil Procedure Workshop at Loyola University Chicago and the University of Arizona. In addition, she served as Scholar in Residence in Dignity Law at Widener University Delaware Law School.



DANIELLE K. CITRON’s book “The Fight for Privacy: Protecting Dignity, Identity, and Love in the Digital Age” was published in October, excerpted in *Wired* magazine, featured in the *Guardian UK* and *Prospect UK* magazine, and included among Amazon’s top 100 books of the year. She also published “Presidential Privacy Violations” in the *Illinois Law Review* and “Intimate Privacy’s Protection Enables Free Speech” in the *Journal of Free Speech*, as well as op-eds in *Slate* and *CNN*. She gave 15 talks about her book to TikTok, Microsoft, Spotify, a White House roundtable and the Federalist Society, among others. She authored “This is the Worst Time for Donald Trump to Return to Twitter” with Hany Farid, “Nancy Pelosi Is Blocking Landmark Data Privacy Legislation—for a Good Reason” with **ALISON GOCKE**, “Abortion Bans Are Going to Make Stalker-

ware More Dangerous” and “The End of Roe Means We Need a New Civil Right to Intimate Privacy” in *Slate*, and “The Most Disturbing Aspect of Vanessa Bryant’s Case” in *CNN Opinion*.

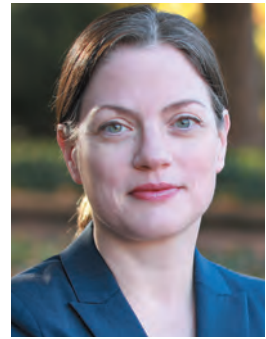


KEVIN COPE recently published several articles in law and other academic journals. He published three articles on the topic of immigration and global migration: “Methods for Comparative Migration Law: Insights From the Social Sciences” in the *International Journal of Migration and Border Studies*; “Migrant-Family Separation and the Diverging Normative Force of Higher-Order Laws,” co-authored with Dartmouth College professor Charles Crabtree, in the *Journal of Legal Studies*; and “Can Rights Discourse Diminish Support for Displaced Persons?,” co-authored with Deakin University professor Shiri Krebs, in the *Journal of Immigrant & Refugee Studies*. Cope’s article “Vaccine Passports as a Constitutional Right,” co-authored with George Mason University professor Ilya Somin and UCLA professor Alexander Stremitzer, was published in the *Arizona State Law Journal*, and “The Global Evolution of Foreign Relations Law,” a study co-authored with **PIERRE-HUGUES VERDIER** and **MILA VERSTEEG**, was published in the *American Journal of International Law*. In August, Cope organized and hosted a conference for his upcoming book

project, the Oxford Handbook of Comparative Immigration Law, for which he is co-editor. Cope also served as an organizer and co-president of the 2022 Conference on Empirical Legal Studies, for which UVA Law hosted over 250 empirical legal scholars from around the world.



ASHLEY DEEKS published a book chapter on the use of international countermeasures in cyber operations as part of a book, “The United States’ Defend Forward Cyber Strategy: A Comprehensive Legal Assessment.” This fall, she presented a book chapter, “National Security AI and the Hurdles to International Regulation,” at Temple Law School; spoke on an International Law Week panel about secrecy in international law; discussed foreign affairs issues related to Russia, Saudi Arabia and Section 230 of the Communications Decency Act on “Rational Security,” a Lawfare podcast; and participated in a book panel on U.S. foreign relations law at George Washington University Law School. In January, she participated in a Chatham House project on what acts render states parties and co-parties to an armed conflict. She also re-joined the U.S. State Department’s Advisory Committee on International Law and became a member of the CIA General Counsel’s Advisory Board.



KRISTEN EICHENSEHR published an essay, “Not Illegal: The SolarWinds Incident and International Law,” in the *European Journal of International Law*. She edited the July issue of the *American Journal of International Law’s* Contemporary Practice of the United States section, which was a special feature on the international response to Russia’s invasion of Ukraine. Eichensehr hosted and moderated a discussion at UVA Law with Kal Raustiala of UCLA Law on his book “The Absolutely Indispensable Man.” She moderated a panel on the “Economic Tools of National Security,” at the ABA Standing Committee on Law & National Security’s Annual Review of the Field of National Security Law, in Washington, D.C., in November. She delivered the Bonnie and Richard Reiss Lecture on Constitutional History and Law, “The Constitution and New National Security Threats,” at the New York Historical Society in January. Eichensehr presented “National Security Creep in Corporate Transactions,” co-authored with **CATHY HWANG**, at Columbia Law School, Princeton University and the Georgia Tech Internet Governance Project conference in the Hague. She and Hwang also co-authored blog posts about that paper for *Just Security*, *Lawfare* and the Harvard Law School Forum on Corporate Governance.

MICHAEL GILBERT'S 'PLEGGED' WOULD OFFER BOUNTIES FOR FALSE INFORMATION

As Vice Dean **MICHAEL GILBERT** sees it, the information you consume should be at least as reliable as the refrigerator in your kitchen.

Fed up with fake news—as well as false accusations of fake news—Gilbert teamed up with co-author Yonathan Arbel, a University of Alabama law professor, to create a system that incentivizes newspapers and politicians to tell the truth by rewarding anyone who catches them in a lie.

Together, they sketched out the idea for this truth-seeking missile in a working paper, “Truth Bounties: A Market Solution to Fake News,” recently published in the SSRN database.

In September, they incorporated a nonprofit, called Pledged, to implement the idea. Their system would put the equivalent of a warranty sticker on websites that have pledged to tell the truth, the whole truth and nothing but the truth.

“It’s a way of saying, ‘If what I’m telling you turns out not to be true, I have to pay for it,’” Gilbert said. “It’s a warranty on speech, and that warranty gives consumers confidence that this must be a good product.”

Gilbert, co-author of the book “Public Law and Economics,” teaches courses on election law, legislation, and law and economics at UVA. He has long stewed over the problem of policing lies without running afoul of the Constitution’s free speech protections. In late 2018, he ran across a short blog post by Arbel, calling the infamous 19th-century “Carbolic Smoke Ball” advertisement the first truth bounty. The ad promised to pay 100 pounds to any consumer who used the smoke ball but still contracted influenza. The bounty would be drawn from a 1,000-pound bond the company had deposited at a bank.

“Under the simplest version of this, a freelancer

who’s posting a story on Medium could use their credit card to make a payment to a third-party that holds the money in escrow during a challenge period,” Gilbert said of his policing mechanism. “But there are other ways to do it—The New York Times or Fox News or The Wall Street

Journal or whatever could pay an insurer a premium, and then the insurer would be on the hook to pay if somebody proved the story was false.”

Arbel and Gilbert are now considering the details of how such a system would work.

Besides building a website presence and discussing the problem with psychologists and economists, the Pledged co-founders have been in conversations with potential partners who could provide funding, technology and programming, and arbitration services.

“It’s like a chicken-and-egg problem,” Gilbert said. “Once the system is operating, one can imagine it sustaining itself at a pretty low cost, but

getting the system operating is expensive, and we need to get people to use the system when they don’t yet know it and don’t necessarily trust it.”

It’s unclear whether a truth-bounty system would lead to more truthful media and politicians or a more discerning public. Gilbert stressed that there is a limit to what even the most well-designed system could do for democratic politics.

“Unfortunately, many people who consume media and news aren’t interested in the truth. They’re interested in having people parrot what they already believe. Our system can’t make a difference for people like that,” Gilbert said. “But there are other people out there who really do want the truth and are just confused—they can’t tell the good sources from the bad—and for them, I think the system could really help.”

—Melissa Castro Wyatt



MICHAEL GILBERT was a visiting professor at Université Panthéon-Assas in Paris, where he taught a course on election law and presented his paper, “Truth Bounties: A Market Solution to Fake News.” He presented the same paper at the Maryland Carey Law Virtual Constitutional Law and Economics Workshop and the Midwest Law and Economics Association meetings at the University of Chicago. He co-founded a nonprofit organization named Pledged (see sidebar) that uses the truth bounty mechanism developed in the paper to combat misinformation. Gilbert taught virtual courses at Universidad Torcuato di Tella in Argentina and the Center for American Studies in Poland. His chapter “Political Corruption,” co-authored with Deborah Hellman, is forthcoming in the “Oxford Handbook of American Election Law.”



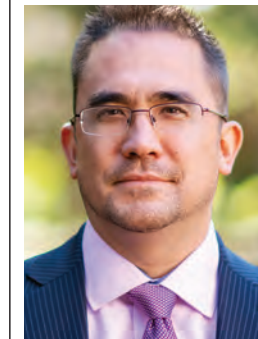
RISA GOLUBOFF was appointed to the Permanent Committee for the Oliver Wendell Holmes Devise and joined the Equal Justice Works board (see p. 57). She spoke to the Richmond Bar Association on “An Eloquence of Lawyers: Free Expression in the

Legal Profession” and moderated a panel at the Conference on Best Practices for Law School Data at Harvard Law School. She interviewed Justice **JOHN CHARLES THOMAS '75** about his memoir “The Poetic Justice” at both the Law School’s MLK Day Celebration and the Virginia Festival of the Book at James Monroe’s Highland estate. In February, she lectured on the state of civil rights at the U.S. Army Judge Advocate General’s Legal Center and School in Charlottesville.



RACHEL HARMON presented her article “Law and Orders” at the Law of the Police roundtable at the University of South Carolina. The article argues that, although verbal commands are central to policing, they are misunderstood and under-regulated. As a result, police officers get inadequate guidance about commands and often give commands that lack solid legal authority or violate due process. The article will be published by Columbia Law Review this spring. She presented her article “Force and Flight,” co-authored with Kimberly Kessler Ferzan, to the Penn State law faculty. The article explores the theoretical justifications for police uses of force against fleeing suspects and concluded that the law broadly permits force that morality prohibits. The article is forthcoming in Criminal Law and Philosophy. She organized and hosted the “Police Use of Force

Theory Roundtable” from Sept. 9-10, gathering philosophers and legal scholars to build an agenda for theoretical work on policing and force. She also served as a panelist at the Lawyers’ Committee for Civil Rights conference “Towards Accountability: Challenging Police Unions in the Fight for Racial Justice.”



ANDREW HAYASHI published “The Small and Diversifying Network of Legal Scholars: A Study of Co-Authorship from 1980-2020” in the Virginia Law Review Online. He presented his article “Tax Law Enforcement and Redistributive Politics” at Duke Law School, the University of Florida, the University of Wisconsin, the University of Toronto and the Canadian Law & Economics Association annual meeting, and he presented his paper “Law & Economics for Empaths,” co-authored with **MICHAEL GILBERT**, at Cornell Law School. Hayashi also participated in a symposium at the University of North Carolina on recent developments in the law of sanctions, at which he presented “Tax Sanctions and the Russia-Ukraine Conflict,” co-authored with **ASHLEY DEEKS**. He also presented “Technology, Markets, and the Income Tax Frontier” at a conference on the regulation of digital platforms at the University of Southern California. In November, he taught the short course Property, Taxes and Theology at the Pepperdine Caruso School of Law.

HARMON WINS STATEWIDE OUTSTANDING FACULTY AWARD

Professor **RACHEL HARMON** has been named a recipient of the 2023 Outstanding Faculty Award, sponsored by the State Council of Higher Education for Virginia and Dominion Energy.

The awards, announced in December, recognize faculty at Virginia’s institutions of higher learning who exemplify the highest standards of teaching, scholarship and service. The 12 winners were recognized at a ceremony March 7 in Richmond. UVA biology professor Amanda K. Gibson also received the award.

The University’s nomination said of Harmon, “Although her classes deal with difficult questions about race, crime, policing and violence, Professor Harmon uses a rare blend of professional experience, academic mastery, and emotional intelligence to ensure that students with diverse perspectives engage each other with rigor and respect.”

Harmon is the Harrison Robertson Professor of Law, the Class of 1957 Research Professor of Law and director of the Law School’s Center for Criminal Justice.

A leading scholar on policing and the laws that regulate police behavior, Harmon joined the faculty in 2006 after spending eight years as a federal prosecutor in the U.S. Department of Justice’s Civil Rights Division and the U.S. Attorney’s Office for the Eastern District of Virginia.

Her 2021 casebook, “The Law of the Police,” was the first resource for students and others seeking to understand and evaluate how American law governs police interactions with the public. She was also a recipient of an All-University Teaching Award last spring.

Students and colleagues have praised Harmon for creating a respectful space for exchanging ideas about challenging topics.

“She encourages everyone to speak up,” Dean **RISA GOLUBOFF** wrote about Harmon. “Students from across the ideological spectrum flock to her courses and gush about her thoughtful and evenhanded approach.”

Her teaching methods, long office hours and willingness to share life advice have had an impact on multiple students beyond law school, including some who have gone into law enforcement.

JUHI DESAI '23, then president of the Student Bar Association, called Harmon a “dynamic, brilliant and innovative” educator.

Harmon is a member of the American Law Institute and serves as an associate reporter for ALI’s project on Principles of the Law of Policing. She advises nonprofits and government actors on issues of policing and the law, and in the fall of 2017, served as an expert for the “Independent Review of the 2017 Protest Events in Charlottesville, Virginia.”

University President **JIM RYAN '92** was the last UVA law professor to win the award, in 2011.

Harmon earned her B.S. from the Massachusetts Institute of Technology, two M.Sc. degrees from the London School of Economics as a Marshall Scholar and her J.D. from Yale Law School. After law school, she clerked for Justice Stephen Breyer at the U.S. Supreme Court.

—Mike Fox



VIRGINIA BAR ASSOCIATION HONORS HOWARD '61 WITH HIGHEST AWARD

Professor **A. E. DICK HOWARD '61**, a scholar who helped draft the state's current constitution, has received the Virginia Bar Association's top award.

The Gerald L. Baliles Distinguished Service Award, renamed in 2008 for the former governor and 1967 Law School graduate, recognizes



➤ **A. E. Dick Howard '61** received the Virginia Bar Association's Gerald L. Baliles Distinguished Service Award on Jan. 20.

and appreciates exceptional service and contributions to the bar and public at large, according to the VBA.

Award recipients were recognized Jan. 20 during the VBA's annual meeting in Williamsburg.

Howard is the Warner-Booker Distinguished Professor of International Law and an expert in the fields of constitutional law, comparative constitutionalism and the U.S. Supreme Court, where he clerked for Justice Hugo L. Black.

Howard was executive director of the commission that wrote Virginia's current constitution and directed the successful referendum

campaign for its ratification. He has been counsel to the General Assembly and a consultant to state and federal bodies, including the U.S. Senate Judiciary Committee. From 1982-86, he served as counselor to the governor of Virginia, and he chaired Virginia's Commission on the Bicentennial of the United States Constitution.

"It could not be more fitting than to honor Professor Dick Howard in this manner," said UVA Rector **WHITTINGTON W. CLEMENT '74**. "His writing of the 1971 Virginia constitution and his commentaries about the document over the years have had a profound influence upon the legislature, state judges, lawyers and millions of Virginians."

In his acceptance speech, Howard lauded the lawyers he worked with throughout his career, including Black and Virginia's constitutional commissioners. He also thanked and celebrated the UVA Law students he has taught and collaborated with in 60 years of teaching.

"My students have gone on to be Supreme Court law clerks, governors, appellate court judges, ambassadors, academic stars," Howard said. "I do not take credit for their accomplishments. But I thank them for reminding me why I love the classroom—why teaching is at the heart of my professional life."

Howard is a VBA Life Member and serves on its Committee on Special Issues of National & State Importance.

After his experience with Virginia's Constitution, Howard was often consulted by constitutional draftsmen in other states and abroad. He has compared notes with revisers at work on new constitutions in Brazil, Hong Kong, the Philippines, Hungary, Czechoslovakia, Poland, Romania, Russia, Albania, Malawi and South Africa.

"Few Virginians—actually very few Americans—have played a greater role in the development of constitutions and the rule of law than Dick Howard," said former VBA President **PHILLIP STONE SR. '70**.

Previous recipients include Baliles, Clement, UVA Law Dean Emerson Spies, U.S. Sen. **WILLIAM SPONG JR. '47**, state Sen. **HUNTER B. ANDREWS '48** and state Secretary of Natural Resources **W. TAYLOR MURPHY JR. '60**.

Chief Justices **CYNTHIA D. KINSER '77** and **DONALD W. LEMONS '76** and Justices **GEORGE M. COCHRAN '36**, **ELIZABETH LACY LL.M. '92** and **JOHN CHARLES THOMAS '75** of the Supreme Court of Virginia have also received the honor.

Also at the annual meeting, **JENNIFER L. LIGON '10**, a partner at Williams Mullen in Richmond, received the Sandra P. Thompson Award, the VBA Young Lawyers Division's highest honor.

—Mike Fox



DEBORAH HELLMAN spent the fall semester as the Robert Braucher Visiting Professor of Law at Harvard Law School. She also presented a draft of her paper "Defining Disparate Treatment" at three workshops: the Law & Philosophy Workshop at Harvard Law School, the Department of Philosophy workshop series at Northeastern University and the Boston University School of Law faculty workshop. In addition, she participated in a roundtable hosted by the Brookings Institution on "Opportunity After Neoliberalism."



CATHY HWANG'S papers "The Lost Promise of Private Ordering," co-authored with professors Jeremy McClane of the University of Illinois and Yaron Nili of the University of Wisconsin, and "Nonparty Interests in Contract Law," co-authored with professors Omri Ben-Shahar of the University of Chicago and David A. Hoffman of the University of Pennsylvania, were accepted by the Cornell and University of Pennsylvania law reviews, respectively. She presented "The Lost Promise of Private Ordering" at the Conference on Empirical

Legal Studies in November and the Conference on Empirical Legal Studies in Asia in December; "Collaborative Intent" at the University of Texas School of Law faculty workshop in September; and "National Security Creep in Corporate Transactions," co-authored with **KRISTEN EICHENSEHR**, at the Drexel University School of Law faculty workshop in September. She gave a public lecture, "Why Study Business Law?," at National Taipei University in December. She was an invited speaker at the Conference of Empirical Legal Studies in Asia at Academia Sinica in Taipei, where she presented "The Lost Promise of Private Ordering" and gave a talk on "Writing of Law Reviews." Three of her papers—"Deal Structure," "Deal Momentum" and "Unbundled Bargains"—were cited in the new casebook "Intellectual Property Licensing & Transactions: Theory & Practice," by Jorge Contreras and published by Cambridge University Press.



CALE JAFFE '01 will serve as a distinguished climate law scholar in residency during the 2023 Summer Session at Vermont Law and Graduate School in South Royalton, Vt. (see p. 56). In Charlottesville, Jaffe is serving on a University committee studying the potential and pitfalls of carbon offsets. This past spring, he co-authored with **ASPEN ONO '23**, "Ripple Effect: The Non-Water Quality Values that the Clean Water Act Protects," which will be published as a chapter in a

forthcoming book on environmental law in American and European Union courts. He has also authored an essay on the role of legal ethics in environmental justice advocacy, which was published online in ABA Trends, a newsletter of the American Bar Association's Section of Environment, Energy, and Resources. Under Jaffe's direction, the Environmental Law and Community Engagement Clinic has continued to work with clients on diverse matters involving environmental justice and energy policy. Most recently, the clinic has represented the Virginia Energy Efficiency Council in proceedings before the Virginia State Corporation Commission, giving students a first-hand opportunity to learn about litigation in a regulatory context.



DOUGLAS LAYCOCK filed an amicus brief in support of certiorari at the U.S. Supreme Court in *Groff v. Dejoy* and, after cert was granted, an amicus brief on the merits. The case asks the court to reconsider its interpretation of an employer's duty to accommodate its employees' religious practices under Title VII of the Civil Rights Act of 1964. **GEORGE RUTHERGLEN, RIP VERKERKE**, and other religious liberty and employment law scholars from around the country joined these briefs. He recently published "Restatement (Third) of Torts: Remedies (Council Draft 2, 2022)," with UCLA professor Richard L. Hasen and the American Law Institute;

JEFFRIES CO-LEADS ALI PROJECT EXAMINING CONSTITUTIONAL TORTS

Professor **JOHN C. JEFFRIES JR. '73** will co-lead the American Law Institute's project evaluating liability for constitutional violations under federal law.

The ALI approved the project, a restatement of constitutional tort law, in October, with Jeffries and Stanford Law School professor Pamela S. Karlan serving as reporters. Karlan is a former UVA Law professor.

The restatement will examine the law of Section 1983, which provides an individual the right to sue state government employees and others acting "under color of state law" in federal court for violations of federal law. The project also will cover *Bivens* actions, the analogous cause of action for violations by a federal officer. (The U.S. Supreme Court ruled in *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics* in 1971 that individuals have an implied cause of action against federal government officials who have violated their constitutional rights.)

Among other topics, the restatement will cover governmental immunities from suit, local government liability for official policy or custom, and restrictions on Section 1983 actions imposed by the Prison Litigation Reform Act and the overlapping law of federal habeas corpus.

Jeffries said documenting the law of qualified immunity for various rights and in various situations is likely to be the largest single topic in the restatement.

"Whether under Section 1983 or *Bivens*, immunity is the largest single topic in the law of constitutional torts," he said. "The president has an immunity that no state officer can claim, but otherwise state and federal defendants are parallel."

Legislative, judicial and some prosecutorial functions also trigger absolute immunity, Jeffries said, and the boundaries of absolute immunity are not always clear and are intensely controversial. Executive officers enjoy qualified immunity, the contours of which are complicated and contested, he said.

ALI's restatements of the law are primarily addressed to courts and aim at clear formulations of common law and its statutory elements, and reflect the law as it presently stands or might appropriately be stated by a court.

Jeffries, a David and Mary Harrison Distinguished Professor of Law, joined the faculty two years after earning his law degree in 1973. Jeffries has co-authored casebooks in civil rights, federal courts and criminal law, and has published a variety of articles in those fields. He also wrote a biography of Justice Lewis F. Powell Jr.

Jeffries previously served as dean of the Law School from 2001-08 and as senior vice president for advancement at the University from August 2018 to January 2021. In addition to teaching in the Law School, he serves as counselor to UVA President **JIM RYAN '92**.

Jeffries is a member of the American Law Institute and of the American Academy of Arts and Sciences.

—Mike Fox



LAYCOCK, ROSS RECOGNIZED BY AALS

Professors **DOUGLAS LAYCOCK** and **BERTRALL ROSS** were recognized for their scholarship by the Association of American Law Schools at the group's annual meeting in January.

Laycock won the remedies section's Lifetime Scholarly Achievement Award, and Ross was runner-up in the election law section's Distinguished Scholarship category.

Laycock, who also is a professor of religious studies at UVA, is the Class of 1963 Research Professor in honor of Graham C. Lilly and Peter W. Low, and the Robert E. Scott Distinguished Professor of Law.

He is perhaps the nation's leading authority on the law of religious liberty and also on the law of remedies (see story on p. 42). Laycock has taught and written about these topics for more than four decades at the University of Chicago, the University of Texas and the University of Michigan, as well as at UVA.

He has testified frequently before Congress and has argued many cases in the courts, including the U.S. Supreme Court, where he has served as lead counsel in six cases and has also filed influential amicus briefs. Laycock is the author (co-author in the most recent edition) of the leading casebook "Modern American Remedies," the award-winning monograph "The Death of the Irreparable Injury Rule" and many articles in leading law reviews. His writings on religious liberties were recently republished in a five-volume collection.

Laycock resigned as vice president of the American Law Institute and from its Council to become co-reporter for the "Restatement (Third) of Torts: Remedies." He is also a fellow of the American Academy of Arts and Sciences.

He earned his B.A. from Michigan State Univer-

sity and his J.D. from the University of Chicago.

Ross, who joined the faculty in 2021, is the Justice Thurgood Marshall Distinguished Professor of Law and a director of the school's Karsh Center for Law and Democracy.

He teaches and writes in the areas of constitutional law, constitutional theory, election law, administrative law and statutory interpretation. Ross' research is driven by a concern about democratic responsiveness and accountability, as well as the inclusion of marginalized communities in administrative and political processes.

Ross' past scholarship has been published in several books and journals, including the Columbia Law Review, New York University Law Review and the University of Chicago Law Review. Two of his articles were selected for presentation at the Yale/Harvard/Stanford Junior Faculty Forum.

Ross has also been awarded the Berlin Prize from the American Academy in Berlin, the Princeton University Law and Public Affairs Fellowship, the Columbia Law School Kellis Parker Academic Fellowship and was a 1999 Marshall Scholar. Ross is currently serving on the Administrative Conference of the United States and recently served on the Presidential Commission on the Supreme Court. He is also a member of the American Law Institute.

He earned his B.A. from the University of Colorado, M.Sc. from the London School of Economics, M.P.A. from Princeton University's School of Public and International Affairs, and J.D. from Yale Law School.

Winners were acknowledged during an awards ceremony at the 2023 AALS Annual Meeting.

—Mike Fox

"The Only Way Forward," on the religious liberty protections in the Respect for Marriage Act, in *Commonweal* magazine; and "Perspective: The Respect for Marriage Act shows that compromise is the way forward," in *Deseret News*. His co-authored letter in support of the Respect for Marriage Act was cited on the Senate floor. Laycock is retiring from teaching at UVA Law in May (see p. 42).



This past December, **MICHAEL A. LIVERMORE** delivered a keynote address at the Conference on Empirical Methods in Natural Language Processing in Abu Dhabi, United Arab Emirates. His talk, at the Natural Language Processing Workshop, focused on the distinction between "law-as-code" and "law-as-data" approaches to computational law, and the potential for the two perspectives to be combined through hybrid models. He continues to convene the Online Workshop on the Computational Analysis of Law, a scholarly forum for cutting-edge research applying computational techniques to legal data. Presenters this spring include Columbia University professor Kellen Funk, George Mason University history professor Lincoln Mullen and Amit Haim of Stanford University. Livermore also recently launched the second season of his podcast "Free Range with Mike Livermore," sponsored by the Law School's Program on Law, Communities, and the Environment (PLACE), which can be found on Apple Pod-

casts, Spotify and other podcast platforms. Guests this spring include Rutgers University philosopher Alex Guerrero, Cornell University professor Jed Stiglitz and acclaimed environmental author Emma Marris.

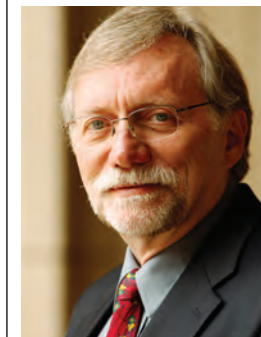


RUTH MASON published "Solidarity Federalism," with Northwestern University professor Erin Delaney, in the *Notre Dame Law Review*. In *Tax Notes*, she published "Ding-Dong! The EU Arm's-Length Standard is Dead!" and "A Wrench in the GLOBE's Diabolical Machinery." She spoke at the Organisation for Economic Co-operation and Development Panel at the International Fiscal Association Congress in Berlin; at the International Tax Policy Forum in Washington, D.C.; and at the ABA Tax Section online. She also presented "Bibb Balancing" at the University of California, Irvine; the University of Florida; and UVA.



GREG MITCHELL published "Error Aversions and Due Process," with Duke University professor Brandon Garrett, in the *Michigan Law Review*; "Are Progressives in Denial About

Progress? Yes, But So Is Almost Everyone Else," with University of Pennsylvania professor Philip Tetlock, in *Clinical Psychological Science*; "Keep Your Enemies Close: Adversarial Collaborations Will Improve Behavioral Science" and "The Road Less Traveled: Understanding Adversaries Is Hard but Smarter Than Ignoring Them," with University of Pennsylvania professor Cory Clark, Thomas Costello of MIT and Tetlock, in the *Journal of Applied Research in Memory and Cognition*; and "The Internal Validity Obsession," with Tetlock, in *Behavioral & Brain Sciences*. In addition, Mitchell presented new data on public views of nondisclosure clauses in settlement agreements at William & Mary Law School this spring.

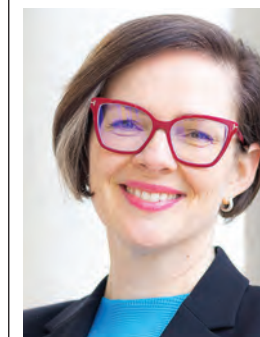


JOHN MONAHAN recently co-authored an article, "The Empirical Case for Pretrial Risk Assessment Instruments," in the journal *Criminal Justice and Behavior*. The 10th edition of the casebook he produced with his late co-author Laurens Walker, "Social Science in Law," also appeared in 2022. Monahan co-authored "Pretrial Risk Assessment, Risk Communication, and Racial Bias," pending in the journal *Criminal Justice and Behavior*. 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.



Last fall, **THOMAS B. NACHBAR** was named a senior fellow of UVA's Miller Center. In February, he lectured on war crimes as part of the "Great Decisions" series at Coastal Carolina University. His most recent article on antitrust, "Qualitative Market Definition," was published in Volume 108 of the *Virginia Law Review*. He continues his Army Reserve service as an adjunct professor of national security law at the U.S. Army Judge Advocate General's Legal Center and School.



MOIRA O'NEILL is leading the research component of California's Department of Housing and Community Development Policy and Practice Review of San Francisco. The state approached her to support this work because of the research she completed for the California Air Resources Board, which she discussed with **MICHAEL LIVERMORE** on a "Free Range with Mike Livermore" podcast episode posted in September.



DANIEL R. ORTIZ acted as counsel of record in *Jones v. Hendrix* before the U.S. Supreme Court. The case concerns the availability of habeas relief for prisoners who, abiding by circuit precedent, did not challenge their convictions when the Supreme Court later made clear that they are legally innocent under the relevant statute of conviction. After the court granted cert, he supervised the drafting of the opening merits brief and of the merits reply brief with a team of students in the clinic and argued the case on Nov. 1. He also worked on several other clinic cases. Ortiz helped prepare the cert petition in *Rodriguez v. Burnside*, which asks whether in deciding a constitutional challenge to a prison policy, a court may consider only proposed alternatives that would apply on a prison-wide scale or also more narrow alternatives that would apply only to the individual plaintiff.



SAIKRISHNA PRAKASH spent the fall at Yale Law School as the Doyle-Winter Distinguished Professor of Law. While at Yale, he presented his

paper "A Commander in Chief" to the faculty workshop. His piece with **ADITYA BAMZAI**, "The Executive Power of Removal," came out in the *Harvard Law Review* in April 2023.



KIMBERLY JENKINS ROBINSON is currently writing a book for Harvard University Press. She published "Reactions to the Biden Administration's Proposed Title IX Changes from Education Law Scholars," with the Brookings Institution on June 30. Her speaking engagements included moderating "Blackness and Bodily Autonomy: A Historical Analysis of the Fight for Black Health Liberation" at the Law School's seventh annual Shaping Justice Conference on Feb. 3; moderating "The COVID-19 Equity Impacts on Schools" at the American Association of Law Schools on Jan. 5; moderating "Why Do We Teach U.S. History?" at the 24th annual conference of the Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition at Yale University on Nov. 5; guest lecturing on "Education & Civil Rights" at the West Virginia University College of Law on Oct. 19; guest lecturing on "A Federal Right to Education" at the Michigan State University School of Education, Oct. 4; and speaking on "Constitutional Debates Regarding a Federal Right to Education" for Constitution Day at John Hopkins University on Sept. 19.

FACULTY HONORS IN BRIEF

CITRON'S BOOK RECOGNIZED BY AMAZON



Amazon.com recognized Professor **DANIELLE CITRON'S** latest book, "The Fight for Privacy: Protecting Dignity, Identity and Love in the Digital Age," as among the best business and leadership books of 2022. The book makes the case for understanding intimate privacy as a civil and human right, and offers a roadmap for law, industry and individuals to protect those rights. Citron is the Jefferson Scholars Foundation Schenck Distinguished Professor in Law, the Caddell and Chapman Professor of Law and director of the school's LawTech Center.

CURTIS, HWANG BECOME ECGI RESEARCH MEMBERS

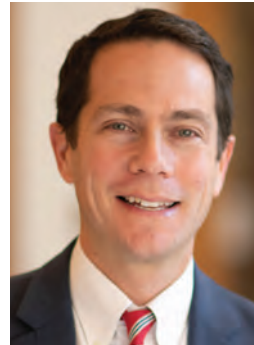


Professors **QUINN CURTIS** and **CATHY HWANG** were appointed research members of the European Corporate Governance Institute on Jan. 5. The 56 new members will be eligible to publish their academic work on corporate governance and stewardship in the ECGI Working Paper Series in law and finance. The ECGI draws on academics worldwide to tackle issues confronting business and governments. Curtis was invited to present at the ECGI conference "Capitalism Revisited: Responsible Investment" in Milan, Italy, on Sept. 16. Professor **MICHAEL BARZUZA** is also an ECGI research member.



Curtis is associate dean for curricular programs and The Honorable Albert V. Bryan Jr. '50 Research Professor of Law. Hwang is the Barron F. Black Research Professor of Law and director of the school's John W. Glynn Jr. Law & Business Program.

JAFFE NAMED DISTINGUISHED SCHOLAR



Professor **CALE JAFFE '01** was named a Vermont Law and Graduate School Environmental Law Center Distinguished Summer Scholar for 2023. During his two-week residency at Vermont as a climate law scholar, he will deliver a public lecture, participate in social events on campus, and meet with students and faculty. Jaffe directs the Environmental Law and Community Engagement Clinic at UVA.

ROSS, SCHWARTZMAN ELECTED TO ALI



Professors **BERTRALL ROSS** and **MICAH SCHWARTZMAN '05** have become members of the American Law Institute.

There are now 34 members of the UVA Law faculty currently affiliated with the institute, which produces scholarly work meant to update or otherwise improve the law.



Ross, who joined the faculty in 2021, is the Justice Thurgood Marshall Distinguished Professor of Law. He teaches and

writes in the areas of constitutional law, constitutional theory, election law, administrative law and statutory interpretation.

Schwartzman, who joined the faculty in 2007, is the Hardy Cross Dillard Professor of Law and the Roy L. and Rosamond Woodruff Morgan Professor of Law. His scholarship focuses on law and religion, jurisprudence, political philosophy and constitutional law.

They both serve as directors of the school's Karsh Center for Law and Democracy.

—Mike Fox



ELIZABETH ROWE published the 2022 update to "Selected Intellectual Property, Internet and Information Law Statutes, Regulations, and Treaties," co-edited with Mitchell Hamline School of Law professor Sharon Sandeen, with West Academic Publishing. She published the article "Procuring Algorithmic Transparency," with Nyja Prior, in the Alabama Law Review. She presented "Procuring Algorithmic Transparency" at the University of Washington School of Law and on the topic of trade secrets and inevitable disclosure and noncompete agreements at the American Intellectual Property Lawyers Association's midyear meeting. She served as a panelist for the Research and Innovation Roundtable at Penn State Dickinson Law and discussed equitable relief in trade secret cases at the Sedona Conference Working Group on Trade Secrets.



FREDERICK SCHAUER'S "On the Rightful Deprivation of Rights" was published in the Notre Dame Law Review and "Unoriginal Textualism" was published in the George Washington Law Review.

His article "A Frame Without a Picture: On the Relevance of Law to the Decision of Hard Cases," previously presented at a Karsh Center for Law and Democracy conference in the summer, and earlier presented at the University of the Faroe Islands, was published in the Faroese Law Review. "On the Relationship between Law and Legal Reasoning," published in "New Essays on the Nature of Legal Reasoning," published by McBride & Penner. The 14th edition of his book "Constitutional Law," co-authored with Michael C. Dorf of Cornell Law School and Richard H. Fallon Jr. of Harvard Law School, was published by the West Publishing Co., as was the eighth edition of "The First Amendment," co-authored with Jesse Choper of the University of California, Berkeley, School of Law. Schauer gave lectures on the origins of modern legal positivism at a master course on legal theory at Goethe Universität in Frankfurt, Germany. He lectured about his book "The Proof" to Massachusetts trial and appellate judges at the Flaschner Judicial Institute in Boston and conducted a podcast interview about the book with the New Books Network. He was also a panelist at the Seventh Circuit symposium on stare decisis in Chicago.



RICHARD SCHRAGGER was the keynote speaker at the Virginia Municipi-



PRESIDENT APPOINTS GOLUBOFF TO SUPREME COURT HISTORY COMMITTEE

Dean **RISA GOLUBOFF** has been appointed to a federal committee that documents the history of the U.S. Supreme Court.

President Joe Biden announced Goluboff's appointment to the Permanent Committee for the Oliver Wendell Holmes Devise on March 2.

According to a White House press release, the committee, within the Library of Congress, was established by Congress in 1955 after Justice Oliver Wendell Holmes Jr. bequeathed a portion of his estate to the United States in 1935. Congress used the gift to establish the committee, which is charged with documenting and disseminating the history of the court by publishing a series of volumes.

Composed of the librarian of Congress and four additional members appointed by the president for an eight-year term, the committee has published 11 volumes as of January 2022. UVA Law professor **G. EDWARD WHITE** has also served as a member on the committee, and co-authored the third and fourth volumes, "The Marshall Court and Cultural Change, 1815-35."

"This is a wonderful honor to accept—many historians I admire have worked on the project—and I look forward to helping to document the history of the Supreme Court through this important work," said Goluboff, who holds a Ph.D. in history from Princeton University.

Goluboff is the 12th, and the first female, dean of the Law School. A renowned legal historian, her scholarship and teaching focuses on American constitutional and civil rights law, espe-

cially their historical development in the 20th century. She is the Arnold H. Leon Professor of Law and a professor of history at UVA.

After graduating from Yale Law School, Goluboff clerked for Supreme Court Justice Stephen G. Breyer and Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit.

GOLUBOFF JOINS BOARD OF EQUAL JUSTICE WORKS

GOLUBOFF was also named to the Equal Justice Works board of directors.

EJW "brings together an extensive network of law students, lawyers, nonprofit legal aid organizations and supporters to promote public service and inspire a commitment to equal justice," according to a press release. In 2022, the organization funded 84 fellows, offering salaries for two years to lawyers who design public interest projects in partnership with legal services organizations.

"I am thrilled to join the Equal Justice Works board of directors," Goluboff said in a statement. "EJW's mission—to bring lasting change to underserved communities by facilitating public service opportunities for lawyers and law students—dovetails beautifully with our mission at Virginia Law, which has been preparing lawyers and leaders for lives of service to our nation and its people for 200 years."

—Mike Fox

THE WORLD CRISIS AND INTERNATIONAL LAW

THE KNOWLEDGE ECONOMY AND THE BATTLE FOR THE FUTURE

PAUL B. STEPHAN '77
CAMBRIDGE UNIVERSITY PRESS

AS A SELF-PROFESSED LIBERAL INTERNATIONALIST, PROFESSOR PAUL B. STEPHAN '77 once had high hopes for a permanent world peace based on global prosperity, but prospects for that possibility now look dim, he argues in a new book.

Stephan, a former adviser to multiple presidents and foreign governments, offers insights about the history and shaky future of the international order in “The World Crisis and International Law: The Knowledge Economy and the Battle for the Future.”

As Stephan surveys the global scene, he sees much to despair of. A bellicose Russian leader supported by the Global South’s Western skeptics. Nuclear proliferation despite treaties. A looming climate catastrophe and the ever-present threat of pandemics. Cyberspace

run amok. Anti-immigrant nationalism. Authoritarian states better armed with weaponry and surveillance tools. And a retreat from human rights.

“If current trends continue, we have a lot to worry about,” Stephan said in an interview before the book was released. “Despair is not my mindset. I’m a pretty happy person, but I think people have to be realistic about the challenges that confront us. Whether one agrees with my thoughts about particular strategies we might employ is less important than recognizing the problem.”

The problem, as he sees it, is not that calamitous world events are causing the international legal structure to fracture. Rather, he sees the structure itself—and the knowledge economy it helped create—as having caused the calamities.

Globalization, international law and the knowledge economy have “done wonders, lifting hundreds of millions of people out of dire poverty, giving us the vaccines, medicines, and remote connectivity that allow us to go on with our lives during a terrible pandemic, and creating many shiny new toys that we treasure,” Stephan wrote in a blog post on his publisher’s website. “But it also spawns shocking inequality and devours social trust” as it concentrates opportu-

nity, wealth and perceived political clout within better-educated urban areas.

Stephan submitted the manuscript to his publisher before Russia invaded Ukraine last year. Nonetheless, he saw that conflict looming, along with the threat of China retaking Taiwan by force and Iran acquiring nuclear weapons.

“Those are illustrations of the conventional old-school risk of war and the terrors that provides, but I also look at the way societies around the world are finding it harder and harder to find common ground, to have consensual governance,” he said.

The international law and global finance movement reached its zenith in the 1990s, he said, with the collapse of the Soviet Union and the rise of the International Monetary Fund,

the World Bank and the World Trade Organization.

Stephan pulls a consistent thread—albeit not a straight seam—tying together Russian state corruption, open economies that were not ready to compete without protective tariffs, free trade agreements and open borders, economic hinterlands and rising nationalist sentiment, NATO’s Kosovo campaign, 9/11 and the global war on terror, a neutered United Nations and an impotent International Court of Justice.

Stephan, a preeminent international law scholar with particular expertise in Soviet and post-Soviet legal systems, has been thinking about these connections for years. They also figured into his recent work as coordinating reporter for the American Law Institute’s “Restatement (Fourth) of the Foreign Relations Law of the United States” and its follow-on book, “The Restatement and Beyond: The Past, Present, and Future of U.S. Foreign Relations Law,” edited with Sarah A. Cleveland.

But the COVID-19 pause gave him the time and mental space to sort through it all.

“The goal of this book is to have a few insights that I think are distinctive, but more generally to bring together the growing literature on the breakdown of international relations and liberal democracy around the world, on the one hand, and the literature on social and economic inequality in the world on the other, and sew them into a coherent tapestry,” Stephan said. “Rather than them being different stories, seeing them as one story explains a lot.”

He also explores the idea of states as “norm entrepreneurs,” offering historical examples of superpowers using their clout and creativity to encourage rather than require the uptake of global solutions to existential problems.

One case in point is the 1977 U.S. anti-bribery legislation that applies to any firm with access to U.S. capital markets. At the time, no other country had such a rule and many states treated bribes as tax-deductible business expenses. By 1997, most of the world’s rich countries embraced the norm, some by treaty.

“We can build on these examples, whether constraining state aggression in cyberspace or working within the Paris Agreement, to build trust and cooperation in the struggle to contain climate change,” Stephan said.

As he concluded in his blog post, “We should be worried by the dark place in which we find ourselves, but not paralyzed by fear.”

Stephan is the John C. Jeffries, Jr., Distinguished Professor of Law at UVA and a senior fellow at the Miller Center.

—Melissa Castro Wyatt

pal League’s annual conference, where he spoke about “The Past, Present, and Future of Home Rule in Virginia.” He participated in “Movements on the Ground: A Colloquium on Social Movements and State and Local Law,” held at the University of Miami School of Law. He presented at the Cooper-Walsh Colloquium at Fordham Law School on “Municipal Access to Bankruptcy: Do Investors Care?” and he served as a panelist on “The Jackson, Mississippi Water Crisis,” sponsored by UVA’s Black Law Students Association. He published “The City in the Future of Federalism,” which appeared in a new edited volume, “Cities in Federal Constitutional Theory”; “Do Local Governments Have Too Much Power? Understanding the National League of Cities’ Principles of Home Rule for the 21st Century,” co-authored with Fordham University professor Nestor Davidson, which appeared in the North Carolina Law Review; and “The Failure of Home Rule in Virginia: Race, Localism, and the Constitution of 1971,” co-authored with C. ALEX RETZLOFF '21, which appeared in the Journal of Law & Politics.



SARAH SHALF '01 was elected to the executive committee of the AALS Section on Clinical Legal Education in January 2022, and she was elected secretary of the section at the 2023 AALS Annual Meeting in San Diego. The Section on Clinical Legal Education is the largest

section of the AALS. Locally, the city of Charlottesville in September 2021 appointed her the city’s public-sector representative on the board of directors of the Monticello Area Community Action Agency, the area’s government-funded anti-poverty organization that runs Head Start, and she was selected in November to chair its strategic planning task force.



PAUL B. STEPHAN '77 took part in a conference hosted by the Peking University School of Transnational Law on the political economy of law reform, where he discussed law reform institutions in the United States. At a conference at Wake Forest Law School on the legal issues arising out of the Russia-Ukraine war, he gave a presentation on U.S. sanctions and led a discussion on the same topic at the annual meeting of the ASIL Interest Group on International Law in Domestic Courts. He co-taught a January Term course, Russia in the Current World (Dis)order, at Columbia Law School with Columbia University professor Delphine Nougayrède. He published an article on “The Crisis in International Law and the Path Forward for International Humanitarian Law” in the International Review of the Red Cross and a chapter on antibribery law for the book “Is the International Legal Order Unraveling?,” published by Oxford University Press. He will spend the spring doing podcasts and giving talks in connection with his book

“The World Crisis and International Law—The Knowledge Economy and the Battle for the Future” (see p. 58). He is finishing a manuscript on “Applying Municipal Law in International Disputes” for the Hague Academy of International Law, which will host his course with the same title in July.



PIERRE-HUGUES VERDIER took part in the Law School’s new faculty exchange program with the Hebrew University of Jerusalem last summer, teaching a short course on Introduction to U.S. Securities Regulation. He spoke on his recent book, “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance,” at conferences at the University of Geneva and as a guest lecturer at Cornell Law School, and on the related topic of sanctions overcompliance at a conference organized by the French Consulate in Boston and Harvard University. He presented a paper in progress, “International Enforcement Leadership,” at the Boston College Law School Roundtable on Global Criminal Justice, at the American Society of International Law’s Annual Research Forum in Miami, and at UVA Law’s faculty workshop. He also discussed his work with KEVIN COPE and MILA VERSTEEG, “The Global Evolution of Foreign Relations Law,” on a panel organized by DAVID S. LAW at the Law and Society Association’s Global Meeting in Lisbon, Portugal.



J.H. (RIP) VERKERKE published “Gender Differences in Law School Classroom Participation: The Key Role of Social Context,” co-authored with **MOLLY BISHOP SHADEL** and UVA professor Sophie Trawalter in the Virginia Law Review Online and “Deconstructing Employment Contract Law,” co-authored with University of Florida profes-

sor Rachel Arnow-Richman, forthcoming in the Florida Law Review. He presented “The Bilateral Employment Contract,” co-authored with Arnow-Richman, at the Conference on Scholarship in Employment and Labor Law on Oct. 15, 2021; “Rethinking Vicarious Liability for Employee Torts” and “Deconstructing Employment Contract Law” at the Conference on Scholarship in Employment and Labor Law at Vanderbilt Law School in October 2022; and “Gender Differences in Law School Classroom Participation: The Key Role of Social Context” at a UVA Law faculty workshop on Nov. 19, 2021, and at the Virginia Law Review Legal Pedagogy

Symposium on Feb. 18, 2022. He delivered the keynote address in honor of Arnow-Richman’s chair appointment at University of Florida Levin College of Law on Nov. 3.



G. EDWARD WHITE will participate in a panel discussion May 23 at the American Law Institute on a forthcoming chapter, “The Work of the Ameri-

can Law Institute in Historical Context,” co-authored with **KENNETH S. ABRAHAM**, in a book commemorating the 100th anniversary of ALI. The chapter is an overview of ALI’s history since its founding in 1923. The book is scheduled to be published in May. Abraham and White will present a paper at the annual Clifford Symposium at DePaul Law School on June 8. The paper is on the history and current status of the tort of offensive battery. It will subsequently appear in a symposium issue of the DePaul Law Review. White has begun work on a book, “Encounters With Robert Jackson,” based on the Jackson Papers in the Library of

Congress. An article emanating from that project, “Justice Robert Jackson ‘Arrives’ in Washington,” will be published in the July 2023 issue of the Journal of Supreme Court History. Amherst College held a session in January on his book “Soccer in American Culture.” Abraham and White’s article “Doctrinal Forks in the Road: The Hidden Message of The Nature of the Judicial Process” was published in Volume 34 of the Yale Journal of Law & the Humanities. White also acted as an expert witness in proceedings before the D.C. Bar involving alleged professional misconduct in litigation surrounding the 2020 federal election.



► John Harrison, Danielle Citron, Risa Goluboff, Gregory Mitchell and Cathy Hwang

‘COMMON LAW’ CONTINUES ‘CO-COUNSEL’ THEME

The UVA Law podcast “Common Law” cooked up a familiar recipe for its fifth season.

In a continuation of the last season, called “Co-Counsel,” the podcast again features host Dean **RISA GOLUBOFF** and four rotating co-hosts: Professors **DANIELLE CITRON, JOHN HARRISON, CATHY HWANG** and **GREGORY MITCHELL**.

Each are joining Goluboff, who was a host with then-Vice Dean **LESLIE KENDRICK ’06** when the show launched in 2019, to discuss cutting-edge research on law topics of their choice.

“We called our last season ‘Co-Counsel’ because my co-hosting colleagues brought their own expertise to the table, just as you would gather experts for major litigation or a trial,” Goluboff said. “It was so much fun, and offered such a rich vein of subjects, that we decided to do it again.”

The fifth season features eight episodes, all available now. Guests include UVA Law professors **KIM KRAWIEC, PAYVAND AHDOUT,**

ALISON GOCKE, BERTRALL ROSS and **ELIZABETH ROWE**. Three professors from other universities also joined the show: University of Utah law professor Teneille Brown, an expert on law and the biosciences; James L. Gibson, an expert in law and politics who serves as a professor of government at the Washington University in St. Louis; and Susan S. Silbey, a professor at the Massachusetts Institute of Technology who is an expert in complex organizations and risk management.

“Common Law” is available on Apple Podcasts, Stitcher, YouTube, Spotify and other popular podcast sources. The show is produced by Emily Richardson-Lorente.

Past seasons have focused on “The Future of Law,” “When Law Changed the World” and “Law and Equity.”

You can follow the show on the website CommonLawPodcast.com or Twitter at @CommonLawUVA.

—Mary Wood

A MEMOIR
AND
A MOVING
SPEECH
AT UVA LAW
CAPTURE
JUSTICE’S
SPIRIT

THE Poetic Justice

John Charles Thomas ’75

FOUR-YEAR-OLD JOHN CHARLES THOMAS stood on the porch of his grandfather’s home, watching him banter with several old friends who were leaning against the porch banister.

“Come here,” Thomas’ grandfather called to him. Thomas obediently came over. “Say that poem.”

“Yes, Granddaddy,” Thomas said.

“Hold your head up.”

“Yes, sir,” said Thomas.

“What’s the poem?” his grandfather asked.

“OUR TEACHERS IN THE ALL-BLACK SCHOOLS BASICALLY TOLD US YOU HAVE TO CHANGE THE WORLD; YOU HAVE NO CHOICE. YOU’RE GOING TO HAVE TO SHOW THESE PEOPLE WHO WE ARE.”



“Thanatopsis,” by William Cullen Bryant,” Thomas said. And he proceeded to recite from memory the entire 642-word poem his grandfather had taught him:

*To him who in the love of Nature holds
Communion with her visible forms,
she speaks*

*A various language; for his gayer hours
She has a voice of gladness, and a smile
And eloquence of beauty, and she glides
Into his darker musings, with a mild
And healing sympathy, that steals away
Their sharpness, ere he is aware....*

The men were beside themselves, amazed at Thomas’ excellent memory, urging him on, shouting, “Go, go, go, go!”

Thomas, who recalled the story at the Law School’s annual Community Martin Luther King Jr. Celebration in January, went on to become a graduate of UVA’s College of Arts & Sciences in 1972 and the Law School in 1975. He was also the first Black lawyer hired by a large law firm in Richmond. When he made partner there in 1982, he was the first Black lawyer in the history of the American South to make partner at an old-line Southern law firm.

IN 1983, at the age of 32, he became Justice John Charles Thomas, the first Black justice—and also the youngest—in the history of the Supreme Court of Virginia.

The University of Virginia Press recently published Thomas’ new book, “The Poetic Justice: A Memoir,” a reflection on Thomas’ twin loves of poetry and the law. The book’s title alludes not only to the deep love of poetry instilled by his grandfather, but also to overcoming the maze of injustices Thomas faced—and succeeded in spite of—as he came of age in the 1960s and ’70s in Virginia’s deeply segregated landscape.

As a bright high school student with an eidetic memory, Thomas was chosen by teachers at his school to integrate the all-white high school in Norfolk.

“We need volunteers—raise your hands,” is how Thomas described the moment.

“Our teachers in the all-Black schools basically told us you have to change the world; you have no choice. ... You’re going to have to show these people who we are,” he said. “And so, we felt that burden. I mean, we

didn’t just pick up the burden. It was kind of laid on us.”

The burden was not a light one.

“The theory was, no Negro belongs at white schools in the ’60s. And so, if I failed a class, it would make the newspaper. You would wonder why, but the teachers were talking to the media. ... We were under scrutiny the whole time.”

Once, when Thomas realized he’d forgotten an assignment for his Advanced English class, he had just 20 minutes to write a poem, short story or essay. Although he had been reciting poetry since he was 4, it never occurred to him that he could write a poem of his own.

“And so, in that 20 minutes—with my life on the line and it was going to be in the newspaper if I didn’t get it right—I write a

poem for the first time ever,” Thomas said. He titled it, “The Morning.”

*The morning is a time for man to rise,
review the things that formed his past,
make all his disappointments and mistakes
quite clear so they will be his last.*

*The morning is a time for man to think of
all the things to come,
to plot, to plan, to try his best to be ahead
when day is done.*

*The morning is the time for man to dream
of things not yet conceived,
to gather his thoughts and ideas around the
things that he alone believes.*

*The morning is a time for man to rise and
think and dream
and see that all the world depends on men
who with thoughts of hope the day begin.*

When the teacher returned his work, “She takes my poem,” Thomas said. “She holds it by the corner, she walks to my desk, she throws it at me, and in front of the class she says ‘I reject this. I do not believe a colored child could write this.’”

Thomas was 17 years old. He kept writing poetry, but just for himself.

During a question-and-answer session at the MLK Celebration, Dean Risa Goluboff and Professor Kim Forde-Mazrui asked Thomas how he endured and succeeded through such injustices.

“FOR ME,” Thomas said, “it was not a question of any grand strategy. It was a question of baby steps and survival.”

At times, “survival” was literal. He recalled meeting his father for the first time—in a penitentiary, where he was serving time as a felon. An alcoholic, his father became violent when drunk. One day after his release he beat Thomas’ mother until Thomas had had enough.

“I’m 6 years old—he’s beating my Mama, and I think he’s going to kill her. ... I get the biggest knife I can find. And I say, ‘If you hit my Mama again, I will kill you.’”

His father then froze, and “spent the rest of his life never knowing what I might do.”

Along the way, he found other ways to prove himself and change minds. One day he challenged the president of his high school’s chess club to a game and beat him. “And he was so astounded that he gave me his box of Drueke tournament chess men. ... But he became a friend of sorts because he knew, well, that guy can play chess.”

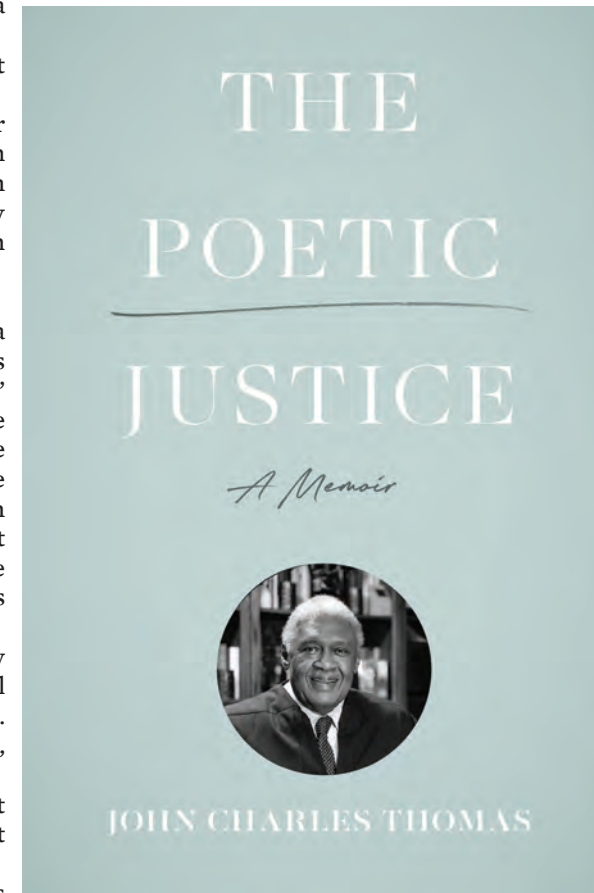
Thomas also joined the student government and the Key Club. He and his friend invited the club to their church and soon the newspaper reported on the white club visiting the Black church.

“If you can see some change,” he said, “if you see a little crack in the door, if you see a little light coming in, I think in that setting, you can keep pushing. And I was able to see that enough to keep going.”

After Thomas visited UVA and was struck by the beauty on Grounds, he wanted to

attend. A National Merit semifinalist, he won scholarships and attracted Ivy League brochures. But nothing from UVA.

“And because they didn’t ask me to come,



Thomas said.

“This man was motivated by justice. He changed America because of a sense of justice. ... Let us realize that ‘The arc of the moral universe is long, but it bends towards justice,’” Thomas told the audience, quoting King.

“When I look right here at this audience,” Thomas said, “Black and white, men and women, I know that it didn’t always look this way, and it can bring me to tears.

“But it brings me to tears because of the suffering of people [...] who said we’re not going to stand for this; we’re not going to have this kind of wrongdoing; we’re not going to have a world where the law says that all people are created equal and yet they don’t treat us that way.”

DESPITE the sting he felt from his high school teacher’s actions, Thomas kept writing. In 2006, his life took another poetic turn when he was appointed to the Board of Visitors at the College of William & Mary. There, a music professor learned about Thomas’ talent for writing poetry and composed music for a number of his poems.

The result was good. So good, in fact, the professor thought they should arrange a concert at Carnegie Hall as a fundraiser for William & Mary.

“And darned if they don’t do it,” Thomas said. “And I’m the star poet!”

Thomas opened and closed the Carnegie Hall program with his high school poem, “The Morning.”

*... The morning is a time for man to rise and
think and dream
and see that all the world depends on men
who with thoughts of hope the day
begin.*

“At the end,” Thomas said, “I step to the edge of the stage, and I say, ‘Don’t crush somebody’s spirit by the hatred you have inside of you. Don’t diminish someone’s goal.’ “And I started crying.”

The audience at Carnegie Hall started crying, too. As did the UVA Law audience. Poetic justice indeed.

—Fran Cannon Slayton ’94

FORMER
ENERGY LAWYER
MARKS 15 YEARS
AS JESSUP
MOOT COURT
COACH

Drill Sergeant and Den Mother

Megan Strand '08

LAST SPRING, first-year UVA Law students Bo Hiatt and Camille Blum were holed up in the Arthur J. Morris Law Library's Mason Room.

In 24 hours, they would dial in to their first-ever oral argument as part of the Philip C. Jessup International Law Moot Court Competition, a contest that would eventually involve more than 500 law schools from over 80 countries, including about 145 U.S. law schools.

"The issue in question was related to international freedom of speech, and I thought I had it pretty reasonably tied up," Hiatt said. "I'm trying to get my confidence up, and we weren't really looking at making substantive changes at that point."

His coach, Megan Strand '08, had other ideas, perhaps based on the training she received from her own coach back in the day, Col. David Graham, who was then the executive director of the U.S. Army Judge Advocate General's Legal Center and School.

As Hiatt recited some basics about the International Covenant on Civil and Political Rights, Strand cut him off and put on her hot-bench hat.

"OK, cool, that's great. But what's the law," he recalled her asking. "I can read the ICCPR, but what's the actual law you're applying? What's the case law? How has the court done this before?"

After parrying back and forth for a bit, Strand cut him off again and asked him to meet with her separately to go over relevant case law. As the team moved into the later stages of the contest, Hiatt said, despite the competition stiffening, his scores continued to rise. The team eventually advanced to the round of 32 in the international rounds that year, with their written submissions placing 14th worldwide and third among U.S. teams.

"That's something I attribute entirely to her being aggressive with me early and then taking that extra step to meet with me to work through the issues," Hiatt said. "I didn't feel super good going into the early round, but Megan provided me with the tools I needed to improve on that specific point, and she was harder on me than the judges were."

This is just par for the course for Strand, who's now in her 15th year of coaching Jessup after a decorated two-year career as a member of the team. The job is part drill sergeant, part law firm partner, part "den mother," in her words. She's fielded desperate calls when her team was stranded in a snowy

connecting airport and foraged for medicine for sick team members.

And, like a den mother, the job is time-intensive, unpaid and juggled against real parenting duties to sons Joseph and George.

"I try not to think about the time in quantifiable terms," she said with a laugh. "It's just this unique opportunity to compete in the largest and most prestigious moot court competition in the world, and it's kind of all-consuming."

A graduate of the Punahou prep school in

ment company, Trajectory Energy Partners, in 2017 just prior to Chadbourne & Parke merging into Norton Rose Fulbright. She also teaches a renewable energy law and policy seminar at Georgetown University Law Center, where her mother graduated from law school.

Strand's co-coach, Lauren Sandground, is a fifth-year associate in K&L Gates' insurance recovery practice and has helped coach the Jessup team since she graduated from UVA Law in 2018.

incredulously. It's even become a family affair, with her husband, Patrick Guarnieri (Com '04), sometimes participating in prep sessions.

The Law School has long had ties to the competition, which was co-founded 63 years ago by members of the J.B. Moore Society of International Law, a student organization at UVA. One of the awards for the best brief in the worldwide competition is named in honor of former contracts professor and dean Hardy C. Dillard '27.

As the Jessup alumni network and the

**"SHE TALKS ABOUT THE FACT THAT THE JESSUP TIME IS THE 'FUN TIME' FOR HER, WHEN SHE'S WORKING THROUGH THESE INTERNATIONAL LAW TREATISES AND THINGS."
—BO HIETT '24**



In 2016, alumni helped moot competitors. Pictured are (top row) Omar El-Khattabi '15, Lieselot Whitbeck '14, McCoy Pitt '13, Harrison Kilgore '17, Logan Spena '16, Ethan Foster '17, Strand, Jonathan Ware '08 (with his daughter, Julia) and Amy Stern '12; and (bottom row) Jessica Burke '17 and Lauren Sandground '18.

This year's Jessup team members Camille Blum '24, Jess Williams '25, Claudia Frykberg '25, Bo Hiatt '24 and Cathryn Casatuta '24 stand with their coach, Megan Strand '08. The team competed in person for the super-regional round for the first time since 2019.

Honolulu, Strand was drawn to UVA as an undergraduate for the well-balanced lifestyle it offered. She returned as a transfer student from the University of Hawaii's law school because of UVA's international law offerings. (Her father, Robert Strand, graduated from UVA Law in 1973. Conveniently, their reunion years now overlap.)

Although she's maintained a keen interest in international law—and she's helped more than one Jessup alum land a job in the field—it's not the career path she ultimately took.

A MANDARIN-SPEAKER, Strand had hoped to practice in Asia, and secured a summer associate position at Chadbourne & Parke in Washington, D.C., with an eye on their Beijing office.

"As life would have it, I ended up spending that summer focused in part on project finance for renewable energy projects," she said. "Back in the summer of 2007, this was an area that was really starting to take off in the U.S., and so that sort of took my interest in a different direction."

She co-founded her own solar develop-

"I think Megan's career shows that moot court is important for everyone and not just people who want to be litigators," Sandground said. "Her big pitch is that these skills are important for whatever you do after law school—you need to be able to speak persuasively and write well."

Sandground and Hiatt say the Jessup competition and Strand have made them better law students and better lawyers. And neither of them intend to practice international law.

"She taught us how to streamline briefs, tighten arguments, use the right type of sources and how to be more convincing depending on your audience," Sandground said. "It is a unique thing to have a coach acting as your senior lawyer for three years."

Coaching Jessup—and taking on international pro bono projects—has helped Strand sate her thirst for the puzzles that international law presents.

"She talks about the fact that the Jessup time is the 'fun time' for her, when she's working through these international law treatises and things," Hiatt said, somewhat

Law School's support for the program have grown, the load has gotten easier to handle, Strand said, giving shoutouts to the continued involvement of "Col. Graham," Professors John Setear and Ashley Deeks, Sandground, and the dozens of alumni who help students prepare for competition and apply for jobs—including some who dial into meetings from several time zones away.

The five members of this year's Jessup team competed in a super-regionals round Feb. 24 in Washington, D.C., debating international sanctions similar to those imposed on Russia. The team won for best written submission, though did not advance to the international competition.

With a year of training under Strand, Hiatt—who is now a team co-captain with Blum—said they felt well-prepared for competition.

"After having Megan as a judge in practice, we [were] ready for even the most difficult of judges in D.C.," Hiatt said. "Her tough-but-fair approach is the best preparation possible."

—Melissa Castro Wyatt

FORMER U.S. PROSECUTOR TURNS EFFORTS TO HER FAMILY'S HOMETLAND, MOLDOVA

“WHAT OUR OFFICE IS DOING IS VERY IMPORTANT TOWARD MOLDOVA'S FUTURE IN WANTING TO JOIN THE EU.”



On a Mission to Conquer Corruption

Veronica Dragalin '11

MOLDOVA, a former Soviet republic in Eastern Europe, is a country between a rock and several hard places.

It is the second-poorest nation in Europe, its economy mostly reliant on agriculture. Nearly 750,000 Ukrainians have fled south to Moldova since February 2022. Its prime minister resigned on Feb. 10, citing the stresses of working next to a war zone. Meanwhile, Russia occupies Transnistria, a strip of territory in Moldova's east.

And although Moldova is culturally aligned with Romania, Russia has not given up on returning Moldova's 2.6 million people to its sphere of influence.

Not if Veronica Dragalin '11 has anything to say about it.

Dragalin, who was born in Moldova 37 years ago, was appointed the country's chief prosecutor for corruption last August. She left her work as an assistant U.S. attorney to take on the role.

It's an important job. Moldova's pending candidacy in the European Union is subject to nine conditions, six of which have to do with anti-corruption and justice reform, including more vigorous prosecution of systemic corruption.

“Moldova seems to have turned a corner toward [becoming] a truly democratic society not ruled by oligarchs or kleptocrats,” Dragalin said, speaking from her apartment in

the capital, Chişinău. “Having the education and professional background that I did, when Moldova needed someone from the outside as chief prosecutor, I applied. It seemed like a big step to take, but if I didn't, I felt I would regret it.”

She joined the prosecution office while the office of president is held by Maia Sandu, the former prime minister who in 2020 thwarted the reelection of the pro-Russian president and came into office vowing to fight corruption.

Dragalin's predecessor was fired and is being investigated for abuse of office.

“One of the specific problems that Moldova is facing is corrupt judges and prosecutors,” she said. “It's rare in the U.S., but here, corruption within the justice system is rampant. It's hard to battle corruption

while the system has corrupt actors.”

Moldova is ranked 91st out of the 180 countries surveyed by Transparency International for its Corruption Perceptions Index, lagging behind countries like Saudi Arabia and India.

In Dragalin's first six months, there have been several successful investigations, using the same tools that investigators use in the U.S.

“When someone asks for a bribe, instead of paying, we're encouraging people to call and report it so we can catch them in the act,” she said. “There's a lot of mistrust in the government, but not so much that people are not choosing to work with us.”

research—Dragalin took the LSAT and decided to give law a try.

“I wasn't very methodical,” she said. “I think I had a fee waiver from UVA to apply to the Law School. I didn't even visit before I was admitted, but it looked really nice in the brochures!”

It was a lucky choice. “I absolutely loved my time there. Now, having met others from other schools, not everyone is so lucky,” she said.

Friendships she made within her section continue to this day. “I played on a softball team with my section,” she said. “Some of us were terrible but we went out and had a good time.”

Anne Coughlin, the Lewis F. Powell, Jr., Professor of Law, stands out as an influence.



Dragalin speaks at the 21st EPAC/EACN Annual Conference and General Assembly in November 2022 in Moldova.

DRAGALIN'S path from Moldova to UVA and back to Moldova was circuitous and not always intentional.

Her parents, both mathematicians, left Moldova with young Veronica and her sister in the early 1990s. “The economic situation in Moldova at the time was pretty dire,” she said. “I was a child, so I didn't know much about it, but my mom explained how she would stand in line for hours to get butter.”

Her father was awarded fellowships in Italy and Germany and then, in 1996, the family was able to come to the U.S. after winning a green card lottery. “My parents didn't know anyone in the U.S., so it was quite a courageous decision. My mother was the age I am now when they moved,” Dragalin said.

The family moved around, from Los Angeles to Rochester, New York, then to Philadelphia, where Dragalin finished high school. Her parents and sister have settled in the Philadelphia area.

After majoring in biology at Duke University—thinking maybe she would go into medical

“I fell in love with the whole way she presented what criminal law is. The core principles she presented were absolutely fascinating, like a crossover between law, crime and psychology. I developed an interest in the criminal law side of things with the idea of someday becoming a prosecutor.”

An internship with Jones Day led to a job offer after graduation. In Jones Day's Los Angeles office, she worked with several former assistant U.S. attorneys who talked positively about their careers there, and they encouraged her to apply for positions with the U.S. Attorney's Office in Los Angeles.

“Since my family moved around a lot, I've always gotten a lot of energy from making a fresh start,” Dragalin said. “After five years of being an associate, I was ready for something different.”

IN 2016, she joined the U.S. Attorney's Office in L.A. and eventually joined the Public Corruption and Civil Rights Section. One particular case confirmed for her that prosecuting official corruption was going to be her mission.

Several sheriff's deputies had been charged with brutally beating a man who had been visiting his brother in jail, and then lying about it in their statements to the FBI. The men were tried separately. A jury acquitted one of the men on two of the charges, but hung on the third, making false statements. Dragalin was assigned the retrial on the third charge.

“Getting a case like that is very intimidating because I had to try to convince 12 people to come to a different conclusion than the last jury,” she said.

The man, who came from a law enforcement family, was found guilty at retrial.

“People who act with impunity—corrupt politicians, law enforcement agents—bring a bad name to the badge and the great work the majority of people in those positions do. The [defendant's] family acknowledged us for the work we do as prosecutors when we are prosecuting our own.”

After six years with the U.S. Attorney's Office, it was time for another change, and that path led back to Moldova, where Dragalin spent childhood summers and where her grandmother and other extended family still live.

She had retained her knowledge of Romanian, the official language of Moldova, but “it's one thing to speak with your grandmother, aunts and cousins, and another to have professional and public appearances in complex situations.” She adds, “I think my Romanian has improved a lot in the last six months.”

And Dragalin spends a lot of time in the public eye. “I had a warm reception, but I feel the pressure to deliver,” she said. “I just did a press conference this morning to set priorities for 2023 and review my first six months.”

She is establishing transparency and clarity as key principles in her office.

“We suffer as a society when people in our country don't understand what is happening in our criminal process,” she said.

Ever mindful of the bigger picture, Dragalin sits on the government's commission for EU integration, which is led by President Sandu.

“What our office is doing is very important toward Moldova's future in wanting to join the EU,” she said. “When we succeed in demonstrating our ability to fight corruption, we will improve our chances of becoming an EU member state.”

—Marian Anderfuren

FORMER
PITCHER
GOES TO
BAT FOR
MINOR LEAGUE
BASEBALL PLAYERS

**“I LEARNED THAT FIERCE ADVOCATES
NOT ONLY CAN, BUT SHOULD, TREAT THEIR COUNTERPARTS
WITH EMPATHY AND RESPECT.”**

Organizing a League of His Own

Harrison “Harry” Marino ’17

HARD AS IT IS to believe now, Harrison “Harry” Marino ’17 discovered his vocation a decade ago, shooting the breeze on bullpen benches, on crowded bus rides and on late-night fast food runs in towns from Aberdeen, Maryland, to Peoria, Arizona.

Back then, Marino spent two years as a minor league baseball player in the lowest rungs of the Arizona Diamondbacks and Baltimore Orioles organizations. He spent hours talking with his teammates, sharing their dreams of making the majors and commiserating about their minuscule salaries. While a few stars go on to earn millions, players in the low minors could earn as little as \$500 a week. Many lived below the poverty line.



► Marino was a star pitcher at Williams College before he graduated in 2012, then joined minor league teams.

periences. Everyone in the minors knew the wage system was unjust, he said, but no one wanted to speak

up. Some of his Latin American teammates told him they had dropped out of school to pursue a professional contract with a major league team when they were as young as 12.

“There was this incredible disconnect, where we’re an hour away from Baltimore and the major league team that is making plenty of money, we’re playing in front of crowds of 5,000 or 6,000 people per night, and yet we’re making \$8,000 and there’s five guys sleeping on air mattresses in one room,” Marino said. “I really didn’t understand it, and no one could explain it to me.”

DESPITE pitching well again, the Orioles released Marino just before the 2014 season. But unlike many of his teammates, he had other options. He had already applied to law school, and when he started at UVA that fall, Marino promised himself he would not forget his fellow players. “I wanted a law degree in order to have the privilege to advocate for people like them,” he said.

That determination to become a better advocate colored everything Marino did in Charlottesville. Besides playing a lot of softball (naturally), he participated in the William Minor Lile Moot Court competition with partner R. Chet Otis ’17, reaching the semifinals. He also published a note in the Virginia Law Review.

Life, however, seemed destined to take Marino far from baseball. After graduation, he clerked, first for Judge J. Frederick Motz ’67 on the U.S. District Court for the District of Maryland, and then for Judge Karen L. Henderson on the U.S. Court of Appeals for the D.C. Circuit. He had just joined the Washington, D.C., law firm Williams & Connolly when COVID-19 hit.

Early in 2020, Marino read an article about a nonprofit group called Advocates for Minor Leaguers, which was fighting for higher pay and better working conditions for players throughout the minor leagues. Intrigued, he decided to offer his services.

“It was kind of a no-brainer,” he said.

The group had little funding, so Marino began as a volunteer, but by the spring of 2021, after receiving a \$250,000 grant from the

Last year, Marino led the organizing of minor league players into a union. In late March of this year, in his new role as assistant general counsel for the Major League Baseball Players Association, he helped negotiate the first collective bargaining agreement for minor leaguers. The deal promises to raise salaries and improve working conditions for more than 5,500 players.

It is an unusual road for a former moot court star and appellate clerk to follow, but Marino’s career path has not been as direct as a trip around the bases. Back in 2012, like most graduates of Williams College, Marino had a lot of professional options before him, but he wanted to chase his dream of playing profes-

sional baseball. Though he had been a good collegiate player, even throwing a no-hitter his senior year, he went undrafted before the Diamondbacks signed him. He earned a salary of just \$3,300 his first season in the minors.

“I remember at the time thinking that maybe it was a joke,” Marino recalls. “I knew minor league players didn’t get paid a lot, but I did not know it was going to be like that.”

Marino played well, but soft-throwing pitchers are fungible in the low minors and the Diamondbacks released him. He signed with the Orioles, eventually playing the 2013 season for their Class A affiliate, the Aberdeen Ironbirds. There, as in Arizona, Marino talked constantly to his teammates about their ex-



Marino, pictured kneeling second from right with the champion Men's Gold team in 2015, was active in the North Grounds Softball League at UVA.

Major League Baseball Players Association to accelerate their organizing efforts, AML asked him to become their first executive director.

MARINO began laying the groundwork for the minor leaguers to unionize, an effort that met with rapid success. Union authorization cards were mailed to the players at the end of August 2022, and within 17 days they had collected enough signatures to form a union. Major League Baseball quickly agreed to recognize the minor leaguers as part of the MLBPA.

Over the next six months, Marino traveled frequently from his home in Charlottesville—to the MLBPA and Major League Baseball offices in New York, to spring training sites in Florida and Arizona, and even to the Dominican Republic, where many teams have training academies for their youngest prospects—trying to hammer out an agreement. The

parties finally struck a deal in late March. The new labor agreement, which covers all minor leaguers from Class AAA to the rookie leagues, more than doubles salaries and, as Marino puts it, “guarantees players



Marino and his Life Moot Court partner, R. Chet Otis '17, sporting baseball gear in a promotional photo, reached the semifinals of the competition.

year-round pay in exchange for year-round work.” Among other things, it also guarantees players better housing and meal policies, improved medical benefits, transportation to games, and the right to profit off their name, image and likeness. Major league owners also agreed not to shrink the number of minor league affiliates during the agreement.

Marino has won praise for his work. “His

consistency to the cause is as high as anyone that I’ve been around,” Tony Clark, the MLBPA’s executive director, told *The Wall Street Journal* last fall. “It comes through loud and clear in how he fights for players and

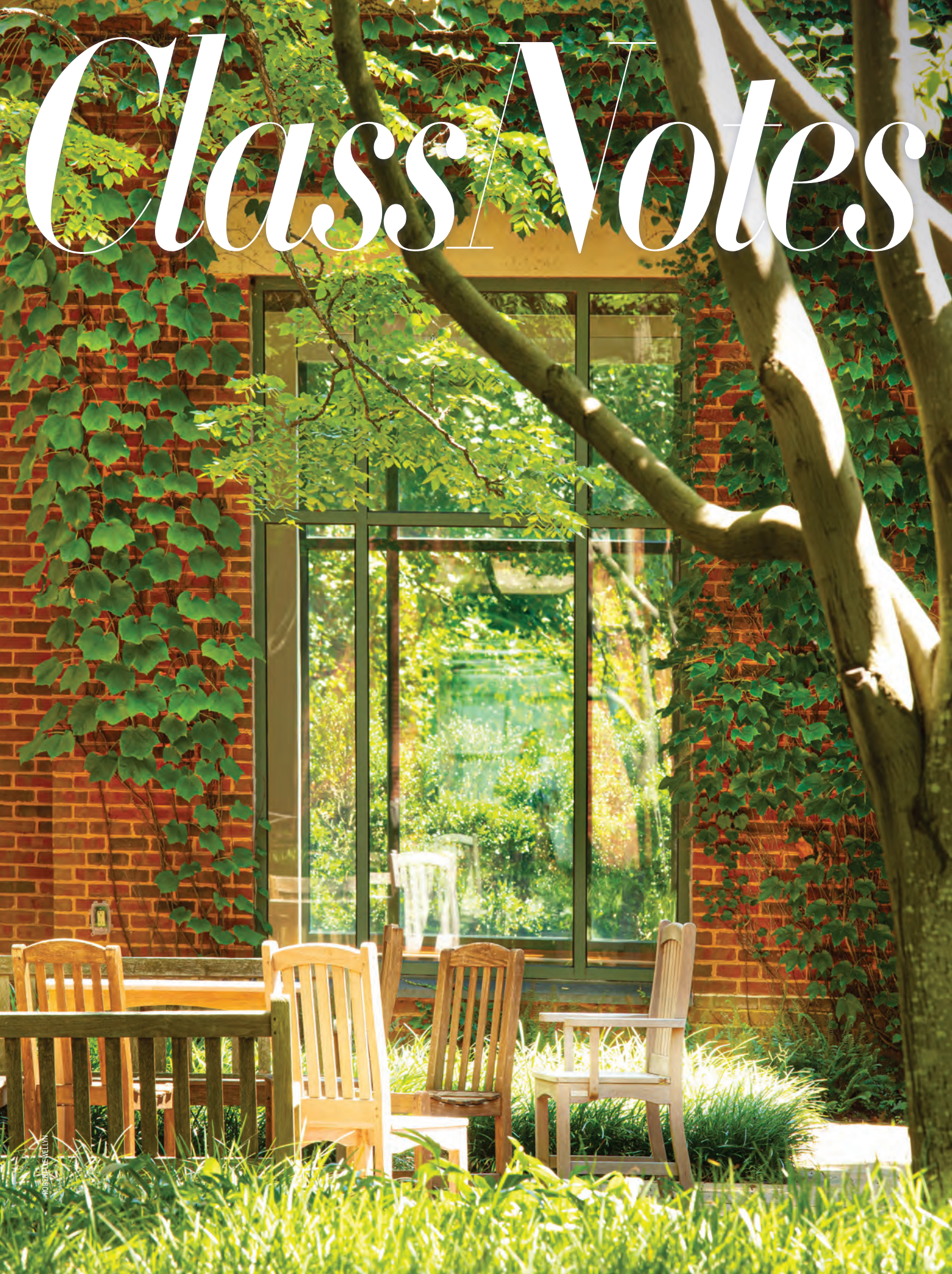
how he’s been willing to engage on any and all of the issues that are front and center. ... [I]f this was going to become a possibility, Harry is someone you want to be a part of the equation.”

For his part, Marino said he was pleased with what the union had accomplished, and gives some of the credit to his law school education.

“At UVA Law,” he wrote in an email, “I learned that fierce advocates not only can, but should, treat their counterparts with empathy and respect. I certainly drew on that training when sitting across the table from Major League Baseball’s negotiators. I am proud of the deal that we negotiated and enormously grateful to the Law School for the training it provided me.”

—Mark F. Bernstein '89

Class Notes



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 Aug. 1, 2023 for inclusion in the next issue.

WANT TO BECOME A CLASS SECRETARY?

Help collect class notes from your class.

CONTACT
alumni@law.virginia.edu

1955

H. LEE ADDISON III '55 died peacefully at his home in October. He was born in Norfolk, Va., to Harry Lee Addison Jr. and Blanche Trafton Addison in 1930. He graduated from Maury High School, where he was a tennis team member, first trombone in the band and orchestra, and a math club member. He attended the College of William & Mary and Virginia Polytechnic Institute-Norfolk before completing his degree at the University of Virginia with a bachelor's in economics. At UVA he was a member of the Theta Chi fraternity, swim team and pep band. At UVA Law he was a member of the legal fraternity Sigma Nu Phi as well as Delta Sigma Pi.

Addison joined the U.S. Marines and trained at Twentynine Palms in California. He attended Officer Candidate School and entered the Judge Advocate General's Corps at Camp Pendleton, Calif., where he met Barbara Jean Bauman, his wife-to-be. After marrying and returning to Norfolk to live and raise their family, he served in the Marine Corps Reserve and retired with the rank of captain.

Addison practiced law with several firms, the most prominent being Pender, Coward, Addison, and Morgan, which later became Pender and Coward. He specialized in bankruptcy, family and real estate law, along with credit union organizations law. He turned down a judgeship to continue his law practice. He represented several credit unions in the area—the biggest of which was Norfolk Naval Air FCU, now known as Chartway FCU. He was a trustee for the U.S. Bankruptcy Court for the Eastern District of Virginia.

Addison served on several boards, including the YMCA, Friends of DePaul and the Tidewater Winds,

and was involved in fundraising for all of them. He was also an active member of First Lutheran Church, where he served on the council, sang in the choir and formed lifelong friendships. His family said his hobbies included dancing, bridge, playing his trombone, swimming, tennis, pingpong and surf fishing at his Outer Banks beach cottage. He was also an avid reader of history.

Addison was preceded in death by his parents and his wife. He is survived by his two sons, John Martin Addison Sr. (Mary) and Gregory Lee Addison (Rebecca); and his daughter, Deborah Anne Addison (Julie); four grandchildren; and three great-grandchildren.

1958

by **LARRY GRIM**
Class Secretary

[CERTIFIED: NOT by ChatGPT]
jlawrencegrimjr@gmail.com

JIM ATKIN, BOB DORSEY and

I were the only takers of the offer of a pen-and-ink sketch of Monticello made to our class members by Bucks County, Pa., architect Fred Diserod. Bob, a Princeton alum, dedicated his sketch to his daughter, Alex Nordland, whose mother he wooed while he was in law school and she was at Hollins College. Bob reported he lived his first year in the Charity Pitts Rooming House with **BEN PHIPPS** and the **BROKAW** brothers of classes ahead of us. (Does anyone else get a foggy recollection that **LUCY MOELING** of our class dated or married a Brokaw? The alumni office thinks not, as her married name was Lucy Bishop.)

Sandy Gilliam, the University historian, says: "The Pitts house was home of the Preston who was rector of the University ... in 1865."

Our classmate, **WALTER JERALD FORD**, a former judge from Hampton, writes: "All is quiet on my home front. I am still mediating, doing judicial settlements, and sitting as a substitute judge now and then. I wonder how many of us are still working. That would be good news to me, and I bet I am not alone. Just knowing you are still with us would be of interest and to how you are making out. After all, we are a select group. I am giving a talk in my church to young Boy Scouts about what happens when you turn 18 as to benefits and responsibilities. It keeps you on your toes. I help feed the homeless every month and teach Sunday school once a month. I learned how to cook when my Sallie passed away. I work three days a week and sleep like a baby. Now I know none of that is interesting, but if I heard it from my classmates, I would not think it dull, because I wonder about all of us frequently."

Though 90 in December, **BILL GRIESAR**, is still Mr. Dependable for news: "At Jane's insistence, we took a nice trip this fall, a tour of some lovely national parks in the Southwest—an area I had little familiarity with. This included the Grand Canyon, Bryce Canyon and Zion National Park, places we had never seen before but found quite wonderful to experience. We used a tour service, of course, in this case, Tauck Tours, which we have used once before and which freed us from schlepping (you can tell I'm a New Yorker, born and bred) our bags. ... We drove to Vermont at Christmas to be with children and grandkids over the holiday at the Trapp Family Lodge—a pleasant place for Christmas."

On Jan. 19, **NORMAN BRENT HIGGINBOTHAM**, died at

his home of over three decades at Lake Anna, Va. Born Aug. 1, 1933, an only child, Brent graduated from Fairfax (Va.) High School in 1950 and was a member of the National Honor Society. He received an undergraduate degree from UVA in 1955 and a law degree in 1958 (each with your secretary). He joined the U.S. Naval Reserve as a legal specialist (now known as a judge advocate officer). He was assigned duties in Charleston, S.C., where he met and married Doris Lynn Gay. After his military service, he returned to Fairfax, where he practiced general law for 30 years.

In 1972, he purchased a large parcel of land on the planned Lake Anna Reservoir. At the suggestion of a local merchant, he opened Brent's Landing, the first public boat launching site on Lake Anna and, in 1987, he and Doris decided to build their retirement home there.

He and Doris enjoyed attending UVA football games with friends and fellow alumni, and having friends, family and classmates visit and enjoy the Lake Anna property. (In corresponding with him, he enthusiastically invited our 1958 classmates to visit the lake.)

He is survived by Doris, his wife of 61 years; sons, Thomas Brent Higginbotham (Maura) of Richmond and Forrest Stephen Higginbotham (Ginger) of Fairfax; daughter, Katherine Higginbotham Brown (Patrick) of Fredericksburg; grandchildren, Julia Higginbotham (Brian), Sarah Higginbotham, Grant Higginbotham (Brittany), Grace Higginbotham, Andrew Brown and Nathan Brown; and great-granddaughter, Finley Higginbotham.

Alas, **GORDON HOBBS** died Aug. 12. His widow, Barbara Hobbs, wrote me this touching note:



CLASS SECRETARY Larry Grim '58 writes: On Feb. 7, Dean Risa Goluboff gave a joyously enthusiastic and scintillating report on the extremely great health of UVA Law at an alumni cocktail and dinner party at Club Pelican Bay, Naples, Fla. Joining about 26 UVA Law alumni and friends were your secretary, **Larry Grim**, and his suite-mate from the law dorms opposite Clark Hall, **John Shroyer '57**, and their ladies, **Kathy O'Dea** and **Patricia Schultz**. (John, just married for the first time, and Patty, are the Class of '57 newlyweds.) John told Dean Goluboff about the time her mother proudly introduced herself to John as the "dean's mother" at a Class of 1957 luncheon in New York City. Fortuitously, the Shroyers were our guests that weekend at our Pelican Bay condo, which overlooks the two sixth greens. **George S. Thomas '67** was the gracious luncheon host.

"Thank you so much for reaching out. We are definitely a UVA family. It gives me so much comfort to sit in his study to do paperwork and pay bills with his 'V' lamp, Law School tankard with all his pencils and pens, UVA pictures on the walls and his favorite UVA baseball cap on the back of the sofa. It was also on top of his casket along with the casket spray of blue and orange flowers and a blue UVA ribbon. He was buried in his khakis, button-down blue shirt, navy blazer and UVA tie. I have a little memorial in our closet with another blazer with UVA buttons and his collection of UVA ties and belts. We have always had a UVA garden flag in the landscaping around our front door and there is a rack of his favorite caps in the garage.

"Gordon joined the Army out of high school and went to Butler University and UVA Law on the GI Bill. His father was an Army officer, so Gordon lived on a lot of Army bases. When he graduated from the Law School (along with his older brother who received his Ph.D. [from the College] in physics) he decided to do a 'payback' and work for the Army. He had a great career in the Washington, D.C.-area with the last 20-plus years at the Pentagon. He enjoyed it all, traveled a lot and met some nice

people along the way. His last job was as an assistant for real estate in the Office of the Assistant Secretary of the Army for Installations and Logistics. He retired in January 1991.

"I was born and raised in Alexandria, Va., and we lived in Northern Virginia until our move to North Carolina to be near our younger daughter, Amy, who lives in Charlotte. Our older daughter, Bonnie, went to UVA, graduated from Washington & Lee University Law School and works in California. Living in Northern Virginia and being history lovers, we made many trips to Charlottesville and Monticello for day trips and lunch. Loved it all and I miss it.

"When we moved to North Carolina, we were looking for a church and settled on one with a young pastor who was raised in Northern Virginia and turned out to be a UVA fan. Our first friend there was **TONY KETRON '98** and it was almost always a contest on who had on the most UVA gear after a football or basketball win.

"Gordon should be remembered for being a devout student of the Bible and a man who truly walked with his Lord daily and shared the gospel with people he met. ... Your email came at a time when I needed to share these

memories and unless you attended UVA no one really understands how when you meet a WAHOO, you are family."

My last few emails to **STU (BLUE JAY) JAY** bounced, and phone calls and messages were not answered. Good news: When I Googled, he was mentioned as alive and active in the Honorable Order of Kentucky Colonels—who are appointed by the sitting governor and serve on the nonprofit organization promoting the commonwealth and its citizens. The nonprofit has served 3.9 million people with grants totaling \$3.1 million. Members include Mario Andretti, Princess Anne, Muhammed Ali, Arthur Ashe, Fred Astaire, Pope Benedict XVI, both Presidents Bush, etc. ...

FRED LANDESS has a daughter, Liza, who writes: "Dad is doing well ... He had a stroke in November 2021 and we moved him to Charlotte in February 2022. ... Although my mom is no longer with us, he does have a lovely lady companion. His 90th birthday is Jan. 27 and I will send you a recap and some fun photos for you to share the good news with the crew at that time ..."

DOUG MACKAL, always the Virginia Gentleman and perfect host, invited those of us who can make it to our 65th reunion this spring to his Farmington home for cocktails. He was a wonderful host at our 60th. He will want to know if there is a chance you'll attend, so please RSVP. (As of this writing, I hope to appear, but I have a brilliant grandson graduating that weekend from Davidson College and I must appear there, too.)

My close friend from rooms on the Lawn in college and after, and our class newlywed Ben Phipps died, too soon. Here is a life well-lived:

BENJAMIN KIMBALL PHIPPS JR., a former U.S. Army artillery captain and a tax attorney, died Dec. 30. His noted law career spanned six decades. He was a splendid man.

Ben was born in Boston to Benjamin Kimball Phipps and Bertha Elizabeth Forsyth on Jan. 16, 1933. The family relocated to Tallahassee, Fla., when he was 4 years old and his formative years were spent in the woods of Ivanhoe Plantation, where they settled. His father died shortly thereafter, leaving his mother to raise him alone. His love of nature and plants grew naturally from

his time spent at home and on the shores of Lake Hall, and he was an Eagle Scout at age 14. He grew up listening to the stories of the pilots training at Mabry Field during World War II.

For a time, he was educated at Sewanee Academy in Nashville, Tenn., then moved to the prestigious Tabor Academy in Marion, Mass., for the remainder of his preparatory schooling. Although accepted at Princeton University, after being taken in by the beauty and history of UVA, he chose to enroll there. He received a Bachelor of Science degree in commerce before advancing to the Law School, graduating with honors. He was the managing editor of the Virginia Law Weekly. A member of the Jefferson Circle and the Lawn Society, he was also active in fraternal organizations and athletics.

After graduation, Ben enlisted in the U.S. Army Officer Training School. He served as a lieutenant in the E Special Troops section, being jump qualified. He advanced to the rank of captain, serving in Korea from 1962-63 in the First Cavalry Division artillery. He also served as an officer for the Judge Advocate General's Corps. Ben wrote for the Pacific Division of the Stars and Stripes newspaper, drafting the obituary

for John F. Kennedy. He always recalled his days as an officer with fondness. Some 60 years removed from military service, he could perform the manual at arms with an M1 Garand or calculate the firing solution for any type of battery—rocket or cannon—that he had commanded.

Ben was married to Phyllis Jarrett Anderson in 1962. Two years after the birth of their first daughter, Jarrett, Ben left the Army to be a husband and father and moved his young family back to Tallahassee. In 1965, their second child, Christina, was born. He was always extremely proud and supportive of his daughters. He eventually cleared land on Lake Hall and built the home where the girls were raised, naming it Jubilee. As many can attest, he was a gracious host who loved to entertain friends there.

Ben was admitted to the Florida Bar in 1964 and practiced law, specializing in state and federal taxation. He had a reputation as a vigorous and successful litigator, and insightful consultant. He was counsel to the House Tax Committee of the Florida Legislature for four years and counsel to the speaker for an additional two years. During that time, he wrote most of the present statutory language on ad valorem taxes. He later represented the Florida Bar as their lobbyist on local and state tax matters for eight years and held many offices in the bar's tax section. He also served on the state and local tax committees of the American Bar Association. He held the rare CMI designation in property tax from the Institute of Professionals in Taxation. Ben practiced at every level of state and federal court in Florida.

In civic life, Ben was a champion of historic conservation, serving on the board of the Tallahassee

Trust for Historic Preservation and the Florida Heritage Foundation. He was one of the leading citizens of the city and state who fought to preserve the old state capitol building. He was a charter member of the Tallahassee St. Andrews Society, the Capital Tiger Bay Club, the Florida Economic Club and the Governor's Club.

He also served as a member of the Maclay School board of trustees, on the Exchange Club of Tallahassee and for the Florida Bar News/Journal (chairman in 1979-80). He was twice recognized by the Tallahassee Trust for individual achievement in, and contributions to, historic preservation (1999, 2022). He served on the board of the Jefferson Grounds Initiative at the University of Virginia and chaired the governance committee that established its bylaws.

Ben and Phyllis lived their days at Jubilee in great solace, commenting that there were few places as nice on Earth. He loved German shepherds and orange cats, and kept both regularly. He loved the camellias that he grew. He enjoyed swimming, canoeing and rowing his scull across Lake Hall. Ben suffered tremendously when his daughter, Christina, died in 2010, and when Phyllis died in 2013. Ever stalwart, however, he remained active and engaged in professional and civic life.

Ben met JJ Weston in 2019 and the two were married in 2021 at the Church of the Advent. They traveled to Mexico, tried new foods and drinks, and engaged in the long, deep talks that he loved.

Ben loved to learn. He was an intellectual of the first order and always a gentleman in word and deed, even—and sometimes especially—when engaged in vigorous debate. Brilliant, gregarious, engaging and a voracious reader, he could retain any legal, lit-

erary or scientific work he had reviewed. He was adroit in synthesizing knowledge, formulating precise and enlightening positions that he loved to have challenged. He was fond of history and biography, with a keen interest in military history and great statesmen such as Winston Churchill and Teddy Roosevelt. In 2021, Ben finally fulfilled a lifelong desire. Inspired by those childhood memories of Mabry Field, he took flying lessons and earned his pilot's license.

Ben is survived by JJ; his daughter, Jarrett; and his two sons-in-law, Lt. Cmdr. Gregory L. Crum (Christina Caroline) and Harry Roark James (Lisa Jarrett).

I close with a tale from **HENRY WILLIAM'S** widow, Barbara: "Henry loved his Porsches, never let anyone else drive them. And in the first months of our time together, he had a dark cherry 911 with a sunroof and leather interior. One evening he came to pick me up for dinner with a look of mischief about him. We were driving to the Old Lyme Inn, some 15 miles north. As we were leaving my condo, he made me an offer. If I could start the Porsche in two tries and drive it out of the parking lot without stalling it, he would let me drive to dinner. I was astonished.

"We got in, but before he handed me the keys, he told me with great gentleness not to be upset if I couldn't start it, never mind drive through the parking lot. It was 'a difficult car to drive,' he assured me. 'It required considerable skill and experience, plus sometimes you had to get the feel of a sports car before you could drive it well.'

"I tried to keep my face straight. There was one thing he hadn't taken into account and that was my mother. She believed a

good driver could drive any vehicle under any circumstances. She especially believed one must drive manual transmissions. Her driving lessons were brutal: through Bethlehem Steel Company shift-change traffic. We had a mammoth Chevy wagon with a manual shift on the steering column. Stall that out at a traffic light and thousands of hot, cranky steelworkers laid on their horns. But once I'd learned, I drove farm tractors, pickups, a TR-4, a 17-gear dump truck, an uncle's pristine classic Morgan with a double-clutch, and many others.

"Henry handed me the keys. I accepted them with the appropriate show of awe and humility. I got the feel of the pedals, and, clutch in, I ran through the shift pattern with the stick. While he was explaining the clutch, I simply depressed it, gave a little touch of gas and started the car.

"I turned and smiled at him. He was stunned.

"Lyme Inn?" I said.

'Drive a time or two around the parking lot first' he said. He had a good grip on the overhead handle on the passenger side. So around we went, stopping for someone pulling out of a parking place and starting up again without stalling.

"Lyme Inn?" I said again.

"Later, Henry would admit it was among the worst 20 minutes of his life. I was cheeky, the car drove like a dream, but Henry drove from the passenger seat. 'Too close to the edge over here! Too close to the center line! Did I tell you to shift? You're going too fast! (Hilarious, coming from him.) See the stop sign? Slow down!'

"We pulled into the parking lot. Henry got out, shaken but safe, then put out his hand for the keys. 'I could drive us back again?' I said. He hurried on well ahead of me, which was

odd. As I entered the inn, he was speaking to the hostess, who turned away, then promptly returned. With a double scotch on a tray.

"The hostess and I watched him down half of it. Peculiar behavior for Henry. I let her in on the secret. 'He just let me drive his Porsche for the first time.'

"Oh, I'm so sorry,' she told Henry, 'did she have a wreck?' Emptying it, he put his glass on her tray.

"No, she drove beautifully,' Henry said, mournfully. 'I nearly had a heart attack.' I kissed his cheek. 'So, I can drive it again?'

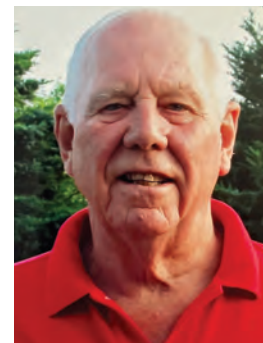
"Yes, but by yourself. Only by yourself.' He kissed me. 'You're a wonderful driver,' he whispered. 'But sometimes you scare me.'"

(Barbara taught creative writing at Dartmouth, where alumni were invited to return for a weeklong "refresher." Henry returned, refreshed and remarried to her, his "professor.")

—LARRY GRIM, SECRETARY
(215) 896-1120

1961

ROBERT MONTAGUE wrote that his grandson, Andrew Jackson Montague, is a second-year student in the College at UVA. He's planning to major in history.



GERMAIN D. "GERRY" NEWTON of Nantucket, Mass., died Dec. 28, at age 91, surrounded by family. He was the son of the late

Russell H. and Virginia D. Newton of West Hartford, Conn. A native and longtime resident of West Hartford, he attended local schools, graduating from William H. Hall High School in 1949. He also graduated from Trinity College and the Law School.

Newton was a combat veteran of the Korean War, where he was a tank commander in the 73rd Tank Battalion of the 7th Infantry Division.

His entire professional career was in personal trust administration and estate planning, beginning with Hartford National Bank and Trust in 1961, and retiring as vice president of Shawmut Bank in 1993. He was a member of the Connecticut Bar Association and the Hartford County Bar Association, and a charter member of the Estate and Business Planning Council of Hartford. He was a past director of the Greater Hartford Chapter of the American Red Cross, the Hartford Conservatory of Music and a former vestryman of St. James's Episcopal Church of West Hartford.

Newton was an avid tennis player, and a former member of several athletic clubs and the Old Guard of West Hartford. His retirement years were divided between his hometown and his summer home on Nantucket, where he enjoyed boating, fishing, scalloping and annual family reunions, and where he and his wife, Patricia, became permanent residents in 2009. Besides his wife of 64 years, he is survived by his two sons and daughters-in-law, Ted and Ronni Newton, Chip and Anne Newton, and four grandchildren.

He never lost his wit or his intellect, his ability to finish The New York Times Crossword or difficult Sudoku, or his winning ways at bingo, according to his family.

1963

THAD LONG published the third in a trilogy of legal courtroom dramas/thrillers featuring fictitious attorney Ted Born. "The Jury Has a Verdict!" is a prequel to the first two: "The Impossible Mock Orange Trial" and "The Vow: Ted Born's Last Trial." All the books narrate the struggles of an ethical lawyer trying to achieve his conception of justice for his clients, often in the face of heavy odds. The latest book focuses on Born's interactions with judges and juries, exploring several different experiences as he strives to achieve justice for his clients. Ultimately, the reader must ponder the question, "What is justice?"—as the narratives lay out the competing ways of viewing the facts and jury verdicts in high-stakes litigation.

1964

JOHN R. NORMILE JR. retired four years ago, after practicing for 54 years. He and his wife, Janet, live in Eco Village in Ithaca, N.Y., a multigenerational community. The couple engages in a multitude of volunteer activities aimed at sustaining "an environmentally sound world."

1965

BARRY E. HAWK published "Monopoly in America" with Juris Publishing in late 2022. The book explores the American anti-monopoly tradition, from the early 1600s to the present day. Hawk is the former director of the Fordham Competition Law Institute and a former partner with Skadden Arps in New York and Brussels. He is the former vice chair of the American Bar Association's Antitrust Section and former chair of the

New York State Bar Association Antitrust Section, in addition to serving as an adjunct professor at Fordham Law School.

1968



RALPH BRESLER and Barbara Drake Bresler were married in 1968 and served in Belgium, Chad, Ivory Coast, Kuwait and Congo over a 31-year State Department career. Bresler's last position before his 1999 retirement was director of the economic policy staff of the Bureau of African Affairs. He wrote to remind us, "A foreign service career can have unexpected rewards!"

"My wife, Barbara, our daughters, and I were fortunate to work closely with Dr. Jane Goodall during our 1987-91 tour with the American Embassy in the Democratic Republic of the Congo. After many years of groundbreaking chimpanzee research in Tanzania, Goodall decided to try to save chimps living in the wild. The largest chimpanzee population was in the DRC, and my economic section organized her visits."

Bresler accompanied Goodall and served as her interpreter as she urged the government to enact stronger legislation banning the sale of chimps and to enforce existing laws. "Meanwhile, our embassy doctor and his wife took a keen interest in Jane and her work. The chimps at the zoo lived in poor conditions and Dr. Dumont was able to convince the director to give him an infant

that was barely holding on. We and the Dumonts then took care of Chris in our homes. A second chimp, Calamity Jane, joined Chris. Caring for these infants was a learning experience much like human babies, including diapers and bottles.

"We enjoyed lazy Sunday afternoons on our veranda overlooking the Congo River with the Dumonts and the chimps. The bond between the two chimps was apparent; they clutched each other with an eagerness that reminded us they were living in an alien world.

"During Jane's several visits to Kinshasa, our daughters, Jennifer and Jessica, became activists. Jennifer started a club at the American School of Kinshasa supporting chimpanzee awareness and raising money to feed chimps at the local zoo. Both helped with Chris' care, as he often needed to be held, and he loved to play with them.

"After we returned to Washington, D.C., the security situation deteriorated rapidly and most of the embassy staff was evacuated. Fortunately, Dr. Dumont was able to arrange the transfer of the chimps to a Conoco Oil-financed sanctuary."

The Breslers stayed in contact with Goodall for years after their Congo experience. She was their houseguest in Arlington, Va., and spoke at Jessica's high school and Jennifer's college, William & Mary. Jennifer, a science teacher in Greenwich, Conn., started a Jane Goodall Roots and Shoots Club, a humanitarian and environmental initiative that has left a lasting impression on her students.

The principal author of the Virginia Stock Corporation Act, **ALLEN C. GOOLSBY**, authored the seventh edition of "Goolsby and Haas on Virginia Corporations," with **STEVEN M.**

HAAS '04. This edition includes definitions, fees and forms while exploring in detail the state statutes and related case law on all aspects of the Act. Goolsby is special counsel with Hunton Andrews Kurth in Richmond, Va.

STUART FISK JOHNSON is in his 51st year of working as a criminal defense public defender in the D.C. Superior Court in Washington, D.C.

WILLIAM NORMAN is working full time on what he described as "an interesting jury trial." The trial deals with fiduciary issues and the "star witness" is the grandson of Franklin Delano Roosevelt.

W. ROBERT PEARSON is a fellow at Duke University's Rethinking Diplomacy Project. The project's mission is to anticipate major global issues more effectively, partner more closely with science and technology developments, and use multilateral diplomacy earlier and more frequently.

1971

Last year, **THOMAS BOYD'S** op-ed on *Gibson's Bakery v. Oberlin College* was published in The Wall Street Journal. The Ohio Court of Appeals dismissed Oberlin's appellate claims and "confirmed the jury's finding that the college ... was liable for libel, intentional infliction of emotional distress, and intentional interference with a business relationship." While Oberlin officials argued the jury "had inappropriately held the college responsible for the exercise by its students of their First Amendment right to protest," the court upheld the award of \$25 million plus \$6 million in

IN MEMORIAM: JIMMY LEN FLEGLE JR. '77, LAW SCHOOL BENEFactor, DEBATE PROMOTER

JIMMY LEN FLEGLE JR. '77, a longtime class manager and Law School philanthropist, died Nov. 21 of complications from cancer. He was 70.

At UVA, Flegle won the William Minor Lile Moot Court Competition with his future law partner, **TOMMY MELO '77**. He was also a member of the Raven Society and a recipient of the Stephen P. Traynor Prize for student scholarship.

After law school, Flegle moved to Houston to join Bracewell and Patterson, where he was a partner in the litigation section and a member of the firm-wide management committee. In 1994, he moved to Dallas to serve as managing partner of Bracewell's new office.

In 2002, Flegle left Bracewell to form Loewinsohn Flegle (today Deary Ray), where he continued his practice as a commercial litigator until he retired from practice in 2021. Flegle was also a member of the American Board of Trial Advocates and served as president of the Dallas American Board of Trial Advocates in 2009.

Flegle and his wife, Ophelia Camiña, were associate members of the Dean's Council and funded the Jim L. Flegle '77 and Ophelia F. Camiña Unrestricted Endowment during the Honor the Future campaign.

In 2012, Flegle established the J.W. Patterson Foundation for Academic Excellence in Speech and Debate, a nonprofit named in honor of his undergraduate debate coach to promote students' speech, debate and communication skills.

"Losing Jim is a blow to all of us who were inspired by his friendship. He connected us to each other and to the Law School," said Law School Foundation President and CEO **LUIS ALVAREZ JR. '88**. "If he touched you—and he seemingly touched everyone—you were better for it."

—Mike Fox

legal fees to be paid by the college to Gibson's Bakery. In his op-ed sympathetic to the bakery's position, Boyd wrote, "Thirty-one million dollars is a stiff price to pay for promoting what a jury and four judges found were false and defamatory accusations against a neighbor."

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.



JOHN SAMUEL "SAM" JOHNSTON JR. of Lynchburg, Va., died Dec. 10 from complications of Parkinson's disease. A native of Anniston, Ala., he earned his bachelor's degree at the University of Alabama before earning his law degree from UVA. Johnston worked as a judicial clerk for a year in Birmingham with then-U.S. Chief Judge Frank McFadden. He later moved to Lynchburg and practiced law with Kizer, Phillips & Petty. He was a general district court judge for 3½ years before becoming a circuit court judge for the next 27 years.

Johnston authored "Why Judges Wear Robes" and co-authored "The Art and Science of Mastering the Jury Trial" with Irv Cantor '75. He enjoyed speaking to various legal groups and was a founding member of Juridical Solutions. He also taught

various classes at different educational levels. Survivors include his wife of 54 years, Liz; a son; three daughters; and seven grandchildren.

1974



CLAIRE GUTHRIE GASTAÑAGA joined Dunlap Law in Richmond, Va., as a partner in 2022. Gastañaga served as the executive director of the ACLU of Virginia and the ACLU Foundation of Virginia from 2012-2021. Earlier career highlights include serving as the first female chief deputy attorney general for the commonwealth of Virginia and serving as chief of staff and special counsel for the speaker of the house of the Virginia House of Delegates. In 2019, Virginia Lawyer's Weekly named her a leader in the law, and in 2016, she received a Lifetime Achievement Award from the Corporation for National and Community Service and the Office of the President of the United States.

KEVIN L. MANNIX was elected to return to the Oregon House of Representatives after a 22-year absence. Mannix previously served 10 years in the house and a partial term in the state Senate. His law firm, which he opened in 1986, celebrated its 37th anniversary in January. Mannix's wife, Susanna, received her B.S. in nursing from UVA in 1974 and works as a

registered nurse at Salem Hospital.

1975

CHRISTINE SWENT BYRD wrote that she is enjoying reading the memoirs of John Charles Thomas. "It was a privilege to share our law school years."

JOHN CHARLES THOMAS' memoir, "The Poetic Justice," was published by the University of Virginia Press in October. Thomas was the youngest and the first Black justice of the Supreme Court of Virginia, but he began life in a home broken by poverty, alcoholism, and violence in the segregated schools and neighborhoods of postwar Norfolk, Va. Thomas is an accomplished poet and has reflected on his "twin loves of poetry and the law" at speaking engagements throughout the state (see story on p. 61).

1976

BRIAN BALL, former secretary of commerce and trade for Virginia, was named of counsel to Williams Mullen. He rejoined the corporate section and supports and serves the firm's economic development team in Richmond, Va.

Ball was appointed secretary by then-Gov. Ralph Northam in 2018 and played an instrumental role in the administration's economic development success, which included \$81 billion in investments, 103,000 jobs and the state's successful bid for Amazon's second headquarters in Arlington. Before serving as secretary, Ball was with Williams Mullen for almost 30 years, where he was a partner, served as general counsel and was a member of the firm's board of directors.



PETER E. BROADBENT JR. was appointed by Virginia Gov. Glenn Youngkin to a fourth term on the Library of Virginia Board, making him the first person in more than 70 years to receive appointments to the board from four governors. During his three prior terms, Broadbent served as chair twice. He is also a former member of the Library of Virginia Foundation Board. Broadbent is a partner at Christian & Barton in Richmond, where his legal practice focuses on telecommunications, intellectual property, business and governmental relations.



JOSEPH A. RIDEOUT was recognized in Best Lawyers as Toledo's Real Estate Lawyer of the Year. Rideout is a partner in the Toledo, Ohio, office of Shumaker, Loop & Kendrick.

1977

Volumes six and seven in the "Ross's Discoveries" quote-book series by **MICHAEL ROSS** were published in 2022. "Ross's Life Discoveries" contains quotes about life's trials, tribulations and satisfac-



IN MEMORIAM: THATCHER STONE '82, AVIATION LAWYER, LECTURER AND PHILANTHROPIST

THATCHER A. STONE '82 (COL '78) died at age 67 on Nov. 29 while traveling in Israel. He leaves a lasting legacy at his alma mater, where he also taught aviation law and made significant development gifts.

For 32 years after graduating from UVA Law, Stone practiced law on Wall Street in the areas of finance, banking and asset-based lending, with an emphasis on secured financing related to intercontinental jet aircraft. He advised the Export-Import Bank of the United States for 25 years on loans for foreign aircraft buyers and, after the 9/11 attacks on the World Trade Center, he advised EXIM and the White House on global war risk insurance issues arising from the attacks.

The Thatcher A. Stone Garden was dedicated in 2010 after Stone pledged a generous donation to the Law School in 2009. The Philip M. Stone Dining Room, dedicated in 2002, was named for his father, who died when Thatcher was a child.

The Lillian Stone Distinguished Lecture, which is hosted jointly by the Law School and the School of Architecture, was named for his mother. Lillian Kolodiz Stone, who died in 2013, was the first female chemical engineering graduate of Northeastern University and served as chief of environmental project review at the U.S. Department of the Interior for 25 years.

In 2004, Stone made headlines—and new legal precedent—when he successfully sued Continental Airlines after getting bumped from a flight without appropriate compensation.

In 2013, he relocated his solo practice from New York to Charlottesville. He founded Stone & Woodrow in 2015, adding passenger litigation and personal injury to his corporate and aircraft trans-

action portfolio.

He retired from the firm in May 2022 but remained of counsel, according to his firm bio.

His commitment to Charlottesville and UVA preceded his law firm's move, however. He began teaching aviation law at the Law School in 2005, served on the Law School's Alumni Council and at one point chaired the selection committee for Jefferson Law Fellows. He also served on two nonprofit boards in Charlottesville, including UVA's Fralin Museum of Art.

His closest friend, Frank Kittredge Jr., a 1978 graduate of UVA's School of Architecture, worked with Stone on two side-business opportunities, including one they turned into a philanthropic trust dedicated to supporting UVA. (Kittredge is the former chair of the UVA School of Architecture Foundation Board, on which Stone also served.)

In addition to funding the Stone Garden, Stone Dining Room and the Stone lecture, the trust endowed the Clay Thomas Memorial Scholarship, memorializing a college friend of Stone and Kittredge's. The trust has also given pledges and gifts to fund the Kolodiz directorship of the Jewish Studies Program in the College of Arts & Sciences and the Rachel Winer Manin interdisciplinary graduate fellowship in Jewish Studies.

Law School Foundation President and CEO Luis Alvarez Jr. '88 said Stone "was a great and special friend of the Law School, loyal to his classmates and a tireless promoter of our efforts."

"He was never without his UVA cap or tie, and always led with his heart," Alvarez said. "I speak for all who knew Thatcher in saying he was one of a kind and will be missed."

—Melissa Castro Wyatt



IN MEMORIAM: U.S. REP. A. DONALD MCEACHIN '86, DEMOCRATIC CONGRESSMAN

U.S. Rep. **A. DONALD MCEACHIN '86**, died Nov. 28 of colorectal cancer, just weeks after he was reelected to a fourth term in Congress. He was 61.

McEachin, a Democrat representing Virginia's 4th District, devoted more than 20 years to serving the people of Virginia. He was first elected to the House of Delegates in 1995, serving three terms, and also served two terms in the state Senate before deciding to run for Congress. In the General Assembly, he championed gun control measures and legislation to close substandard landfills and to create the Offshore Wind Development Authority. In Congress, he worked on issues aimed at helping the indigent, improving the environment, expanding access to health care, and national defense and the military workforce.

He described his path to public service and his career in a talk at UVA Law while receiving the inaugural UVA Black Law Students Association Alumni Spotlight Award in 2018.

The son of an Army officer and schoolteacher, McEachin was born in Nuremberg, Germany, and later moved to Vicenza, Italy, before settling in Virginia. He recalled peppering his family with questions about why they had to move so often, what NATO was about and the role of government. Soon, the idea of becoming a lawyer took seed.

"And I'm like, 'Well, what do you have to do to be a congressman?' Now remember, this is the 1960s. And so [my parents] say, 'Well, you have to be a lawyer.' ... And so, my course was set early on to be a lawyer and to go into public service."

After earning his undergraduate degree in political science at American University, he studied law at UVA, where, as a member of the Black Law Students Association, he urged the hiring of more Black faculty members and lobbied to ban firms from recruiting at UVA if they had not demonstrated a commitment to hiring Black lawyers.

Professor Alex M. Johnson Jr., who taught McEachin, said he was among a group of African American students in that era who reached across differences and made a meaningful impact in the community.

"He had a huge personality and a way of making connections with others that was effortless," Johnson said. "Big Don, as he was then called, was unforgettable and a true and valuable ambassador for this Law School. He will be sorely missed."

S. Bernard Goodwyn '86, now chief justice of the Supreme Court of Virginia, met McEachin the first day of law school and

the two had been close friends since.

"In law school, we often talked of our dream to serve the commonwealth of Virginia and our desire to do what we could to make it a better place than we found it," Goodwyn said. "Don lived his dream to serve. He was a gentle giant with a keen intellect and an obvious passion for helping others. He was a great lawyer and a dedicated, hard-working public servant who was passionate, tireless and relentless in his service to the commonwealth of Virginia and our nation."

After law school, McEachin's first job was working as an insurance defense lawyer at Browder Russell Morrison Butcher. When the law firm suddenly dissolved a few years later, he launched his own law firm, McEachin and Gee, in 1990, again focusing on insurance defense work before turning fully to plaintiffs-side insurance litigation.

Running his own firm gave him the flexibility to enter politics as well. After losing his first race in the House of Delegates in 1991, he pulled off an upset in 1995, beating the House appropriations chair in the Democratic primary.

In 2001 he ran for a new role, as state attorney general. He won the nomination, becoming the first Black major-party nominee for the role, but lost the general election. Afterward, he took a break from politics.

"That was a wonderful, wonderful loss because I didn't really understand what I was doing," he said. It gave him time to focus on earning what he called "economic independence"—and begin studying for a master's in divinity from Virginia Union University, which he earned in 2008.

After being elected to Congress in 2016, he felt he needed to pinch himself to believe he had really arrived, McEachin told UVA Lawyer in an interview. "But there's work to be done."

Though McEachin felt strongly about Democratic issues, he suggested that compromise was still critical to politics.

"You just have to understand that the word 'compromise' is not a bad word. It's the only way that a country this big and this diverse can ever work," he said. "You have to have some sort of relationship with the person on the other side that goes beyond just being a legislator."

McEachin is survived by his wife, Colette McEachin '85, commonwealth's attorney for the city of Richmond; their three children; and one grandchild.

—Mary Wood

tions. "Ross's Key Discoveries" contains quotes about money, wisdom and happiness. Ross has collected and curated quotes since 1970. More information can be found at michaelrossauthor.com.

1979

DAVID J. LLEWELLYN co-sponsored with charity Intact America the event "Intact 2022—The 16th International Symposium on Genital Autonomy, Circumcision, and Children's Rights" at the Georgia Tech Hotel and Conference Center in Atlanta in August. Llewellyn gave a presentation, "Common Circumcision Injuries and Their Causes." **PETER ADLER '83** spoke on his book, "Circumcision is a Fraud." Llewellyn maintains a personal injury practice in Atlanta and specializes in botched circumcision cases.

ALAN LOEWINSOHN joined McKool Smith as a principal in Dallas. Loewinsohn focuses his practice on complex commercial litigation, including construction and real estate, securities, sports litigation, oil and gas, contracts, partnerships, intellectual property and product liability matters. He represents clients on both sides of the docket. On the plaintiff side, Loewinsohn obtained the largest verdict in Texas probate court history—more than \$2 billion. In 2022, Best Lawyers in America named him Bet-the-Company Litigation Lawyer of the Year in the Dallas-Fort Worth region.

1980

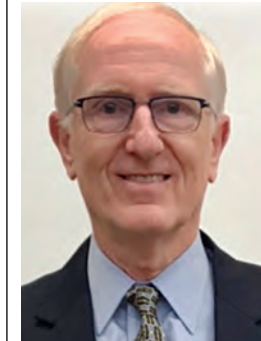
In August, **MARTHA ELLET** married George L. Hastings Jr. in a small ceremony in Alexandria, Va.

JONATHAN RUSCH was named director of the U.S. and International Anti-Corruption Law Program at the American University Washington College of Law.

1982

Phi Beta Kappa's New York Association chose **ALLEN BOYER'S** essay as the winner of their annual essay contest. The essay, "Loving Learning at the Division of Enforcement," was featured in the society's Key Reporter publication.

1983



PETER W. ADLER teaches international law at Vermont Law School, and international law, business law and international business at the University of Massachusetts, where he won an award in 2016 for excellence in teaching. Adler has published 10 law review articles opposed to unnecessary male and female genital cutting, including "Circumcision Is Unethical and Unlawful" with colleagues in the Journal of Law, Medicine & Ethics. This year, Adler published a book incorporating his ideas, "Circumcision Is a Fraud: And the Coming Legal Reckoning." The book argues that unnecessary genital cutting, male or female, violates a child's right to bodily integrity and self-determination, which supersedes parents' religious and other rights, and that physicians, hospitals and American medical as-

sociations do not tell parents the truth about circumcision, creating a fraud cause of action for parents.

Adler's law review articles have provided the foundation for three lawsuits. The first, in federal court in Florida, argued that circumcision is unlawful. The second, filed in 2020, argued that it is unlawful for Massachusetts Medicaid to have been funding circumcision, possibly for the last 50 years, without requiring proof of medical necessity. The plaintiff taxpayers prevailed in the lower court but lost on appeal, leaving it to be resolved in litigation in another state in which the court decided the matter for the plaintiffs. David Llewellyn '79 is co-counsel in the third suit, pending in federal court in New Jersey, which accuses the American Academy of Pediatrics of issuing fraudulent circumcision guidelines.

R. BRADFORD BAILEY continues to practice state and federal criminal defense work in Boston, as Brad Bailey Law. He was named to Best Lawyers in 2022 and was again voted a super lawyer in the field of white-collar criminal defense. Bailey was also named to Boston magazine's top lawyer list for white-collar criminal defense.

DEBBY BAUM wrote that she is still enjoying practicing law. Baum, the global head of litigation for Pillsbury, said she is "honored" to serve on the D.C. State Committee for the D.C. section of the American College of Trial Lawyers.

ROBERT RAY DIVELY died July 11 at his home in Summerville, S.C., after a sudden illness. Dively was born in Bellwood, Pa., on March 5, 1958, but his

family moved to Springfield, Va., when he was 6 months old. He graduated from Annandale High School, where he served as editor of the newspaper and was an avid cross-country runner. He also was an Eagle Scout.

Dively attended UVA from 1976-1983, receiving degrees in political and social thought with high distinction, studying in a directed studies program under Professor Larry Sabato. He served as a Law School representative for the UVA Honor System and as president of the Jefferson Literary and Debating Society. Upon graduation, Dively joined his father, Robert Roy Dively, at Dively & Thompson in Tysons, practicing real estate, family, and trusts and estates law until being appointed in 1999 as an assistant attorney general for Virginia by then-Attorney General Mark Earley. Upon departing the Virginia AG's office in late 2000, Dively served for six years on the Fairfax County Board of Zoning and until retirement practiced eminent domain law, including representing the Virginia Department of Transportation. Dively was actively involved in the Fairfax County community, serving three terms on the Fairfax County Bond Committee and two terms on the Superintendent's Community Advisory Committee as coordinator of the Sully Community Coalition. He was also appointed by then-Gov. **JAMES GILMORE '77** to serve on the State Executive Council for At-Risk Youth and Families. For his many community services to the Sully District Community, the Fairfax Board of Supervisors named him "Lord Fairfax" in 2001.

For 36 years, Dively was married to Kathy Dively (née Derdevanis), with whom he shared

travel adventures, abundant and constant laughs, and several wonderful rescue dogs. He ran marathons starting at age 39. He enjoyed being a Scout leader for Troop 577. In addition to his wife, Dively is survived by four children and five grandchildren.

ROBERT LATHAM was elected chairman of the international board of ARTICLE 19, an organization that promotes freedom of expression and freedom of information. The London-based nongovernmental organization has 10 offices around the world and takes its name from Article 19 of the U.N. Universal Declaration of Human Rights. Latham practices with Jackson Walker in Dallas, focusing on media law and intellectual property litigation. He is a published author and frequent speaker on matters related to the rights of free speech, technology and IP litigation, advocacy and litigation strategy, dispute resolution and sports.

1984

CATHERINE CURRIN HAMMOND and **CYNTHIA OLIVER** traveled to Egypt and Jordan in October. Through their travels since law school, the two have explored Bosnia, Croatia, Greece, Peru and South Africa.

JOHN M. PARIS JR. was recognized in Virginia Business magazine as a "legal elite" in business law. Paris practices with Williams Mullen in Virginia Beach.

LOUIS ROGERS was honored by the National Multiple Sclerosis Society as a recipient of the 2022 Frank N. Cowan Silver Hope Award in recognition of his significant contributions to the Richmond, Va., community,

ALUMNI ASSUME FEDERAL EXECUTIVE, JUDICIAL ROLES

In recent months, President Joe Biden chose several alumni to fill high-profile positions in the executive branch and in the courts, in roles that require Senate confirmations.



Ballou

ROBERT STEWART BALLOU '87 (COL '84) was confirmed to the U.S. District Court for the Western District of Virginia in March. He had served as a magistrate judge for the Western District of Virginia since 2011. Prior to joining the bench, Ballou was a partner at Johnson, Ayers & Matthews in Roanoke, Va., from 1992 to 2011.



Johnson

M. TIA JOHNSON LL.M. '02 was confirmed to the U.S. Court of Appeals for the Armed Forces in December—the first Black woman to serve on the court. She had been a professor of law and former director of the National Security Law LL.M. Program at Georgetown University Law Center, where she had taught since 2017. Johnson was also a visiting fellow at Georgetown's Center on National Security and the Law, and a Distinguished Fellow at the Center for National Security Law at UVA. In 2002, she became the first Black woman to be selected to the rank of colonel in the U.S. Army Judge Advocate General's Corps.



Leary

PETER D. LEARY '05 (COL '00) was sworn in as U.S. attorney for the Middle District of Georgia in December, after serving in acting and then interim capacities since 2020. Leary serves on two Attorney General Advisory Committee of U.S. Attorneys subcommittees: Violent Crime, and Cyber and Intellectual Property. He has worked for the Middle District of Georgia as a prosecutor since 2012 and as its first assistant U.S. attorney since 2018.



Shanker

VIJAY SHANKER '99 was confirmed to the D.C. Court of Appeals in December. He formerly served as deputy chief of the appellate section in the Criminal Division of the U.S. Department of Justice since 2005. Shanker was previously counselor and acting deputy chief of staff to the assistant attorney general for the Criminal Division and senior litigation counsel in the Criminal Division's fraud section at the DOJ. In 2017, Shanker won the Law School's Shaping Justice conference award for prosecution.



Walker

JAMAR WALKER '11 (COL '08) was confirmed to the U.S. District Court for the Eastern District of Virginia in February, succeeding Judge Raymond A. Jackson '73, for whom he clerked. Walker had served as an assistant U.S. attorney for the Eastern District of Virginia since 2015. From 2012-15, he was an associate at Covington & Burling in Washington, D.C. Walker is the first openly gay Article III judge to serve in Virginia.

—Mike Fox

including those whose lives have been affected by the unpredictable challenges of MS.

MARY NASH KELLY RUSHER, managing partner of McGuireWoods' Raleigh, N.C., office, can claim more than a century of family ties to UVA. Her daughter, Kelly, graduated as an undergraduate in 2016 and works in Raleigh as a social worker, but Rusher's ties to the Law School stretch far back. She wrote that her father, Joseph Kelly '35, "was a 'real' lawyer who argued in the U.S. Supreme Court in one of his last cases before retirement." His father, Joseph Luther Kelly, was a member of the Class of 1889 and twice served as a Supreme Court of Virginia justice. The law roots go back even further: "His dad, John A. Kelly, rode the circuit in southwest Virginia in the 1800s. It was a good run of Kellys practicing law while it lasted!"

WILLIS P. WHICHARD LL.M. '84, S.J.D. '94 of Chapel Hill, N.C., wrote "A Consequential Life: David Lowry Swain, Nineteenth-Century North Carolina, and Their University," published by the University of North Carolina at Chapel Hill Library. Swain was the state's 26th governor and served as president of UNC for more than three decades.

1985



MATTHEW A. MACE, a shareholder in Baker

Donelson's Baltimore office, was recognized as a leading practitioner in the 2022 Chambers High Net Worth Guide, which covers the private wealth market. Mace earned Band 1 ranking in private wealth law.

CHRISTOPHER J. WINTON teaches estate planning as an adjunct faculty member at the University of Charleston in West Virginia.

1986

ANN PELDO CARGILE was elected president of the American College of Real Estate Lawyers. ACREL is the preeminent association of commercial real estate lawyers in the United States, focused on service to clients, colleagues and the profession. The college gathers lawyers distinguished for their skill, experience, and high standards of professional and ethical conduct in the practice of real estate law, who will contribute substantially to the accomplishments and achievements of the college, and to the best interests of the bar and the general public.

BRUCE HAMILTON retired from Teague Campbell in Raleigh, N.C., at the end of last year and has since started a mediation firm. His wife and classmate, **JENNIFER WEISS**, writes poetry and is a high-impact literacy tutor at a local Title I elementary school. Their son, Max, recently joined Davis Graham & Stubbs in Denver, and their daughter, Anna, is working on a Ph.D. in counseling psychology at Boston College.

1987



KIM BOYLE was named in Benchmark Litigation's 2022 Top 250 Women in Litigation, marking her fourth year on the list. The guide also recognized Boyle as a local litigation star and labor and employment star (see p. 92).

Boyle has been a leader in both the legal field and the community for more than 30 years. In addition to serving on the boards of Touro Infirmary, Greater New Orleans, New Orleans Business Alliance, Amistad Research Center, Tulane University and Dillard University, she's the vice managing partner of Phelps Dunbar's New Orleans office.

JOHN BRIDGELAND is one of a bipartisan group of former directors of the White House Domestic Policy Council from the last three presidential administrations who joined together to co-chair Dignity.us, a bipartisan citizens' initiative to address hate-fueled violence in America. The initiative invites citizens to be a part of addressing the country's violence crisis by sharing their ideas and testimonials to uncover and spread insight and solutions.

DAVID L. DALLAS JR. was recognized in Virginia Business magazine as a "legal elite" in business law. Dallas practices with Williams Mullen in Charlottesville.

CALVIN W. (WOODY) FOWLER JR. was recognized in Virginia Business magazine as a "legal elite" in civil litigation. Fowler practices with Williams Mullen in Richmond.



STEPHEN "STEVE" PERSHING joined Kaljarvi, Chuzi, Newman & Fitch in Washington, D.C., after a long career in civil rights litigation. From the late 1980s to the mid-1990s, Pershing developed and litigated civil rights and liberties cases as legal director of the Virginia ACLU and has served on its legal panel ever since. From 1996-2005, he was a senior attorney in the Civil Rights Division of the U.S. Department of Justice, litigating for minority voting rights across the nation. After leaving the DOJ, Pershing served for four years as senior counsel at the Center for Constitutional Litigation, in Washington, D.C., a boutique firm aligned with the plaintiffs' trial bar that litigates civil justice issues nationwide under the U.S. and state constitutions. For more than 20 years, Pershing has taught voting rights law as an adjunct professor at the George Washington University Law School, William & Mary Law School and American University's Washington College of Law. From 2009-11, he was the first full-time director of the UCDC Law Program, an intensive Washington semester program for the law schools of the University of California, and in 2011, he founded a similar program of his own as a nonprofit consortium of law schools. Before joining KCNF, Pershing was a solo practitioner.

1988

MICHAEL KUN is the national co-chair of Epstein Becker & Green's wage-hour practice group. He and his classmate **SUSAN MULLEN** have sold the film rights to their novel, "We Are Still Tornadoes," and hope to see the story on screen before their 40th reunion.

After 25 years of leading impact litigation and advocacy at the Brady Center to Prevent Gun Violence, **JONATHAN LOWY** launched a new nonprofit, Global Action on Gun Violence. GAGV works with the international community to stop gun violence around the world, with a focus on preventing gun trafficking from the U.S. into other countries. GAGV is representing the government of Mexico in the first lawsuit by a national government against the U.S. gun industry and is counsel in a class action pending in Canada for victims of a mass shooting in Toronto. Lowy welcomes classmates to visit him in the Washington area. Email him at jlowy@actiononguns.org.

CATHERINE RINALDI has served as president of the Metropolitan Transpor-

tation Authority's Metro-North Railroad since 2018, after serving in multiple executive positions since joining the authority in 2003. She is the first woman to hold the position of president. In early 2022, Rinaldi was named to serve concurrently as interim president of the MTA's Long Island Rail Road. Rinaldi has overseen the final expansion of the LIRR's service to Grand Central Terminal in New York City, an \$11 billion project that opens new options for the region's commuters.

1990

Though **SCOTT CROSBY** and **GEORGE NOLAN '91** were good friends at UVA Law, they had not seen each other in years before recently teaming up on a case. Together they successfully blocked the construction of the Byhalia Pipeline across a poor, mostly African American neighborhood in South Memphis, Tenn. Crosby is a member with Burch Porter & Johnson in Memphis, while Nolan is a senior attorney with the Southern Environmental Law Center in Nashville. The story is chronicled in an episode of SELC's podcast, "Broken Ground."



JOHN P. EDGAR, a shareholder in Baker Donelson's Baltimore office, was recognized as a leading practitioner in the 2022 Chambers High Net Worth Guide, which covers the private wealth market. Edgar earned a Band 1 ranking in private wealth law.

SEAN D. GERTNER was confirmed as a judge of the New Jersey Superior Court in November. Gertner was nominated by Gov. Phil Murphy and confirmed by the New Jersey Senate.

Throughout his career, Gertner has worked in real estate law in addition to serving in multiple New Jersey governmental positions. He previously served as the municipal attorney for Lakehurst Borough and the zoning board attorney for Jackson Township. He has also served as the municipal attorney for Point Pleasant Beach, and as a public defender and conflict public defender in several Jersey Shore municipalities.



ON AUGUST 19, U.S. District Judge **Carlton W. Reeves '89** was sworn in as the chair of the U.S. Sentencing Commission by Chief District Court Judge **Dan Jordan '93**. Both judges serve in the U.S. District Court for the Southern District of Mississippi.

McCLELLAN '97 WINS HISTORIC ELECTION TO CONGRESS

JENNIFER McCLELLAN '97 was elected to the U.S. House of Representatives on Feb. 21 in a special election, making her the first Black woman to represent Virginia in Congress. She was sworn in on March 7.

McClellan announced her intention to run for the 4th District on Dec. 13 following the death of Rep. A. Donald McEachin '86, who had held the seat since 2017 and whom she considered a friend and mentor. McClellan was expected to win the heavily Democratic district following a landslide primary win in December.

"It's poetic justice, thinking about what not only my family has been through, but what our country has been through," McClellan said in an interview with The Washington Post. "To be the first Black woman from Virginia, which was the birthplace of American democracy but also the birthplace of American slavery. And to be someone who ... fought my entire adult life to address the lingering impact that slavery and Jim Crow has had on America and on Black communities. ... To be able to do that on a national scale is an incredible honor."

McClellan had served in the state Senate since 2017, also succeeding McEachin, and before that served 11 years as a delegate for the 71st District. She ran for the Democratic nomination for governor in 2021, but lost to former Gov. Terry McAuliffe, who was later defeated by Gov. Glenn Youngkin in the general election.

McClellan's path to public service began in her youth, when history classes stoked her interest in government and politics as a force for change. The University of Richmond graduate and Petersburg, Virginia, native decided to go to law school.

"Lawyers have been integral to [change], from the legislative process to the use of the legal system," she said in a 2019 UVA Lawyer interview.

During her law school years, she served as president of the Virginia Young Democrats, spending her weekends traveling around the state doing "campaign invasions."

"At a young age, I dedicated myself to ensuring government was that force of positive change for all," she said in a Q&A before

her 2020 orientation address to new UVA Law students. "For most of my life, I have channeled those values into my commitment to progress, equity and justice in the commonwealth."

At UVA, McClellan also served as notes development editor of the Virginia Law Review and was involved with the Black Law Students Association and Law Democrats.

After working for the law firm Hunton & Williams for several years, in 2002 she turned to in-house counsel work at Verizon, where she started to think about running for office. When Viola Baskerville decided to run for lieutenant governor in 2005 instead of running for reelection to the House of Delegates, McClellan took the plunge. She was elected and was, at the time, the youngest female delegate in the state's history, at 32.

She also became the first member of the House of Delegates to have a baby in office. "Jack and Samantha kind of have 139 aunts and uncles," she said.

Before her election to Congress, she served as vice chair of the Virginia Legislative Black Caucus, and chair of the Virginia Dr. Martin Luther King, Jr. Memorial Commission. She has also been vice chair of the Democratic Party

of Virginia and a member of the Democratic National Committee. McClellan has served on several nonprofit and civic organizations' boards, including the YWCA of Richmond, the Virginia League of Planned Parenthood, the Black History Museum and Cultural Center of Virginia, the Children's Museum of Richmond and the Robert Russa Moton Museum.

In her UVA Lawyer interview, McClellan said active and empathetic listening was critical to being a leader, and she also espoused the value of understanding history.

"As the great-great-grandchild of slaves, and parents who lived through Jim Crow, and as someone who just has a love of history in general, I have always immersed myself in learning all aspects of Virginia and American history, and world history, really," she said. "I do that because you can't understand how we got where we are as a people and a society if you don't understand all aspects of the history that's shaped this country."

—Mary Wood



FOR WILLIAMS/OP-BOB LULL, INC. VIA GETTY IMAGES

SARAH A. GOOD was appointed to the State Bar of California's 13-member Board of Trustees—the bar's governing body and a group tasked with developing the guiding policies and principles regulating and overseeing approximately 280,000 attorneys. The Supreme Court of California appointed Good on Jan. 26. She will serve through September 2024.

Good is a partner with Farella Braun + Martel in San Francisco. Her practice is focused on complex commercial, consumer and securities litigation matters. In addition to her legal practice, Good serves as Farella's chief talent and inclusion officer. She is credited with creating the Farella Talent Initiative, a sponsorship program for women and diverse associates from which 88% of participants have been elevated to partner. Under her leadership, the firm was commended in 2020 by Chambers & Partners in the Inclusive USA Firm of the Year category.

1991

VERNON E. INGE JR. was recognized as a litigation star for his work in construction law by Benchmark Litigation. He was also recognized in the areas of commercial, banking and finance, bankruptcy, construction and municipal litigation in Best Lawyers in America. Inge was named as a "legal elite" by Virginia Business magazine. Inge practices with Whiteford, Taylor & Preston in Richmond.

P. MCCOY SMITH authored several chapters in the second edition of "Open Source Law, Policy and Practice," published by Oxford University Press in late 2022. His two chapters deal with the interaction between international copyright and international patent law and free and

open-source technology licensing models. McCoy practices intellectual property law—including patent, copyright and trademark law—and technology law, and maintains a subspecialized practice in free and open-source licensing, at Lex Pan Law. He has lived in Portland, Ore., for the past 24 years and maintains a second home in British Columbia, Canada. Smith is a frequent speaker on intellectual property law and free and open-source licensing around the world.

DAVID ALISTAIR YALOF was appointed vice provost for academic affairs at the College of William & Mary and began his new position Jan. 1.

1992

Blanchet House, a Portland, Ore., nonprofit led by **SCOTT KERMAN**, was featured in an opinion column by Michelle Goldberg in The New York Times. Goldberg recounted a visit she made to the charity, which led her to include it in the "Times Opinion's Holiday Giving Guide 2022." Blanchet House offers services to those in need, including three free meals a day to anyone who wants them and a residential program for those recovering from addiction. The organization has a nearby farm where residents garden, care for animals and learn practical skills while putting their lives back together. Goldberg cited the grace with which the free meals are served and a comfortable atmosphere that sometimes includes live piano music.

After nearly seven years, **ILIR ZHERKA** stepped down as executive director of the Alliance for International Exchange in August. Under Zherka's leadership, the alliance commissioned its first-ever impact reports, substantially increased member

and stakeholder engagement in advocacy initiatives, and launched new grassroots initiatives. The alliance is an association dedicated to promoting the growth and impact of exchange programs and the effectiveness of its members. Since 1993, it has served as the collective public policy voice for nearly 90 organizations comprising the international educational and cultural exchange community in the United States.

1993

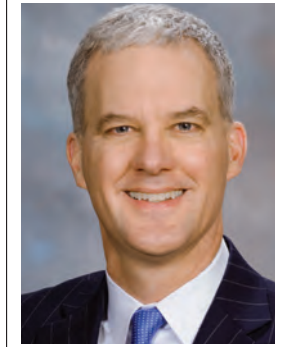


Little shareholder **DIONYSIA JOHNSON-MASSIE** was selected as co-chair of the firm's Career Advocacy Program. Since 2015, the CAP has matched diverse associates with shareholder advocates who encourage and foster their career growth. The program also includes client champions who serve as corporate allies. Based in Atlanta, Johnson-Massie focuses her practice on federal employment discrimination, harassment, retaliation, and wage-hour litigation and compliance issues.



LORRIE L. HARGROVE joined Bressler, Amery & Ross as a

principal in the labor and employment practice group in Birmingham, Ala. Hargrove has built a national litigation practice, representing clients in class-action litigation, civil racketeering litigation, appellate litigation, insurance and financial services litigation, and product liability matters. Her experience includes defending hundreds of class-action opt-out cases for Fortune 500 companies throughout the state.



CRAIG W. SAMPSON was named president of Barnes & Diehl in Richmond. Sampson serves on the board of governors for the family law section of the Virginia State Bar and is a co-author of "Virginia Practice: Family Law—Theory, Practice, and Forms," published annually by Thomson Reuters. He lectures semi-annually on updates in the law at the Advanced Family Law Seminar hosted by Virginia CLE and has presented on multiple occasions at the Bench-Bar Conference in Richmond.

MICHAEL D. STEGER was appointed co-chair of the American Bar Association's Solo and Small Firm Litigation Committee. He practices intellectual property, entertainment and business law in New York City.

Then-Gov. Larry Hogan of Maryland appointed **DONNELL TURNER** to the Prince George's County Circuit Court. Turner had been serving as the inspector general for the Prince George's County Police De-

partment and managed independent oversight to detect fraud, abuse, misconduct and mismanagement of police department programs. Before that role, Turner held various positions in the public sector, including deputy state's attorney and principal deputy state's attorney for the Prince George's County State's Attorney's Office, and assistant U.S. attorney for the District of Columbia.

1994

PATRICK HANES was recognized in Virginia Business magazine as a "legal elite" for appellate law. Hanes practices with Williams Mullen in Norfolk.

TODD C. PEPPERS' latest book, "Crossing the River Styx; The Memoir of a Death Row Chaplain," was published in March. The book is a memoir and biography of the life and work of former Virginia death row chaplain Russ Ford. Ford's duties included working with the condemned men and being present at their executions (28 in all). The book was written by Ford, Peppers and Peppers' oldest child, Charles, a recent graduate of Grinnell College. It was released on the second anniversary of the abolition of the death penalty in Virginia.

Peppers recently completed his 20th year of teaching full time in the Political Science Department at Roanoke College and his 14th year as an adjunct professor at the Washington and Lee School of Law. Peppers is a U.S. Supreme Court historian who has authored, co-authored, edited or co-edited four books and over 20 articles on the high court. He lives in Salem, Va., with his wife, Michele, and his children, Charles and Sam.

J. CHAPMAN PETERSEN wrote that his oldest daughter,

Eva, got engaged. His son, Thomas, made all-district in high school football and plans to attend Virginia Tech. Petersen continues to practice law with his wife in the city of Fairfax and has served in the Virginia Senate for 16 years.

1996

LILY ENGLE wrote, "After COVID showed us we could successfully work remotely, my husband and I fulfilled a long-held dream, supported by insane interest rates and a crazy market in Alexandria [Va.] (we timed that perfectly, somehow), and bought a house on 21 acres, 15 minutes south of Charlottesville." Engle has worked for The Conservation Fund for 16 years and her husband continues to work for his Alexandria law firm, "except we are now looking at mountains. We are lucky enough to be five minutes away from dear friends from law school. We spend a lot of time removing invasive species, planting natives, and building walls and digging ditches on our property, as well as becoming certified Charlottesville Area Tree Stewards, so we can do the same sort of work for the city and county."

JAMIE BASKERVILLE MARTIN was recognized in Virginia Business magazine as a "legal elite" in health law. Martin practices with Williams Mullen in Richmond.



ERIC C. PERKINS, a small business and nonprofit lawyer with Perkins Law in Richmond, was named chair of the sportsmanship committee for the U.S. Tennis Association, the national governing body for tennis, for the 2023-24 term.

1997

ROBYN N. DAVIS is a partner with Freeborn & Peters' corporate practice group in New York. An alumna of two American Lawyer 125 firms, Davis returned to private practice after nearly 20 years as senior legal and general counsel to companies, including several in the Fortune 200. Davis leverages her diverse indus-

try experience and transactional background to assist both mature and emerging businesses in issues as varied as early-stage corporate counseling and formation, structuring and documenting innovative business alliances, entry into foreign markets, governance and operational business law.

1998

VALERIE WAGNER LONG was recognized in Virginia Business magazine as a "legal elite" in real estate land use law. Long practices with Williams Mullen in Charlottesville.

LORI H. SCHWELLER was recognized in Virginia Business magazine as a "legal elite" in real estate land use law. Schweller practices with Williams Mullen in Charlottesville.



JOSHUA WAXMAN, office managing shareholder with Littler Mendelson in Washington, D.C., was elected to the firm's board of directors. Waxman has a wide-ranging labor and employment law practice with a primary focus on complex labor and employment litigation and strategic labor advice.

1999

JEREMY A. BALL was recognized in Virginia Business magazine as a "legal elite" in health law. Ball practices with Williams Mullen in Richmond.



JOSEPH S. BROWN joined the employment and labor group with Goldberg Segalla in Buffalo, N.Y. He was previously with Hurwitz Fine. Brown helps clients devise strategies to minimize risk and cost-effectively resolve problems.

SCOTT A. MCQUILKIN was promoted to partner with Hinckley Allen in Boston. McQuilkin represents owners, developers, contractors and subcontractors while practicing in the firm's construction and public contracts group.

RILEY H. ROSS III received the Hon. William F. Hall Award, presented by the Barristers' Association of Philadelphia at their annual Martin Luther King Jr. breakfast in January. Ross, who practices with Mincey Fitzpatrick Ross in Philadelphia, said he was honored for his work championing fairness and defending the legal rights of the most vulnerable populations. Ross has litigated at the highest levels of the state and federal court system. Earlier in his career, as an assistant federal public defender, Ross represented Derrick Kimbrough at the trial and appellate level, winning the favorable sentence at issue in the landmark U.S. Supreme Court case, *Kimbrough v. U.S.* This case significantly reduced the crack-powder cocaine sentencing disparity under the federal sentencing guidelines and helped restore judicial discretion.

2000



BRIAN KAHN was appointed managing partner for McGuire-Woods' Charlotte, N.C., office. Kahn focuses on complex business litigation, class actions, financial services and real estate disputes. Outside of his law practice, Kahn is the father of four boys (including triplets) and a founder, writer and co-producer of "Charlotte Squawks," an annual, critically acclaimed parody show poking fun at North Carolina culture, sports and politics, which returns for its 18th season in June.

MATT WELLS, a Salt Lake City-based partner in Mayer Brown's emerging companies and venture capital and mergers and acquisitions practices, has been selected by Best Lawyers as a lawyer of the year in venture capital law in Salt Lake City.

2001



STEVEN KLEPPER was recognized in Best Lawyers

in America in the areas of appellate practice and insurance law. Klepper practices with Kramon & Graham in Baltimore.

2002

AFI JOHNSON-PARRIS was elected vice chair of the American Bar Association's Law Practice Division for the 2022-23 bar year. She will become chair-elect in 2023 and then serve as chair during the 2024-25 bar year. The division has over 25,000 members throughout the U.S., its territories and Canada. It provides practical education and resources to aid lawyers in the business of practicing law with a focus on marketing, management, technology and finance. As vice chair, Johnson-Parris will lead the strategy and planning committee, which oversees the development of the division's strategic plan and assists the council with its implementation. Johnson-Parris is a partner with Fox Rothschild in Greensboro, N.C., with a focus on divorce and family law.

2004

Hunton Andrews Kurth partner **STEVEN M. HAAS** has co-authored "Goolsby and Haas on Virginia Corporations," with **ALLEN C. GOOLSBY '68**. Goolsby was the principal author of the Virginia Stock Corporation Act. This seventh edition includes definitions, fees and forms while exploring in detail the state statutes and related case law on all aspects of the Act. Haas is co-head of the firm's mergers and acquisitions team and is based in Richmond and Washington, D.C.



MEGHAN OLIVER was named a 2022 Trailblazer in Litigation by the National Law Journal for her work leading novel class-action cases against government agencies exceeding granted authority. Oliver, a member of Motley Rice in Mount Pleasant, S.C., focuses her practice on securities class actions and consumer fraud protection. She also serves on several internal committees at the firm and often mentors younger attorneys.

JOSEPH MCMULLEN was recognized as a co-runner-up litigator of the week by Law.com for the pretrial dismissal of federal criminal charges against his client and co-defendants in a Medicare-related fraud case. McMullen has a criminal defense and civil rights practice in San Diego.

2007

NORAH COONEY and **CHRIS NASSON** reside in Winchester, Mass., with their three children. In March of 2022, Nasson was named managing partner of K&L Gates' Boston office.

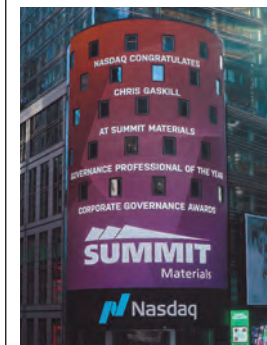
ALEX PATTERSON'S business, Beat the Bomb, launched at its third location in February in Washington, D.C. The immersive-group experience provides participants with various one-hour "missions" where they suit up in hazmat gear, dodge lasers and crack codes as a team to disarm a paint bomb. For the less adventurous, there's an arcade lounge and a bar.

Beat the Bomb started in Brooklyn's Dumbo neighborhood a few years ago and opened its second location in Atlanta in October.

2008



CHRISTOPHER J. CAHILL was promoted to counsel with Shipman & Goodwin in Hartford, Conn. His practice focuses on business and commercial litigation, where he represents clients in commercial disputes, antitrust litigation, class-action litigation defense and alternative dispute resolution, including international arbitration.



CHRIS GASKILL, executive vice president and chief legal officer of Summit Materials in Denver, was named governance professional of the year for small to mid-cap companies by Corporate Secretary magazine. As part of the celebration, he earned a prominent announcement on the Nasdaq Tower in New York's Times Square.

T. PRESTON LLOYD JR. was recognized in Virginia Business magazine as a "legal elite" in real estate land use

law. Lloyd practices with Williams Mullen in Richmond.



MICAH B. SCHWARTZ joined the labor, employment and immigration section in Williams Mullen's Charlottesville office. Schwartz is a commercial litigator who focuses on employment, workplace safety and education cases. He represents clients in state and federal courts at the trial and appellate levels and counsels clients on sensitive matters to keep them from maturing into litigation.

2010

JENNIFER LIGON was recognized in Virginia Business magazine as a "legal elite" in health law. Ligon practices with Williams Mullen in Richmond.



KATHRYN M. THROO was promoted to partner with Foley & Lardner in New York. Throo represents companies and individuals in investigations and proceedings by the Securities and Exchange Commission and the Public Company Accounting Oversight Board.

2011

As chief of the Foreign Investment Review Section in the National Security Division of the Department of Justice, **DEVIN DEBACKER** was interviewed by Foreign Investment Watch. The article detailed the section's work to assess, mitigate, and prevent risks to national security and law enforcement before they materialize. The group is also involved in policy and legal work at the intersection of technology, trade and business, and national security.

CHARLES C. HARRIS joined Bon Secours Mercy Health, the fifth-largest Catholic health system in the U.S., as associate general counsel. Harris was previously a partner with McGuireWoods in the firm's health care private equity practice. In his new role, he advises BSMH's newly formed subsidiary, Accrete Health Partners, regarding strategic investments in the digital health sector and on corporate matters and mergers and acquisitions activity related to the ministry's core ambulatory and acute care service lines.



MARY ROBINSON HERVIG was recognized in Best Lawyers in America for her work in trusts and estates with Roberts & Stevens in Asheville, N.C.



SHANTI ARIKER '95, general counsel of Zendesk, recently hosted an off-site with her team, where she held a fireside chat with **Helen Wan '98**. Ariker wrote, "Everyone enjoyed hearing about Helen's career transition from in-house lawyer to novelist and how she handled diversity issues in her book 'The Partner Track.'"



Coe has a real estate practice in Washington, D.C.

ALLISON HUEBERT joined Tesla as managing counsel in Austin, Texas. She previously practiced commercial litigation at Quinn Emanuel and Kirkland & Ellis. Huebert lives in Austin with her husband and two children.

KRISTIN RUSSELL was promoted to partner at Stoel Rives in Portland, Ore. Russell is a member of the corporate group, co-chair of its debt subgroup and co-chair of the Portland recruiting committee. Her practice includes supporting both borrower and lender clients of varying sizes as they navigate debt financing arrangements, whether in connection with acquisitions, expansions or restructurings. Russell maintains an active pro bono practice, including working with the Lewis & Clark Small Business Legal Clinic and the ACLU of Oregon, and serves on the Headwaters Council of The Freshwater Trust and the steering committee of the Reed Legal Network.

CAROLINE (CARRIE) W. STANTON was recognized in Virginia Business magazine as a “legal elite” in business law. Stanton practices with Williams Mullen in Charlottesville. She is an adjunct business law instructor at the Law School (see p. 38).

2012



ROSS E. COE was elected to partner with Blank Rome.

KRISTIN MILLAY was promoted to counsel at Hughes Hubbard and Reed in Washington, D.C. Millay joined the firm’s antitrust practice and focuses on both civil and criminal matters. In 2020, she was also part of a team that represented the International Center for Law & Economics as an amicus curiae that contributed to a critical U.S. Supreme Court victory that allowed the Federal Communications Commission to relax restrictions on local media ownership. Millay is also very active in pro bono cases, having assisted a client in securing Special Immigrant Juvenile Status in the U.S. and, more recently, helping to obtain asylum for a woman who fled to the U.S. from gender- and family-based gang violence in El Salvador.

2013

CHET CAMPBELL was promoted to principal with Fish & Richardson in Boston. Campbell practices patent litigation at the U.S. International Trade Commission and in U.S. district courts. His experience encompasses a range of technologies, including mobile electronic devices, semiconductors, optical fibers and software, among others.

MELISSA FABIAN was elected to partner at Latham & Watkins in Washington, D.C. A member of the banking practice



SIMON CATALDO '14 won a contested Democratic primary for state representative for the 14th Middlesex District in Massachusetts, which encompasses four communities just outside of Boston, including his hometown of Concord.

and finance department, Fabian focuses on private equity finance, and represents sponsors and borrowers in a variety of financing transactions.

JESSICA LENNON was promoted to counsel at Latham & Watkins in Washington, D.C. As a member of the capital markets practice and corporate department, Lennon advises clients on complex equity and debt transactions, including initial public offerings and high-yield and investment-grade offerings, and securities law compliance and corporate governance matters.



TEMITOPE (TOPE) LEYIMU was promoted to firm membership with Motley Rice in Mount Pleasant, S.C. Leyimu focuses her practice on helping those injured or killed because of corporate wrongdoing, occupational hazards or environmental disease. She has represented local governments in litigation targeting the alleged mis-

representation and fraudulent distribution of harmful and addictive prescription opioids. She also represents women injured by defective medical products. Leyimu serves on the board of directors of the Charleston Legal Access nonprofit law firm.

GLORIA RING was promoted to counsel at Latham & Watkins in Boston. Ring is a member of the mergers and acquisitions practice and corporate department. She advises clients on complex transactions, including equity financings, leveraged buyouts, divestitures, recapitalizations, and other mergers and strategic matters.

DAVID A. SEAL was promoted to counsel in the corporate litigation group with Potter Anderson & Corroon in Wilmington, Del. Seal focuses his practice on corporate and commercial litigation in the Delaware Court of Chancery, including stockholder class and derivative actions, complex commercial disputes, corporate books and records actions, and stockholder appraisal actions. For the past two years, he has been recognized by Best Lawyers in the “Ones to Watch” category for commercial litigation and corporate law.

2014

BRENT BECKERT was promoted to partner with Haynes and Boone. Beckert is a Dallas-based member of the firm’s corporate and mergers and acquisitions practice groups. He focuses on corporate law, private and public M&As, venture capital raises, and other complex domestic and international transactions for clients in a variety of industries, including the health care, technology, education, manufacturing, defense, construction, insurance and professional services sectors.

ALEXANDER B. FOSTER was promoted to partner with Arnall Golden Gregory in Atlanta. Foster is a member of the hospitals and health systems and health care real estate industry teams. He’s also a member of the firm’s diversity committee.

CHAD JENNINGS was promoted to counsel at Latham & Watkins in Washington, D.C. A member of the health care and life sciences practice and corporate department, Jennings represents clients in regulatory matters involving the U.S. Food and Drug Administration, and in transactional matters within the life sciences industry.

NIKHIL KUMAR was elected a partner at Latham & Watkins in Washington, D.C. Kumar is a member of the executive compensation, employment and benefits practice, and tax department. He advises private equity firms and public companies on benefits and compensation matters, including in connection with mergers and acquisitions, as well as other corporate transactions.

SAMANTHA LEAVITT was promoted to partner with Mayer Brown. Leavitt practices with the banking and finance group in New York.

KATE BARRINGTON MCGREGOR was promoted to partner in Bracewell’s corporate and securities practice in Houston. She represents clients on mergers and acquisitions and joint venture transactions in the energy and infrastructure sectors, including acquisitions and divestitures of oil and gas pipelines and storage terminal facilities, as well as the negotiation and drafting of build transfer agreements, energy performance contracts, operation and maintenance agreements and construction management agreements, with a focus on power, renewable energy and energy storage. McGregor has been named in the “Ones to Watch” category for

corporate law by Best Lawyers in America.

MARICLAIRE PETTY was elected a partner at Latham & Watkins in Washington, D.C. A member of the mergers and acquisitions practice and corporate department, Petty advises on M&A, private equity transactions and general corporate matters across a variety of industries.

JONATHAN S. SCHULMAN was promoted to partner with Perkins Coie in Denver. A member of the corporate and securities practice, Schulman advises issuers and underwriters in connection with capital markets transactions as well as public companies in connection with U.S. Securities and Exchange Commission disclosure obligations and related corporate governance matters.

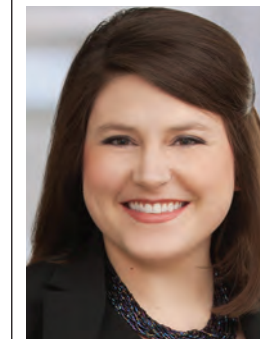


KENNETH T. STOUT was elected a principal with Miles & Stockbridge in

Richmond. Stout combines general commercial litigation with a strategic focus on the construction industry.

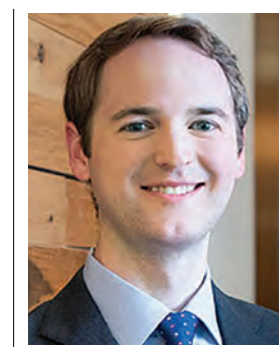
2015

COLIN M. DOWNES co-founded Barton & Downes in Washington, D.C. Downes focuses his practice on complex class-action and individual plaintiff-side employee benefits litigation on behalf of workers, retirees, service members and their families.



ALEXANDRA FRENCH was elected to partner at Barnes & Thornburg. French is a member of the litigation department in Indianapolis.

AARON T. SAVELLA was elected to partner with Willkie Farr & Gallagher in Houston. Savella practices with the corporate and financial services department.



CHRIS SEVEDGE was elected to Stinson’s partnership in Kansas City, Mo. Sevedge is a commercial litigator and strategic adviser on matters pertaining to business insurance. He represents policyholder clients in connection with insurance coverage litigation and pre-lawsuit counseling for first-party and liability losses and exposures across all forms of commercial insurance products.

2016

ARIANNA CALDWELL joined Golenbock Eiseman Assor Bell & Peskoe in its corporate, mergers and acquisitions, and venture capital practice group in New York.

WILLIAM TOWNSHEND joined Verrill Dana’s private clients and fiduciary services group in Portland, Maine. Townshend focuses his practice on all aspects of estate planning, probate

administration and trust administration.

2021

R. SUMNER FORTENBERRY joined the construction practice group with Bradley Arant Boult Cummings in Jackson, Miss.



KILLIAN K. WYATT joined Williams Mullen’s litigation section in Raleigh, N.C. Wyatt focuses his practice on commercial litigation matters, including intra-corporate and intra-partnership disputes, conflicts arising from corporate transactions and litigation involving financial institutions.

2022

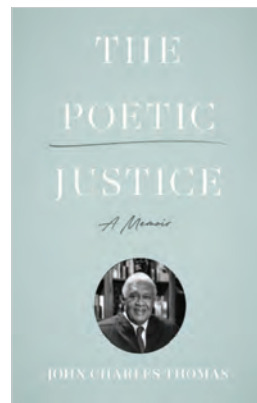
GREGORY H. ENG joined the complex litigation, pharmaceutical products, and toxic torts and products liability groups with Hollingsworth in Washington, D.C.



AS JONATHAN BABCOCK '18 and fellow University of Virginia alumna Katy Greiner were wed in July, the couple celebrated with “a whole UVA Law crew!” Babcock wrote. “It was great to get the band back together and it goes to show how special our time at UVA Law was for all of us. We made lifelong friends! I hope the current students enjoy their experience at UVA as much as I did.”

Alumni Books

NONFICTION



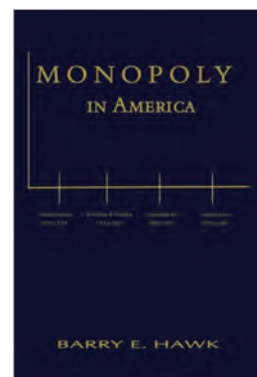
THE POETIC JUSTICE
A Memoir
JOHN CHARLES THOMAS '75
UNIVERSITY OF VIRGINIA PRESS

This memoir begins in 1983, on the day John Charles Thomas was sworn in as the first Black—and, at 32, the youngest—justice of the Supreme Court of Virginia. This high point was preceded, however, by a life that began in a home broken by poverty, alcoholism, violence and the segregated schools and neighborhoods of postwar Norfolk, Va. Thomas' candid memoir relates his triumph against tremendous odds and the challenges he encountered as he battled systemic racism. In addition to being a pioneer in the courts and at his law firm, Thomas is an accomplished poet who has recited his work before a Carnegie Hall audience. In his book, he reflects on his twin loves of poetry and the law (see story on p. 61).



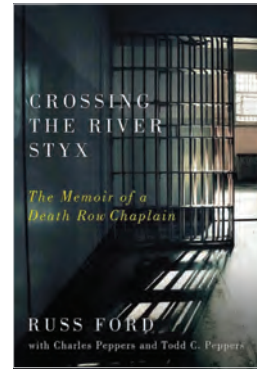
GOOLSBY & HAAS ON VIRGINIA CORPORATIONS
(Seventh Edition)
ALLEN C. GOOLSBY '68
and **STEVEN M. HAAS '04**
LEXISNEXIS PUBLISHING

Written by Goolsby, principal author of the Virginia Stock Corporation Act, and Haas, contributing author to "Corporate Governance: Law and Practice," this edition provides comprehensive resources while exploring in detail the state statutes and related case law on all aspects of the corporation act. The new edition provides the information needed to initiate, modify or dissolve corporations, including formation, authorization and issuance of shares, limitation of liability, shareholder meetings, and rules for corporate records and financial reports.



MONOPOLY IN AMERICA
BARRY HAWK '65
JURIS PUBLISHING

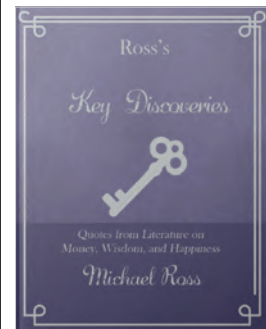
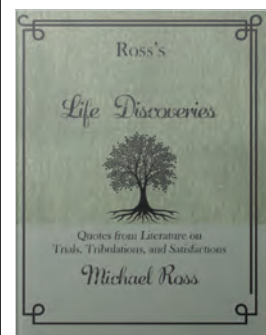
Hawk, a Fordham University School of Law adjunct professor, offers a tour of the American experience with the notion of monopoly, examining the country's antimonopoly tradition from its inception in the early 1600s to the current debate about the effectiveness of antitrust laws to deal with today's monopolies.



CROSSING THE RIVER STYX
The Memoir of a Death Row Chaplain
RUSS FORD WITH CHARLES PEPPERS AND TODD C. PEPPERS '94
UNIVERSITY OF VIRGINIA PRESS

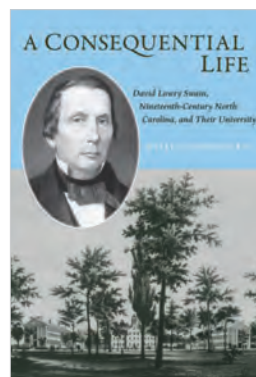
The Rev. Russ Ford, who served as the head chaplain on Virginia's death row for 18 years, raged against the inequities of the death penalty—now outlawed in Virginia—while ministering to the men condemned to die in the 1980s and 1990s. Ford stood watch with 28 men, sitting with them during the final days and hours of their lives. In July 1990, he accidentally almost became the 245th person killed by Virginia's electric chair as he comforted Ricky Boggs in his last moments. Many chaplains get to

know the condemned men only in these final moments. Ford, however, spent years working with the men of Virginia's death row, forging close bonds and developing a nuanced understanding of their crimes, early struggles and challenges behind bars.



ROSS'S LIFE DISCOVERIES
ROSS'S KEY DISCOVERIES
MICHAEL ROSS '77
RARE BIRD BOOKS

In his Discoveries series, Ross, a bibliophile, has curated his favorite literary quotes from the collection of over 1,500 well-read books on his shelves. Volumes six and seven of Ross' quotation collections were published in 2022. "Ross's Life Discoveries" addresses some of the vicissitudes of life, its complications, uncertainties, mysteries, frustrations, emptiness and satisfactions. "Ross's Key Discoveries" is a collection of quotations about what many people consider key or critical things they want in life and explores the potentialities of money, wisdom and happiness.



A CONSEQUENTIAL LIFE
David Lowry Swain,
Nineteenth-Century North Carolina, and Their University
WILLIS P. WHICHARD LL.M. '84, S.J.D. '94
UNC PRESS: DISTRIBUTED FOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL LIBRARY

Shortly before David Lowry Swain's 32nd birthday, the North Carolina General Assembly elected him the state's 26th governor. He remains its youngest. In the context of his time, he was an activist executive, prodding the state to develop its infrastructure, thereby promoting economic development, which in turn would sustain universal public education (although then for white men only). As Swain's constitutionally limited time as governor was expiring in 1835, the University of North Carolina trustees elected him its president. Under Swain's leadership, the university's student enrollment would grow to second in the country, behind Yale. The Civil War devastated UNC and led to the end of Swain's tenure in 1868. A little over a month later, the deposed president died.

ALL RISE Practical Tools for Building High-Performance Legal Teams

BEN SACHS '09 LIONCREST PUBLISHING

In 2021, large law firms lost 26% of the associates in their ranks, and the émigrés were not necessarily looking for new careers, higher pay or fewer billable hours, says author, business consultant and UVA Law lecturer Ben Sachs '09, citing a recent study.

"In good times or bad, the law firms that are best able to hold on to top talent are the ones that

manage our time and work-life balance," Sachs said.

It starts with understanding what "good" culture looks like, he said. "Great teams have four traits in common: trust, ownership, productive conflict and accountability." His book offers concrete guidance for building each of these qualities in legal teams.

He also points out how these traits build on each other.

"For example, legal teams that do not engage in feedback suffer from a lack of accountability. But they may not realize that the real barrier is a lack of trust," he said.

Another challenge, Sachs said, is that today's firms take the wrong approach to training. "Generic management training aimed at an entire firmwide cohort, like midlevel associates, often falls flat." Instead, Sachs prefers to isolate a single team or practice group. Then he brings everyone, including junior associates and partners, into the session.

"When everyone is in the same room, we skip the hypotheticals and talk about our specific challenges. Instead of generic tips, we agree on concrete actions and leave with commitments," he said.

According to Sachs, "It's no longer just a training; it's change management."

Building a stronger management culture "at scale," Sachs said, requires this kind of systematic approach. Through his book and his consulting firm, The Landing Group, Sachs offers attorneys a modern approach to leadership tailored to the challenges of large firms and legal organizations.

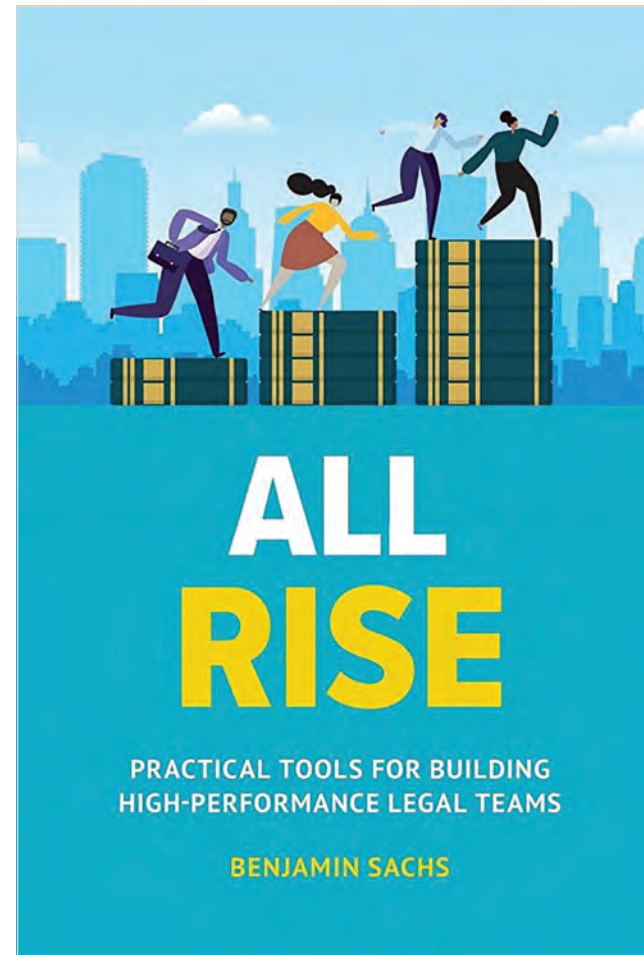
As for the iconic firm happy hour? "There's nothing wrong with happy hours, but that's the free market system of mentorship," Sachs said.

The people who best navigate the ambiguity of that "free market" tend to be those with privileged backgrounds and access to networks. Sachs said he believes a more intentional mentoring system reduces that disparity.

Ultimately, he said, embracing a more structured approach to culture-creation will pay off many times over for attorneys.

"If you can build a team that loves to work with you, they will run through walls to help you and the client achieve goals. That's how you blow competitors out of the water."

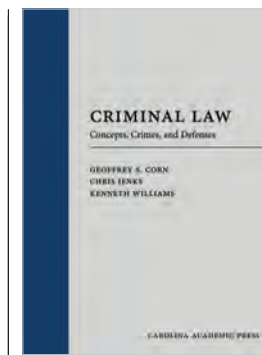
—Melissa Castro Wyatt



build an outstanding team culture," Sachs said. "But many lawyers bristle at the word 'culture,' thinking of frivolities like happy hours and free lunches. That is because they lack a rigorous, systematic approach to how they build and manage their team."

In his new book, "All Rise: Practical Tools for Building High-Performance Legal Teams," Sachs, a former Big Law litigator, Big Three management consultant and tech company chief operating officer, offers team-building wisdom that will help improve law firms.

"By being systematic, we can dramatically improve every aspect of our firms, from retention to [diversity, equity and inclusion], from productivity to client service, and even how we



CRIMINAL LAW Concepts, Crimes, and Defenses
GEOFFREY S. CORNI, CHRIS JENKS AND KENNETH WILLIAMS '86
CAROLINA ACADEMIC PRESS

This new first-year text is structured to facilitate students' comprehensive understanding of criminal law principles, foundational crimes, defenses and modes of liability. Closely aligned with the coverage of the Multi-State Bar Examination, this book covers the common law foundation of criminal law and important Model Penal Code evolutions of the law. Co-author Williams is a law professor at the South Texas College of Law, Houston.

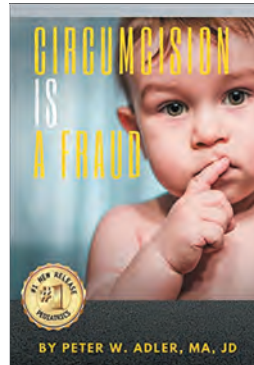


OPEN SOURCE LAW, POLICY AND PRACTICE
(Second Edition)
AMANDA BROCK, WITH CONTRIBUTOR P. MCCOY SMITH '91
OXFORD UNIVERSITY PRESS

Open-source software has exploded in the last decade and arguably represents the majority of software today. It is made possible through legal instruments, private law agreements, licenses, governance and community norms—all of which lead to the sharing of in-

lectual property, and economic and commercial disruption in technology.

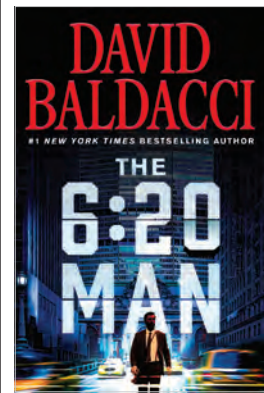
The book delivers an in-depth examination of the community, legal and commercial structures relating to the usage and exploitation of open source, enabling readers to understand the legal environment within which open source operates and what is required for its appropriate governance and curation in enterprise and the public sector.



CIRCUMCISION IS A FRAUD
And the Coming Legal Reckoning
PETER W. ADLER '83
SELF-PUBLISHED

Adler argues that unnecessary circumcision or male genital cutting is a complex 150-year-old pre-multibillion-dollar-per-year fraud in the United States. He encourages men, boys and their parents to bring lawsuits against physicians and hospitals to recover damages from the procedure. Successful lawsuits will compensate circumcised boys and men for their losses and help speed the demise of the practice, Adler says.

FICTION



THE 6:20 MAN
DAVID BALDACCI '86
GRAND CENTRAL PUBLISHING

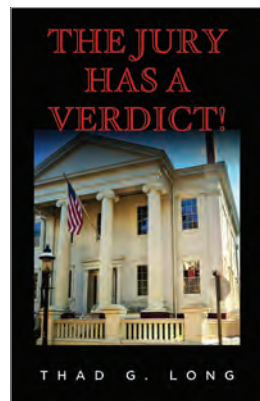
Every day without fail, Travis Devine puts on a cheap suit, grabs his faux-leather briefcase, and boards the 6:20 commuter train to Manhattan, where he works as an entry-level analyst at the city's most prestigious investment firm. In the mornings, he gazes out the train window at the lavish homes of the uberwealthy, dreaming about joining their ranks. Then one morning, Devine's tedious routine is shattered by an anonymous email.

Sara Ewes, Devine's co-worker and former girlfriend, has been found hanging in a storage room of his office building—presumably a suicide, at least for now—prompting the NYPD to come calling on him. Before the day is out, Devine receives another ominous visit, a confrontation that threatens to dredge up grim secrets from his Army past unless he participates in a clandestine investigation into his firm. This treacherous role will take him into the impossibly glittering lives he once saw only through a train window and to the darkest corners of the country's economic halls of power — where something rotten lurks. And apart from this high-stakes conspiracy, there's a killer out there with an agenda—and Devine is the bull's eye.



TIME FLIES
PJ HARRIS '16
ILLUSTRATED BY DYLAN FANT
STAR & ROSE PUBLISHING

This children's book seeks to instill the lesson that throughout life's journey, we must endeavor to treasure our precious moments while we are in them. This book was written to encourage readers to live in the present with purpose and gratitude.



THE JURY HAS A VERDICT!
THAD LONG '63
SELF-PUBLISHED

The third in a trilogy of legal courtroom dramas/thrillers featuring fictitious attorney Ted Born, "The Jury Has a Verdict!" is a prequel to the first two. All three books narrate the struggles of an ethical lawyer trying to achieve justice for his clients, often against heavy odds. This book focuses on Born's interactions with judges and juries, with competing views of the facts and jury verdicts in high-stakes litigation, leaving readers pondering the question, "What is justice?"



Harry L. McNeal Jr. '52
GLEN ROCK, PA.
July 2, 2022

Jay A. Lipe '53
CHICAGO
Dec. 29, 2022

David T. Steffen '53
BERKELEY, CALIF.
Nov. 7, 2021

Malvern J. Sheffield Jr. '54
WASHINGTON, D.C.
July 27, 2022

Harry Lee Addison III '55
NORFOLK, VA.
Oct. 10, 2022

E. Jackson Boggs '57
TAMPA, FLA.
Jan. 19, 2023

Robert M. Hughes III '57
VIRGINIA BEACH, VA.
Dec. 29, 2022

Henry James Jr. '57
CHARLOTTE, N.C.
Oct. 14, 2022

Arnold H. Leon '57
NORFOLK, VA.
Dec. 2, 2022

John L. Daly '58
FRAMINGHAM, MASS.
Aug. 24, 2022

Terry H. Davis Jr. '58
NORFOLK, VA.
Oct. 30, 2022

N. Brent Higginbotham '58
BUMPASS, VA.
Jan. 19, 2023

Gordon M. Hobbs '58
WAXHAW, N.C.
Aug. 12, 2022

Benjamin K. Phipps '58
TALLAHASSEE, FLA.
Dec. 30, 2022

Lauriston Castleman Jr. '59
HAVERFORD, PA.
July 3, 2022

William C. Stott Jr. '59
CHARLOTTESVILLE
Sept. 13, 2022

Benjamin F. Few Jr. '60
LOUISVILLE, KY.
Aug. 11, 2022

Daniel F. O'Keefe Jr. '60
ALEXANDRIA, VA.
April 28, 2022

Daniel E. O'Neil III '60
STUART, FLA.
Dec. 20, 2022

Sydney Rhodes Prince III '60
MOBILE, ALA.
Oct. 19, 2022

Michael W. Duskas '61
SARATOGA SPRINGS, N.Y.
Oct. 31, 2022

Leighton Q. J. Klevana '61
LARGO, FLA.
Jan. 24, 2023

Germain D. Newton '61
NANTUCKET, MASS.
Dec. 28, 2022

Edward W. Probert '61
LAKE WALES, FLA.
July 31, 2022

B. Michael Rauh '61
ANNAPOLIS, MD.
July 22, 2022

Charles G. Flinn '62
ARLINGTON, VA.
Dec. 21, 2022

William B. Moore '62
ARLINGTON, VA.
Dec. 16, 2022

G. Marshall Mundy '62
ROANOKE, VA.
Oct. 31, 2022

Colin J. S. Thomas Jr. '62
STAUNTON, VA.
Aug. 26, 2022

Robert P. Walton '62
COLD SPRING HARBOR, N.Y.
Oct. 6, 2022

Henry R. Lord '63
REISTERSTOWN, MD.
Dec. 19, 2022

Don R. Pippin '63
CHARLOTTESVILLE
Dec. 6, 2022

E. Michael Bradley '64
QUOGUE, N.Y.
Aug. 19, 2022

Hugh A. Burrell '64
GUILFORD, CONN.
Nov. 12, 2022

Ward E.Y. Elliott '64
CLAREMONT, CALIF.
Dec. 6, 2022

Gary H. McQuone '64
SEWICKLEY, PA.
Oct. 29, 2022

L. Vernon Miller Jr. '64
ANNAPOLIS, MD.
Oct. 28, 2022

J. Dapray Muir '64
WASHINGTON, D.C.
Dec. 27, 2022

Richard C. Riemenschneider '64
BLUEMONT, VA.
Sept. 23, 2022

Albert Ritchie '64
KNOXVILLE, TENN.
Oct. 12, 2022

Joseph F. Savage III '64
NORTHFIELD, CONN.
Jan. 11, 2023

J. Clinton Sumner Jr. '64
ROME, GA.
Nov. 15, 2022

Franklin A. Swartz '64
BOCA RATON, FLA.
Dec. 11, 2022

Swanson W. Angle '66
FRISCO, TEXAS
Jan. 2, 2023

Guy O. Farmer II '66
ST. AUGUSTINE, FLA.
Nov. 11, 2022

James W. Guedry '66
NEW YORK
Dec. 19, 2022

Frank B. Metcalf '66
JACKSONVILLE, FLA.
Dec. 8, 2022

J. Terry Parsley '66
RICHMOND, VA.
July 22, 2022

Joe S. Frank '67
NEWPORT NEWS, VA.
Oct. 27, 2022

Philip North McFerrin '67
TEMECULA, CALIF.
Nov. 23, 2022

John B. York '67
HENRICO, VA.
July 28, 2022

William W. Patten II '68
RICHMOND, VA.
Dec. 7, 2019

William K. Diehl Jr. '69
CHARLOTTE, N.C.
Dec. 9, 2022

Bernard J. Mikell Jr. '69
SACRAMENTO, CALIF.
Sept. 26, 2019

James H. Rollins '69
CUMBERLAND, MAINE
July 15, 2022

E. Nicholson Gault Jr. '71
MANCHESTER CENTER, VT.
Dec. 17, 2022

Lindsay G. Dorrier Jr. '72
CROZET, VA.
Jan. 30, 2023

J. Samuel Johnston Jr. '72
LYNCHBURG, VA.
Dec. 10, 2022

Frank Whittaker Louis '72
SUFFIELD, CONN.
Dec. 4, 2022

Scott L. Messmore '72
DELAND, FLA.
May 16, 2020

John M. Skonberg '73
BERKELEY, CALIF.
Dec. 13, 2022

Donald K. Woodman '73
LOCUST GROVE, VA.
Dec. 18, 2019

Roderick C. Dennehy Jr. '75
ATLANTA
Sept. 10, 2022

Jimmy Len Flegle Jr. '77
DALLAS
Nov. 21, 2022

Frederick J. Mullen Jr. '77
FARMINGTON, CONN.
Nov. 10, 2022

Edward S. Garcia Jr. '78
VIRGINIA BEACH, VA.
Nov. 6, 2022

Dale H. Harris '78
DURHAM, N.C.
Oct. 21, 2022

W. Joseph Aldridge Sr. '79
MEMPHIS, TENN.
Dec. 7, 2022

Geraldine M. Mullan '81
BALTIMORE
Aug. 3, 2022

Thatcher A. Stone '82
KESWICK, VA.
Nov. 29, 2022

Robert Ray Dively Jr. '83
SUMMERVILLE, S.C.
July 11, 2022

Jacques A. Toliver '83
BEAR, DEL.
Aug. 2, 2022

Andrew C. Schirrmeister III '84
HOUSTON
Sept. 5, 2022

Andrew Charles Karp '86
LAS VEGAS
Aug. 4, 2022

A. Donald McEachin '86
RICHMOND, VA.
Nov. 28, 2022

James L. Sheridan '87
NARRAGANSETT, R.I.
July 30, 2022

Kenton Scott Edelin '88
FAIRFAX STATION, VA.
Dec. 24, 2022

Leo Oxberger LL.M. '88
THE VILLAGES, FLA.
Jan. 8, 2023

Kimberly A. Owsiany '90
ALLISON PARK, PA.
Jan. 22, 2023

W. Keith Rapp LL.M. '90
TULSA, OKLA.
Aug. 16, 2022

Rebecca S. Hartley '94
VIENNA, VA.
Oct. 16, 2022

Daniel F. Vaughn '94
SANTA CLARA, CALIF.
Oct. 30, 2022

Tyler L. Randolph '95
TYBEE ISLAND, GA.
Aug. 5, 2021

Bradley P. Williams '95
DALLAS
Jan. 4, 2023

Prince F. Kessie '98
BORDENTOWN, N.J.
Feb. 5, 2022

Mustapha Abba Gana '00
FORT MYERS, FLA.
Aug. 9, 2021

Scott B. Meacham '04
RICHMOND, VA.
Jan. 10, 2023

Kim M. Boyle '87

VICE MANAGING PARTNER, PHELPS DUNBAR

EMPLOYMENT LITIGATOR KIM BOYLE has long been committed to hard work, service and education, and that's helped the Phelps partner rack up a number of "firsts."

As the first Black woman to serve as president of the Louisiana State Bar Association and the first Black president of the New Orleans Bar Association, she has devoted much of her nonbillable time to her community. She serves on the board of trustees for Tulane University and for Dillard University, and previously served on the board of Princeton University, where she earned her undergraduate degree. But her list of commitments is even longer. She is a current member of the board of directors and executive committee of Touro Hospital in New Orleans, Greater New Orleans Inc. and the New Orleans Business Alliance; on the executive committee of the Greater New Orleans Sports Foundation; and president of the Louisiana Women's Forum and Amistad Research Center. She recently took time to answer a few questions about her busy life.

YOU RECENTLY TOOK ON A NEW LEADERSHIP ROLE in your firm. Tell us about that.

I am very excited about my role as vice managing partner of the New Orleans office of my firm. This is really an external role for the firm based upon my involvement in a number of community and civic groups locally and statewide, as well as nationally.

HOW DO YOU CARVE OUT TIME FOR SERVICE? Can you share something that makes you proud about your volunteer efforts?

My parents instilled in us, "To whom much is given, much is expected." Therefore, no matter how busy I am, I try to make time to give back, particularly because I live in a community with tremendous needs. Through my volunteer work, I think I have had some small, direct (and hopefully positive) impact on lives in my community. I serve on the UNCF Advisory Board in Louisiana, as well as serving on two college boards, one of which is Dillard University. Dillard is a historically Black university in New Orleans that my parents attended and from which my mother received her college degree. As a result of my own background and certainly through my work with Dillard, I truly know the struggle that many students of color have in attending and graduating from a four-year university, based on a number of critical factors, such as attending weaker secondary schools, lack of finances, lack of resources and other significant issues. Because of the paramount importance of providing educational opportunities to all students in our country, I am committed to helping students at HBCUs as much as I can, and I started a small scholarship in my parents' name about three years ago to provide financial assistance to students at Dillard. I am extremely proud of working with students for a long period of time to assist them in obtaining a college degree.



WHAT ARE YOUR KEYS TO SUCCESS, no matter the role?

I think the keys to success in any profession are hard work and preparation. There is no substitute for either in anything that you do. Every attorney I have ever worked with or been against will tell you that is my philosophy.

WHAT DID IT MEAN TO YOU AND YOUR FAMILY to be a trailblazer in your local and state bar?

My philosophy concerning being a so-called "trailblazer" is that while you may be the first, you want to forge a path where you are not the last. As an African American female attorney in a Southern Big Law firm, I have mentored and continue to mentor a number of young attorneys and young professionals, and I always want to provide a path where they can move forward and do better and have even more success than I have been fortunate enough to have.

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?

I am very concerned about the divisiveness in our country at this time and I believe that we all have an obligation to try to address it. So I will end by quoting one of my personal heroes, Congressman John Lewis: "Ours is not the struggle of one day, one week, or one year. ... Ours is the struggle of a lifetime, or maybe even many lifetimes, and each one of us in every generation must do our part."

ALEX FINE

ROBERT LLEWELYN





Events

MAY 22 RALEIGH/DURHAM, N.C.

The Umstead

6-7:30 P.M.
RECEPTION

JUNE 8 CHARLOTTESVILLE

The Forum at Darden

With Dean Risa Goluboff

6-8 P.M.
RECEPTION

JUNE 15 WASHINGTON, D.C.

The Willard Hotel

With Dean Risa Goluboff

11:30 A.M.-1:30 P.M.
LUNCHEON

**CONNECT
WITH ALUMNI
AT A
RECEPTION
NEAR YOU.**

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Charlottesville, Virginia
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SCHOOL of LAW